AN ACT to amend the tax law, in relation to a school tax reduction credit for residents of a city with a population over one million; to amend the real property tax law and the tax law, in relation to the school tax relief exemption (Part A); to amend the tax law, in relation to the farm workforce retention credit (Part B); to amend the racing, pari-mutuel wagering and breeding law, in relation to the board of directors of the New York racing association (Part C); to amend chapter 53 of the laws of 2016 enacting the Aid to Localities Budget, in relation to the office of prekindergarten through grade twelve education program (Part D); to amend the public health law, in relation to home care worker wage parity (Part E); to amend chapter 710 of the laws of 1988, amending the social services law and the education law relating to medical assistance eligibility of certain persons and providing for managed medical care demonstration programs, in relation to the effectiveness thereof (Part F); relating to the enforcement of building codes of the city of New York (Part G); intentionally omitted (Part H); to amend the public authorities law, in relation to the New York state design and construction corporation act (Part I); to amend chapter 549 of the laws of 1994, amending the public authorities law relating to the membership composition of the metropolitan transportation authority board, in relation to extending the effectiveness of such provisions (Part J); to amend chapter 53 of the laws of 2016 enacting the Aid to Localities Budget, in relation to the office of aging community services program and the Wadsworth center for laboratories and research program (Part K); to amend chapter 53 of the laws of 2016, enacting the Aid to Localities Budget, in relation to making technical corrections thereto (Part L); to amend chapter 55 of the laws of 2016 enacting the Capital Projects Budget, in relation to general maintenance and improvements for the city university of New York and state university of New York (Part M); intentionally omitted (Part N); to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
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eof; and to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils and community superintendents, in relation to the effectiveness thereof; and to amend the education law, in relation to community school district based budgeting and expenditure reporting (Part O); to amend the education law, in relation to the duties and powers of charter entities (Part P); and to amend the real property actions and proceedings law and the civil practice law and rules, in relation to foreclosure proceedings and pre-foreclosure notices (Part Q)

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

1 Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2016-2017 state fiscal year. Each component is wholly contained within a Part identified as Parts A through Q. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Subsection (eee) of section 606 of the tax law, as added by section 1 of part E of chapter 60 of the laws of 2016 is relettered subsection (ggg).

S 2. Subdivision 16 of section 425 of the real property tax law, as added by section 1 of part F of chapter 60 of the laws of 2016, is renumbered subdivision 15-a and amended to read as follows:

[(16)] 15-a. DIRECT PAYMENTS. Notwithstanding any provision of law to the contrary, when the commissioner finds that a property owner was eligible for the STAR exemption authorized by this section on an assessment roll, but the exemption was not taken into account in the calculation of the property owner's school tax bill due to an administrative error, and the property owner or his or her agent paid an excessive amount of school taxes on the property as a result, the commissioner [of taxation and finance] is authorized to remit directly to the property owner the tax savings that the STAR exemption would have yielded if the STAR exemption had been taken into account in the calculation of that taxpayer's school tax bill. The amounts payable under this section shall be paid from the account established for the payment of STAR benefits to late registrants pursuant to subparagraph (iii) of paragraph (a) of subdivision fourteen of this section. Where such a payment has been made, neither the property owner nor his or her agent shall be entitled to a refund of the excessive amount of school taxes paid on account of the administrative error.

S 3. Paragraph (c) of subdivision 11 of section 425 of the real property tax law, as added by section 1 of part B of chapter 389 of the laws of 1997, is amended to read as follows:
(c) Transfers of title. When the assessor has received a report pursuant to section five hundred seventy-four of this [article] CHAPTER of a transfer of title to real property which is exempt pursuant to this section, the assessor shall [send the new owner or owners as shown thereon an application for the exemption authorized by this section] DISCONTINUE THE EXEMPTION AS REQUIRED BY SUBDIVISION SIXTEEN OF THIS SECTION. The assessor shall not implement the provisions of section five hundred twenty of this chapter upon such a transfer, except to the extent that the property may also be receiving one or more other exemptions.

S 4. Paragraph (c) of subdivision 6 of section 425 of the real property tax law, as amended by chapter 570 of the laws of 1998, is amended to read as follows:

(c) Senior citizens exemption. When property is eligible for the senior citizens exemption authorized by section four hundred sixty-seven of this article, it shall also be deemed to be eligible for the enhanced exemption authorized by this section for certain senior citizens, provided, where applicable, that the age requirement established by a municipal corporation pursuant to subdivision five of section four hundred sixty-seven of this article is satisfied, and no separate application need be filed therefor. PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS PARAGRAPH SHALL ONLY APPLY WHERE AT LEAST ONE OF THE APPLICANTS HELD TITLE TO THE PROPERTY ON THE TAXABLE STATUS DATE OF THE ASSESSMENT ROLL THAT WAS USED TO LEVY SCHOOL DISTRICT TAXES FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR AND THE PROPERTY WAS GRANTED AN EXEMPTION PURSUANT TO THIS SECTION ON SUCH ASSESSMENT ROLL.

S 5. Subdivision 16 of section 425 of the real property tax law, as added by section 2 of part A of chapter 60 of the laws of 2016, is amended to read as follows:

16. Transition to personal income tax credit. (a) Beginning with assessment rolls used to levy school district taxes for the two thousand sixteen--two thousand seventeen school year, no application for an exemption under this section may be [filed or] approved unless at least one of the applicants held title to the property on the taxable status date of the assessment roll that was used to levy school district taxes for the two thousand fifteen--two thousand sixteen school year and the property was granted an exemption pursuant to this section on that assessment roll. In the event that an application is submitted to the assessor that cannot be approved due to this restriction, the assessor shall notify the applicant that he or she is required by law to deny the application, but that, in lieu of a STAR exemption, the applicant may claim the personal income tax credit authorized by subsection (eee) of section six hundred six of the tax law if eligible, and that the applicant may contact the department of taxation and finance for further information. The commissioner shall provide a form for assessors to use, at their option, when making this notification. No STAR exemption may be granted on the basis of an application that is not approvable due to this restriction.

(b) WHERE PROPERTY RECEIVED AN EXEMPTION PURSUANT TO THIS SECTION ON AN ASSESSMENT ROLL USED TO LEVY SCHOOL DISTRICT TAXES FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, AND AT LEAST ONE OF ITS OWNERS HELD TITLE TO THE PROPERTY ON THE TAXABLE STATUS DATE OF SUCH ASSESSMENT ROLL, THE EXEMPTION SHALL CONTINUE TO BE GRANTED ON SUBSEQUENT ASSESSMENT ROLLS WITHOUT REGARD TO THE PROVISIONS OF THIS SUBDIVISION AS LONG AS ALL APPLICABLE REQUIREMENTS OF THIS SECTION ARE SATISFIED. IN ADDITION, SUCH EXEMPTION SHALL BE SUBJECT TO MODIFICATION AS FOLLOWS:
(I) A BASIC STAR EXEMPTION SHALL BE CHANGED TO AN ENHANCED STAR EXEMPTION IF THE OWNERS AND SPOUSES PRIMARILY RESIDING ON THE PROPERTY FILE A TIMELY APPLICATION SHOWING THAT THEIR AGES AND INCOMES MEET THE REQUIREMENTS OF SUBDIVISION FOUR OF THIS SECTION.

(II) AN ENHANCED STAR EXEMPTION SHALL BE CHANGED TO A BASIC STAR EXEMPTION IF THE COMBINED INCOME OF THE OWNERS AND SPOUSES PRIMARILY RESIDING ON THE PROPERTY INCREASES ABOVE THE LIMIT SET BY SUBDIVISION FOUR OF THIS SECTION, SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH, PROVIDED THAT IF THEIR COMBINED INCOME FALLS BELOW THE LIMIT SET BY SUBDIVISION FOUR OF THIS SECTION IN THE FUTURE, THEIR ENHANCED STAR EXEMPTION MAY BE RESUMED UPON TIMELY APPLICATION.

(III) A STAR EXEMPTION SHALL BE DISCONTINUED IF THE COMBINED INCOME OF THE OWNERS AND SPOUSES PRIMARILY RESIDING ON THE PROPERTY INCREASES ABOVE THE LIMIT SET BY SUBDIVISION THREE OF THIS SECTION, PROVIDED THAT IF THEIR INCOME FALLS BELOW SUCH LIMIT IN THE FUTURE, THEIR STAR EXEMPTION MAY BE RESUMED UPON TIMELY APPLICATION.

(IV) A STAR EXEMPTION SHALL BE PERMANENTLY DISCONTINUED IF THE OWNERS FAIL TO SATISFY THE APPLICABLE RESIDENCY OR OWNERSHIP REQUIREMENT, OR BOTH.

(C) If the owners of a parcel that is receiving the STAR exemption authorized by this section want to claim the personal income tax credit authorized by subsection (eee) of section six hundred six of the tax law in lieu of such exemption, they all must renounce that exemption in the manner provided by section four hundred ninety-six of this chapter, and must pay any required taxes, interest and penalties, on or before December thirty-first of the taxable year for which they want to claim the credit. Any such renunciation shall be irrevocable.

(D) NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, WHERE A PROPERTY SERVED AS THE PRIMARY RESIDENCE OF A MARRIED COUPLE ON THE TAXABLE STATUS DATE OF THE ASSESSMENT ROLL THAT WAS USED TO LEVY SCHOOL DISTRICT TAXES FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, BUT ONLY ONE OF THE SPOUSES HELD TITLE TO THE PROPERTY ON THAT TAXABLE STATUS DATE, AND THAT SPOUSE HAS SINCE DIED AND HIS OR HER INTEREST IN THE PROPERTY HAS BEEN INHERITED BY HIS OR HER SURVIVING SPOUSE, THE SURVIVING SPOUSE SHALL BE ENTITLED TO APPLY FOR AND RECEIVE AN EXEMPTION UNDER THIS SECTION TO THE SAME EXTENT AS IF HE OR SHE HAD HELD TITLE TO THE PROPERTY ON THAT TAXABLE STATUS DATE.

[(c)] (E) The provisions of this subdivision shall apply to all applications for STAR exemptions beginning with assessment rolls used to levy school district taxes for the two thousand sixteen--two thousand seventeen school year, including those submitted prior to the effective date of this subdivision. If any application was approved prior to the effective date of this subdivision that is not approvable hereunder, such approval shall be deemed void, and the assessor shall provide the applicant with the notice required by paragraph (a) of this subdivision, PROVIDED THAT IF A STAR EXEMPTION IS GRANTED ON A TENTATIVE OR FINAL ASSESSMENT ROLL OR TAX ROLL ON THE BASIS OF AN APPLICATION THAT IS NOT APPROVABLE HEREUNDER, THE ASSESSOR, OR OTHER LOCAL OFFICIAL OR OFFICIALS HAVING CUSTODY AND CONTROL OF SUCH ROLL, IS HEREBY AUTHORIZED AND DIRECTED TO REMOVE SUCH EXEMPTION FROM SUCH ROLL WITHOUT REGARD TO THE PROVISIONS OF TITLE THREE OF ARTICLE FIVE OF THIS CHAPTER OR ANY COMPARABLE LAWS GOVERNING THE CORRECTION OF ADMINISTRATIVE ERRORS ON ASSESSMENT ROLLS AND TAX ROLLS, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY. If an application was submitted prior to the effective date of this subdivision but is not approvable hereunder, the applicant may apply for advance payment of the personal income tax credit authorized
by subsection (eee) of section six hundred six of the tax law for the
two thousand sixteen taxable year, if eligible, in the manner provided
by paragraph ten of such subsection, [notwithstanding the time limita-
tions contained in that paragraph] EVEN IF THE PROPERTY WAS ACQUIRED
PRIOR TO JANUARY FIRST OF THE TAXABLE YEAR.
S 6. Subdivision 3 of section 520 of the real property tax law, as
amended by section 4 of part A of chapter 60 of the laws of 2016, is
amended to read as follows:

3. For purposes of any fiscal year or years during which title to such
property is transferred, such property shall be deemed to have been
omitted and the assessed value thereof shall be entered on the assess-
ment roll to be used for the next tax levy by or for each municipal
corporation in which such property is located in the same manner as
provided by title three of article five of this chapter with respect to
a parcel omitted from the assessment roll of the previous year. A pro
rata tax shall be extended against the property for the unexpired
portion of each fiscal year. Such real property shall be taxed at the
tax rate or tax rates for the fiscal year during which the transfer
occurred. The amount of tax or taxes levied pursuant to this subdivision
shall be deducted from the aggregate amount of taxes to be levied for
the fiscal year immediately succeeding the fiscal year during which the
transfer occurred; provided, however, that where the property is
receiving a school tax relief (STAR) exemption authorized by section
four hundred twenty-five of this chapter, the portion of the tax or
taxes levied that equals the recovered STAR tax savings shall be applied
to reduce the amount of aid payable to the school district under subdi-
vision three of section thirteen hundred six-a of this chapter.

S 7. Subdivision 6 of section 1306-a of the real property tax law, as
added by section 5 of part A of chapter 60 of the laws of 2016, is
amended to read as follows:

6. When the commissioner determines, at least thirty days prior to the
levy of school district taxes, that an advance credit of the personal
income tax credit authorized by subsection (eee) of section six hundred
six of the tax law will be provided to the owners of a parcel in that
school district, he or she shall so notify the ASSESSOR, THE COUNTY
DIRECTOR OF REAL PROPERTY TAX SERVICES, AND THE authorities of the
school district, who shall cause a statement to be placed on the tax
bill for the parcel in substantially the following form: "A STAR
[reimbursement] check of $ will be mailed to you upon issuance by
the NYS Tax Department[.]." The commissioner shall [advice the school
district authorities] ADVISE SUCH OFFICIALS of the amount to be entered
therein. Notwithstanding any provision of law to the contrary, in the
event that the parcel in question had been granted a STAR exemption on
the assessment roll upon which school district taxes are to be levied,
such exemption shall be deemed null and void, SHALL BE REMOVED FROM THE
ASSESSMENT ROLL, and shall be disregarded when the parcel's tax liabil-
ity is determined. THE ASSESSOR OR OTHER LOCAL OFFICIAL OR OFFICIALS
HAVING CUSTODY AND CONTROL OF THE DATA FILE USED TO GENERATE SCHOOL
DISTRICT TAX ROLLS AND TAX BILLS SHALL BE AUTHORIZED AND DIRECTED TO
CHANGE SUCH FILE AS NECESSARY TO ENABLE THE SCHOOL DISTRICT AUTHORITIES
TO DISCHARGE THE DUTIES IMPOSED UPON THEM BY THIS SUBDIVISION.

S 8. Subsection (eee) of section 606 of the tax law, as added by
section 6 of part A of chapter 60 of the laws of 2016, is amended to
read as follows:

(eee) School tax relief (STAR) credit. (1) Definitions. For purposes
of this subsection:
(A) "Qualified taxpayer" means a resident individual of the state, who maintained his or her primary residence in this state on December thirty-first of the taxable year, AND who was an owner of that property on that date, [who cannot receive the STAR exemption on that property either because (i) he or she is precluded from filing an application for the STAR exemption on that property pursuant to paragraph (a) of subdivision sixteen of section four hundred twenty-five of the real property tax law, or because (ii) he or she has irrevocably renounced his or her claim to such exemption in conjunction with all other owners pursuant to paragraph (b) of such subdivision, and who is required or chooses to file a return under this article.] PROVIDED HOWEVER: (I) A taxpayer whose primary residence received a STAR exemption for the associated fiscal year [that commenced after the acquisition of such residence] shall not be considered a qualified taxpayer for purposes of this subsection. (II) AN INDIVIDUAL MAY BE CONSIDERED A QUALIFIED TAXPAYER WITH RESPECT TO NO MORE THAN ONE PRIMARY RESIDENCE DURING ANY GIVEN TAXABLE YEAR. (III) IF A RESIDENT INDIVIDUAL WAS AN OWNER OF THE PROPERTY DURING THE TAXABLE YEAR BUT DID NOT OWN IT ON DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR, HE OR SHE SHALL BE CONSIDERED A QUALIFIED TAXPAYER IF THE PROPERTY WAS HIS OR HER PRIMARY RESIDENCE DURING THE TAXABLE YEAR AND HE OR SHE PAID QUALIFYING TAXES ON THAT PROPERTY WHILE HE OR SHE WAS STILL AN OWNER OF THAT PROPERTY. (IV) IF A RESIDENT INDIVIDUAL HAS ACQUIRED OWNERSHIP OF PROPERTY DURING A TAXABLE YEAR, SUCH RESIDENT INDIVIDUAL SHALL NOT BE CONSIDERED A QUALIFIED TAXPAYER FOR THAT TAXABLE YEAR TO THE EXTENT THAT AN ADVANCE PAYMENT OF THE CREDIT FOR THAT TAXABLE YEAR HAS BEEN ISSUED TO THE PRIOR OWNER WITH RESPECT TO THE SAME PROPERTY, UNLESS SUCH RESIDENT INDIVIDUAL CAN DEMONSTRATE THAT HE OR SHE PAID QUALIFYING TAXES ON SUCH PROPERTY DURING THE TAXABLE YEAR, AND THAT THE PRIOR OWNER DID NOT. (B) "Affiliated income" shall mean FOR PURPOSES OF THE BASIC STAR CREDIT, the combined income of all of the owners of the parcel who resided primarily thereon as of December thirty-first of the taxable year, and of any owners' spouses residing primarily thereon as of such date, AND FOR PURPOSES OF THE ENHANCED STAR CREDIT, THE COMBINED INCOME OF ALL OF THE OWNERS OF THE PARCEL AS OF DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR, AND OF ANY OWNERS' SPOUSES RESIDING PRIMARILY THEREON AS OF SUCH DATE; provided that FOR BOTH PURPOSES the income to be so combined shall be the "adjusted gross income" for the taxable year as reported for federal income tax purposes, or that would be reported as adjusted gross income if a federal income tax return were required to be filed, reduced by distributions, to the extent included in federal adjusted gross income, received from an individual retirement account and an individual retirement annuity. PROVIDED FURTHER, THAT IF THE QUALIFIED TAXPAYER WAS AN OWNER OF THE PROPERTY DURING THE TAXABLE YEAR BUT DID NOT OWN IT ON DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR, THEN THE DETERMINATION AS TO WHETHER THE INCOME OF AN INDIVIDUAL SHOULD BE INCLUDED IN "AFFILIATED INCOME" SHALL BE BASED UPON THE OWNERSHIP AND/OR RESIDENCY STATUS OF THAT INDIVIDUAL AS OF THE FIRST DAY OF THE MONTH DURING WHICH THE QUALIFIED TAXPAYER CEASED TO BE AN OWNER OF THE PROPERTY, RATHER THAN AS OF DECEMBER THIRTY-FIRST OF THE TAXABLE YEAR. (C) "Associated fiscal year" means the school district fiscal year that began on July first of the taxable year or, in the case of a city school district that is subject to article fifty-two of the education law, the city fiscal year that began on July first of the taxable year. (D) "Owner" means:
(i) a person who owns a parcel in fee simple absolute or as a tenant in common, a joint tenant or a tenant by the entirety,
(ii) an owner of a present interest in a parcel under a life estate,
(iii) a vendee in possession under an installment contract of sale,
(iv) a beneficial owner under a trust,
(v) a tenant-stockholder of a cooperative apartment corporation who resides in a portion of real property owned by such cooperative apartment corporation, to the extent represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation,
(vi) a resident of a farm dwelling that is owned either by a corporation of which the resident is a shareholder, a partnership of which the resident is a partner, or by a limited liability company of which the resident is an owner, or
(vii) a resident of a dwelling, other than a farm dwelling, that is owned by a limited partnership of which the resident is a partner, provided that the limited partnership that holds title to the property does not engage in any commercial activity, that the limited partnership was lawfully created to hold title solely for estate planning and asset protection purposes, and that the partner or partners who primarily reside thereon personally pay all of the real property taxes and other costs associated with the property's ownership.

