

163

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. MAGEE, LUPARDO -- read once and referred to the
Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to the redemption
of multiple liens on farm property

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

1 Section 1. Subdivisions 1 and 2 of section 1112 of the real property
2 tax law, as amended by chapter 532 of the laws of 1994, are amended to
3 read as follows:
4 1. When a tax district holds more than one tax lien against a parcel,
5 the liens need not be redeemed simultaneously. (A) However, the liens
6 ON A PARCEL, WHICH IS NOT FARM PROPERTY, must be redeemed in reverse
7 chronological order, so that the lien with the most recent lien date is
8 redeemed first, and the lien with the earliest lien date is redeemed
9 last. Notwithstanding the redemption of one or more of the liens against
10 SUCH a parcel as provided [herein] IN THIS ARTICLE, the enforcement
11 process shall proceed according to the provisions of this article as
12 long as the earliest lien remains unredeemed.
13 (B) HOWEVER, IN THE CASE OF LIENS AGAINST A PARCEL, THAT IS FARM PROP-
14 ERTY, THE LIENS MUST BE REDEEMED IN CHRONOLOGICAL ORDER, SO THAT THE
15 LIEN WITH THE EARLIEST LIEN DATE IS REDEEMED FIRST, AND THE LIEN WITH
16 THE MOST RECENT LIEN DATE IS REDEEMED LAST. NOTWITHSTANDING THE REDEMP-
17 TION OF ONE OR MORE OF THE LIENS AGAINST A PARCEL THAT IS FARM PROPERTY
18 AS PROVIDED IN THIS ARTICLE, THE ENFORCEMENT PROCESS SHALL PROCEED
19 ACCORDING TO THE PROVISIONS OF THIS ARTICLE AS LONG AS THE MOST RECENT
20 LIEN REMAINS UNREDEEMED.
21 2. (a) When one or more liens against a parcel, THAT IS NOT FARM PROP-
22 ERTY, are redeemed as provided [herein] IN THIS ARTICLE, but the earli-
23 est lien remains unredeemed, the receipt issued to the person redeeming
24 shall include a statement in substantially the following form: "This

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

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1 parcel remains subject to one or more delinquent tax liens. The payment
2 you have made will not postpone the enforcement of the outstanding lien
3 or liens. Continued failure to pay the entire amount owed will result in
4 the loss of the property."

5 (b) WHEN ONE OR MORE LIENS AGAINST A PARCEL, THAT IS FARM PROPERTY,
6 ARE REDEEMED AS PROVIDED IN THIS ARTICLE, BUT THE MOST RECENT LIEN
7 REMAINS UNREDEEMED, THE RECEIPT ISSUED TO THE PERSON REDEEMING SHALL
8 INCLUDE A STATEMENT IN SUBSTANTIALLY THE FOLLOWING FORM: "THIS FARM
9 PARCEL REMAINS SUBJECT TO ONE OR MORE DELINQUENT TAX LIENS. THE PAYMENT
10 YOU HAVE MADE WILL NOT POSTPONE THE ENFORCEMENT OF THE OUTSTANDING LIEN
11 OR LIENS. CONTINUED FAILURE TO PAY THE ENTIRE AMOUNT OWED WILL RESULT IN
12 THE LOSS OF THE PROPERTY."

13 (C) Failure to include such a statement on the receipt shall not
14 invalidate any tax lien or prevent the enforcement of the same as
15 provided by law.

16 S 2. This act shall take effect immediately.