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

4229--B

Cal. No. 261

2015-2016 Regular Sessions

I N S E N A T E

March 11, 2015

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to 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 Buffalo to add unpaid housing code violation penalties, costs and fines to the city's annual tax levy in accordance with applicable law

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 905 to read as follows:
3 S 905. COLLECTION OF UNPAID HOUSING CODE VIOLATION PENALTIES; LEVY. 1.
4 IN ADDITION TO AND NOT IN LIMITATION OF ANY POWER OTHERWISE GRANTED BY
5 LAW, THE CITY OF BUFFALO IS HEREBY AUTHORIZED TO COLLECT ANY UNPAID
6 HOUSING CODE VIOLATION PENALTIES, COSTS AND FINES THROUGH PLACEMENT BY
7 THE CITY'S COMMISSIONER OF FINANCE ON THE CITY'S ANNUAL TAX LEVY IN
8 ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE CITY'S TAX AND ASSESS-
9 MENT ACT (CHAPTER SEVENTY-FIVE OF THE LAWS OF NINETEEN HUNDRED SIX, AS
10 AMENDED).
11 2. IN ORDER TO BE ELIGIBLE FOR PLACEMENT ON THE CITY'S ANNUAL TAX LEVY
12 SUCH UNPAID HOUSING CODE VIOLATION PENALTIES, COSTS AND FINES SHALL HAVE
13 BEEN ADJUDICATED AND IMPOSED THROUGH A JUDGMENT IN A COURT OF COMPETENT
14 JURISDICTION ON AN OWNER OF REAL PROPERTY WITHIN THE CITY, AS CERTIFIED
15 BY THE CITY'S CORPORATION COUNSEL TO THE COMMISSIONER OF FINANCE, AND

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

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HAVE REMAINED UNPAID FOR ONE YEAR PRECEDING THE PLACEMENT ON THE CITY'S TAX LEVY.

3. SUCH HOUSING CODE VIOLATION PENALTY, COST OR FINE AS SET FORTH IN A COPY OF THE JUDGMENT CERTIFIED BY THE CORPORATION COUNSEL TO THE COMMISSIONER OF FINANCE SHALL BE SET DOWN IN THE ANNUAL TAX LEVY UNDER THE HEADING UNCOLLECTED FINES AND PENALTIES AND SHALL BE LEVIED, ENFORCED AND COLLECTED IN THE SAME MANNER, BY THE SAME PROCEEDINGS, AT THE SAME TIME, UNDER THE SAME PENALTIES AND HAVING THE SAME LIEN UPON THE PROPERTY ASSESSED AS THE GENERAL CITY TAX AND AS A PART THEREOF.

4. NOTWITHSTANDING ANY OTHER APPLICABLE PROVISIONS OF LAW, NOTHING IN THIS SECTION SHALL BE APPLIED TO A RESIDENTIAL DWELLING THAT IS OWNER-OCCUPIED OR IS THE PRIMARY RESIDENCE OF A HOMEOWNER.

S 2. This act shall take effect immediately.