

S. 6906

A. 9189

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

March 27, 2014

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

IN ASSEMBLY -- Introduced by M. of A. RYAN -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to authorizing municipalities to treat unpaid building code, property maintenance and nuisance fines as delinquent taxes and impose tax liens upon the real property which is the subject of such fines

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

1 Section 1. The real property tax law is amended by adding a new
2 section 901 to read as follows:
3 S 901. AUTHORIZING INCLUSION IN THE TAX LEVY OF CERTAIN FINES IMPOSED
4 BY MUNICIPAL CORPORATIONS. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO
5 THE CONTRARY, A MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS GOVERN-
6 ING BODY, MAY ENACT A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THAT
7 FINALLY ADJUDICATED FINES IMPOSED UPON REAL PROPERTY, OTHER THAN A PROP-
8 ERTY SERVING AS THE PRIMARY RESIDENCE OF ONE OR MORE OF THE OWNERS THER-
9 EOF, FOR BUILDING CODE, PROPERTY MAINTENANCE AND NUISANCE VIOLATIONS
10 SHALL BE DEEMED TO BE DELINQUENT TAXES IN ACCORDANCE WITH THE PROVISION
11 OF THIS SECTION. NO SUCH LAW, ORDINANCE OR RESOLUTION SHALL BE DEEMED TO
12 TAKE EFFECT UNTIL IT SHALL HAVE BEEN FILED WITH THE CLERK OF THE MUNICI-
13 PAL CORPORATION AND THE APPROPRIATE COLLECTING OFFICER.
14 2. EVERY SUCH LOCAL LAW, ORDINANCE AND RESOLUTION SHALL ESTABLISH A
15 PROCEDURE FOR THE JUDICIAL DETERMINATION AND ADJUDICATION OF THE UNDER-
16 LYING CIRCUMSTANCES RELATING TO THE BUILDING CODE, PROPERTY MAINTENANCE
17 OR NUISANCE VIOLATION, AND THE FINE TO BE IMPOSED IF THE COURT FINDS
18 THAT SUCH A VIOLATION OCCURRED. FURTHERMORE, A REAL PROPERTY OWNER WHO
19 AFTER BEING ADJUDGED TO HAVE COMMITTED A VIOLATION SHALL HAVE THE RIGHT
20 TO APPEAL SUCH JUDGEMENT.
21 3. EVERY LOCAL LAW, ORDINANCE AND RESOLUTION ENACTED PURSUANT TO THIS
22 SECTION SHALL PROVIDE THAT EACH AFFECTED PROPERTY OWNER SHALL BE
23 PROVIDED, BY THE MUNICIPAL CORPORATION, WITH NOT LESS THAN TEN DAYS
24 WRITTEN NOTICE PRIOR TO THE OCCURRENCE OF ANY ACTION BY THE MUNICIPAL
25 CORPORATION PURSUANT TO THE PROVISIONS OF THIS SECTION. EVERY SUCH

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

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1 NOTICE SHALL INFORM THE REAL PROPERTY OWNER THAT A REAL PROPERTY TAX
2 LIEN MAY BE IMPOSED IF THE FINE REMAINS UNPAID.

3 4. A MUNICIPAL CORPORATION MAY, NOT LESS THAN ONE YEAR AFTER THE FINAL
4 ADJUDICATION AND EXHAUSTION OF ALL APPEALS RELATING TO THE IMPOSITION OF
5 A FINE FOR A BUILDING CODE, PROPERTY MAINTENANCE OR NUISANCE VIOLATION,
6 DECLARE SUCH FINE AND ANY EXPENSES INCURRED IN ADJUDICATING SUCH FINE TO
7 BE UNPAID REAL PROPERTY TAXES ON THE SUBJECT PROPERTY, AND INCLUDE SUCH
8 FINE ON THE TAX ROLL OF UNPAID TAXES DELIVERED TO THE COLLECTING OFFI-
9 CER.

10 S 2. Section 936 of the real property tax law, as amended by chapter
11 237 of the laws of 1995, subdivision 1 as amended by chapter 355 of the
12 laws of 1997, is amended to read as follows:

13 S 936. Return of unpaid delinquent taxes. 1. Upon the expiration of
14 his OR HER warrant, each collecting officer shall make and deliver to
15 the county treasurer an account, subscribed and affirmed by him OR HER
16 as true under the penalties of perjury, of all taxes listed on the tax
17 roll which remain unpaid INCLUDING ANY FINES DEEMED TO BE UNPAID TAXES
18 PURSUANT TO SECTION NINE HUNDRED ONE OF THIS ARTICLE, except that such
19 collecting officer shall not include in such account the amount of the
20 installments of taxes returned unpaid pursuant to [section nine hundred
21 twenty-eight-b or] subdivision one of section nine hundred seventy-six
22 of this [chapter] ARTICLE. The county treasurer shall, if satisfied
23 that such account is correct, credit him with the amount of such unpaid
24 delinquent taxes. Such return shall be endorsed upon or attached to the
25 tax roll.

26 2. In making the return of unpaid taxes AND FINE DEEMED TO BE UNPAID
27 TAXES, the collecting officer shall add five per centum to the amount of
28 each tax as levied. In the event that the collecting officer fails to do
29 so, the county treasurer shall make such addition. In a county in which
30 there is a local law in effect pursuant to [section nine hundred twen-
31 ty-eight-b or] section nine hundred seventy-two of this [chapter] ARTI-
32 CLE providing for the collection of taxes in installments, the five per
33 centum provided by this subdivision shall not be added to the taxes
34 which a real property owner has elected to pay in installments pursuant
35 to [section nine hundred twenty-eight-b or] section nine hundred seven-
36 ty-five of this [chapter] ARTICLE. Such five per centum shall be added
37 by the county treasurer to the amount of such taxes as shall have
38 remained unpaid after the date upon which the last installment was due
39 as provided in such local law. The amount of such added per centum shall
40 thereafter be deemed part of the amount of the unpaid tax.

41 S 3. Subdivision 2 of section 1102 of the real property tax law, as
42 amended by chapter 532 of the laws of 1994, is amended to read as
43 follows:

44 2. "Delinquent tax" means an unpaid tax, UNPAID FINES THAT ARE DEEMED
45 TO BE UNPAID TAXES PURSUANT TO SECTION NINE HUNDRED ONE OF THIS CHAPTER,
46 special ad valorem levy, special assessment or other charge imposed upon
47 real property by or on behalf of a municipal corporation or special
48 district, plus all applicable charges, relating to any parcel which is
49 included in the return of unpaid delinquent taxes prepared pursuant to
50 section nine hundred thirty-six of this chapter or such other general,
51 special, or local law as may be applicable. In no event, however, shall
52 "delinquent tax" include any unpaid tax or other charge against lands
53 owned by the state.

54 S 4. This act shall take effect on the first of January next succeed-
55 ing the date on which it shall have become a law.