

2917--A

Cal. No. 525

2015-2016 Regular Sessions

I N S E N A T E

January 30, 2015

Introduced by Sens. DeFRANCISCO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- 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 real property tax law, in relation to authorizing the city of Syracuse to treat unpaid building code and fire code 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 THE CITY OF SYRACUSE. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
5 CONTRARY, THE CITY OF SYRACUSE, ACTING BY AND THROUGH ITS GOVERNING  
6 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 AND FIRE CODE VIOLATIONS SHALL BE DEEMED TO BE  
10 DELINQUENT TAXES IN ACCORDANCE WITH THE PROVISION OF THIS SECTION. NO  
11 SUCH LAW, ORDINANCE OR RESOLUTION SHALL BE DEEMED TO TAKE EFFECT UNTIL  
12 IT SHALL HAVE BEEN FILED WITH THE CLERK OF THE CITY OF SYRACUSE AND THE  
13 APPROPRIATE COLLECTING OFFICER.  
14 2. SUCH LOCAL LAW, ORDINANCE AND RESOLUTION SHALL ESTABLISH A PROCE-  
15 DURE FOR THE JUDICIAL DETERMINATION AND ADJUDICATION OF THE UNDERLYING  
16 CIRCUMSTANCES RELATING TO THE BUILDING CODE OR FIRE CODE VIOLATION, AND  
17 THE FINE TO BE IMPOSED IF THE COURT FINDS THAT SUCH A VIOLATION

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

LBD01757-03-6

1 OCCURRED. FURTHERMORE, A REAL PROPERTY OWNER WHO AFTER BEING ADJUDGED TO  
2 HAVE COMMITTED A VIOLATION SHALL HAVE THE RIGHT TO APPEAL SUCH JUDGMENT.

3 3. SUCH LOCAL LAW, ORDINANCE OR RESOLUTION ENACTED PURSUANT TO THIS  
4 SECTION SHALL PROVIDE THAT EACH AFFECTED PROPERTY OWNER SHALL BE  
5 PROVIDED, BY THE CITY OF SYRACUSE, WITH NOT LESS THAN TEN DAYS WRITTEN  
6 NOTICE PRIOR TO THE OCCURRENCE OF ANY ACTION BY THE MUNICIPAL CORPO-  
7 RATION PURSUANT TO THE PROVISIONS OF THIS SECTION. EVERY SUCH NOTICE  
8 SHALL INFORM THE REAL PROPERTY OWNER THAT A REAL PROPERTY TAX LIEN MAY  
9 BE IMPOSED IF THE FINE REMAINS UNPAID.

10 4. THE CITY OF SYRACUSE MAY, NOT LESS THAN ONE YEAR AFTER THE FINAL  
11 ADJUDICATION AND EXHAUSTION OF ALL APPEALS RELATING TO THE IMPOSITION OF  
12 A FINE FOR A BUILDING CODE OR FIRE CODE VIOLATION, DECLARE SUCH FINE AND  
13 ANY EXPENSES INCURRED IN ADJUDICATING SUCH FINE TO BE UNPAID REAL PROP-  
14 ERTY TAXES ON THE SUBJECT PROPERTY, AND INCLUDE SUCH FINE ON THE TAX  
15 ROLL OF UNPAID TAXES DELIVERED TO THE COLLECTING OFFICER.

16 S 2. Section 936 of the real property tax law, as amended by chapter  
17 237 of the laws of 1995, subdivision 1 as amended by chapter 355 of the  
18 laws of 1997, is amended to read as follows:

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

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

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

50 2. "Delinquent tax" means an unpaid tax, UNPAID FINES THAT ARE DEEMED  
51 TO BE UNPAID TAXES PURSUANT TO SECTION NINE HUNDRED ONE OF THIS CHAPTER,  
52 special ad valorem levy, special assessment or other charge imposed upon  
53 real property by or on behalf of a municipal corporation or special  
54 district, plus all applicable charges, relating to any parcel which is  
55 included in the return of unpaid delinquent taxes prepared pursuant to  
56 section nine hundred thirty-six of this chapter or such other general,

1 special, or local law as may be applicable. In no event, however, shall  
2 "delinquent tax" include any unpaid tax or other charge against lands  
3 owned by the state.  
4 S 4. This act shall take effect on the first of January next succeed-  
5 ing the date on which it shall have become a law.