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

3163

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

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 interests in certain real property accrued August 8, 1978 by in rem tax foreclosure in the borough of the Bronx to Gardner Paige notwithstanding expiration of the two year period within which applications may be made to the city to release its interest in property thus acquired; Block No. 2347, Lot No. 12, on the tax map for the borough of the Bronx

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

Section 1. Findings. On August 8, 1978, through a borough of the Bronx in rem tax foreclosure the city of New York acquired title to premises designated as lot 12 in tax block 2347, also known as 140 east 150th street, borough of the Bronx, based on non-payment of taxes due to the inadvertent failure to pay taxes thereon by the former owner of such property, Gardner Paige. 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 citywide 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 the 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 owner. In addition, since the New York city charter requires that the sale of city owned property be at public auction or by sealed bids (except as otherwise provided by law), state legislative authorization is necessary to permit said reconveyance.

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

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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 2347, lot 12, on the tax map of the city for the borough of the Bronx as said map existed on August 8, 1978 to the former record owner of said property on such date, Gardner Paige.

S 3. Such release and reconveyance shall 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 or grantee meeting the following conditions precedent:

(a) Submit an application for release in writing to the commissioner of citywide 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 in this act.

S 5. This act shall take effect immediately.