(E) "Qualifying taxes" means the school district taxes that were levied upon the taxpayer's primary residence for the associated fiscal year that were actually paid by the taxpayer during the taxable year; or, in the case of a city school district that is subject to article fifty-two of the education law, the combined city and school district taxes that were levied upon the taxpayer's primary residence for the associated fiscal year that were actually paid by the taxpayer during the taxable year. In no case shall the term "qualifying taxes" be construed to include penalties or interest.

(F) "STAR exemption" means the school tax relief (STAR) exemption authorized by section four hundred twenty-five of the real property tax law.

(G) "STAR tax savings" means the tax savings attributable to the STAR exemption within a portion of a school district, as determined by the commissioner pursuant to subdivision two of section thirteen hundred six-a of the real property tax law.

(2) Allowance of credit. A qualified taxpayer shall be allowed a credit as provided in paragraph three or four of this subsection, whichever is applicable, against the taxes imposed by this article reduced by the credits permitted by this article, provided that the requirements set forth in the applicable subsection are satisfied. If the credit exceeds the tax as so reduced for such year under this article, the excess shall be treated as an overpayment, to be credited or refunded, without interest. If a qualified taxpayer is not required to file a return pursuant to section six hundred fifty-one of this article, a qualified taxpayer may nevertheless receive the full amount of the credit to be credited or repaid as an overpayment, without interest.

(3) Determination of basic STAR credit. (A) Beginning with taxable years after two thousand fifteen, a basic STAR credit shall be available to a qualified taxpayer if the affiliated income of the parcel that serves as the taxpayer's primary residence is less than or equal to five hundred thousand dollars.
(B) Subject to the provisions of subparagraph (C) of this paragraph, such basic STAR credit shall be the lesser of:

(i) the basic STAR tax savings [applicable to the] FOR THE SCHOOL DISTRICT PORTION IN WHICH THE taxpayer's primary residence IS LOCATED, or

(ii) the taxpayer's qualifying taxes.

(C) If the qualifying taxes paid by the taxpayer constituted only a portion of the total school district taxes that were levied upon the taxpayer's primary residence for the associated fiscal year or, in the case of a city school district that is subject to article fifty-two of the education law, if the qualifying taxes paid by the taxpayer constituted only a portion of the total combined city and school district taxes that were levied upon the taxpayer's primary residence for the associated fiscal year, the credit allowable to such taxpayer shall be equal to the amount determined pursuant to subparagraph (B) of this paragraph multiplied by the percentage that such portion represents.

(4) Determination of enhanced STAR credit. (A) Beginning with taxable years after two thousand fifteen, an enhanced STAR credit shall be available to a qualified taxpayer where both of the following conditions are satisfied:

(i) All of the owners of the parcel that serves as the taxpayer's primary residence are at least sixty-five years of age as of December thirty-first of the taxable year or, in the case of property owned by a married couple or by siblings, at least one of the owners is at least sixty-five years of age as of that date. The terms "siblings" as used herein shall have the same meaning as set forth in section four hundred sixty-seven of the real property tax law. In the case of property owned by a married couple, one of whom is sixty-five years of age or over, the credit, once allowed, shall not be disallowed because of the death of the older spouse so long as the surviving spouse is at least sixty-two years of age as of December thirty-first of the taxable year.

(ii) The affiliated income of the parcel that serves as the taxpayer's primary residence is less than or equal to the income standard for the taxable year established by the commissioner for the corresponding "income tax year" pursuant to clause (C) of subparagraph (i) of paragraph (b) of subdivision four of section four hundred twenty-five of the real property tax law for purposes of the enhanced STAR exemption.

(B) Subject to the provisions of subparagraph (C) of this paragraph, such credit shall be the lesser of:

(i) the enhanced STAR tax savings for the school district portion IN WHICH THE TAXPAYER'S PRIMARY RESIDENCE IS LOCATED, or

(ii) the taxpayer's qualifying taxes.

(C) If the qualifying taxes paid by the taxpayer constituted only a portion of the total school district taxes that were levied upon the taxpayer's primary residence for the associated fiscal year or, in the case of a city school district that is subject to article fifty-two of the education law, if the qualifying taxes paid by the taxpayer constituted only a portion of the total combined city and school district taxes that were levied upon the taxpayer's primary residence for the associated fiscal year, the credit allowable to such taxpayer shall be equal to the amount determined pursuant to subparagraph (B) of this paragraph multiplied by the percentage that such portion represents.

(5) Disqualification. A taxpayer shall not qualify for the credit authorized by this subsection if the parcel that serves as the taxpayer's primary residence received the STAR exemption on the assessment roll upon which school district taxes for the associated fiscal year
where levied. Provided, however, that the taxpayer may remove this
disqualification by renouncing the exemption and making any required
payments by December thirty-first of the taxable year, as provided by
subdivision sixteen of section four hundred twenty-five of the real
property tax law.

(6) Special cases. (A) In the case of property consisting of a cooper-
avative apartment corporation that is described by paragraph (k) of subdi-
vision two of section four hundred twenty-five of the real property tax
law, the amount of the credit allowable with respect to a cooperative
apartment shall be equal to [sixty percent of] the basic STAR tax
savings for the school district portion, or [sixty percent of] the
enhanced STAR tax savings for the school district portion, whichever is
applicable. Provided, however, that in the case of a cooperative apart-
ment corporation that is described by subparagraph (iv) of paragraph (k)
of subdivision two of section four hundred twenty-five of the real prop-
erty tax law, the credit allowable with respect to a cooperative apart-
ment shall be equal to [twenty percent] ONE-THIRD of such amount.

(B) In the case of property consisting of a mobile home that is
described in paragraph (1) of subdivision two of section four hundred
twenty-five of the real property tax law, the amount of the credit
allowable with respect to such mobile home shall be equal to [twenty-
five percent of] the basic STAR tax savings for the school district
portion, or [twenty-five percent of] the enhanced STAR tax savings for
the school district portion, whichever is applicable, THAT WOULD BE
APPLIED TO A SEPARATELY ASSESSED PARCEL IN THE SCHOOL DISTRICT PORTION
WITH A TAXABLE ASSESSED VALUE EQUAL TO TWENTY THOUSAND DOLLARS MULTI-
PLIED BY THE LATEST STATE EQUALIZATION RATE OR SPECIAL EQUALIZATION RATE
FOR THE ASSESSING UNIT IN WHICH THE MOBILE HOME IS LOCATED. PROVIDED,
HOWEVER, THAT IF THE COMMISSIONER IS IN POSSESSION OF INFORMATION,
INCLUDING BUT NOT LIMITED TO ASSESSMENT RECORDS, THAT DEMONSTRATES TO
THE COMMISSIONER'S SATISFACTION THAT THE TAXPAYER'S MOBILE HOME IS WORTH
MORE THAN TWENTY THOUSAND DOLLARS, OR IF THE TAXPAYER PROVIDES THE
COMMISSIONER WITH SUCH INFORMATION, THE TAXPAYER'S CREDIT SHALL BE
INCREASED ACCORDINGLY, BUT IN NO CASE SHALL THE CREDIT EXCEED THE BASIC
STAR TAX SAVINGS OR ENHANCED STAR TAX SAVINGS, WHICHEVER IS APPLICABLE,
FOR THE SCHOOL DISTRICT PORTION.

(C) In the case of a primary residence that is located in two or more
school districts, the applicable basic or enhanced STAR tax savings for
the school district portion shall be determined as follows:
(i) determine the sum of the total school district taxes that were
levied upon the taxpayer's primary residence for the associated fiscal
year by each of the school districts in which the residence is located;
(ii) for each such school district, divide the total school district
taxes that were levied upon the taxpayer's primary residence by that
school district for the associated fiscal year by the sum determined in
clause (i) of this subparagraph. Express the result as a percentage with
two decimal places;
(iii) for each such school district, multiply the percentage deter-
mined in clause (ii) of this subparagraph by the basic or enhanced STAR
tax savings for the school district portion, whichever is applicable;
and
(iv) add the products determined in clause (iii) of this subparagraph.

(7) Disclosure of incomes. Where the commissioner has denied a taxpay-
er's claim for the credit authorized by this subsection in whole or in
part on the grounds that the affiliated income of the parcel in question
exceeds the applicable limit, the commissioner shall have the authority
to reveal to that taxpayer the names and incomes of the other taxpayers whose incomes were included in the computation of such affiliated income.

(8) Proof of claim. The commissioner may require a qualified taxpayer to furnish the following information in support of his or her claim for credit under this subsection: affiliated income, the total school district taxes levied on the property for the associated fiscal year or, in the case of a city school district that is subject to article fifty-two of the education law, the total combined city and school district taxes levied on the property for the associated fiscal year, the qualifying taxes paid by the taxpayer, the names and taxpayer identification numbers of all owners of the property and spouses who primarily reside on the property, the parcel identification number and all other information that may be required by the commissioner to determine the credit.

(9) Returns. [If a qualified taxpayer is not required to file a return pursuant to section six hundred fifty-one of this article, a claim for a credit may be taken on a return filed with the commissioner within three years from the time it would have been required that a return be filed pursuant to such section had the qualified taxpayer had a taxable year ending on December thirty-first. Returns under this paragraph shall be in such form as shall be prescribed by the commissioner, who shall make available such forms and instructions for filing such returns] WHETHER OR NOT THE TAXPAYER IS REQUIRED TO FILE A RETURN PURSUANT TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE, THE PROCESS FOR REQUESTING ADVANCE PAYMENT OF SUCH CREDIT SHALL BE AS PROVIDED BY PARAGRAPH TEN OF THIS SUBSECTION.

(10) Advance payments. (A) The commissioner shall establish a mechanism by which a qualified taxpayer [who has acquired a new primary residence between January first and July first of the taxable year, inclusive,] may apply for an advance payment of the credit authorized by this section, provided that:

(i) [Any] IF THE TAXPAYER ACQUIRED A NEW PRIMARY RESIDENCE BETWEEN JANUARY FIRST AND JULY FIRST OF THE TAXABLE YEAR, INCLUSIVE, ANY such application must be submitted to the commissioner by the first day of July of the taxable year, or such later date as may be prescribed by the commissioner IN ORDER FOR THE TAXPAYER'S PAYMENT TO BE SUBJECT TO THE PROCESSING SCHEDULE PROVIDED BY SUBPARAGRAPH (B) OF THIS PARAGRAPH, and

(ii) A qualified taxpayer who fails to apply for an advance payment of such credit [in a timely manner] BY SUCH DATE may [request] APPLY FOR and receive such credit in the manner [otherwise provided by this section] PRESCRIBED BY THE COMMISSIONER, PROVIDED THAT SUCH APPLICATION SHALL BE MADE WITHIN THREE YEARS FROM THE TIME THAT A RETURN FOR THE TAXABLE YEAR WOULD HAVE HAD TO BE FILED PURSUANT TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE. IF APPROVED, SUCH PAYMENT SHALL BE ISSUED AS SOON AS IS PRACTICABLE AFTER THE SUBMISSION OF THE APPLICATION BUT SHALL NOT BE SUBJECT TO THE PROCESSING SCHEDULE PRESCRIBED BY SUBPARAGRAPH (B) OF THIS PARAGRAPH, AND

(III) A QUALIFIED TAXPAYER WHO HAS APPLIED FOR AN ADVANCE PAYMENT OF SUCH CREDIT IN A TAXABLE YEAR MAY CONTINUE TO RECEIVE SUCH ADVANCE PAYMENTS IN FUTURE TAXABLE YEARS WITHOUT REAPPLYING AS LONG AS HE OR SHE REMAINS ELIGIBLE THEREFOR.

(B) On or before September fifteenth of each year, or as soon thereafter as practicable, the commissioner shall determine the eligibility of taxpayers for this credit utilizing the information available to him or her AS OBTAINED FROM THE APPLICATIONS SUBMITTED ON OR BEFORE JULY FIRST OF THAT YEAR, OR SUCH LATER DATE AS MAY HAVE BEEN PRESCRIBED BY
THE COMMISSIONER FOR THAT PURPOSE, AND FROM SUCH OTHER SOURCES AS THE
COMMISSIONER DEEMS RELIABLE AND APPROPRIATE. For those taxpayers whom
the commissioner has determined eligible for this credit, the commis-
sioner shall advance a payment in the amount specified in paragraph
three, four or six of this subsection, whichever is applicable. Such
payment shall be issued by September thirtieth of the year the credit is
allowed, or as soon thereafter as is practicable. NOTHING CONTAINED
HEREIN SHALL BE DEEMED TO PRECLUDE THE COMMISSIONER FROM ISSUING
PAYMENTS AFTER SEPTEMBER THIRTIETH TO QUALIFIED TAXPAYERS WHOSE APPLICA-
TIONS WERE MADE AFTER JULY FIRST OF THAT YEAR, OR SUCH LATER DATE AS MAY
HAVE BEEN PRESCRIBED BY THE COMMISSIONER FOR SUCH PURPOSE.

(C) A taxpayer who has failed to receive an advance payment that he or
she believes was due to him or her, or who has received an advance
payment that he or she believes is less than the amount that was due to
him or her, may request payment of the claimed deficiency in a manner
prescribed by the commissioner.

[(C)] (D) An advance payment of credit provided pursuant to this
subsection that exceeds the taxpayer's qualifying taxes for that taxable
year shall be added back as tax on the income tax return for that taxa-
ble year.

[(D)] (E) If the commissioner determines after issuing an advance
payment that it was issued in an excessive amount or to an ineligible or
incorrect party, the commissioner shall be empowered to utilize any of
the procedures for collection, levy and lien of personal income tax set
forth in this article, any other relevant procedures referenced within
the provisions of this article, and any other law as may be applicable,
to recoup the improperly issued amount.

(11) Administration. The provisions of this article, including the
provisions of sections six hundred fifty-three, six hundred fifty-eight,
and six hundred fifty-nine of this article and the provisions of part
six of this article relating to procedure and administration, including
the judicial review of the decisions of the commissioner, except so much
of section six hundred eighty-seven of this article that permits a claim
for credit or refund to be filed after the period provided for in para-
graph nine of this subsection and except sections six hundred fifty-sev-
en, six hundred eighty-eight and six hundred ninety-six of this article,
shall apply to the provisions of this subsection in the same manner and
with the same force and effect as if the language of those provisions
had been incorporated in full into this subsection and had expressly
referred to the credit allowed or returns filed under this subsection,
except to the extent that any such provision is either inconsistent with
a provision of this subsection or is not relevant to this subsection. As
used in such sections and such part, the term "taxpayer" shall include a
qualified taxpayer under this subsection and, notwithstanding the
provisions of subsection (e) of section six hundred ninety-seven of this
article, where a qualified taxpayer has protested the denial of a claim
for credit under this subsection and the time to file a petition for
redetermination of a deficiency or for refund has not expired, he or she
shall, subject to such conditions as may be set by the commissioner,
receive such information (A) that is contained in any return filed under
this article by a member of his or her household for the taxable year
for which the credit is claimed, and (B) that the commissioner finds is
relevant and material to the issue of whether such claim was properly
denied.

(12) [In the case of a taxpayer who has itemized deductions from
federal adjusted gross income, and whose federal itemized deductions
include an amount for real estate taxes paid, the New York itemized
deduction otherwise allowable under section six hundred fifteen of this
chapter shall be reduced by the amount of the credit claimed under this
subsection.] WHEN THE CALCULATION OF ANY OTHER PERSONAL INCOME TAX CRED-
it is based in whole or in part upon the real property taxes paid by the
taxpayer, the amount of real property taxes so paid shall be reduced by
the credit authorized by this subsection, if applicable, in the course
of performing such calculation. When the calculation of any other
personal income tax credit is based in whole or in part upon an individ-
ual's state tax liability, the credit authorized by this subsection
shall not be taken into account in the calculation of such state tax
liability. When the calculation of a city tax surcharge is based in
whole or in part upon the net state tax of an individual, the credit
authorized by this subsection shall not be taken into account in the
calculation of such net state tax.

