

5834

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 5, 2015

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Introduced by M. of A. KAVANAGH -- Multi-Sponsored by -- M. of A. JAFFEE  
-- read once and referred to the Committee on Environmental Conservation

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:

1     Section 1. Section 56-0508 of the environmental conservation law is  
2     amended by adding a new subdivision 1-a to read as follows:  
3     1-A. IN A PROCEEDING TO FORECLOSE A TAX LIEN BY AN ENTITY THAT  
4     ACQUIRED THE TAX LIEN OF A CITY HAVING A POPULATION OF ONE MILLION OR  
5     MORE, SUCH CITY MAY UPON TWENTY DAYS NOTICE TO ALL PARTIES HAVING ANY  
6     RIGHT, TITLE, OR INTEREST IN, OR LIEN UPON SUCH PARCEL, MOVE, AT A  
7     SPECIAL TERM IN THE COURT IN WHICH THE FORECLOSURE PROCEEDING WAS  
8     BROUGHT, FOR AN ORDER GRANTING SUCH CITY THE TEMPORARY INCIDENTS OF  
9     OWNERSHIP OF SUCH PARCEL FOR THE SOLE PURPOSE OF ENTERING THE PARCEL AND  
10    CONDUCTING AN ENVIRONMENTAL RESTORATION INVESTIGATION PROJECT UPON SUCH  
11    PARCEL. FOR PURPOSES OF THIS SECTION, THE TERM "TAXING DISTRICT" SHALL  
12    INCLUDE A CITY HAVING A POPULATION OF ONE MILLION OR MORE.  
13    S 2. Subdivision 5 of section 56-0508 of the environmental conserva-  
14    tion law, as added by section 7 of part D of chapter 1 of the laws of  
15    2003, is amended to read as follows:  
16    5. all costs associated with any environmental restoration investi-  
17    gation project conducted pursuant to the authority of this section shall  
18    be added to the taxes owed to, and the tax lien of, the taxing district  
19    that undertook the environmental restoration investigation project  
20    pursuant to SUBDIVISION ONE OF this section OR SHALL BE ADDED TO THE  
21    TAXES OWED TO THE CITY THAT UNDERTOOK THE ENVIRONMENTAL RESTORATION  
22    INVESTIGATION PROJECT PURSUANT TO SUBDIVISION ONE-A OF THIS SECTION

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

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1 SEPARATE AND APART FROM THE TAX LIEN IN FORECLOSURE PURSUANT TO SUBDIVI-  
2 SION ONE-A OF THIS SECTION.  
3 S 3. This act shall take effect immediately and shall apply to any tax  
4 lien purchased on or after such date.