

5259

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 13, 2015

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Introduced by M. of A. McDONALD -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to the abatement of public nuisances and demolition and removal of unsafe structures

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

1     Section 1. Section 78-b of the general municipal law, as added by  
2 chapter 115 of the laws of 1980, is amended to read as follows:  
3     S 78-b. [Demolition] ABATEMENT OF PUBLIC NUISANCES AND DEMOLITION and  
4 removal of unsafe structures. (A) The governing body of any city, town,  
5 or village may commence a special proceeding in a court of competent  
6 [jurisdiction] JURISDICTION to collect the costs of [demolition] ABATING  
7 NUISANCE CONDITIONS OR VIOLATIONS OF THE UNIFORM FIRE PREVENTION AND  
8 BUILDING CODE OR LOCAL PROPERTY MAINTENANCE CODES OR THE COSTS OF DEMOL-  
9 ISHING OR REMOVING UNSAFE STRUCTURES, including reasonable and necessary  
10 legal expenses incidental to obtaining an order to demolish, from the  
11 owner of any building or structure [that may now be or shall hereafter  
12 become dangerous or unsafe to the public] WITH A NUISANCE CONDITION OR A  
13 UNIFORM CODE OR LOCAL PROPERTY MAINTENANCE CODE VIOLATION OR THE OWNER  
14 OF ANY UNSAFE BUILDING OR STRUCTURES. The provisions of article four of  
15 the civil practice law and rules shall govern any special proceeding  
16 commenced under this section.  
17     (B) IF THE VALUE OF A PROPERTY WHICH IS THE SUBJECT OF A PROCEEDING  
18 PURSUANT TO SUBDIVISION (A) OF THIS SECTION IS LESS THAN THE COST OF  
19 ABATING THE NUISANCE CONDITION OR CODE VIOLATION OR DEMOLISHING THE  
20 UNSAFE STRUCTURE, THEN THE CITY, VILLAGE, OR TOWN MAY, WHEN SEEKING TO  
21 RECOVER THE COST OF ABATEMENT OR DEMOLITION, DISREGARD THE CORPORATE  
22 FORM OF ANY BUSINESS CORPORATION, LIMITED LIABILITY COMPANY, OR LIMITED  
23 LIABILITY PARTNERSHIP WHICH OWNS THE PROPERTY, EITHER IN WHOLE OR IN  
24 PART, IF THE ASSETS OF THE BUSINESS CORPORATION, LIMITED LIABILITY  
25 COMPANY, OR LIMITED LIABILITY PARTNERSHIP ARE INSUFFICIENT TO COVER THE

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

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1 COST OF ABATEMENT OR DEMOLITION AND THE BUSINESS CORPORATION, LIMITED  
2 LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP EITHER (I) MADE A  
3 PROFIT ON THE PROPERTY AT ANY TIME DURING THE FIVE YEARS PRIOR TO THE  
4 ABATEMENT OR DEMOLITION OR (II) USED FINANCIAL LOSSES ON THE PROPERTY TO  
5 WRITE-OFF CAPITAL GAINS OR INCOME FROM OTHER PROPERTIES THAT THE BUSI-  
6 NESS CORPORATION, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PART-  
7 NERSHIP OWNS DURING THE FIVE YEARS PRIOR TO THE ABATEMENT OR DEMOLITION.  
8 S 2. This act shall take effect immediately.