

S. 4237

A. 6675

2011-2012 Regular Sessions

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

March 24, 2011

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

IN ASSEMBLY -- Introduced by M. of A. M. MILLER -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to abandoned dwellings in any city with a population of one million or more

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

1 Section 1. The article heading of article 19-a of the real property
2 actions and proceedings law, as amended by chapter 573 of the laws of
3 1982, is amended to read as follows:

4 SPECIAL [PROCEEDING TO CONVEY TITLE TO]
5 PROCEEDINGS REGARDING

6 ABANDONED [DWELLING TO CITY, TOWN OR VILLAGE] DWELLINGS

7 S 2. Section 1970 of the real property actions and proceedings law, as
8 amended by chapter 593 of the laws of 1983, is amended to read as
9 follows:

10 S 1970. Applicability. The department or agency of a city, town or
11 village, responsible for the enforcement of the multiple dwelling law,
12 the multiple residence law, or any other law, code or ordinance govern-
13 ing the occupancy and maintenance of residential property (hereinafter
14 in this article referred to as "the department") may institute a
15 proceeding in accordance with the provisions of this article for a judg-
16 ment vesting in the city, town or village title to a dwelling which has
17 been abandoned by the owner. [This article shall not apply to a one-fa-
18 mily or two-family dwelling occupied by the owner thereof.]

19 S 3. Subdivision 2 of section 1971 of the real property actions and
20 proceedings law, as amended by chapter 496 of the laws of 1983, is
21 amended to read as follows:

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

LBD10172-02-1

1 2. When the department finds that a dwelling is abandoned within the
2 meaning of this article, it shall make and file among its records a
3 certification containing such finding and the facts on which it is
4 based. Further, it shall immediately affix to the dwelling in a promi-
5 nent and conspicuous location, a notice that the building has been found
6 to be an abandoned building and that it is a crime to take, remove or
7 otherwise damage any fixture or part of the building structure.
8 FURTHER, IT SHALL IMMEDIATELY MAIL A COPY OF THE CERTIFICATION WITH SUCH
9 FACTS AND FINDINGS BY REGISTERED OR CERTIFIED MAIL TO THE LAST KNOWN
10 OWNER AT SUCH OWNER'S LAST KNOWN ADDRESS.

11 S 4. Subdivisions 1 and 2 of section 1972 of the real property actions
12 and proceedings law, as amended by chapter 573 of the laws of 1982, are
13 amended and a new subdivision 5 is added to read as follows:

14 1. If the department proposes to institute proceedings pursuant to
15 this article, it [may] SHALL file a copy of the certification and a
16 notice of intention to commence such proceedings in the office of the
17 clerk of the county in which the dwelling is located. Such notice shall
18 contain the names of all persons required to be served pursuant to this
19 section and shall otherwise meet the requirements of subdivision (b) of
20 [section] RULE six thousand five hundred eleven of the civil practice
21 law and rules. The notice shall be indexed by the clerk in the manner
22 prescribed by subdivision (c) of [section] RULE sixty-five hundred elev-
23 en of the civil practice law and rules for a notice of pendency of
24 action and shall have the same effect as such notice. It shall expire
25 one year after filing, if no proceeding pursuant to this article has
26 been commenced. Except as otherwise provided herein, all of the
27 provisions of article sixty-five of the civil practice law and rules
28 shall be applicable to the notice filed pursuant to this article.

29 2. The department shall serve upon the owner of the dwelling, a copy
30 of the certification. Service shall be made personally or by posting in
31 a conspicuous place upon the dwelling and mailing a copy by registered
32 or certified mail to the last known owner at such owner's last known
33 address. In the case of a dwelling subject to the provisions of section
34 three hundred twenty-five of the multiple dwelling law, such mailing may
35 be made to the last registered owner at his last registered address. The
36 copy of the certification shall be accompanied by a notice stating that
37 proceedings pursuant to this [title] ARTICLE may be instituted unless
38 the owner notifies the department that the property has not been aban-
39 doned. Such notification shall be made by a showing that the conditions
40 upon which the findings in such certification are based do not exist or
41 have been corrected. Such showing shall be made not later than thirty
42 days after the date of such notice.

43 5. THIS SECTION SHALL NOT APPLY IN ANY CITY HAVING A POPULATION OF ONE
44 MILLION OR MORE.

45 S 5. Section 1973 of the real property actions and proceedings law is
46 amended by adding a new subdivision 6 to read as follows:

47 6. THIS SECTION SHALL NOT APPLY IN ANY CITY HAVING A POPULATION OF ONE
48 MILLION OR MORE.

49 S 6. Section 1974 of the real property actions and proceedings law is
50 amended by adding a new subdivision 6 to read as follows:

51 6. THIS SECTION SHALL NOT APPLY IN ANY CITY HAVING A POPULATION OF ONE
52 MILLION OR MORE.

53 S 7. The real property actions and proceedings law is amended by
54 adding a new section 1975 to read as follows:

55 S 1975. SPECIAL PROCEEDING FOR ABANDONED DWELLINGS IN ANY CITY WITH A
56 POPULATION OF ONE MILLION OR MORE. 1. IN ANY CITY WITH A POPULATION OF

1 ONE MILLION OR MORE, ONCE A DEPARTMENT FINDS, PURSUANT TO SECTION NINE-
2 TEEN HUNDRED SEVENTY-ONE OF THIS ARTICLE, THAT A DWELLING IS ABANDONED,
3 AND HAS NOTIFIED THE OWNER THEREOF, SUCH OWNER SHALL HAVE THIRTY DAYS TO
4 SEAL SUCH DWELLING OR CORRECT THE FACTS UPON WHICH THE ABANDONMENT
5 CERTIFICATION IS BASED.

6 2. IF, AT THE CONCLUSION OF THIRTY DAYS, SUCH OWNER HAS NOT SEALED
7 SUCH DWELLING OR CORRECTED THE FACTS UPON WHICH THE ABANDONMENT CERTIF-
8 ICATION IS BASED, THE DEPARTMENT SHALL:

9 (A) SEAL SUCH DWELLING WITHIN SIXTY DAYS; AND

10 (B) INITIATE A PROCEEDING TO PLACE A LIEN ON THE PROPERTY IN AN AMOUNT
11 TO RECOVER THE COSTS INCURRED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVI-
12 SION.

13 S 8. This act shall take effect on the one hundred twentieth day after
14 it shall have become a law; provided, however, that effective immediate-
15 ly, the addition, amendment and/or repeal of any rule or regulation
16 necessary for the implementation of this act on its effective date are
17 authorized and directed to be made and completed on or before such
18 effective date.