S T A T E  O F  N E W  Y O R K

536

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DINOWITZ -- Multi-Sponsored by -- M. of A. BRENNAN, DIAZ, GLICK, ORTIZ, PAULIN, PHEFFER, WEISENBERG -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to establishing time restrictions for court issued consent orders for work performance to remove or remedy conditions in such petition

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision a of section 777 of the real property actions and proceedings law, as added by chapter 909 of the laws of 1965, is amended to read as follows:

a. If, after a trial, the court shall determine that the facts alleged in the petition have been affirmatively established by the petitioners, that no defense thereto specified in section seven hundred seventy-five OF THIS ARTICLE has been affirmatively established by the owner or a mortgagee or lienor of record, and that the facts alleged in the petition warrant the granting of the relief sought, and if the owner or any mortgagee or lienor of record or other person having an interest in the property, shall apply to the court to be permitted to remove or remedy the conditions specified in such petition and shall (1) demonstrate the ability promptly to undertake the work required; and (2) post security for the performance thereof within the time, and in the amount and manner, deemed necessary by the court, then the court, in lieu of rendering judgment as provided in section seven hundred seventy-six of this article, may issue an order permitting such person to perform the work within a time fixed by the court BUT IN NO EVENT MORE THAN SIXTY DAYS FROM THE DATE OF THE ORDER OF THE COURT UNLESS THE COURT GRANTS AN EXTENSION OF TIME FOR GOOD CAUSE SHOWN. THE PROVISIONS OF THIS SUBDIVI-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD02561-01-9

SION SHALL ONLY BE AVAILABLE TO THE MORTGAGEE OR LIENOR ONCE WITH RESPECT TO ANY PETITION FILED PURSUANT TO THIS ARTICLE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.