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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. WEINSTEIN, JAFFEE, GIBSON -- Multi-Sponsored by
-- M. of A. GLICK, GOTTFRIED, McENENY, NOLAN -- read once and referred
to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in
relation to title to an abandoned multiple dwelling in a city, town or
village

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

1 Section 1. Subdivision 3 of section 1972 of the real property actions
2 and proceedings law, as added by chapter 864 of the laws of 1973, is
3 amended to read as follows:
4 3. Within five days of the service of notice on the owner, a copy of
5 the certification shall be served on each mortgagee, lienor and lessee
6 of record, personally or by registered mail to the address set forth in
7 the recorded instrument or, if no address appears therein, to the person
8 at whose request the instrument was recorded. Such copy shall, in the
9 case of a mortgagee or lienor, be accompanied by a notice that
10 proceedings pursuant to this article may be instituted unless the mort-
11 gagee or lienor, within fifteen days of such mailing, either (A)
12 commences proceedings to foreclose the mortgage or lien AND MOVES FOR
13 THE APPOINTMENT OF A RECEIVER WHICH BRINGS THE BUILDING INTO COMPLIANCE
14 WITH THE APPLICABLE PROVISIONS OF LAW WITHIN NINETY DAYS FROM THE DATE
15 OF APPOINTMENT OR SUCH LONGER PERIOD AS MAY BE ESTABLISHED BY AGREEMENT
16 WITH THE DEPARTMENT or [enters into an agreement with the department to
17 bring the building] (B) TAKES POSSESSION OF THE PREMISES AS PROVIDED IN
18 THE MORTGAGE AND BRINGS THE BUILDING into compliance with the applicable
19 provisions of law WITHIN NINETY DAYS FROM THE DATE OF TAKING POSSESSION
20 OR SUCH LONGER PERIOD AS MAY BE ESTABLISHED BY AGREEMENT WITH THE
21 DEPARTMENT. THE DEPARTMENT MAY, NOTWITHSTANDING ANYTHING TO THE CONTRA-
22 RY IN THIS SUBDIVISION, INSTITUTE PROCEEDINGS PURSUANT TO THIS ARTICLE

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

LBD03082-01-1

1 IF: (I) THE APPLICATION FOR APPOINTMENT OF A RECEIVER IS DENIED, (II)
2 THE RECEIVER FAILS TO BRING THE BUILDING INTO COMPLIANCE WITH THE APPLI-
3 CABLE PROVISIONS OF LAW WITHIN NINETY DAYS FROM THE DATE OF APPOINTMENT
4 OR SUCH LONGER PERIOD AS MAY BE ESTABLISHED BY AGREEMENT WITH THE
5 DEPARTMENT; OR (III) THE MORTGAGEE OR LIENOR IN POSSESSION FAILS TO
6 BRING THE BUILDING INTO COMPLIANCE WITH THE APPLICABLE PROVISIONS OF LAW
7 WITHIN NINETY DAYS FROM THE DATE OF TAKING POSSESSION OR SUCH LONGER
8 PERIOD AS MAY BE ESTABLISHED BY AGREEMENT WITH THE DEPARTMENT.
9 S 2. This act shall take effect on the one hundred twentieth day
10 after it shall have become a law and shall apply to proceedings
11 commenced on or after such date.