Section 9. This act shall take effect immediately; provided, however, that
sections one and two of this act shall be deemed to have been in full
force and effect on the same date and in the same manner as parts E and
F of chapter 60 of the laws of 2016, respectively; and provided,
further, that sections five, six, seven and eight of this act shall be
deemed to have been in full force and effect on the same date and in the
same manner as part A of chapter 60 of the laws of 2016, took effect.

PART B

Section 1. Paragraph 2 of subsection (g) of section 42 of the tax law,
as added by section 1 of part RR of chapter 60 of the laws of 2016, is
amended to read as follows:

(2) Article 22: Section 606, subsection [(eee)] (FFF).

Section 2. Clause (xli) of subparagraph (B) of paragraph 1 of subsection (i)
of section 606 of the tax law, as added by section 3 of part RR of chap-
ter 60 of the laws of 2016, is amended to read as follows:

(xli) Farm workforce retention Amount of credit under
credit under subsection [(eee)] subdivision fifty-one of
(FFF) section two hundred ten-B

Section 3. Subsection (eee) of section 606 of the tax law, as added by
section 4 of part RR of chapter 60 of the laws of 2016, is relettered
subsection (fff).

Section 4. This act shall take effect immediately and shall be deemed to be
in effect on the same date and with the same effect as part RR of chap-
ter 60 of the laws of 2016, took effect.

PART C

Section 1. Paragraph d of subdivision 1 of section 207 of the racing,
pari-mutuel wagering and breeding law, as amended by section 1 of part
PP of chapter 59 of the laws of 2015, is amended to read as follows:

d. The board, which shall become effective upon appointment of a
majority of public members, shall terminate [four] FIVE years from its
date of creation. [The board shall propose, no less than one hundred
eighty days prior to its termination, recommendations to the governor
and the state legislature representing a statutory plan for the prospec-
tive not-for-profit governing structure of The New York Racing Associ-
ation, Inc.]

Section 2. This act shall take effect immediately.
Section 1. Section 1 of chapter 53 of the laws of 2016 enacting the Aid to Localities Budget, is amended by repealing the items hereinbelow set forth in brackets and by adding to such section the other items underscored in this section.

EDUCATION DEPARTMENT
AID TO LOCALITIES - REAPPROPRIATIONS 2016-17

OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION PROGRAM

General Fund
Local Assistance Account - 10000

FOR NONPUBLIC SCHOOL AID PAYABLE IN THE 2014-15 STATE FISCAL YEAR. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE AMOUNT APPROPRIATED HEREIN REPRESENTS THE MAXIMUM AMOUNT PAYABLE DURING THE 2014-15 STATE FISCAL YEAR ............... 97,589,000 ......................... (RE. $7,000)

FOR AID PAYABLE FOR THE 2012-13 SCHOOL YEAR FOR ADDITIONAL NONPUBLIC SCHOOL AID. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, FUNDS APPROPRIATED HEREIN SHALL BE AVAILABLE FOR PAYMENT OF AID HERETOFORE ACCRUED AND HEREAFTER TO ACCRUE ... 45,204,000 .... (RE. $3,672,000)

FOR ACADEMIC INTERVENTION FOR NONPUBLIC SCHOOLS BASED ON A PLAN TO BE DEVELOPED BY THE COMMISSIONER OF EDUCATION AND APPROVED BY THE DIRECTOR OF THE BUDGET ... 922,000 ....................... (RE. $922,000)

FOR SERVICES AND EXPENSES OF SAFETY EQUIPMENT FOR NONPUBLIC SCHOOLS ... 4,500,000 ......................... (RE. $4,500,000)

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

PART E

Section 1. Subparagraph (iv) of paragraph (a) of subdivision 3 of section 3614-c of the public health law, as amended by chapter 56 of the laws of 2016, is amended to read as follows:

(iv) for all periods on or after April first, two thousand sixteen, the cash portion of the minimum rate of home care aide total compensation shall be ten dollars or the minimum wage as laid out in paragraph [(c)] (A) of subdivision one of section six hundred fifty-two of the labor law, whichever is higher. The benefit portion of the minimum rate of home care aide total compensation shall be four dollars and nine cents.

S 2. Subparagraph (iv) of paragraph (b) of subdivision 3 of section 3614-c of the public health law, as amended by chapter 56 of the laws of 2016, is amended to read as follows:

(iv) for all periods on or after March first, two thousand sixteen, the cash portion of the minimum rate of home care aide total compensation shall be ten dollars or the minimum wage as laid out in paragraph [(c)] (B) of subdivision one of section six hundred fifty-two of the labor law, whichever is higher. The benefit portion of the minimum rate of home care aide total compensation shall be three dollars and twenty-two cents.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on the same date and same manner as chapter 56 of the laws of 2016 took effect.
PART F

Section 1. Section 11 of chapter 710 of the laws of 1988, amending the social services law and the education law relating to medical assistance eligibility of certain persons and providing for managed medical care demonstration programs, as amended by section 25 of part D of chapter 59 of the laws of 2011, is amended to read as follows:

S 11. This act shall take effect immediately; except that the provisions of sections one, two, three, four, eight and ten of this act shall take effect on the ninetieth day after it shall have become a law; and except that the provisions of sections five, six and seven of this act shall take effect January 1, 1989; and except that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; provided, however, that the provisions of section 364-j of the social services law, as added by section one of this act shall expire and be deemed repealed on and after March 31, (2016) 2019, the provisions of section 364-k of the social services law, as added by section two of this act, except subdivision 10 of such section, shall expire and be deemed repealed on and after January 1, 1994, and the provisions of subdivision 10 of section 364-k of the social services law, as added by section two of this act, shall expire and be deemed repealed on January 1, 1995.

S 2. Notwithstanding the provisions of article 5 of the general construction law, the provisions of section 364-j of the social services law are hereby revived and shall continue in full force and effect as they existed on March 30, 2016.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 30, 2016.

PART G

Section 1. 1. For the purposes of this act, "responsible entity" and "project" shall mean the New York Convention Center Operating Corporation with respect to the Jacob K. Javits Convention Center project. "Authorized entity" shall mean the New York Convention Center Development Corporation with respect to the Jacob K. Javits Convention Center.

2. In connection with the design, erection, construction, enlargement, alteration, improvement, relocation, removal, or demolition of any building or structure constituting all or any part of a project, the authorized entity may request that, for purposes of such project, the dormitory authority act as the construction-permitting agency pursuant to article 18 of the executive law and the regulations promulgated thereunder, as now existing or hereafter amended. Notwithstanding any other provision of any other state or local law, rule or regulation to the contrary:

(a) when the dormitory authority acts as the construction-permitting agency for a project or any portion thereof, at the request of the authorized entity, the dormitory authority may elect, if deemed feasible and appropriate, to subject all or any part of such project and all buildings and structures constituting all or any part of the project to the requirements of the New York City Construction Codes of 2014, including but not limited to the Building, Mechanical, Plumbing, Fuel Gas, and Energy Conservation Codes; the New York City Construction and Maintenance Code of 1968; the New York City Fire Code of 2014; the New
York City Electrical Code; the New York City Energy Code; Titles 1
(Department of Buildings), 2 (Board of Standards and Appeals) and 3
(Fire Department) (collectively, the "New York City Codes"), as now
existing or hereafter amended, instead of the requirements of the New
York state uniform fire prevention and building code (the Uniform Code)
and the New York state energy conservation construction code (the NYS
Energy Code), as now existing or hereafter amended, for such project; and

(b) in the event the dormitory authority makes the election authorized
pursuant to this subdivision to apply New York City Codes with respect
to all or any portion of a particular project, then notwithstanding the
fact that such project and all buildings and structures constituting all
or any part of such project shall be subject to the requirements of the
New York City Codes instead of the requirements of the Uniform Code and
NYS Energy Code:

(i) the dormitory authority shall be authorized to:
(A) render such services for all or any portion of any such project
without approval of any other state department, agency, officer or
office but only as directly related to the authority granted by this
act; and
(B) take all reasonably required actions to execute its duties as the
construction-permitting agency, including without limitation, those
required to review, permit and inspect the project and enforce the New
York City Codes; and
(C) issue a code compliance certificate, certificate of occupancy, or
a temporary approval for occupancy allowing use and occupancy of the
project or parts thereof after determining such project or parts thereof
complies with the requirements of the New York City Codes; and
(D) employ such experts and consultants as shall reasonably be
required to fulfill its responsibilities as the construction-permitting
agency; and
(ii) the dormitory authority shall continue to act as the construc-
tion-permitting agency for such project and for all buildings and struc-
tures constituting all or any part of such project, and shall determine
that the design of any such building and structure (or, if applicable,
the design of any phase or portion of any such building or structure)
complies with the requirements of the New York City Codes before issuing
a construction permit for such building or structure (or phase or
portion thereof) and shall determine that such building or structure
(or, if applicable, any phase or portion thereof) complies with the
requirements of the New York City Codes before issuing a code compliance
certificate or temporary approval for occupancy for such building or
structure (or phase or portion thereof); and
(iii) upon written request of the authorized entity or any other
interested party for a variance or modification of any provision or
requirement of any one or more of the New York City Codes, the depart-
ment of state shall be authorized to consider the evidence offered and
such other reports, studies and other information the department of
state may deem appropriate, arrange for the review of the request by
other state agencies or internal or external experts and consultants,
make findings of fact and conclusions of law, and render a decision in
writing on such request, granting or denying, in whole or in part, the
requested variance or modification, provided, however, that:
(A) no such variance or modification shall be granted unless the
applicant establishes to the satisfaction of the department of state
that granting such variance or modification shall not materially affect adversely provisions for health, safety and security; and
(B) any decision to grant a variance or modification, in whole or in part, shall also be noted on the applicable plans and specifications signed and sealed by a professional engineer or architect; and
(iv) such project and all buildings and structures constituting all or any part of such project shall continue to be subject to the provisions of part 1204 of title 19 of the New York Codes, Rules and Regulations, as now existing and as hereafter amended (hereinafter referred to as "Part 1204"); provided, however, that for the purposes of applying part 1204, all references in part 1204 to the Uniform Code shall be deemed to be references to the New York City Codes; and
(v) no municipal corporation or subdivision thereof shall have the power to modify or change the plans or specifications for such project, or the construction, plumbing, heating, lighting or other mechanical branch work necessary to complete the work in question, nor to require that any person, firm or corporation employed on any such work shall perform any such work in any other different manner than that required by such plans and specifications, nor to conduct construction-related inspections, including but not limited to fire safety inspections or other inspections of such project or of any building or structure constituting all or any part of such project, nor to issue notices of violation, orders to remedy, summonses, or other enforcement-related instruments of any kind relating to any alleged violation of the New York City Codes by such project or any building or structure constituting all or any part of such project, and no condition or requirement whatever may be imposed by any such municipal corporation or subdivision thereof in relation to work being done on such project, as such work shall be under the sole control of the authorized entity in accordance with the plans, specification and contracts in relation thereto, provided that emergency personnel shall have access to the project site for purposes of emergency operations, coordination, and preparedness; and
(c) the authorized entity shall be responsible for reimbursement to the dormitory authority for the costs incurred as the construction-permitting agency for a project and reimbursement to the department of state for costs incurred in considering a request for a variance or modification as contemplated by subparagraph (iii) of paragraph (b) of this subdivision for a project, and such costs shall be a cost of the project.
3. Nothing in this act shall prohibit the responsible entity for a project from negotiating an agreement with the applicable municipal corporation whereby, upon completion of the project, the municipal corporation or subdivision thereof assumes administration and enforcement of any applicable codes with respect to a project.
4. Nothing in this section shall prohibit the authorized entity or responsible entity, as the case may be, from utilizing the Uniform Code and the NYS Energy Code, as now existing or hereafter amended for any additional work that requires a construction permit.
S 2. This act shall take effect immediately.

PART H

Intentionally omitted.

PART I
Section 1. Section 1678-a of the public authorities law, as added by section 1 of part RR of chapter 54 of the laws of 2016, is amended to read as follows:

S 1678-a. New York state design and construction corporation act. 1. Purposes of act. The purposes of the New York state design and construction corporation act are to establish the New York state design and construction corporation to provide (a) additional project management expertise, monitoring and oversight on INDIVIDUAL public works projects each having a total or aggregate construction value in excess of fifty million dollars undertaken by state agencies, state departments subject to the provisions of this section, and state authorities including one created by chapter one hundred fifty-four of the laws of nineteen hundred twenty-one and one created by chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three herein after referred to as "state entity"; and (b) a means to implement and recommend improvements and other project changes on such proposed INDIVIDUAL public works projects in excess of fifty million dollars in total or aggregate value, in a more timely fashion, to ensure that such projects can be accomplished, to the extent practicable, on time, within budget and at an acceptable overall quality and cost to the state of New York.

2. New York state design and construction corporation. (a) There is hereby established the New York state design and construction corporation as a subsidiary corporation of the dormitory authority.

(b) The dormitory authority may provide or lease to such subsidiary corporation any real, personal or mixed property as shall be required in order to carry out the purposes of this act. The authority may assign any such employees to work for the corporation as shall be required in order to carry out the purposes of this section and all such employees shall retain their respective civil service classifications, seniority, status, and rights pursuant to their collective bargaining units and/or collective bargaining agreements, as applicable. ANY EMPLOYEE ASSIGNED PURSUANT TO THIS SECTION SHALL REMAIN IN HIS OR HER COLLECTIVE BARGAINING UNIT, AND NO EMPLOYEE SHALL RECEIVE A REDUCTION IN SALARY OR BENEFITS DUE TO SUCH ASSIGNMENT. Notwithstanding any provision of law to the contrary, the term "employee" as set forth in this section shall mean a dormitory authority employee assigned, in whole, or in part, to work for the corporation.

(c) Such corporation shall be a body corporate and politic constituting a public benefit corporation, and shall have all of the privileges, immunities, tax exemptions and other exemptions of the dormitory authority to the extent the same are not inconsistent with this section.

(d) The board of the corporation shall consist of three members as designated by the governor, and the governor shall designate the chair from among the members of the corporation's board. The members of the corporation's board shall serve until such time as his or her successor is appointed by the governor.

(e) A quorum shall consist of a majority of the members of the board. A quorum shall be required for the board to conduct business, and approval of any matter properly before the board shall require the affirmative vote of the majority of the board. Meetings of the corporation shall be called by the chair, or by a majority of the members appointed. Meetings shall be held at least bi-annually.

(f) Nothing in this subdivision shall be construed to impose any liabilities, obligations or responsibilities of such corporation upon the dormitory authority, and the authority shall have no liability or
responsibility therefor unless the authority expressly agrees by resolution of the authority board to assume the same.

(g) The provisions of section sixteen hundred ninety-one of this title shall in all respects apply to members of the corporation and any officer, employee or agent of the dormitory authority [transferred or] assigned to the corporation, while acting within the scope of his, her or its authority.

(h) All of the provisions of sections seventeen and nineteen of the public officers law shall apply to the members, directors, officers and employees of the corporation.

(i) The corporation created pursuant to this section shall be subject to any other provisions of this chapter pertaining to subsidiaries of public authorities to the extent that such provisions are not inconsistent with the provisions of this section.

3. Corporation review and oversight of certain public works contracts. For INDIVIDUAL public works projects having a total or aggregate construction value in excess of fifty million dollars, hereinafter referred to as "covered projects", and for any and all contracts relating to such covered projects which are advertised for bid or proposal or otherwise procured and/or entered into on or after January first, two thousand sixteen:

(a) Any state entity proposing a covered project shall provide written notice to the corporation of such proposal, to include without limitation, the estimated value of the covered project and a summary of the scope and duration of such covered project. Projects shall not be divided or segmented for the purposes of avoiding compliance with the provisions of this act. For purposes of this section, "covered project" shall not include capital projects of the office of state comptroller, office of the attorney general or education department of the state of New York.

(b) The corporation shall have the authority to, and may, in its sole discretion, review, monitor, and oversee, in whole or in part, such covered project, and make recommendations regarding necessary corrective or other action to any state entity in connection with such covered project provided that the corporation, in its sole discretion, deems such covered project to be at risk of being delayed, not being completed within budget, or not completed at an acceptable level of quality.

(c) For the purposes of this section, the term "project" shall mean any work associated with the planning, acquisition, design, engineering, environmental analysis, construction, reconstruction, restoration, rehabilitation, establishment, improvement, renovation, extension, repair, revitalization, management and development of a capital asset as defined in section two of the state finance law.

(d) The state entity undertaking such covered project shall cooperate in good faith with the corporation, and provide reasonable access to all personnel, books, records, plans, specifications, data and other information as may be necessary for the corporation to perform its duties. The corporation shall limit its request for access to such information that is reasonably necessary, as determined by the corporation to perform its duties.

