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

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I N S E N A T E

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Introduced by Sens. LARKIN, BONACIC, FARLEY, O. JOHNSON, LEIBELL, 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The real property tax law is amended by adding a new section 1141 to read as follows:

S 1141. EXPEDITED FORECLOSURE OF SUBSTANTIALLY PHYSICALLY DISTRESSED AND UNOCCUPIED RESIDENTIAL, COMMERCIAL OR INDUSTRIAL PROPERTIES. 1. THE PROVISIONS OF THIS SECTION ARE AN OPTIONAL ALTERNATIVE TO THE PROVISIONS OF THIS TITLE AND MAY BE USED BY ANY CITY HAVING FEWER THAN ONE MILLION INHABITANTS OR ANY VILLAGE. EXCEPT AS SUPERSEDED BY THE PROVISIONS OF THIS SECTION, THE OTHER PROVISIONS OF THIS TITLE SHALL APPLY.

2. THIS SECTION APPLIES TO FORECLOSURES OF TAX LIENS ON REAL PROPERTIES IMPROVED BY UNOCCUPIED RESIDENTIAL, COMMERCIAL OR INDUSTRIAL BUILDINGS AND OTHER ARTICLES AND STRUCTURES, SUBSTRUCTURES AND SUPERSTRUCTURES ERECTED UPON, UNDER OR ABOVE THE LAND, OR AFFIXED THERETO, INCLUDING BRIDGES, WHARVES AND PIERS, WHICH ARE IN A STATE OF SUBSTANTIAL PHYSICAL DISTRESS. FOR THE PURPOSES OF THIS SECTION, "SUBSTANTIAL PHYSICAL DISTRESS" SHALL MEAN THAT THE BUILDING OR PROPERTY IN QUESTION:

(A) IS IN A RAPID STATE OF DETERIORATION AND IS OR POTENTIALLY COULD BE AN IMMINENT DANGER TO THE HEALTH, SAFETY OR WELFARE OF THE COMMUNITY;

(B) WHILE IN A DILAPIDATED OR STRUCTURALLY FRAGILE STATE, AND COULD BE ECONOMICALLY SECURED AND STABILIZED AND ULTIMATELY RESTORED, REHABILITATED OR RECONSTRUCTED TO BECOME USABLE AGAIN; AND

(C) IF ALLOWED TO CONTINUE TO DETERIORATE, WOULD IRREPARABLY HINDER FUTURE EFFORTS TO RESTORE SUCH BUILDING'S HISTORIC, ARCHITECTURAL OR STRUCTURAL FEATURES, OR ANY OTHER BENEFICIAL PHYSICAL ATTRIBUTES OF SUCH BUILDING.

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

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

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

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

(C) THE DANGER TO PUBLIC HEALTH, SAFETY OR WELFARE POSED BY THE PROPERTY;

(D) THE RATE OF DETERIORATION OF THE PROPERTY;

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

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

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

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

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

4. UPON THE ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF THE EXPEDITED PROCEDURE AUTHORIZED BY THIS SECTION, THE CLERK OF THE LEGISLATIVE BODY SHALL MAIL A CERTIFIED COPY OF SUCH RESOLUTION TO THE OWNER AND THE ENFORCING OFFICER. FIVE DAYS AFTER RECEIVING THE SAME, OR AS SOON THEREAFTER AS IS PRACTICABLE, THE ENFORCING OFFICER SHALL FILE A LIST OF DELINQUENT TAXES PERTAINING TO THE AFFECTED PARCEL IN THE MANNER PROVIDED BY SECTION ELEVEN HUNDRED TWENTY-TWO OF THIS TITLE. ONE MONTH AFTER SUCH FILING, OR AS SOON THEREAFTER AS IS PRACTICABLE, THE ENFORCING OFFICER SHALL FILE A PETITION OF FORECLOSURE PERTAINING TO THE AFFECTED PARCEL IN THE MANNER PROVIDED BY SECTION ELEVEN HUNDRED TWENTY-THREE OF THIS TITLE, AND SHALL FURNISH PUBLIC AND PERSONAL NOTICE THEREOF IN THE MANNER PROVIDED BY SECTIONS ELEVEN HUNDRED TWENTY-FOUR AND ELEVEN HUNDRED TWENTY-FIVE OF THIS TITLE. THE REDEMPTION PERIOD WITH RESPECT TO SUCH PARCEL SHALL EXPIRE THREE MONTHS AFTER THE FIRST PUBLICATION OF SUCH NOTICE.

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

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

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