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

S. 3163 A. 4983

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:

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

LBD06398-01-1

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

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

S 3. This act shall take effect immediately.