(e) In the event the corporation determines that corrective or other action is necessary for such covered project, then the corporation shall provide the state entity with written notice of what corrective or other actions the corporation recommends as necessary to accomplish the project, to the extent practicable, on time, within budget and at an
acceptable overall cost to the state of New York. Such corrective or
other action may include, but not be limited to:
(i) Modification of such plans, schedules, specifications, designs and
estimates of costs for the construction of the project and equipment of
facilities;
(ii) Detailed analysis of the project schedule so as to cure delays
that may have occurred or prevent future delay;
(iii) Detailed analysis of project budget;
(iv) Detailed analysis of change orders and/or payments to prime
contractors, subcontractors and other parties;
(v) Detailed analysis of records of construction observations,
inspections and deficiencies;
(vi) Exercise of applicable rights and/or remedies with respect to
contracts, contractors, subcontractors or other consultants;
(vii) Procurement of independent auditors, project managers, legal
counsel, or other professionals for the benefit of the project;
(viii) Regular reporting of project status and milestones to the
corporation;
(ix) Active project management review and oversight utilizing addi-
tional resources provided by the corporation; and
(x) Periodic project review and audit by the corporation on a suitable
time interval determined by the corporation.
The state entity undertaking the project shall have a period of thirty
days, or shorter if the corporation determines that a shorter period is
required by the circumstances or longer if the corporation consents,
from receipt of written notice of recommended corrective action from the
corporation, to notify the corporation in writing of its acceptance or
rejection of the corrective or other action. In the event that the state
entity rejects any corrective or other action, in whole or in part, it
shall provide simultaneous written notice to the corporation accompanied
by a reasoned explanation in support of its rejection. Such rejection
shall be reported to the secretary to the governor and the director of
the division of budget within fifteen days of its receipt by the corpo-
ration.
(f) Any state entity proposing a covered project shall include a
summary of the provisions of this section in all such proposal and/or
bid documents for such projects.
4. General powers and duties of the corporation. (a) The corporation
shall have the power to:
(i) Sue and be sued;
(ii) Have a seal and alter the same at pleasure;
(iii) Make and alter by-laws for its organization and internal manage-
ment and make rules and regulations governing same;
(iv) [Assign] such officers and employees from the officers
and employees of the authority, as it may require for the performance of
its duties and, for those officers and employees who are not represented
by a recognized employee organization, fix and determine their quali-
fications, duties, and compensation[, and retain];
(v) Retain or employ counsel, auditors, private financial consultants,
professional engineers or other technical consultants and other services
on a contract basis or otherwise, for the rendering of professional,
business or technical services and advice;
[(v)] (VI) Make and execute contracts and all other instruments neces-
sary or convenient for the exercise of its powers and functions under
this section;
[(vi)]  (VII) Engage the services of private consultants on a contract basis for rendering professional and technical assistance advice relating to covered projects;
[(vii)]  (VIII) Procure insurance against any loss in connection with its activities, properties and other assets, in such amount and from such insurance as it deems desirable; and
[(viii)]  (IX) Invest any funds of the corporation, or any other monies under its custody and control not required for immediate use or disbursement, at the discretion of the corporation, in obligations of the state or the United States government or obligations the principal and interest of which are obligations in which the comptroller of the state is authorized to invest pursuant to section ninety-eight of the state finance law.
(b) The corporation may do any and all things necessary [or convenient] to carry out and exercise the powers given and granted by this section.
(c) Notwithstanding any other provision of law, to the contrary, all state entities and their officers shall cooperate with the corporation in good faith and may implement the recommendations of the corporation.

S 2. This act shall take effect immediately, provided, however, that the amendments to section 1678-a of the public authorities law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART J

Section 1. Section 3 of chapter 549 of the laws of 1994, amending the public authorities law relating to the membership composition of the metropolitan transportation authority board, as amended by chapter 576 of the laws of 2011, is amended to read as follows:
S 3. This act shall take effect January 1, 1995 and shall expire and be deemed repealed on June 30, [2016] 2020 and upon such date the provisions of law amended by this act shall revert to and be read as if the provisions of this act had not been enacted.

PART K

Section 1. Section 1 of chapter 53 of the laws of 2016, enacting the Aid to Localities Budget, is amended by repealing the items hereinbelow set forth in brackets and by adding to such section the other items underscored in this section.

AID TO LOCALITIES  2016-17

OFFICE FOR THE AGING

COMMUNITY SERVICES PROGRAM .................. 248,848,000

General Fund
Local Assistance Account - 10000

For services and expenses of [Jewish Community Center of Hillcrest, Inc] HILLCREST
JEISH CENTER, INC. .............................. 100,000
S. 8159                            21

DEPARTMENT OF HEALTH

WADSWORTH CENTER FOR LABORATORIES AND RESEARCH PROGRAM .... 14,304,400

General Fund
Local Assistance Account - 10000

For services and expenses [for a statewide campaign to promote awareness of donating umbilical cord blood to a public cord blood bank. A portion or all of this appropriation may be transferred to state operations] OF UPSTATE UNIVERSITY HOSPITAL - UPSTATE CORD BLOOD BANK .............. 300,000

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2016.

PART L

Section 1. That part of section 1 of chapter 53 of the laws of 2016, enacting the Aid to Localities Budget, is amended by repealing the date hereinbelow set forth in brackets and by adding the date underscored below.

AID TO LOCALITIES 2016-17

EDUCATION DEPARTMENT

OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION PROGRAM .................... 30,363,782,000

General Fund
Local Assistance Account - 10000

Notwithstanding any inconsistent provision of law, no school district shall be eligible for an apportionment of general support for public schools from the funds appropriated for the 2016-17 school year in excess of the amount apportioned to such school district in the base year, as defined in subdivision 1 of section 3602 of the education law, unless such school district has submitted documentation that has been approved by the commissioner of education by [September 1] DECEMBER 31 of the current year demonstrating that it has fully implemented the standards and procedures for conducting annual teacher and principal evaluations of teachers and principals in accordance with the requirements of section 3012-d of the education law and the regulations issued by the
commissioner. Provided further that any
apportionment withheld pursuant to this
appropriation shall not occur prior to
April 1 of the current year and shall not
have any effect on the base year calcula-
tion for use in the subsequent school
year.

S 2. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2016.

PART M

Section 1. Section 1 of chapter 55 of the laws of 2016 enacting the
Capital Projects Budget, as amended by section 3 of chapter 53 of the
laws of 2016, is amended by adding to such section the items underscored
in this section.

CITY UNIVERSITY OF NEW YORK
(APPROPRIATED TO THE CITY UNIVERSITY CONSTRUCTION FUND)

SENIOR COLLEGES

CAPITAL PROJECTS 2016-17

GENERAL MAINTENANCE AND IMPROVEMENTS (CCP)

Capital Projects Funds - Other
Capital Projects Fund
Administration Purpose

FOR ADDITIONAL SERVICES AND EXPENSES RELATED
TO ALTERATIONS AND IMPROVEMENTS TO VARIOUS
FACILITIES FOR CAPITAL PROJECTS, INCLUDING
BUT NOT LIMITED TO CAPITAL DESIGN,
CONSTRUCTION, ACQUISITION, RECONSTRUCTION,
REHABILITATION, AND EQUIPMENT; FOR HEALTH
AND SAFETY, PRESERVATION OF FACILITIES,
PROGRAM IMPROVEMENT OR PROGRAM CHANGE,
ENVIRONMENTAL PROTECTION, ENERGY CONSERVA-
TION, ACCREDITATION, FACILITIES FOR THE
PHYSICALLY DISABLED, PREVENTATIVE MAINTEN-
ANCE AND RELATED PROJECTS, INCLUDING
COSTS INCURRED PRIOR TO APRIL 1, 2016 AND
SUBJECT TO A PLAN DEVELOPED AND SUBMITTED
BY THE CITY UNIVERSITY OF NEW YORK BOARD
OF TRUSTEES AND APPROVED BY THE DIRECTOR
OF THE BUDGET (30051650) .................... 20,000,000

STATE UNIVERSITY OF NEW YORK
(APPROPRIATED TO THE STATE UNIVERSITY CONSTRUCTION FUND)

CAPITAL PROJECTS 2016-17

GENERAL MAINTENANCE AND IMPROVEMENTS (CCP)

Capital Projects Funds - Other
Capital Projects Fund
Preservation of Facilities Purposes

FOR ADDITIONAL SERVICES AND EXPENSES RELATED TO ALTERATIONS AND IMPROVEMENTS TO VARIOUS FACILITIES FOR CAPITAL PROJECTS, INCLUDING BUT NOT LIMITED TO SERVICES AND EXPENSES, SERVICE AGREEMENTS OR SERVICE CONTRACTS AND MEMORANDA OF UNDERSTANDING; FOR CAPITAL DESIGN INCLUDING THE COST OF SERVICES PROVIDED BY PRIVATE FIRMS, INCLUDING PREPARATION OF DESIGNS, PLANS, SPECIFICATIONS AND ESTIMATES; FOR PROPERTY ACQUISITION, FACILITY CONSTRUCTION, RECONSTRUCTION, REHABILITATION, EQUIPMENT; FOR HEALTH AND SAFETY IMPROVEMENTS AND UPGRADES TO PRESERVE OR ENHANCE FACILITY FUNCTIONING; FOR PROGRAM IMPROVEMENTS OR PROGRAM CHANGE; TO SUPPORT IMPROVEMENTS IN TECHNOLOGY, RESEARCH, ENVIRONMENTAL PROTECTION, ENERGY AND RESOURCE CONSERVATION, AND ACCREDITATION; TO FINANCE COSTS ATTRIBUTABLE TO EXECUTIVE ORDER 88, ADA AND CODE COMPLIANCE NEEDS, CLAIMS, EMERGENCIES AND REMEDIATION OF ENVIRONMENTAL HAZARDS; TO ENSURE THE FUNCTIONALITY OF MAJOR BUILDING SYSTEMS SUCH AS FIRE ALARMS AND SPRINKLERS, ELECTRICAL, MECHANICAL, PLUMBING, HEATING/COOLING SYSTEMS AND SUPPORTING INFRASTRUCTURE, INCLUDING UNDERGROUND UTILITIES; AND TO PROVIDE FOR FACILITIES FOR THE DISABLED AND RELATED PROJECTS INCLUDING COSTS INCURRED PRIOR TO APRIL 1, 2016 SUBJECT TO A PLAN DEVELOPED BY THE STATE UNIVERSITY OF NEW YORK AND APPROVED BY THE DIRECTOR OF THE BUDGET (28F31603) .................................. 30,000,000

<table>
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CAMPUS-WIDE PROJECTS ........................................ 2,550
EMPIRE STATE
CAMPUS-WIDE PROJECTS .......................................... 300
ENVIRONMENTAL SCIENCE AND FORESTRY
CAMPUS-WIDE PROJECTS ......................................... 350
FARMINGDALE
CAMPUS-WIDE PROJECTS .......................................... 700
FREDONIA
CAMPUS-WIDE PROJECTS ......................................... 550
GENESEO
CAMPUS-WIDE PROJECTS ......................................... 550
MARITIME
CAMPUS-WIDE PROJECTS ......................................... 250
MORRISVILLE
CAMPUS-WIDE PROJECTS ......................................... 350
NEW PALTZ
CAMPUS-WIDE PROJECTS .......................................... 700
OLD WESTBURY
CAMPUS-WIDE PROJECTS ......................................... 350
ONEONTA
CAMPUS-WIDE PROJECTS ......................................... 600
OPTOMETRY
CAMPUS-WIDE PROJECTS ......................................... 150
OSWEGO
CAMPUS-WIDE PROJECTS ......................................... 900
PLATTSBURGH
CAMPUS-WIDE PROJECTS ......................................... 600
POTSDAM
CAMPUS-WIDE PROJECTS ......................................... 600
PURCHASE
CAMPUS-WIDE PROJECTS ......................................... 650
STATE UNIV PLAZA
CAMPUS-WIDE PROJECTS ......................................... 250
STONY BROOK, INCL HEALTH SCIENCE CENTER (HSC) AND LONG ISLAND STATE VETERANS HOME:
CAMPUS-WIDE PROJECTS ......................................... 3,100
SYRACUSE HEALTH SCIENCE CENTER (HSC)
CAMPUS-WIDE PROJECTS ......................................... 500
SUNY POLYTECHNIC
CAMPUS-WIDE PROJECTS ......................................... 150
UNIVERSITY-WIDE ALTERATIONS AND IMPROVEMENTS
MAINTENANCE UNDISTRIBUTED
FOR UNIVERSITY-WIDE CAPITAL PROJECT COSTS,
INCLUDING COSTS ATTRIBUTABLE TO EXECUTIVE ORDER 88; ADA AND CODE COMPLIANCE CLAIMS;
ENVIRONMENTAL HAZARDS; EMERGENCIES HEALTH
AND SAFETY, AND ENERGY CONSERVATION NEEDS,
ASBESTOS AND PCB REMEDIATION; FIRE ALARMS
AND SPRINKLERS; ELECTRICAL, MECHANICAL,
PLUMBING AND HEATING AND COOLING SYSTEM
REQUIREMENTS AND OTHER UNIVERSITY-WIDE
NEEDS .................................................. 2,850
UNIVERSITY-WIDE ALTERATIONS AND IMPROVEMENTS
MAINTENANCE UNDISTRIBUTED
FOR PRIORITY CAPITAL PROJECTS .................... 4,500

TOTAL ............................................... 30,000

S 2. This act shall take effect immediately and shall be deemed to
have been in full force and effect on the same date and in the same
manner as chapter 55 of the laws of 2016 took effect.

PART N

Intentionally omitted.

PART O

Section 1. Section 34 of chapter 91 of the laws of 2002, amending the
education law and other laws relating to reorganization of the New York
city school construction authority, board of education and community
boards, as amended by section 1 of subpart D of part B of chapter 20 of
the laws of 2015, is amended to read as follows:
S 34. This act shall take effect July 1, 2002; provided, that sections
one through twenty, twenty-four, and twenty-six through thirty of this
act shall expire and be deemed repealed June 30, [2016] 2017 provided,
further, that notwithstanding any provision of article 5 of the general
construction law, on June 30, [2016] 2017 the provisions of subdivisions
3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
2554 of the education law as repealed by section three of this act,
subdivision 1 of section 2590-b of the education law as repealed by
section six of this act, paragraph (a) of subdivision 2 of section
2590-b of the education law as repealed by section seven of this act,
section 2590-c of the education law as repealed by section eight of this
act, paragraph c of subdivision 2 of section 2590-d of the education law
as repealed by section twenty-six of this act, subdivision 1 of section
2590-e of the education law as repealed by section twenty-seven of this
act, subdivision 28 of section 2590-h of the education law as repealed
by section twenty-eight of this act, subdivision 30 of section 2590-h of
the education law as repealed by section twenty-nine of this act, subdivi-
dision 30-a of section 2590-h of the education law as repealed by
section thirty of this act shall be revived and be read as such
provisions existed in law on the date immediately preceding the effec-
tive date of this act; provided, however, that sections seven and eight
of this act shall take effect on November 30, 2003; provided further
that the amendments to subdivision 25 of section 2554 of the education
law made by section two of this act shall be subject to the expiration
and reversion of such subdivision pursuant to section 12 of chapter 147
of the laws of 2001, as amended, when upon such date the provisions of
section four of this act shall take effect.
S. 8159

1 S 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, as amended by section 2 of subpart D of part B of chapter 20 of the laws of 2015, is amended to read as follows:

12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [2016] 2017.

S 3. The education law is amended by adding a new section 2590-r-1 to read as follows:


S 4. This act shall take effect immediately.

PART P

Section 1. Section 355 of the education law is amended by adding a new subdivision 2-a to read as follows:

2-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE, OR REGULATION TO THE CONTRARY, THE STATE UNIVERSITY TRUSTEES CHARTER SCHOOL COMMITTEE, AS A CHARTER ENTITY, ARE FURTHER AUTHORIZED AND EMPOWERED, TO PROMULGATE REGULATIONS WITH RESPECT TO GOVERNANCE, STRUCTURE AND OPERATIONS OF CHARTER SCHOOLS FOR WHICH THEY ARE THE CHARTER ENTITY PURSUANT TO SECTION TWENTY-EIGHT HUNDRED FIFTY-ONE OF THIS CHAPTER.

S 2. Section 2851 of the education law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY FOR A PERIOD OF ONE YEAR FROM THE EFFECTIVE DATE OF THIS SUBDIVISION, A CHARTER SCHOOL APPROVED BY A CHARTER ENTITY LISTED IN SUBDIVISION THREE OF THIS SECTION MAY APPLY AT ANY TIME DURING THIS PERIOD TO ANOTHER CHARTER ENTITY, DEFINED IN PARAGRAPH (A), (B) OR (C) OF SUBDIVISION THREE OF THIS SECTION TO REQUEST SUCH OTHER CHARTER ENTITY TO OVERSEE AND SUPERVISE SUCH CHARTER SCHOOL. ALL STANDARDS AND REQUIREMENTS ESTABLISHED IN THE ORIGINAL CHARTER AGREEMENT SHALL REMAIN IN EFFECT UNTIL THE SCHEDULED EXPIRATION OF SUCH CHARTER AGREEMENT AND PROVIDED HOWEVER THAT ALL OBLIGATIONS OF THE PREVIOUS CHARTER ENTITY TO OVERSEE AND SUPERVISE A CHARTER SCHOOL SHALL TERMINATE UPON THE TRANSFER OF AUTHORIZATION OF SUCH CHARTER SCHOOL TO A NEW CHARITER ENTITY, AS DEFINED IN SUBDIVISION FIVE OF SECTION TWENTY-EIGHT HUNDRED FIFTY-TWO OF THIS ARTICLE, AND THE PREVIOUS CHARITER ENTITY SHALL PROVIDE IN A TIMELY FASHION INFORMATION RELEVANT TO THE CHARTER AS REQUESTED BY SUCH OTHER CHARITER ENTITY.
TER ENTITY. A CHARTER SCHOOL THAT SEEKS TO CHANGE ITS CHARTER ENTITY
MUST HAVE MET ALL OTHER REQUIREMENTS OF THIS ARTICLE AND CANNOT BE IN
VIOLATION OF ANY LEGAL REQUIREMENT, IN PROBATIONARY STATUS, OR SLATED
FOR CLOSURE.
S 3. This act shall take effect immediately.

