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

5651--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. PHEFFER -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens

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

Section 1. Findings. On March 24, 1992, through a Queens in rem tax foreclosure action, the city of New York acquired title to premises designated as lot 30 in tax block 11364, also known as 133-47 84th Street, Ozone Park, in the borough of Queens, based on non-payment of taxes due to inadvertence by Thomas and Lucille Hussey, the former owners of such property. Pursuant to sections 11-424 and 11-424.1 of the administrative code of the city of New York, the city may release its interest in property thus acquired if an application for such a release is filed with the city's department of city wide administrative services within two years of the date on which the city's deed is recorded and if such application is approved by the in rem foreclosure release board. Since that period has now elapsed, and pending the effectiveness of a chapter of the laws of 2009 authorizing the in rem foreclosure release board to authorize the release of property where an application for such release is made more than two years after the date of the city's acquisition thereof, state legislation is necessary to restore said property to the aforesaid former owner. In addition, since the New York city charter requires that the sale of city owned property be at public

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

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auction or by sealed bids (except as otherwise provided by law), state legislative authorization is necessary to permit said reconveyance.

S 2. Notwithstanding any other provision of general, special or local law, charter or administrative code to the contrary and subject to section three of this act, the city of New York is hereby authorized to release its interest in and reconvey the real property designated as tax block 11364, lot 30, on the tax map of the city for the borough of Queens as said map was on March 24, 1992, to Thomas and Lucille Hussey, the former record owners of said property on such date.

S 3. Such release and reconveyance may be made only upon the approval of the in rem foreclosure release board established by section 11-424.1 of the administrative code of the city of New York, subject to the grantees meeting the following conditions precedent:

(a) Submit an application for release in writing to the city commissioner of city wide administrative services accompanied by a certified title search, affidavit of ownership, and all fees and payments as otherwise required by section 11-424 of the administrative code of the city of New York.

(b) Pay all taxes, interest, penalties and charges otherwise required by section 11-424 of the administrative code of the city of New York upon approval of the application by the in rem foreclosure release board.

S 4. This chapter of the laws of 2009 shall not be deemed to be the chapter upon the effectiveness of which paragraph 2 of subdivision a of section 11-424 of the administrative code of the city of New York, under local law, depends. Accordingly, the provisions of such paragraph 2 shall not apply to the release and reconveyance authorized to be made herein.

S 5. This act shall take effect immediately.