

2009-2010 Regular Sessions

I N S E N A T E

January 12, 2009

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:

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 EXCEPT AS SUPERSEDED BY THE PROVISIONS OF  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.

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.