PART Q

Section 1. The real property actions and proceedings law is amended by
adding a new section 1308 to read as follows:
S 1308. INSPECTING, SECURING AND MAINTAINING VACANT AND ABANDONED
RESIDENTIAL REAL PROPERTY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO
THE CONTRARY, THE FOLLOWING SUBDIVISIONS OF THIS SECTION SHALL ONLY
APPLY TO VACANT AND ABANDONED ONE TO FOUR FAMILY RESIDENTIAL REAL PROP-
ERTY, AND ANY DUTIES AND RESPONSIBILITIES SO PRESCRIBED BY THIS SECTION
SHALL ONLY APPLY TO THE FIRST LIEN MORTGAGE HOLDER. VACANT AND ABANDONED
RESIDENTIAL REAL PROPERTY SHALL BE DEFINED PURSUANT TO SECTION THIRTEEN
HUNDRED NINE OF THIS ARTICLE. FOR EACH CALENDAR YEAR THIS SECTION SHALL
NOT APPLY TO STATE OR FEDERALLY CHARTERED BANKS, SAVINGS BANKS, SAVINGS
AND LOAN ASSOCIATIONS, OR CREDIT UnIONS WHICH: (1) ORIGINATE, OWN,
SERVICE AND MAINTAIN THEIR MORTGAGES OR A PORTION THEREOF; AND (2) HAVE
LESS THAN THREE-TENTHS OF ONE PERCENT OF THE TOTAL LOANS IN THE STATE
WHICH THEY EITHER ORIGINATE, OWN, SERVICE, OR MAINTAIN FOR THE CALENDAR
YEAR ENDING DECEMBER THIRTY-FIRST OF THE CALENDAR YEAR ENDING TWO YEARS
PRIOR TO THE CURRENT CALENDAR YEAR. FOR ANY STATE OR FEDERALLY CHARTERED
BANKS, SAVINGS BANKS, SAVINGS AND LOAN ASSOCIATIONS, OR CREDIT UnIONS
WHICH ORIGINATE, OWN, SERVICE AND MAINTAIN BETWEEN THREE-TENTHS OF ONE
PERCENT AND FIVE-TENTHS OF ONE PERCENT OF THE TOTAL LOANS IN THE STATE
WHICH THEY EITHER ORIGINATE, OWN, SERVICE, OR MAINTAIN FOR THE CALENDAR
YEAR ENDING DECEMBER THIRTY-FIRST OF THE CALENDAR YEAR ENDING TWO YEARS
PRIOR TO THE CURRENT CALENDAR YEAR, THE APPLICATION OF THIS SECTION
SHALL BE PROSPECTIVE ONLY.
1. SUBJECT TO BANKRUPTCY FILINGS, CEASE AND DESIST ORDERS, THREATS OF
VIOLENCE, OR ACTIVE LOSS MITIGATION EFFORTS, WITHIN NINETY DAYS OF A
BORROWER'S DELINQUENCY, THE SERVICER AUTHORIZED TO ACCEPT PAYMENT OF THE
LOAN SHALL COMPLETE AN EXTERIOR INSPECTION OF THE SUBJECT PROPERTY TO
DETERMINE OCCUPANCY. THEREAFTER, THROUGHOUT THE DELINQUENCY OF THE LOAN,
THE SERVICER SHALL CONDUCT AN EXTERIOR INSPECTION OF THE PROPERTY EVERY
TWENTY-FIVE TO THIRTY-FIVE DAYS, AT DIFFERENT TIMES OF THE DAY.
2. IF A BORROWER IS DELINQUENT AND SUBJECT TO PROPERTY INSPECTIONS
PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE SERVICER SHALL SECURE
AND MAINTAIN THE RESIDENTIAL REAL PROPERTY PURSUANT TO SUBDIVISIONS
THREE, FOUR, FIVE, SIX, AND SEVEN OF THIS SECTION WHERE THE SERVICER HAS
A REASONABLE BASIS TO BELIEVE THAT THE RESIDENTIAL REAL PROPERTY IS
VACANT AND ABANDONED, AS DEFINED IN SECTION THIRTEEN HUNDRED NINE OF
THIS CHAPTER, AND IS NOT OTHERWISE RESTRICTED FROM ACCESSING THE PROPER-
TY.
3. WITHIN SEVEN BUSINESS DAYS OF DETERMINING THAT THE PROPERTY IS
VACANT AND ABANDONED BASED ON THE CRITERIA SET FORTH IN SUBDIVISION TWO
OF THIS SECTION, THE SERVICER SHALL POST A NOTICE ON AN EASILY ACCESSI-
BLE PART OF THE PROPERTY THAT WOULD BE REASONABLY VISIBLE TO THE BORROW-
ER, PROPERTY OWNER OR OCCUPANT, AND MONITOR THE PROPERTY FOR ANY CHANGE
IN OCCUPANCY OR CONTACT WITH THE BORROWER, PROPERTY OWNER OR OCCUPANT,
AND MONITOR TO ENSURE THAT THE NOTICE REMAINS POSTED SO LONG AS THE DUTY
TO MAINTAIN APPLIES. THE POSTED NOTICE SHALL PROVIDE THE SERVICER'S TOLL
FREE NUMBER OR SIMILAR CONTACT INFORMATION.
4. IF THE POSTED NOTICE IS NOT RESPONDED TO OR PERSISTS FOR SEVEN
CONSECUTIVE CALENDAR DAYS WITHOUT CONTACT WITH THE BORROWER, PROPERTY
OWNER OR OCCUPANT INDICATING THAT THE PROPERTY IS NOT VACANT OR ABAN-
DONED, OR IF AN EMERGENT PROPERTY CONDITION THAT COULD REASONABLY
DAMAGE, DESTROY OR HARM THE PROPERTY ARISES, THE SERVICER SHALL:
(A) IN CASES WHERE THE PROPERTY CONTAINS TWO OR MORE POINTS OF INGRESS
OR EGRESS, REPLACE NO MORE THAN ONE DOOR LOCK TO PROVIDE SUBSEQUENT
ACCESS TO THE PROPERTY;
(B) SECURE, REPLACE OR BOARD UP BROKEN DOORS AND WINDOWS;
(C) SECURE ANY PART OF THE PROPERTY THAT MAY BE DEEMED AN ATTRACTIVE
NUISANCE INCLUDING, BUT NOT LIMITED TO, A WATER FEATURE THAT COULD
CREATE A DROWNING RISK, REFRIGERATOR OR FREEZER UNITS, OUTBUILDINGS,
WELLS OR SEPTIC TANKS;
(D) TAKE REASONABLE MEASURES TO ENSURE THAT PIPES, DUCTS, CONDUCTORS,
FANS AND BLOWERS DO NOT DISCHARGE HARMFUL GASES, STEAM, VAPOR, HOT AIR,
GREASE, SMOKE, ODORS OR OTHER GASEOUS OR PARTICULATE WASTE DIRECTLY UPON
ABUTTING OR ADJACENT PUBLIC OR PRIVATE PROPERTY OR THAT OF ANOTHER
TENANT;
(E) WHERE APPROPRIATE, WINTERIZE THE APPLICABLE PLUMBING AND HEATING
SYSTEMS;
(F) PROVIDE BASIC UTILITIES INCLUDING, BUT NOT LIMITED TO, WATER,
ELECTRICITY, NATURAL GAS, PROPANE AND SEWER SERVICE, AS APPROPRIATE AND
WHEN ALLOWED BY THE LOCAL UTILITY PROVIDER, THAT ARE NEEDED FOR THE
OPERATION OF A SUMP PUMP OR DEHUMIDIFIER, OR WHEN THERE ARE JOINTLY
OWNED OR SHARED UTILITIES WITH ADJOINING PROPERTIES OR UNITS, EXCEPT FOR
TURNING OFF WATER SERVICE TO PREVENT FLOODING OR WATER LEAKS IN THE
PROPERTY, OR WHEN OTHER UTILITY SERVICE COULD REASONABLY CREATE A HAZARD
TO THE PROPERTY OR AN UNAUTHORIZED OCCUPANT OR PERSON ENTERING THE PROP-
ERTY;
(G) REMOVE AND REMEDIATE ANY SIGNIFICANT HEALTH AND SAFETY ISSUES,
INCLUDING OUTSTANDING CODE VIOLATIONS;
(H) TAKE REASONABLE MEASURES TO PREVENT THE GROWTH OF HARMFUL MOLD;
(I) RESPOND TO GOVERNMENT INQUIRIES REGARDING PROPERTY CONDITION,
SUBJECT TO RESTRICTIONS REGARDING FINANCIAL PRIVACY; AND
(J) ENSURE THAT THE NOTICE REQUIRED TO BE POSTED IN SUBDIVISION THREE
OF THIS SECTION REMAINS POSTED ON AN EASILY ACCESSIBLE PART OF THE PROP-
ERTY THAT WOULD BE REASONABLY VISIBLE TO THE BORROWER, PROPERTY OWNER OR
OCCUPANT SO LONG AS THE DUTY TO MAINTAIN APPLIES.
5. AT NO TIME SHALL A SERVICER REMOVE PERSONAL PROPERTY FROM THE PROP-
ERTY UNLESS:
(A) THE PERSONAL PROPERTY POSES A SIGNIFICANT HEALTH AND SAFETY ISSUE;
(B) THERE IS AN UNCONTESTED ORDER TO DO SO BY A GOVERNMENTAL ENTITY.
6. A SERVICER WHO HAS DETERMINED A PROPERTY TO BE VACANT AND ABANDONED
AND WHO HAS SECURED THE SAME SHALL TAKE REASONABLE AND NECESSARY ACTIONS
TO MAINTENANCE THE PROPERTY UNTIL THE EARLIER OF THE FOLLOWING EVENTS:
(A) AN OCCUPANT OF THE PROPERTY HAS ASSERTED HIS OR HER RIGHT TO OCCU-
PY THE PROPERTY, OR THE SERVICER OR ITS AGENTS HAVE RECEIVED THREATS OF
VIOLENCE;
(B) THE BORROWER HAS FILED FOR BANKRUPTCY;
(C) A COURT HAS ORDERED THE SERVICER TO STOP ANY MAINTENANCE OF THE
PROPERTY;
(D) A HOMEOWNERS' ASSOCIATION OR COOPERATIVE HAS PREVENTED THE SERVI-
CER FROM GAINING ACCESS TO OR MAINTAINING THE PROPERTY;
(E) THE PROPERTY HAS BEEN SOLD OR TRANSFERRED TO A NEW OWNER;
(F) THE SERVICER OR INVESTOR SUBJECT TO THE PROVISIONS OF THIS SECTION
HAS RELEASED THE LIEN ON THE PROPERTY; OR
(G) THE MORTGAGE NOTE HAS BEEN ASSIGNED, TRANSFERRED OR SOLD TO ANOTHER
SERVICER.

7. REASONABLE AND NECESSARY ACTIONS TO MAINTAIN THE PROPERTY INCLUDE,
BUT ARE NOT LIMITED TO:
(A) ENSURING THAT THE PROPERTY REMAINS SECURE PURSUANT TO SUBDIVISIONS
FOUR, FIVE AND SIX OF THIS SECTION; AND
(B) MAINTAINING PROPERTY IN A MANNER CONSISTENT WITH THE STANDARDS SET
FORTH IN SECTIONS 301, 302 (EXCLUDING 302.2, 302.6 AND 302.8), 304.1,
304.3, 304.7, 304.10, 304.12, 304.13, 304.15, 304.16, 307.1, AND 308.1
OF THE NEW YORK PROPERTY MAINTENANCE CODE, TO THE EXTENT THAT THE MORT-
GAGE SERVICER OR ITS AGENTS ARE ABLE TO OBTAIN NECESSARY OR REQUIRED
PERMITS OR APPROVALS.

8. (A) VIOLATIONS OF THIS SECTION MAY BE HEARD BEFORE A HEARING OFFI-
CER OR A COURT OF COMPETENT JURISDICTION. IF IT SHALL APPEAR TO THE
SATISFACTION OF THE HEARING OFFICER OR THE COURT, BASED ON THE PREPON-
DERANCE OF THE EVIDENCE, THAT THE MORTGAGEE OR AGENT OF A MORTGAGEE HAS
VIOLATED THIS SECTION, A CIVIL PENALTY MAY BE ISSUED BY THE HEARING
OFFICER OR THE COURT IN THE AMOUNT OF UP TO FIVE HUNDRED DOLLARS PER DAY
PER PROPERTY FOR EACH DAY THE VIOLATION PERSISTED.
(B) THE SUPERINTENDENT OF FINANCIAL SERVICES MAY, AS APPROPRIATE AND
IN HIS OR HER SOLE DISCRETION, PURSUE ANY SUSPECTED VIOLATION OF THIS
SECTION. BEFORE TAKING SUCH ACTION, THE SUPERINTENDENT SHALL GIVE THE
LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER AT LEAST SEVEN DAYS' NOTICE
OF THE VIOLATION.
(C) IN ADDITION TO THE AUTHORITY GRANTED TO THE DEPARTMENT OF FINAN-
CIAL SERVICES, THE MUNICIPALITY IN WHICH SUCH RESIDENTIAL REAL PROPERTY
IS LOCATED, SHALL HAVE THE RIGHT TO ENFORCE THE OBLIGATIONS DESCRIBED IN
THIS SECTION IN ANY COURT OF COMPETENT JURISDICTION AFTER AT LEAST SEVEN
DAYS' NOTICE TO THE LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER, UNLESS
THE PROPERTY REQUIRES EMERGENCY REPAIRS TO ADDRESS A THREAT TO PUBLIC
HEALTH, SAFETY OR WELFARE, IN WHICH CASE THE MUNICIPALITY MAY ENTER AND
MAINTAIN THE PROPERTY TO CURE THE EMERGENCY, PROVIDED HOWEVER, NOTICE
SHALL BE PROVIDED TO THE LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER AS
SOON AS PRACTICABLE. ANY MUNICIPALITY ACTING PURSUANT TO THIS SUBDIVI-
SION SHALL HAVE A CAUSE OF ACTION IN ANY COURT OF COMPETENT JURISDICTION
AGAINST THE LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER TO RECOVER COSTS
INCURRED AS A RESULT OF MAINTAINING THE PROPERTY. SUCH ENTITY SHALL
PROVIDE THE DEPARTMENT OF FINANCIAL SERVICES WITH WRITTEN NOTICE AT
LEAST TEN DAYS PRIOR TO BRINGING AN ACTION PURSUANT TO THIS SUBDIVISION;
PROVIDED, HOWEVER, THAT FAILURE TO COMPLY WITH THIS NOTICE REQUIREMENT
SHALL NOT BE A DEFENSE TO THE ENTITY PROCEEDING PURSUANT TO THIS SUBDI-
VISON. THE AUTHORITY PROVIDED BY THIS SUBDIVISION SHALL BE IN ADDITION
TO, AND SHALL NOT BE DEEMED TO DIMINISH OR REDUCE, ANY RIGHTS OF THE
PARTIES DESCRIBED IN THIS SECTION UNDER EXISTING LAW AGAINST THE MORTGA-
GOR OF SUCH PROPERTY FOR FAILURE TO MAINTAIN SUCH PROPERTY. ANY CIVIL
PENALTY IMPOSED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION IN AN
ACTION BROUGHT BY A MUNICIPALITY PURSUANT TO THIS PARAGRAPH SHALL BE
RETAINED BY SUCH MUNICIPALITY.
(D) THE DEPARTMENT OF FINANCIAL SERVICES IS AUTHORIZED AND EMPOWERED
TO ADOPT SUCH RULES AND REGULATIONS AS MAY, IN THE JUDGMENT OF THE
SUPERINTENDENT OF FINANCIAL SERVICES, BE NECESSARY FOR THE EFFECTIVE
IMPLEMENTATION, ADMINISTRATION, OPERATION AND ENFORCEMENT OF THIS
SECTION.
9. A SERVICER WHO PEACEFULLY ENTERS A VACANT AND ABANDONED PROPERTY IN ORDER TO MAINTAIN PURSUANT TO THIS SECTION SHALL BE IMMUNE FROM LIABILITY WHEN SUCH SERVICER IS MAKING REASONABLE EFFORTS TO COMPLY WITH THE STATUTE.

10. THE PROVISIONS OF THIS SECTION ARE SUBJECT TO FEDERAL LAWS, COURT ORDERS AND INVESTOR AND INSURER GUIDELINES.

11. FOR ALL STATE OR FEDERALLY CHARTERED BANKS, SAVINGS BANKS, SAVINGS AND LOAN ASSOCIATIONS, CREDIT UNIONS, OR SERVICERS FOR WHICH THE PROVISIONS OF THIS SECTION DO NOT APPLY, PURSUANT TO THE OPENING PARAGRAPH OF THIS SECTION, ANY AGREEMENT BETWEEN SUCH STATE OR FEDERALLY CHARTERED BANKS, SAVINGS BANKS, SAVINGS AND LOAN ASSOCIATIONS, CREDIT UNIONS, OR SERVICERS AND THE DEPARTMENT OF FINANCIAL SERVICES THAT IS ASSOCIATED WITH THE MAINTENANCE AND REPAIR OF VACANT AND ABANDONED PROPERTY SHALL REMAIN IN FULL FORCE AND EFFECT BETWEEN THE AFOREMENTIONED PARTIES FOR SO LONG AS THE TERMS AND CONDITIONS OF SUCH AGREEMENT REMAIN IN EFFECT.

12. THE DEPARTMENT OF FINANCIAL SERVICES SHALL ISSUE SUCH RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE TERMS OF THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES AND REGULATIONS PERTAINING TO THE REPORTING OF FINANCIAL INFORMATION THAT STATE OR FEDERALLY CHARTERED BANKS, SAVINGS BANKS, SAVINGS AND LOAN ASSOCIATIONS, OR CREDIT UNIONS MUST PROVIDE TO IMPLEMENT THIS SECTION.

13. NO LOCAL LAW, ORDINANCE, OR RESOLUTION SHALL IMPOSE A DUTY TO MAINTAIN VACANT AND ABANDONED PROPERTY AS DEFINED IN SECTION THIRTEEN HUNDRED NINE OF THIS ARTICLE IN A MANNER INCONSISTENT WITH THE PROVISIONS OF THIS SECTION THAT ARE RELATED TO MAINTENANCE AS PROVIDED UNDER SUBDIVISIONS THREE, FOUR, FIVE, SIX AND SEVEN OF THIS SECTION, OR ESTABLISH RELATED PENALTIES NOR OTHER MONETARY OBLIGATIONS, WITH RESPECT TO A STATE OR FEDERALLY CHARTERED BANK, SAVINGS BANK, SAVINGS AND LOAN ASSOCIATION OR CREDIT UNION THAT ORIGINATES, OWNS, SERVICES OR MAINTAINS A MORTGAGE RELATED TO SUCH PROPERTY.

