

4402

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. HYER-SPENCER, TITONE -- read once and referred 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 Staten Island to the estate of former owner Helen Spivak, 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. 1124, Lot No. 19 on tax map for the borough of Staten Island

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

1 Section 1. Through a Staten Island in rem tax foreclosure, the city of  
2 New York acquired title to premises designated as lot #19 in tax block  
3 1124 in Staten Island, New York, in the borough of Staten Island, based  
4 on non-payment of taxes due to inadvertent failure to pay taxes thereon  
5 by Helen Spivak, the former owner of such property who is now deceased.  
6 Pursuant to sections 11-424 and 11-424.1 of the administrative code of  
7 the city of New York, the city may release its interest in property thus  
8 acquired if an application for such a release is filed with the city's  
9 department of general services within two years of the date on which the  
10 city's deed is recorded and if such application is approved by the in  
11 rem foreclosure release board. Since that period has now elapsed, and  
12 pending the effectiveness of a chapter of the laws of 2009 authorizing  
13 the in rem foreclosure release board to authorize the release of proper-  
14 ty where an application for such release is made more than two years  
15 after the date of the city's acquisition thereof, state legislation is  
16 necessary to restore said property to the estate of Helen Spivak. In  
17 addition, since the New York city charter requires that the sale of city  
18 owned property be at public auction or by sealed bids (except as other-  
19 wise provided by law), state legislative authorization is necessary to  
20 permit said reconveyance.

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

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1 S 2. Notwithstanding any other provision of general, special or local  
2 law, charter or administrative code to the contrary and subject to  
3 section three of this act, the city of New York is hereby authorized to  
4 release its interest in and reconvey the real property designated as tax  
5 block 1124, lot #19, on the tax map of the city for the borough of  
6 Staten Island to the estate of Helen Spivak, who have legally inherited  
7 said real property from Helen Spivak, deceased, the former record owner  
8 of said property at the time of her demise.

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

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

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

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

27 S 5. This act shall take effect immediately.