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I N S E N A T E

June 11, 2010

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

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 Bronx to former owner St. Peter's Lutheran Church, 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. 2285, Lot No. 73 on tax map for the borough of Bronx

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

1 Section 1. Findings. On September 25, 1981, through a Bronx in rem tax
2 foreclosure action, the city of New York acquired title to premises
3 designated as lot 73 in tax block 2285, also known as 431 East 140th
4 Street, in the borough of Bronx, based on non-payment of taxes due to
5 inadvertence by St. Peter's Lutheran Church, the former owner of such
6 property. Pursuant to sections 11-424 and 11-424.1 of the administrative
7 code of the city of New York, the city may release its interest in prop-
8 erty thus acquired if an application for such a release is filed with
9 the city's department of citywide administrative services within two
10 years of the date on which the city's deed is recorded and if such
11 application is approved by the in rem foreclosure release board. Since
12 that period has now elapsed, and pending the effectiveness of a chapter
13 of the laws of 2010 authorizing the in rem foreclosure release board to
14 authorize the release of property where an application for such release
15 is made more than two years after the date of the city's acquisition
16 thereof, state legislation is necessary to restore said property to the
17 aforesaid former owner. In addition, since the New York city charter
18 requires that the sale of city owned property be at public auction or by
19 sealed bids (except as otherwise provided by law), state legislative
20 authorization is necessary to permit said reconveyance.

21 S 2. Notwithstanding any other provision of general, special or local
22 law, charter or administrative code to the contrary and subject to
23 section three of this act, the city of New York is hereby authorized to

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

LBD14499-02-0

1 release its interest in and reconvey the real property designated as tax
2 block 2285, lot 73, on the tax map of the city for the borough of Bronx
3 as said map was on September 25, 1981 to St. Peter's Lutheran Church,
4 the former record owner of said property on such date.

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

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

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

18 S 4. This chapter of the laws of 2010 shall not be deemed to be the
19 chapter upon the effectiveness of which paragraph 2 of subdivision a of
20 section 11-424 of the administrative code of the city of New York, under
21 local law, depends. Accordingly, the provisions of such paragraph 2
22 shall not apply to the release and reconveyance authorized to be made
23 herein.

24 S 5. This act shall take effect immediately.