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I N S E N A T E

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SALAND, VOLKER -- read twice and ordered printed, and when printed to
be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to the expedited
foreclosure of certain tax liens

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

1 Section 1. The real property tax law is amended by adding a new
2 section 1141 to read as follows:
3 S 1141. EXPEDITED FORECLOSURE OF SUBSTANTIALLY PHYSICALLY DISTRESSED
4 AND UNOCCUPIED RESIDENTIAL, COMMERCIAL OR INDUSTRIAL PROPERTIES. 1. THE
5 PROVISIONS OF THIS SECTION ARE AN OPTIONAL ALTERNATIVE TO THE PROVISIONS
6 OF THIS TITLE AND MAY BE USED BY ANY CITY HAVING FEWER THAN ONE MILLION
7 INHABITANTS OR ANY VILLAGE. EXCEPT AS SUPERSEDED BY THE PROVISIONS OF
8 THIS SECTION, THE OTHER PROVISIONS OF THIS TITLE SHALL APPLY.
9 2. THIS SECTION APPLIES TO FORECLOSURES OF TAX LIENS ON REAL PROPER-
10 TIES IMPROVED BY UNOCCUPIED RESIDENTIAL, COMMERCIAL OR INDUSTRIAL BUILD-
11 INGS AND OTHER ARTICLES AND STRUCTURES, SUBSTRUCTURES AND SUPERSTRUC-
12 TURES ERECTED UPON, UNDER OR ABOVE THE LAND, OR AFFIXED THERETO,
13 INCLUDING BRIDGES, WHARVES AND PIERS, WHICH ARE IN A STATE OF SUBSTAN-
14 TIAL PHYSICAL DISTRESS. FOR THE PURPOSES OF THIS SECTION, "SUBSTANTIAL
15 PHYSICAL DISTRESS" SHALL MEAN THAT THE BUILDING OR PROPERTY IN QUESTION:
16 (A) IS IN A RAPID STATE OF DETERIORATION AND IS OR POTENTIALLY COULD
17 BE AN IMMINENT DANGER TO THE HEALTH, SAFETY OR WELFARE OF THE COMMUNITY;
18 (B) WHILE IN A DILAPIDATED OR STRUCTURALLY FRAGILE STATE, AND COULD BE
19 ECONOMICALLY SECURED AND STABILIZED AND ULTIMATELY RESTORED, REHABILI-
20 TATED OR RECONSTRUCTED TO BECOME USABLE AGAIN; AND
21 (C) IF ALLOWED TO CONTINUE TO DETERIORATE, WOULD IRREPARABLY HINDER
22 FUTURE EFFORTS TO RESTORE SUCH BUILDING'S HISTORIC, ARCHITECTURAL OR
23 STRUCTURAL FEATURES, OR ANY OTHER BENEFICIAL PHYSICAL ATTRIBUTES OF SUCH
24 BUILDING.

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

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1 3. WHEN A PARCEL OF REAL PROPERTY APPEARS TO BE IN SUBSTANTIAL PHYS-
2 ICAL DISTRESS AND THE TAXES ON SUCH PROPERTY REMAIN UNPAID ONE MONTH OR
3 MORE AFTER THE LIEN DATE, THE LOCAL LEGISLATIVE BODY OF AN ELIGIBLE CITY
4 OR VILLAGE MAY CONDUCT A HEARING ON AT LEAST TEN DAYS' NOTICE TO THE
5 OWNER AND MAY ADOPT A RESOLUTION AT THE CONCLUSION OF SUCH HEARING OR
6 THEREAFTER TO AUTHORIZE THE USE OF THE EXPEDITED PROCEDURE AUTHORIZED BY
7 THIS SECTION, AFTER CONSIDERATION OF THE FOLLOWING:

8 (A) THAT THE PROPERTY IS DETERMINED BY THE ELIGIBLE CITY OR VILLAGE TO
9 BE IN SUBSTANTIAL PHYSICAL DISTRESS;

10 (B) THE EXISTENCE AND EXTENT OF PHYSICALLY DISTRESSED CONDITIONS OF
11 THE PROPERTY;

