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

696

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 1972 of the real property actions and proceedings law, as added by chapter 864 of the laws of 1973, is amended to read as follows:

3. Within five days of the service of notice on the owner, a copy of the certification shall be served on each mortgagee, lienor and lessee of record, personally or by registered mail to the address set forth in the recorded instrument or, if no address appears therein, to the person at whose request the instrument was recorded. Such copy shall, in the case of a mortgagee or lienor, be accompanied by a notice that proceedings pursuant to this article may be instituted unless the mortgagee or lienor, within fifteen days of such mailing, either (A) commences proceedings to foreclose the mortgage or lien AND MOVES FOR THE APPOINTMENT OF A RECEIVER WHICH BRINGS THE BUILDING INTO COMPLIANCE WITH THE APPLICABLE PROVISIONS OF LAW WITHIN NINETY DAYS FROM THE DATE OF APPOINTMENT OR SUCH LONGER PERIOD AS MAY BE ESTABLISHED BY AGREEMENT WITH THE DEPARTMENT or [enters into an agreement with the department to bring the building] (B) TAKES POSSESSION OF THE PREMISES AS PROVIDED IN THE MORTGAGE AND BRINGS THE BUILDING into compliance with the applicable provisions of law WITHIN NINETY DAYS FROM THE DATE OF TAKING POSSESSION OR SUCH LONGER PERIOD AS MAY BE ESTABLISHED BY AGREEMENT WITH THE DEPARTMENT. THE DEPARTMENT MAY, NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS SUBDIVISION, INSTITUTE PROCEEDINGS PURSUANT TO THIS ARTICLE IF: (I) THE APPLICATION FOR APPOINTMENT OF A RECEIVER IS DENIED, (II)

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

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THE RECEIVER FAILS TO BRING THE BUILDING INTO COMPLIANCE WITH THE APPLICABLE PROVISIONS OF LAW WITHIN NINETY DAYS FROM THE DATE OF APPOINTMENT OR SUCH LONGER PERIOD AS MAY BE ESTABLISHED BY AGREEMENT WITH THE DEPARTMENT; OR (III) THE MORTGAGEE OR LIENOR IN POSSESSION FAILS TO BRING THE BUILDING INTO COMPLIANCE WITH THE APPLICABLE PROVISIONS OF LAW WITHIN NINETY DAYS FROM THE DATE OF TAKING POSSESSION OR SUCH LONGER PERIOD AS MAY BE ESTABLISHED BY AGREEMENT WITH THE DEPARTMENT.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to proceedings commenced on or after such date.