NO LOCAL LAW, ORDINANCE, OR RESOLUTION SHALL IMPOSE A DUTY TO MAINTAIN VACANT AND ABANDONED PROPERTY UPON ANY STATE OR FEDERALLY CHARTERED BANK, SAVINGS BANK, SAVINGS AND LOAN ASSOCIATION OR CREDIT UNION THAT ORIGINATES, OWNS, SERVICES OR MAINTAINS A MORTGAGE RELATED TO SUCH PROPERTY.

S 2. Rule 3408 of the civil practice law and rules, as added by chapter 472 of the laws of 2008, subdivision (a) as amended by chapter 306 of the laws of 2013, subdivisions (d), (e), (f), (g) and (h) as added by chapter 507 of the laws of 2009, is amended to read as follows:

Rule 3408. Mandatory settlement conference in residential foreclosure actions. (a) In any residential foreclosure action involving a home loan as such term is defined in section thirteen hundred four of the real property actions and proceedings law, in which the defendant is a resident of the property subject to foreclosure, plaintiff shall file proof of service within twenty days of such service, however service is made, and the court shall hold a mandatory conference within sixty days after the date when proof of service upon such defendant is filed with the county clerk, or on such adjourned date as has been agreed to by the parties, for the purpose of holding settlement discussions pertaining to the relative rights and obligations of the parties under the mortgage loan documents, including, but not limited to: 1. determining whether the parties can reach a mutually agreeable resolution to help the defendant avoid losing his or her home, and evaluating the potential for a resolution in which payment schedules or amounts may be modified or
other workout options may be agreed to, [and for] INCLUDING, BUT NOT
LIMITED TO, A LOAN MODIFICATION, SHORT SALE, DEED IN LIEU OF FORECLOSURE,
OR ANY OTHER LOSS MITIGATION OPTION; OR 2. whatever other purposes
the court deems appropriate.

(b) At the initial conference held pursuant to this section, any
defendant currently appearing pro se, shall be deemed to have made a
motion to proceed as a poor person under section eleven hundred one of
this chapter. The court shall determine whether such permission shall be
granted pursuant to standards set forth in section eleven hundred one of
this chapter. If the court appoints defendant counsel pursuant to subdivision (a) of section eleven hundred two of this chapter, it shall
adjourn the conference to a date certain for appearance of counsel and
settlement discussions pursuant to subdivision (a) of this section, and
otherwise shall proceed with the conference.

(c) At any conference held pursuant to this section, the plaintiff AND
THE DEFENDANT shall appear in person or by counsel, and [if appearing by
counsel, such counsel] EACH PARTY'S REPRESENTATIVE AT THE CONFERENCE
shall be fully authorized to dispose of the case. [The defendant shall
appear in person or by counsel.] If the defendant is appearing pro se,
the court shall advise the defendant of the nature of the action and his
or her rights and responsibilities as a defendant. Where appropriate,
the court may permit a representative of the plaintiff OR THE DEFENDANT
to attend the settlement conference telephonically or by video-confer-
ence.

(d) Upon the filing of a request for judicial intervention in any
action pursuant to this section, the court shall send either a copy of
such request or the defendant's name, address and telephone number (if
available) to a housing counseling agency or agencies on a list design-
ated by the division of housing and community renewal for the judicial
district in which the defendant resides. Such information shall be used
by the designated housing counseling agency or agencies exclusively for
the purpose of making the homeowner aware of housing counseling and
foreclosure prevention services and options available to them.

(e) The court shall promptly send a notice to parties advising them of
the time and place of the settlement conference, the purpose of the
conference and the requirements of this section. The notice shall be in
a form prescribed by the office of court administration, or, at the
discretion of the office of court administration, the administrative
judge of the judicial district in which the action is pending, and shall
advise the parties of the documents that they [should] SHALL bring to
the conference.

1. For the plaintiff, such documents [should] SHALL include, but are
not limited to, (I) the payment history[,]; (II) an itemization of the
amounts needed to cure and pay off the loan[, and]; (III) the mortgage
and note OR COPIES OF THE SAME; (IV) STANDARD APPLICATION FORMS AND A
DESCRIPTION OF LOSS MITIGATION OPTIONS, IF ANY, WHICH MAY BE AVAILABLE
TO THE DEFENDANT; AND (V) ANY OTHER DOCUMENTATION REQUIRED BY THE
PRESIDING JUDGE. If the plaintiff is not the owner of the mortgage and
note, the plaintiff shall provide the name, address and telephone number
of the legal owner of the mortgage and note. FOR CASES IN WHICH THE
LENDER OR ITS SERVICING AGENT HAS EVALUATED OR IS EVALUATING ELIGIBILITY
FOR HOME LOAN MODIFICATION PROGRAMS OR OTHER LOSS MITIGATION OPTIONS, IN
ADDITION TO THE DOCUMENTS LISTED ABOVE, THE PLAINTIFF SHALL BRING A
SUMMARY OF THE STATUS OF THE LENDER'S OR SERVICING AGENT'S EVALUATION
FOR SUCH MODIFICATIONS OR OTHER LOSS MITIGATION OPTIONS, INCLUDING,
WHERE APPLICABLE, A LIST OF OUTSTANDING ITEMS REQUIRED FOR THE BORROWER
TO COMPLETE ANY MODIFICATION APPLICATION, AN EXPECTED DATE OF COMPLETION
OF THE LENDER'S OR SERVICER AGENT'S EVALUATION, AND, IF THE
MODIFICATION(S) WAS DENIED, A DENIAL LETTER OR ANY OTHER DOCUMENT
EXPLAINING THE REASON(S) FOR DENIAL AND THE DATA INPUT FIELDS AND VALUES
USED IN THE NET PRESENT VALUE EVALUATION. IF THE MODIFICATION WAS DENIED
ON THE BASIS OF AN INVESTOR RESTRICTION, THE PLAINTIFF SHALL BRING THE
DOCUMENTARY EVIDENCE WHICH PROVIDES THE BASIS FOR THE DENIAL, SUCH AS A
POOLING AND SERVICING AGREEMENT.

2. For the defendant, such documents [should] SHALL include, but are
not limited to, [proof of current income such as the two most recent pay
stubs, most recent tax return and most recent property tax statements]
IF APPLICABLE, INFORMATION ON CURRENT INCOME TAX RETURNS, EXPENSES,
PROPERTY TAXES AND PREVIOUSLY SUBMITTED APPLICATIONS FOR LOSS MITI-
GATION; BENEFITS INFORMATION; RENTAL AGREEMENTS OR PROOF OF RENTAL
INCOME; AND ANY OTHER DOCUMENTATION RELEVANT TO THE PROCEEDING REQUIRED
BY THE PRESIDING JUDGE.

(f) Both the plaintiff and defendant shall negotiate in good faith to
reach a mutually agreeable resolution, including BUT NOT LIMITED TO a
loan modification, SHORT SALE, DEED IN LIEU OF FORECLOSURE, OR ANY OTHER
LOSS MITIGATION, if possible. COMPLIANCE WITH THE OBLIGATION TO NEGOTI-
ATE IN GOOD FAITH PURSUANT TO THIS SECTION SHALL BE MEASURED BY THE
TOTALITY OF THE CIRCUMSTANCES, INCLUDING BUT NOT LIMITED TO THE FOLLOW-
ING FACTORS:

1. COMPLIANCE WITH THE REQUIREMENTS OF THIS RULE AND APPLICABLE COURT
RULES, COURT ORDERS, AND DIRECTIVES BY THE COURT OR ITS DESIGNEE
PERTAINING TO THE SETTLEMENT CONFERENCE PROCESS;
2. COMPLIANCE WITH APPLICABLE MORTGAGE SERVICING LAWS, RULES, REGU-
LATIONS, INVESTOR DIRECTIVES, AND LOSS MITIGATION STANDARDS OR OPTIONS
CONCERNING LOAN MODIFICATIONS, SHORT SALES, AND DEEDS IN LIEU OF FORE-
CLOSURE; AND
3. CONDUCT CONSISTENT WITH EFFORTS TO REACH A MUTUALLY AGREEABLE
RESOLUTION, INCLUDING BUT NOT LIMITED TO, AVOIDING UNREASONABLE DELAY,
APPEARING AT THE SETTLEMENT CONFERENCE WITH AUTHORITY TO FULLY DISPOSE
OF THE CASE, AVOIDING PROSECUTION OF FORECLOSURE PROCEEDINGS WHILE LOSS
MITIGATION APPLICATIONS ARE PENDING, AND PROVIDING ACCURATE INFORMATION
TO THE COURT AND PARTIES.

NEITHER OF THE PARTIES' FAILURE TO MAKE THE OFFER OR ACCEPT THE OFFER
MADE BY THE OTHER PARTY IS SUFFICIENT TO ESTABLISH A FAILURE TO NEGOTI-
ATE IN GOOD FAITH.

(g) The plaintiff must file a notice of discontinuance and vacatur of
the lis pendens within [one hundred fifty days] NINETY DAYS after any
settlement agreement or loan modification is fully executed.

(h) A party to a foreclosure action may not charge, impose, or other-
wise require payment from the other party for any cost, including but
not limited to attorneys' fees, for appearance at or participation in
the settlement conference.

(I) THE COURT MAY DETERMINE WHETHER EITHER PARTY FAILS TO COMPLY WITH
THE DUTY TO NEGOTIATE IN GOOD FAITH PURSUANT TO SUBDIVISION (F) OF THIS
SECTION, AND ORDER REMEDIES PURSUANT TO SUBDIVISIONS (J) AND (K) OF THIS
SECTION, EITHER ON MOTION OF ANY PARTY OR SUA SPONTE ON NOTICE TO THE
PARTIES, IN ACCORDANCE WITH SUCH PROCEDURES AS MAY BE ESTABLISHED BY THE
COURT OR THE OFFICE OF COURT ADMINISTRATION. A REFEREE, JUDICIAL HEARING
OFFICER, OR OTHER STAFF DESIGNATED BY THE COURT TO OVERSEE THE SETTLE-
MENT CONFERENCE PROCESS MAY HEAR AND REPORT FINDINGS OF FACT AND CONCLU-
SIONS OF LAW, AND MAY MAKE REPORTS AND RECOMMENDATIONS FOR RELIEF TO THE
COURT CONCERNING ANY PARTY'S FAILURE TO NEGOTIATE IN GOOD FAITH PURSUANT TO SUBDIVISION (F) OF THIS SECTION.

(J) UPON A FINDING BY THE COURT THAT THE PLAINTIFF FAILED TO NEGOTIATE IN GOOD FAITH PURSUANT TO SUBDIVISION (F) OF THIS SECTION, AND ORDER REMEDIES PURSUANT TO THIS SUBDIVISION AND SUBDIVISION (K) OF THIS SECTION THE COURT SHALL, AT A MINIMUM, TOLL THE ACCUMULATION AND COLLECTION OF INTEREST, COSTS, AND FEES DURING ANY UNDUE DELAY CAUSED BY THE PLAINTIFF, AND WHERE APPROPRIATE, THE COURT MAY ALSO IMPOSE ONE OR MORE OF THE FOLLOWING:

1. COMPULSORY PRODUCTION OF ANY DOCUMENTS REQUESTED BY THE COURT PURSUANT TO SUBDIVISION (E) OF THIS SECTION OR THE COURT'S DESIGNEE DURING THE SETTLEMENT CONFERENCE;
2. IMPOSE A CIVIL PENALTY PAYABLE TO THE STATE THAT IS SUFFICIENT TO DETER REPETITION OF THE CONDUCT AND IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS;
3. THE COURT MAY AWARD ACTUAL DAMAGES, FEES, INCLUDING ATTORNEY FEES AND EXPENSES TO THE DEFENDANT AS A RESULT OF PLAINTIFF'S FAILURE TO NEGOTIATE IN GOOD FAITH; OR
4. AWARD ANY OTHER RELIEF THAT THE COURT DEEMS JUST AND PROPER.

(K) UPON A FINDING BY THE COURT THAT THE DEFENDANT FAILED TO NEGOTIATE IN GOOD FAITH PURSUANT TO SUBDIVISION (F) OF THIS SECTION, THE COURT SHALL, AT A MINIMUM, REMOVE THE CASE FROM THE CONFERENCE CALENDAR. IN CONSIDERING SUCH A FINDING, THE COURT SHALL TAKE INTO ACCOUNT EQUITABLE FACTORS INCLUDING, BUT NOT LIMITED TO, WHETHER THE DEFENDANT WAS REPRESENTED BY COUNSEL.

(L) AT THE FIRST SETTLEMENT CONFERENCE HELD PURSUANT TO THIS SECTION, IF THE DEFENDANT HAS NOT FILED AN ANSWER OR MADE A PRE-ANSWER MOTION TO DISMISS, THE COURT SHALL:
1. ADVISE THE DEFENDANT OF THE REQUIREMENT TO ANSWER THE COMPLAINT;
2. EXPLAIN WHAT IS REQUIRED TO ANSWER A COMPLAINT IN COURT;
3. ADVISE THAT IF AN ANSWER IS NOT INTERPOSED THE ABILITY TO CONTEST THE FORECLOSURE ACTION AND ASSERT DEFENSES MAY BE LOST; AND
4. PROVIDE INFORMATION ABOUT AVAILABLE RESOURCES FOR FORECLOSURE PREVENTION ASSISTANCE.

AT THE FIRST CONFERENCE HELD PURSUANT TO THIS SECTION, THE COURT SHALL ALSO PROVIDE THE DEFENDANT WITH A COPY OF THE CONSUMER BILL OF RIGHTS PROVIDED FOR IN SECTION THIRTEEN HUNDRED THREE OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW.

(M) A DEFENDANT WHO APPEARS AT THE SETTLEMENT CONFERENCE BUT WHO FAILED TO FILE A TIMELY ANSWER, PURSUANT TO RULE 320 OF THE CIVIL PRACTICE LAW AND RULES, SHALL BE PRESUMED TO HAVE A REASONABLE EXCUSE FOR THE DEFAULT AND SHALL BE PERMITTED TO SERVE AND FILE AN ANSWER, WITHOUT ANY SUBSTANTIVE DEFENSES DEEMED TO HAVE BEEN WAIVED WITHIN THIRTY DAYS OF INITIAL APPEARANCE AT THE SETTLEMENT CONFERENCE. THE DEFAULT SHALL BE DEEMED VACATED UPON SERVICE AND FILING OF AN ANSWER.

(N) ANY MOTIONS SUBMITTED BY THE PLAINTIFF OR DEFENDANT SHALL BE HELD IN ABYANCE WHILE THE SETTLEMENT CONFERENCE PROCESS IS ONGOING, EXCEPT FOR MOTIONS CONCERNING COMPLIANCE WITH THIS RULE AND ITS IMPLEMENTING RULES.

S 3. Subdivision (a) of rule 3408 of the civil practice law and rules, as added by chapter 472 of the laws of 2008, is amended to read as follows:

(a) In any residential foreclosure action involving a high-cost home loan consummated between January first, two thousand three and September first, two thousand eight, or a subprime or nontraditional home loan, as those terms are defined under section thirteen hundred four of the real
property actions and proceedings law, in which the defendant is a resi-
dent of the property subject to foreclosure, the court shall hold a
mandatory conference within sixty days after the date when proof of
service is filed with the county clerk, or on such adjourned date as has
been agreed to by the parties, for the purpose of holding settlement
discussions pertaining to the relative rights and obligations of the
parties under the mortgage loan documents, including, but not limited
to: 1. determining whether the parties can reach a mutually agreeable
resolution to help the defendant avoid losing his or her home, and eval-
uating the potential for a resolution in which payment schedules or
amounts may be modified or other workout options may be agreed to[, and
for] INCLUDING, BUT NOT LIMITED TO, A LOAN MODIFICATION, SHORT SALE,
DEED IN LIEU OF FORECLOSURE, OR ANY OTHER LOSS MITIGATION OPTION; OR 2.
whatever other purposes the court deems appropriate.