12 (C) THE DANGER TO PUBLIC HEALTH, SAFETY OR WELFARE POSED BY THE PROP-
13 ERTY;

14 (D) THE RATE OF DETERIORATION OF THE PROPERTY;

15 (E) THE ABILITY AND WILLINGNESS OF THE OWNER TO PAY THE CHARGES OWED
16 WITHIN A REASONABLE PERIOD OF TIME;

17 (F) THE ABILITY AND WILLINGNESS OF THE OWNER TO MAKE REPAIRS TO SECURE
18 AND STABILIZE THE PROPERTY WITHIN A REASONABLE PERIOD OF TIME;

19 (G) THE INTENTION, IF ANY, OF THE OWNER TO CONVERT THE USE OF THE
20 PROPERTY OR SUBSTANTIALLY ALTER OR DEMOLISH ANY IMPROVEMENT THEREON;

21 (H) THE HISTORIC, ARCHITECTURAL, ENVIRONMENTAL, CULTURAL OR OTHER
22 SIGNIFICANCE OF THE PROPERTY TO THE NEIGHBORHOOD OR COMMUNITY; AND

23 (I) THE IMPORTANCE AND URGENCY OF THE ELIGIBLE CITY'S OR VILLAGE'S
24 LEGITIMATE INTEREST IN ACQUIRING THE PROPERTY FROM THE OWNER TO PRESERVE
25 THE HISTORICAL, ARCHITECTURAL, ENVIRONMENTAL OR CULTURAL CHARACTER OF
26 THE SURROUNDING NEIGHBORHOOD.

27 4. UPON THE ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF THE EXPE-
28 DITED PROCEDURE AUTHORIZED BY THIS SECTION, THE CLERK OF THE LEGISLATIVE
29 BODY SHALL MAIL A CERTIFIED COPY OF SUCH RESOLUTION TO THE OWNER AND THE
30 ENFORCING OFFICER. FIVE DAYS AFTER RECEIVING THE SAME, OR AS SOON THERE-
31 AFTER AS IS PRACTICABLE, THE ENFORCING OFFICER SHALL FILE A LIST OF
32 DELINQUENT TAXES PERTAINING TO THE AFFECTED PARCEL IN THE MANNER
33 PROVIDED BY SECTION ELEVEN HUNDRED TWENTY-TWO OF THIS TITLE. ONE MONTH
34 AFTER SUCH FILING, OR AS SOON THEREAFTER AS IS PRACTICABLE, THE ENFORC-
35 ING OFFICER SHALL FILE A PETITION OF FORECLOSURE PERTAINING TO THE
36 AFFECTED PARCEL IN THE MANNER PROVIDED BY SECTION ELEVEN HUNDRED TWEN-
37 TY-THREE OF THIS TITLE, AND SHALL FURNISH PUBLIC AND PERSONAL NOTICE
38 THEREOF IN THE MANNER PROVIDED BY SECTIONS ELEVEN HUNDRED TWENTY-FOUR
39 AND ELEVEN HUNDRED TWENTY-FIVE OF THIS TITLE. THE REDEMPTION PERIOD WITH
40 RESPECT TO SUCH PARCEL SHALL EXPIRE THREE MONTHS AFTER THE FIRST PUBLI-
41 CATION OF SUCH NOTICE.

42 S 2. Subdivision 2 of section 1110 of the real property tax law, as
43 amended by chapter 532 of the laws of 1994, is amended to read as
44 follows:

45 2. [The] EXCEPT AS OTHERWISE PROVIDED IN SECTION ELEVEN HUNDRED
46 FORTY-ONE OF THIS ARTICLE, THE redemption period shall expire two years
47 after lien date, except that a tax district may increase the redemption
48 period for residential or farm property in the manner provided by
49 section eleven hundred eleven of this [article] TITLE. Notwithstanding
50 the foregoing, if the notice published pursuant to section eleven
51 hundred twenty-four of this article specifies a later date for the expi-
52 ration of the redemption period, the redemption period shall expire on
53 the date so specified.

54 S 3. This act shall take effect immediately and shall apply to taxable
55 years commencing on or after the first of January next succeeding the
56 date on which it shall have become a law.