

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 10, 2011

IN SENATE -- Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

IN ASSEMBLY -- Introduced by M. of A. ABBATE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to release Yeshivas Novominsk from all New York city department of health and mental hygiene charges assessed against real property located within the borough of Brooklyn

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

1 Section 1. Findings. On October 7, 1999, Yeshivas Novominsk, a non-  
2 profit institution dedicated to providing religious and secular instruc-  
3 tion to students, acquired title to premises designated as lot 39 in tax  
4 block 5517, also known as 1680 60th Street, in the borough of Brooklyn.  
5 The former owner of said property, Yeshiva Tifereth Elimelech, had New  
6 York City Department of Health and Mental Hygiene charges assessed  
7 against the property on New York City Department of Finance tax bills  
8 for alleged cleanup work during the period that the premises were not  
9 occupied, from January of 1997 through November of 1999. Yeshiva Tifer-  
10 eth Elimelech vigorously protested these charges and further presented  
11 detailed evidence to the City that they were not given ample time to  
12 conduct their own cleanup work and that the Department of Health and  
13 Mental Hygiene's repeated inspections and pest exterminations were  
14 unnecessary. Despite Yeshiva Tifereth Elimelech's ongoing legal efforts  
15 to have the charges reduced or eliminated, the City continued to assess  
16 the charges as well as interest on the disputed amounts. The City has  
17 informed Yeshiva Tifereth Elimelech that they can no longer appeal the  
18 assessed charges. In the interim the property was acquired by Yeshivas  
19 Novominsk, which has now been charged for the disputed Department of  
20 Health and Mental Hygiene work done on the property prior to their  
21 taking possession. Yeshivas Novominsk is also being charged ongoing

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

1 interest on the disputed charges. The Department of Health and Mental  
2 Hygiene also did work at the property shortly after Yeshivas Novominsk  
3 took possession without any notice to the new owner. As a matter of  
4 equity, Yeshivas Novominsk should not be held responsible for charges  
5 incurred prior to their owning the property, let alone interest on those  
6 charges, yet the City refuses to release them from the charges, and  
7 continues to add interest. All attempts at legal and political solutions  
8 have been tried and failed.

9 S 2. Notwithstanding any other provision of general, special, or local  
10 law, charter, or administrative code to the contrary, the city of New  
11 York is hereby authorized and instructed to release Yeshivas Novominsk  
12 from all Department of Health and Mental Hygiene charges assessed  
13 against the above-cited property through November of 1999, as well as  
14 all interest accrued on such charges.

15 S 3. This act shall take effect immediately.