S 4. The real property actions and proceedings law is amended by
adding two new sections 1309 and 1310 to read as follows:

S 1309. EXPEDITED APPLICATION FOR JUDGMENT OF FORECLOSURE AND SALE FOR
VACANT AND ABANDONED PROPERTY. 1. THE PLAINTIFF IN ANY FORECLOSURE
PROCEEDING MAY MAKE AN APPLICATION BY NOTICE OF MOTION OR ORDER TO SHOW
CAUSE FOR A JUDGMENT OF FORECLOSURE AND SALE ON THE GROUNDS THAT THE
SUBJECT PROPERTY IS VACANT AND ABANDONED. THE MOTION OR ORDER TO SHOW
CAUSE SHALL INCLUDE THE LAST KNOWN ADDRESS OF THE BORROWER AND THE PROP-
ERTY ADDRESS. NOTWITHSTANDING SUBDIVISION (M) OF RULE THIRTY-FOUR
HUNDRED EIGHT OF THE CIVIL PRACTICE LAW AND RULES NO SUCH APPLICATION
MAY BE MADE UNTIL THE DEFENDANT'S TIME TO ANSWER THE COMPLAINT IN THE
FORECLOSURE PROCEEDING SHALL HAVE EXPIRED. SUCH APPLICATION SHALL BE
SERVED ON DEFENDANT, REGARDLESS OF WHETHER A DEFENDANT HAS FILED AN
ANSWER OR APPEARED IN THE CASE. SUCH APPLICATION SHALL: (A) STATE IN
BOLD LETTERS, ON THE FIRST PAGE OF THE NOTICE OF MOTION OR ORDER TO SHOW
CAUSE: (I) "THE PLAINTIFF IN THIS LAWSUIT HAS APPLIED FOR AN EXPEDITED
JUDGMENT OF FORECLOSURE AND SALE OF YOUR PROPERTY ON THE GROUND THAT IT
IS VACANT AND ABANDONED"; (II) "YOUR PROPERTY MAY BE FORECLOSED UPON AND
SOLD WITHOUT ANY FURTHER PROCEEDINGS IF YOU DO NOT RESPOND TO THIS
MOTION BY OR ON THE RETURN DATE, WHICH IS ___"; (III) "YOU HAVE THE
RIGHT TO STAY IN YOUR PROPERTY UNTIL A COURT ORDERS YOU TO LEAVE"; AND
(IV) "YOU MAY RESPOND TO THIS MOTION BY EITHER SUBMITTING A WRITTEN
DOCUMENT OR BY APPEARING IN COURT ON THE RETURN DATE."; (B) BE SUPPORTED
BY AFFIDAVIT AND OTHER PROOF, INCLUDING BUT NOT LIMITED TO: (I) PROOF OF
OWNERSHIP OF THE MORTGAGE AND THE NOTE, (II) PHOTOGRAPHS EVIDENCING THAT
THE SUBJECT PROPERTY IS VACANT AND ABANDONED AS PROVIDED FOR UNDER
SUBDIVISION TWO OF THIS SECTION, AND (III) IF AVAILABLE, UTILITY COMPANY
RECORDS OR OTHER DOCUMENTATION EVIDENCING THE VACANT AND ABANDONED
STATUS OF THE PREMISES; (C) SET FORTH, SUPPORTED BY DOCUMENTARY
EVIDENCE, THE SUMS ALLEGED TO BE DUE AND OWING UPON THE SUBJECT MORTGAGE
AND NOTE, INCLUDING THE CURRENT PRINCIPAL BALANCE AND A DETAILED AND
ITEMIZED ACCOUNT OF EACH FEE, EACH COST, AND A CALCULATION OF INTEREST
ACCRUED; AND (D) REQUEST THAT THE COURT CONFIRM THE SUMS DUE AND OWING
UPON THE SUBJECT MORTGAGE AND NOTE WITHOUT APPOINTMENT OF A REFEREE. THE
COURT SHALL PROMPTLY SEND A NOTICE TO THE DEFENDANT OF THE PLAINTIFF'S
NOTICE OF MOTION OR ORDER TO SHOW CAUSE FOR A JUDGEMENT OF FORECLOSURE
AND SALE ON THE GROUNDS THAT THE SUBJECT PROPERTY IS VACANT AND ABAN-
DONED. THE NOTICE SHALL ADVISE THE DEFENDANT THAT THE LENDER IS ASKING
THE COURT TO EXPEDITE A JUDGEMENT OF FORECLOSURE AND SALE OF HIS OR HER
PROPERTY ON THE GROUND THAT IT IS VACANT AND ABANDONED AND ABOUT THE
TIME AND PLACE OF THE COURT DATE. THE NOTICE SHALL BE IN A FORM
PRESCRIBED BY THE COURTS, OR, AT THE DISCRETION OF THE COURTS.
2. (A) As used in this section, "vacant and abandoned residential property" means residential real property, as defined in section thirteen hundred five of this article, with respect to which the plaintiff has proven, by preponderance of the evidence, that it has conducted at least three consecutive inspections of such property, with each inspection conducted twenty-five to thirty-five days apart and at different times of the day, and at each inspection (I) no occupant was present and there was no evidence of occupancy on the property to indicate that any persons are residing there; and (II) the residential real property was not being maintained in a manner consistent with the standards set forth in New York property maintenance code chapter 3 sections 301, 302 (excluding 302.2, 302.6, 302.8), 304.1, 304.3, 304.7, 304.10, 304.12, 304.13, 304.15, 304.16, 307.1 and 308.1.

(B) Residential real property will also be deemed vacant and abandoned if:

(I) A court or other appropriate state or local governmental entity has formally determined, following due notice to the borrower at the property address and any other known addresses, that such residential real property is vacant and abandoned; or

(II) Each borrower and owner has separately issued a sworn written statement, expressing his or her intent to vacate and abandon the property and an inspection of the property shows no evidence of occupancy to indicate that any persons are residing there.

(C) Evidence of lack of occupancy shall include but not be limited to the following conditions: (I) overgrown or dead vegetation; (II) accumulation of newspapers, circulars, flyer or mail; (III) past due utility notices, disconnected utilities, or utilities not in use; (IV) accumulation of trash, refuse or other debris; (V) absence of window coverings such as curtains, blinds, or shutters; (VI) one or more boarded, missing or broken windows; (VII) the property is open to casual entry or trespass; or (VIII) the property has a building or structure that is or appears structurally unsound or has any other condition that presents a potential hazard or danger to the safety of persons.

(D) Residential real property will not be deemed vacant and abandoned if, on the property:

(I) there is an unoccupied building that is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion;

(II) there is a building occupied on a seasonal basis, but otherwise secure;

(III) there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute of which the servicer has actual notice;

(IV) there is a building damaged by a natural disaster and one or more owner intends to repair and reoccupy the property; or

(V) there is a building occupied by the mortgagor, a relative of the mortgagor or a tenant lawfully in possession.

3. In connection with an application for a judgment of foreclosure and sale on the ground that the subject property is vacant and abandoned, the court may require the plaintiff or an agent to appear to provide testimony in support of the application.

4. The court shall make a written finding as soon as practicable as to whether the plaintiff has proved that the property to be foreclosed upon pursuant to this section is vacant and abandoned pursuant to subdivision two of this section and, if the court determines that the property is vacant and abandoned, it shall set forth: (A) the evidence relied upon
BY THE COURT IN FINDING THAT THE PROPERTY IS VACANT AND ABANDONED; (B) THE EVIDENCE SHOWING THAT THE PLAINTIFF IS THE OWNER AND HOLDER OF THE SUBJECT MORTGAGE AND NOTE, OR HAS BEEN DELEGATED THE AUTHORITY TO INSTITUTE A MORTGAGE FORECLOSURE ACTION BY THE OWNER OF SAME; AND (C) THE SUMS DUE AND OWING UPON THE SUBJECT MORTGAGE AND NOTE AFTER A REVIEW OF THE DETAILED AND ITEMIZED ACCOUNT OF EACH FEE, EACH COST, AND A CALCULATION OF INTEREST ACCRUED.

5. WITH RESPECT TO FORECLOSURE ACTIONS BROUGHT PURSUANT TO THIS SECTION:

(A) A JUDGMENT OF FORECLOSURE AND SALE SHALL NOT BE ENTERED PURSUANT TO THIS SECTION IF THE MORTGAGOR OR ANY OTHER DEFENDANT HAS FILED AN ANSWER, APPEARANCE, OTHER WRITTEN OBJECTION THAT IS NOT WITHDRAWN, OR HAS OTHERWISE DEMONSTRATED AN INTENTION TO CONTEST THE FORECLOSURE ACTION.

(B) A DENIAL OF A JUDGMENT OF FORECLOSURE AND SALE PURSUANT TO THIS SECTION WHERE THE COURT DOES NOT FIND THAT THE MORTGAGED PROPERTY IS VACANT AND ABANDONED SHALL NOT BE DEEMED TO BE ON THE MERITS FOR PURPOSES OF ANY OTHER PROCEEDING WITH RESPECT TO SUCH REAL PROPERTY.

6. IT SHALL BE UNLAWFUL FOR A LENDER, ASSIGNEE, MORTGAGE LOAN SERVICER, OR A THIRD PARTY AGENT OR OTHER PERSON ACTING ON BEHALF OF A LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER TO ENTER RESIDENTIAL REAL PROPERTY THAT IS NOT VACANT AND ABANDONED FOR THE PURPOSE OF FORCING, INTIMIDATING, HARASSING OR COERCING A LAWFUL OCCUPANT OF SUCH RESIDENTIAL PROPERTY TO VACATE THAT PROPERTY IN ORDER TO RENDER THE PROPERTY VACANT AND ABANDONED, OR TO OTHERWISE FORCE, INTIMIDATE, HARASS, OR COerce A LAWFUL OCCUPANT OF RESIDENTIAL REAL PROPERTY TO VACATE THAT PROPERTY SO THAT IT MAY BE DEEMED VACANT AND ABANDONED, PROVIDED HOWEVER, A LENDER, ASSIGNEE, MORTGAGE LOAN SERVICER, OR A THIRD PARTY AGENT OR OTHER PERSON ACTING ON BEHALF OF A LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER WHO PEACEFULLY ENTERS A VACANT AND ABANDONED PROPERTY IN ORDER TO RENDER THE PROPERTY VACANT AND ABANDONED SHALL BE IMMUNE FROM LIABILITY WHEN SUCH LENDER, ASSIGNEE, MORTGAGE LOAN SERVICER, THIRD PARTY AGENT OR OTHER PERSON ACTING ON BEHALF OF A LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER IS MAKING REASONABLE EFFORTS TO COMPLY WITH THIS SECTION.

7. THE CHIEF ADMINISTRATIVE JUDGE OF THE COURTS SHALL ADOPT SUCH RULES AS HE OR SHE DEEMS NECESSARY TO EXPEDITIOUSLY IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 1310. VACANT AND ABANDONED PROPERTY; STATEWIDE VACANT AND ABANDONED PROPERTY ELECTRONIC REGISTRY. 1. THE DEPARTMENT OF FINANCIAL SERVICES SHALL MAINTAIN A STATEWIDE VACANT AND ABANDONED PROPERTY REGISTRY IN THE FORM OF AN ELECTRONIC DATABASE. THE DEPARTMENT OF FINANCIAL SERVICES MAY, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE STATE FINANCE LAW, RETAIN A PRIVATE CONTRACTOR TO ADMINISTER SUCH DATABASE FOR THE PURPOSES OF SATISFYING THIS REQUIREMENT. THE INFORMATION PROVIDED TO THE DEPARTMENT OF FINANCIAL SERVICES PURSUANT TO THIS SECTION SHALL BE DEEMED AND TREATED CONFIDENTIAL, PROVIDED HOWEVER, THE SUPERINTENDENT OF FINANCIAL SERVICES, IN HER OR HIS SOLE DISCRETION, MAY RELEASE THE INFORMATION IF IT IS IN THE BEST INTEREST OF THE PUBLIC. ANY SUCH RELEASED INFORMATION SHALL CONTINUE TO BE TREATED CONFIDENTIALLY BY THE PARTIES. THE DEPARTMENT OF FINANCIAL SERVICES SHALL, UPON WRITTEN REQUEST, PROVIDE PUBLIC OFFICIALS OF ANY STATE DISTRICT, COUNTY, CITY, TOWN OR VILLAGE WITH ACCESS TO INFORMATION SPECIFIC TO SUCH PUBLIC OFFICIAL'S DISTRICT, COUNTY, CITY, TOWN OR VILLAGE MAINTAINED ON SUCH DATABASE TO FURTHER THE PURPOSES OF THIS SECTION, SECTION THIRTEEN HUNDRED SEVEN OF THIS ARTICLE OR ARTICLE NINETEEN--A OF THIS CHAPTER, OR ANY OTHER RELATED LAW, CODE, RULE, REGULATION OR ORDINANCE.
2. A LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER SHALL SUBMIT OR CAUSE TO BE SUBMITTED TO THE DEPARTMENT OF FINANCIAL SERVICES INFORMATION REQUIRED BY THE SUPERINTENDENT OF FINANCIAL SERVICES ABOUT ANY VACANT AND ABANDONED RESIDENTIAL REAL PROPERTY, AS THAT TERM IS DEFINED IN SUBDIVISION TWO OF SECTION THIRTEEN HUNDRED NINE OF THIS ARTICLE, OR AS THE SUPERINTENDENT OF FINANCIAL SERVICES MAY OTHERWISE DEFINE THAT TERM, WITHIN TWENTY-ONE BUSINESS DAYS OF WHEN THE LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER LEARNS, OR SHOULD HAVE LEARNED, THAT SUCH PROPERTY IS VACANT AND ABANDONED. SUCH INFORMATION SHALL, AT A MINIMUM, INCLUDE: (A) THE CURRENT NAME, ADDRESS AND CONTACT INFORMATION FOR THE LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER RESPONSIBLE FOR MAINTAINING THE VACANT PROPERTY; (B) WHETHER A FORECLOSURE ACTION HAS BEEN FILED FOR THE PROPERTY IN QUESTION, AND, IF SO, THE DATE ON WHICH THE FORECLOSURE ACTION WAS COMMENCED; AND (C) THE LAST KNOWN ADDRESS AND CONTACT INFORMATION FOR THE MORTGAGOR(S) OF RECORD.

3. WHERE ANY OF THE INFORMATION CONTAINED IN A LENDER'S, ASSIGNEE'S OR MORTGAGE LOAN SERVICER'S INITIAL SUBMISSION TO THE REGISTRY HAS MATERIALLY CHANGED SINCE SUCH SUBMISSION, SUCH LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER SHALL MAKE AN AMENDED SUBMISSION TO THE REGISTRY NOT LATER THAN THIRTY DAYS AFTER THE LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER LEARNS, OR REASONABLY SHOULD HAVE LEARNED, OF THE NEW OR CHANGED INFORMATION.

4. THE DEPARTMENT OF FINANCIAL SERVICES IS AUTHORIZED AND EMPOWERED TO ADOPT SUCH RULES AND REGULATIONS AS MAY IN THE JUDGMENT OF THE SUPERINTENDENT OF FINANCIAL SERVICES NECESSARY FOR THE EFFECTIVE ADMINISTRATION AND OPERATION OF SUCH REGISTRY, INCLUDING BUT NOT LIMITED TO RULES AND REGULATIONS GOVERNING ACCESS TO THE REGISTRY AND SPECIFYING THE MANNER AND FREQUENCY OF REGISTRATION AND THE INFORMATION THAT MUST BE PROVIDED. THE SUPERINTENDENT OF FINANCIAL SERVICES MAY AMEND SUCH REGULATIONS FROM TIME TO TIME AS NECESSARY TO EFFECTUATE THE PURPOSE OF THIS SECTION AND SECTION THIRTEEN HUNDRED SEVEN OF THIS ARTICLE.

5. THE DEPARTMENT OF FINANCIAL SERVICES SHALL ESTABLISH AND MAINTAIN A TOLL-FREE HOTLINE THAT NEIGHBORS OF REAL PROPERTY THAT IS, OR APPEARS TO BE, VACANT AND ABANDONED RESIDENTIAL REAL PROPERTY, AS SUCH TERM IS DEFINED IN SUBDIVISION TWO OF SECTION THIRTEEN HUNDRED NINE OF THIS ARTICLE, AND OTHER COMMUNITY RESIDENTS CAN USE TO REPORT TO THE SUPERINTENDENT OF FINANCIAL SERVICES ANY HAZARDS, BLIGHT OR OTHER CONCERNS RELATED TO SUCH PROPERTY. THE DEPARTMENT OF FINANCIAL SERVICES SHALL INCLUDE ON ITS OFFICIAL PUBLIC WEBSITE INFORMATION ABOUT SUCH TOLL-FREE HOTLINE.

NO LOCAL LAW, ORDINANCE, OR RESOLUTION SHALL IMPOSE A DUTY TO REGISTER VACANT AND ABANDONED PROPERTY AS DEFINED IN SECTION THIRTEEN HUNDRED NINE OF THE ARTICLE IN A MANNER INCONSISTENT WITH THE PROVISIONS OF THIS SECTION THAT ARE RELATED TO REGISTRATION AS PROVIDED UNDER SECTION THIRTEEN HUNDRED TEN OF THIS ARTICLE OR ESTABLISH RELATED PENALTIES OR OTHER MONETARY OBLIGATION, WITH RESPECT TO A STATE OR FEDERALLY CHARTERED BANK, SAVINGS BANK, SAVINGS AND LOAN ASSOCIATION OR CREDIT UNION THAT ORIGINATES, OWNS, SERVICES OR MAINTAINS A MORTGAGE RELATED TO SUCH PROPERTY.

NO LOCAL LAW, ORDINANCE, OR RESOLUTION SHALL IMPOSE A DUTY TO MAINTAIN VACANT AND ABANDONED PROPERTY UPON ANY STATE OR FEDERALLY CHARTERED BANK, SAVINGS BANK, SAVINGS AND LOAN ASSOCIATION OR CREDIT UNION THAT ORIGINATES, OWNS, SERVICES OR MAINTAINS A MORTGAGE RELATED TO SUCH PROPERTY FOR WHICH THE PROVISIONS OF THIS SECTION, PURSUANT TO THE OPENING PARAGRAPH OF SECTION THIRTEEN HUNDRED EIGHT OF THIS ARTICLE, DO NOT APPLY.
S. 8159

1 S 5. Subdivision 3 of section 1303 of the real property actions and
2 proceedings law, as amended by chapter 507 of the laws of 2009 and as
3 further amended by section 104 of part A of chapter 62 of the laws of
4 2011, is amended and a new subdivision 3-a is added to read as follows:
5 3. The notice to any mortgagor required by paragraph (a) of subdivi-
6 sion one of this section shall appear as follows:
7 Help for Homeowners in Foreclosure
8 New York State Law requires that we send you this notice about the
9 foreclosure process. Please read it carefully.
10
11 Summons and Complaint
12 You are in danger of losing your home. If you fail to respond to the
13 summons and complaint in this foreclosure action, you may lose your
14 home. Please read the summons and complaint carefully. You should imme-
15 diately contact an attorney or your local legal aid office to obtain
16 advice on how to protect yourself.
17
18 Sources of Information and Assistance
19 The State encourages you to become informed about your options in
20 foreclosure. In addition to seeking assistance from an attorney or legal
21 aid office, there are government agencies and non-profit organizations
22 that you may contact for information about possible options, including
23 trying to work with your lender during this process.
24 To locate an entity near you, you may call the toll-free helpline
25 maintained by the New York State Department of Financial Services at
26 (enter number) or visit the Department's website at (enter web address).
27
28 RIGHTS AND OBLIGATIONS
29 YOU ARE NOT REQUIRED TO LEAVE YOUR HOME AT THIS TIME. YOU HAVE THE RIGHT
30 TO STAY IN YOUR HOME DURING THE FORECLOSURE PROCESS. YOU ARE NOT
31 REQUIRED TO LEAVE YOUR HOME UNLESS AND UNTIL YOUR PROPERTY IS SOLD AT
32 AUCTION PURSUANT TO A JUDGMENT OF FORECLOSURE AND SALE.
33 REGARDLESS OF WHETHER YOU CHOOSE TO REMAIN IN YOUR HOME, YOU ARE
34 REQUIRED TO TAKE CARE OF YOUR PROPERTY AND PAY PROPERTY TAXES IN ACCORD-
35 ANCE WITH STATE AND LOCAL LAW.

