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

5054--A

Cal. No. 821

2013-2014 Regular Sessions

I N S E N A T E

May 7, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to environmental restoration investigation projects upon parcels in tax lien foreclosure proceedings

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

Section 1. Section 56-0508 of the environmental conservation law is amended by adding a new subdivision 1-a to read as follows:

1-A. IN A PROCEEDING TO FORECLOSE A TAX LIEN BY AN ENTITY THAT ACQUIRED THE TAX LIEN OF A CITY HAVING A POPULATION OF ONE MILLION OR MORE, SUCH CITY MAY UPON TWENTY DAYS NOTICE TO ALL PARTIES HAVING ANY RIGHT, TITLE, OR INTEREST IN, OR LIEN UPON SUCH PARCEL, MOVE, AT A SPECIAL TERM IN THE COURT IN WHICH THE FORECLOSURE PROCEEDING WAS BROUGHT, FOR AN ORDER GRANTING SUCH CITY THE TEMPORARY INCIDENTS OF OWNERSHIP OF SUCH PARCEL FOR THE SOLE PURPOSE OF ENTERING THE PARCEL AND CONDUCTING AN ENVIRONMENTAL RESTORATION INVESTIGATION PROJECT UPON SUCH PARCEL. FOR PURPOSES OF THIS SECTION, THE TERM "TAXING DISTRICT" SHALL INCLUDE A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

S 2. Subdivision 5 of section 56-0508 of the environmental conservation law, as added by section 7 of part D of chapter 1 of the laws of 2003, is amended to read as follows:

5. all costs associated with any environmental restoration investigation project conducted pursuant to the authority of this section shall be added to the taxes owed to, and the tax lien of, the taxing district that undertook the environmental restoration investigation project pursuant to SUBDIVISION ONE OF this section OR SHALL BE ADDED TO THE TAXES OWED TO THE CITY THAT UNDERTOOK THE ENVIRONMENTAL RESTORATION

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

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INVESTIGATION PROJECT PURSUANT TO SUBDIVISION ONE-A OF THIS SECTION SEPARATE AND APART FROM THE TAX LIEN IN FORECLOSURE PURSUANT TO SUBDIVISION ONE-A OF THIS SECTION.

S 3. This act shall take effect immediately and shall apply to any tax lien purchased on or after such date.