

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. DINOWITZ -- Multi-Sponsored by -- M. of A. GLICK,  
ORTIZ, PAULIN, WEISENBERG -- read once and referred to the Committee  
on Judiciary

AN ACT to amend the real property actions and proceedings law, in  
relation to establishing time restrictions for court issued consent  
orders for work performance to remove or remedy conditions in such  
petition

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

1     Section 1. Subdivision a of section 777 of the real property actions  
2     and proceedings law, as added by chapter 909 of the laws of 1965, is  
3     amended to read as follows:  
4     a. If, after a trial, the court shall determine that the facts alleged  
5     in the petition have been affirmatively established by the petitioners,  
6     that no defense thereto specified in section seven hundred seventy-five  
7     OF THIS ARTICLE has been affirmatively established by the owner or a  
8     mortgagee or lienor of record, and that the facts alleged in the peti-  
9     tion warrant the granting of the relief sought, and if the owner or any  
10    mortgagee or lienor of record or other person having an interest in the  
11    property, shall apply to the court to be permitted to remove or remedy  
12    the conditions specified in such petition and shall (1) demonstrate the  
13    ability promptly to undertake the work required; and (2) post security  
14    for the performance thereof within the time, and in the amount and  
15    manner, deemed necessary by the court, then the court, in lieu of  
16    rendering judgment as provided in section seven hundred seventy-six of  
17    this article, may issue an order permitting such person to perform the  
18    work within a time fixed by the court BUT IN NO EVENT MORE THAN SIXTY  
19    DAYS FROM THE DATE OF THE ORDER OF THE COURT UNLESS THE COURT GRANTS AN  
20    EXTENSION OF TIME FOR GOOD CAUSE SHOWN. THE PROVISIONS OF THIS SUBDIVI-

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

LBD00346-01-3

1 SION SHALL ONLY BE AVAILABLE TO THE MORTGAGEE OR LIENOR ONCE WITH  
2 RESPECT TO ANY PETITION FILED PURSUANT TO THIS ARTICLE.  
3 S 2. This act shall take effect on the thirtieth day after it shall  
4 have become a law.