36 Foreclosure rescue scams
37 Be careful of people who approach you with offers to "save" your home.
38 There are individuals who watch for notices of foreclosure actions in
39 order to unfairly profit from a homeowner's distress. You should be
40 extremely careful about any such promises and any suggestions that you
41 pay them a fee or sign over your deed. State law requires anyone offer-
42 ing such services for profit to enter into a contract which fully
43 describes the services they will perform and fees they will charge, and
44 which prohibits them from taking any money from you until they have
45 completed all such promised services.

3-A. NO LATER THAN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDI-
46 VISION, THE DEPARTMENT OF FINANCIAL SERVICES SHALL PUBLISH A CONSUMER
47 BILL OF RIGHTS, IN CONSULTATION WITH ALL STAKEHOLDERS, WHICH SHALL
48 DETAIL THE RIGHTS AND RESPONSIBILITIES OF THE PLAINTIFF AND DEFENDANT IN
49 A FORECLOSURE PROCEEDING. SUCH BILL OF RIGHTS SHALL BE UPDATED ON AN
50 ANNUAL BASIS AND AS APPROPRIATE.
51
52 S 6. Section 1304 of the real property actions and proceedings law, as
53 added by chapter 472 of the laws of 2008, subdivision 1 as amended and
54 subdivision 6 as added by chapter 155 of the laws of 2012, and subdivi-
55 sions 2 and 5 as amended by chapter 507 of the laws of 2009, and subdi-
56 vision 2 as further amended by section 104 of part A of chapter 62 of
57 the laws of 2011, is amended to read as follows:
58 S 1304. Required prior notices. 1. Notwithstanding any other
59 provision of law, with regard to a home loan, at least ninety days
before a lender, an assignee or a mortgage loan servicer commences legal action against the borrower, OR BORROWERS AT THE PROPERTY ADDRESS AND ANY OTHER ADDRESS OF RECORD, including mortgage foreclosure, such lender, assignee or mortgage loan servicer shall give notice to the borrower in at least fourteen-point type which shall include the following:

"YOU [COULD LOSE YOUR HOME] MAY BE AT RISK OF FORECLOSURE. PLEASE READ THE FOLLOWING NOTICE CAREFULLY"

"As of ___, your home loan is ___ days AND DOLLARS in default. Under New York State Law, we are required to send you this notice to inform you that you are at risk of losing your home. [You can cure this default by making the payment of _____ dollars by ____.]"

[If you are experiencing financial difficulty, you should know that there are several options available to you that may help you keep your home.] Attached to this notice is a list of government approved housing counseling agencies in your area which provide free [or very low-cost] counseling. [You should consider contacting one of these agencies immediately. These agencies specialize in helping homeowners who are facing financial difficulty. Housing counselors can help you assess your financial condition and work with us to explore the possibility of modifying your loan, establishing an easier payment plan for you, or even working out a period of loan forbearance.] YOU CAN ALSO CALL THE NYS OFFICE OF THE ATTORNEY GENERAL'S HOMEOWNER PROTECTION PROGRAM (HOPP) TOLL-FREE CONSUMER HOTLINE TO BE CONNECTED TO FREE HOUSING COUNSELING SERVICES IN YOUR AREA AT 1-855-HOME-456 (1-855-466-3456), OR VISIT THEIR WEBSITE AT HTTP://WWW.AGHOMEHELP.COM/. A STATEWIDE LISTING BY COUNTY IS ALSO AVAILABLE AT HTTP://WWW.DFS.NY.GOV/CONSUMER/MORTG NYS NP COUNSELING AGENCIES. HTM. QUALIFIED FREE HELP IS AVAILABLE; WATCH OUT FOR COMPANIES OR PEOPLE WHO CHARGE A FEE FOR THESE SERVICES.

HOUSING COUNSELORS FROM NEW YORK-BASED AGENCIES LISTED ON THE WEBSITE ABOVE ARE TRAINED TO HELP HOMEOWNERS WHO ARE HAVING PROBLEMS MAKING THEIR MORTGAGE PAYMENTS AND CAN HELP YOU FIND THE BEST OPTION FOR YOUR SITUATION. If you wish, you may also contact us directly at ________ and ask to discuss possible options.

While we cannot assure that a mutually agreeable resolution is possible, we encourage you to take immediate steps to try to achieve a resolution. The longer you wait, the fewer options you may have.

If [this matter is not resolved] YOU HAVE NOT TAKEN ANY ACTIONS TO RESOLVE THIS MATTER within 90 days from the date this notice was mailed, we may commence legal action against you (or sooner if you cease to live in the dwelling as your primary residence.)

If you need further information, please call the New York State Department of Financial Services' toll-free helpline at (show number) or visit the Department's website at (show web address)["].

IMPORTANT: YOU HAVE THE RIGHT TO REMAIN IN YOUR HOME UNTIL YOU RECEIVE A COURT ORDER TELLING YOU TO LEAVE THE PROPERTY. IF A FORECLOSURE ACTION IS FILED AGAINST YOU IN COURT, YOU STILL HAVE THE RIGHT TO REMAIN IN THE HOME UNTIL A COURT ORDERS YOU TO LEAVE. YOU LEGALLY REMAIN THE OWNER OF AND ARE RESPONSIBLE FOR THE PROPERTY UNTIL THE PROPERTY IS SOLD BY YOU OR BY ORDER OF THE COURT AT THE CONCLUSION OF ANY FORECLOSURE PROCEEDINGS. THIS NOTICE IS NOT AN EVICTION NOTICE, AND A FORECLOSURE ACTION HAS NOT YET BEEN COMMENCED AGAINST YOU.

2. Such notice shall be sent by such lender, assignee (INCLUDING PURCHASING INVESTOR) or mortgage loan servicer to the borrower, by registered or certified mail and also by first-class mail to the last known address of the borrower, and [if different,] to the residence that is the subject of the mortgage. Such notice shall be sent by the lender,
assignee or mortgage loan servicer in a separate envelope from any other mailing or notice. Notice is considered given as of the date it is mailed. The notice shall contain a CURRENT list of at least five housing counseling agencies [as designated by the division of housing and community renewal, that serve the region where the borrower resides] SERVING THE COUNTY WHERE THE PROPERTY IS LOCATED FROM THE MOST RECENT LISTING AVAILABLE FROM DEPARTMENT OF FINANCIAL SERVICES. The list shall include the counseling agencies' last known addresses and telephone numbers. The department of financial services [and the division of housing and community renewal] shall make available on [their respective] ITS websites a listing, by [region] COUNTY, of such agencies. The lender, assignee or mortgage loan servicer shall use [either of these] SUCH lists to meet the requirements of this section.

3. The ninety day period specified in the notice contained in subdivision one of this section shall not apply, or shall cease to apply, if the borrower has filed [an application for the adjustment of debts of the borrower or an order for relief from the payment of debts,] FOR BANKRUPTCY PROTECTION UNDER FEDERAL LAW, or if the borrower no longer occupies the residence as the borrower's principal dwelling. NOTHING HEREIN SHALL RELIEVE THE LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER OF THE OBLIGATION TO SEND SUCH NOTICE, WHICH NOTICE SHALL BE A CONDITION PRECEDENT TO COMMENCING A FORECLOSURE PROCEEDING.

4. The notice and the ninety day period required by subdivision one of this section need only be provided once in a twelve month period to the same borrower in connection with the same loan AND SAME DELINQUENCY. SHOULD A BORROWER CURE A DELINQUENCY BUT RE-DEFAULT IN THE SAME TWELVE MONTH PERIOD, THE LENDER SHALL PROVIDE A NEW NOTICE PURSUANT TO THIS SECTION.

5. FOR ANY BORROWER KNOWN TO HAVE LIMITED ENGLISH PROFICIENCY, THE NOTICE REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL BE IN THE BORROWER'S NATIVE LANGUAGE (OR A LANGUAGE IN WHICH THE BORROWER IS PROFICIENT), PROVIDED THAT THE LANGUAGE IS ONE OF THE SIX MOST COMMON NON-ENGLISH LANGUAGES SPOKEN BY INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY IN THE STATE OF NEW YORK, BASED ON UNITED STATES CENSUS DATA. THE DEPARTMENT OF FINANCIAL SERVICES SHALL POST THE NOTICE REQUIRED BY SUBDIVISION ONE OF THIS SECTION ON ITS WEBSITE IN THE SIX MOST COMMON NON-ENGLISH LANGUAGES SPOKEN BY INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY IN THE STATE OF NEW YORK, BASED ON THE UNITED STATES CENSUS DATA.

6. (a) "Home loan" means a loan, including an open-end credit plan, other than a reverse mortgage transaction, in which:
(i) The borrower is a natural person;
(ii) The debt is incurred by the borrower primarily for personal, family, or household purposes;
(iii) The loan is secured by a mortgage or deed of trust on real estate improved by a one to four family dwelling, or a condominium unit, in either case, used or occupied, or intended to be used or occupied wholly or partly, as the home or residence of one or more persons and which is or will be occupied by the borrower as the borrower's principal dwelling; and
(iv) The property is located in this state.
(b) "Lender" means a mortgage banker as defined in paragraph (f) of subdivision one of section five hundred ninety of the banking law or an exempt organization as defined in paragraph (e) of subdivision one of section five hundred ninety of the banking law.
7. Subdivisions 1, 2, 5 and 6 of section 1304 of the real property actions and proceedings law, subdivision 1 as amended and subdivision 6 as added by chapter 155 of the laws of 2012, and subdivisions 2 and 5 as added by chapter 472 of the laws of 2008, subdivision 2 and paragraph (f) of subdivision 5 as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended to read as follows:

1. Notwithstanding any other provision of law, with regard to a high-cost home loan, as such term is defined in section six-l of the banking law, a subprime home loan or a non-traditional home loan, at least ninety days before a lender or a mortgage loan servicer commences legal action against the borrower, including mortgage foreclosure, the lender or mortgage loan servicer shall give notice to the borrower(S) AT THE PROPERTY ADDRESS AND ANY OTHER ADDRESS OF RECORD in at least fourteen-point type which shall include the following:

"YOU [COULD LOSE YOUR HOME] MAY BE AT RISK OF FORECLOSURE. PLEASE READ THE FOLLOWING NOTICE CAREFULLY"

As of ___, your home loan is ___ days AND DOLLARS in default. Under New York State Law, we are required to send you this notice to inform you that you are at risk of losing your home. [You can cure this default by making the payment of _____ dollars by ____.] THERE MAY BE OPTIONS AVAILABLE TO YOU TO KEEP YOUR HOME. THIS MAY INCLUDE APPLYING FOR A LOAN MODIFICATION OF YOUR MORTGAGE, OR REINSTATING YOUR LOAN BY MAKING THE PAYMENT.

[If you are experiencing financial difficulty, you should know that there are several options available to you that may help you keep your home.] Attached to this notice is a list of government approved housing counseling agencies in your area which provide free or very low-cost counseling. [You should consider contacting one of these agencies immediately. These agencies specialize in helping homeowners who are facing financial difficulty. Housing counselors can help you assess your financial condition and work with us to explore the possibility of modifying your loan, establishing an easier payment plan for you, or even working out a period of loan forbearance.] YOU CAN ALSO CALL THE NYS OFFICE OF THE ATTORNEY GENERAL'S HOMEOWNER PROTECTION PROGRAM (HOPP) TOLL-FREE CONSUMER HOTLINE TO BE CONNECTED TO FREE HOUSING COUNSELING SERVICES IN YOUR AREA AT 1-855-HOME-456 (1-855-466-3456), OR VISIT THEIR WEBSITE AT HTTP://WWW.AGHOMEHELP.COM/. A STATEWIDE LISTING BY COUNTY IS ALSO AVAILABLE AT HTTP://WWW.DFS.NY.GOV/CONSUMER/MORTG NYS NP COUNSELING AGENCIES.HTM. QUALIFIED FREE HELP IS AVAILABLE; WATCH OUT FOR COMPANIES OR PEOPLE WHO CHARGE A FEE FOR THESE SERVICES.

HOUSING COUNSELORS FROM NEW YORK-BASED AGENCIES LISTED ON THE WEBSITE ABOVE ARE TRAINED TO HELP HOMEOWNERS WHO ARE HAVING PROBLEMS MAKING THEIR MORTGAGE PAYMENTS AND CAN HELP YOU FIND THE BEST OPTION FOR YOUR SITUATION. If you wish, you may also contact us directly at __________ and ask to discuss possible options.

While we cannot assure that a mutually agreeable resolution is possible, we encourage you to take immediate steps to try to achieve a resolution. The longer you wait, the fewer options you may have.

If [this matter is not resolved] YOU HAVE NOT TAKEN ANY ACTIONS TO RESOLVE THIS MATTER within 90 days from the date this notice was mailed, we may commence legal action against you (or sooner if you cease to live in the dwelling as your primary residence.)

If you need further information, please call the New York State Department of Financial Services' toll-free helpline at (show number) or visit the Department's website at (show web address)."
IMPORTANT: YOU HAVE THE RIGHT TO REMAIN IN YOUR HOME UNTIL YOU RECEIVE
A COURT ORDER TELLING YOU TO LEAVE THE PROPERTY. IF A FORECLOSURE ACTION
IS FILED AGAINST YOU IN COURT, YOU STILL HAVE THE RIGHT TO REMAIN IN THE
HOME UNTIL A COURT ORDERS YOU TO LEAVE. YOU LEGALLY REMAIN THE OWNER OF
AND ARE RESPONSIBLE FOR THE PROPERTY UNTIL THE PROPERTY IS SOLD BY YOU
OR BY ORDER OF THE COURT AT THE CONCLUSION OF ANY FORECLOSURE
PROCEEDINGS. THIS NOTICE IS NOT AN EVICTION NOTICE, AND A FORECLOSURE
ACTION HAS NOT YET BEEN COMMENCED AGAINST YOU.

2. Such notice shall be sent by the lender or mortgage loan servicer
to the borrower, by registered or certified mail and also by first-class
mail to the last known address of the borrower, and [if different,] to
the residence which is the subject of the mortgage. Notice is considered
given as of the date it is mailed. The notice shall contain a CURRENT
list of [at least five] United States department of housing and urban
development approved housing counseling agencies, or other housing coun-
seling agencies [as designated by the division of housing and community
renewal, that serve the region where the borrower resides.] SERVING THE
COUNTY WHERE THE PROPERTY IS LOCATED FROM THE MOST RECENT LISTING AVAIL-
ABLE FROM THE DEPARTMENT OF FINANCIAL SERVICES. The list shall include
the counseling agencies' last known addresses and telephone numbers. The
department of financial services [and/or the division of housing and
community renewal] shall make available a listing, by [region] COUNTY,
of such agencies which the lender or mortgage loan servicer may use to
meet the requirements of this section.

[5.] 6. (a) "Annual percentage rate" means the annual percentage rate
for the loan calculated according to the provisions of the Federal
promulgated thereunder by the federal reserve board (as said act and
regulations are amended from time to time).

(b) "Home loan" means a home loan, including an open-end credit plan,
other than a reverse mortgage transaction, in which:

(i) The principal amount of the loan at origination did not exceed the
conforming loan size that was in existence at the time of origination
for a comparable dwelling as established by the federal national mort-
gage association;

(ii) The borrower is a natural person;

(iii) The debt is incurred by the borrower primarily for personal,
family, or household purposes;

(iv) The loan is secured by a mortgage or deed of trust on real estate
upon which there is located or there is to be located a structure or
structures intended principally for occupancy of from one to four fami-
lies which is or will be occupied by the borrower as the borrower's
principal dwelling; and

(v) The property is located in this state.

(c) "Subprime home loan" for the purposes of this section, means a
home loan consummated between January first, two thousand three and
September first, two thousand eight in which the terms of the loan
exceed the threshold as defined in paragraph (d) of this subdivision. A
subprime home loan excludes a transaction to finance the initial
construction of a dwelling, a temporary or "bridge" loan with a term of
twelve months or less, such as a loan to purchase a new dwelling where
the borrower plans to sell a current dwelling within twelve months, or a
home equity line of credit.

(d) "Threshold" means, for a first lien mortgage loan, the annual
percentage rate of the home loan at consummation of the transaction
exceeds three percentage points over the yield on treasury securities
having comparable periods of maturity to the loan maturity measured as
of the fifteenth day of the month in which the loan was consummated; or
for a subordinate mortgage lien, the annual percentage rate of the home
loan at consummation of the transaction equals or exceeds five percent-
age points over the yield on treasury securities having comparable peri-
ods of maturity on the fifteenth day of the month in which the loan was
consummated; as determined by the following rules: if the terms of the
home loan offer any initial or introductory period, and the annual
percentage rate is less than that which will apply after the end of such
initial or introductory period, then the annual percentage rate that
shall be taken into account for purposes of this section shall be the
rate which applies after the initial or introductory period.

(e) "Non-traditional home loan" shall mean a payment option adjustable
rate mortgage or an interest only loan consummated between January
first, two thousand three and September first, two thousand eight.

(f) For purposes of determining the threshold, the department of
financial services shall publish on its website a listing of constant
maturity yields for U.S. Treasury securities for each month between
January first, two thousand three and September first, two thousand
eight, as published in the Federal Reserve Statistical Release on
selected interest rates, commonly referred to as the H.15 release, in
the following maturities, to the extent available in such release: six
month, one year, two year, three year, five year, seven year, ten year,
thirty year.

(g) "Lender" means a mortgage banker as defined in paragraph (f) of
subdivision one of section five hundred ninety of the banking law or an
exempt organization as defined in paragraph (e) of subdivision one of
section five hundred ninety of the banking law.

[6.] 7. The department of financial services shall prescribe the tele-
phone number and web address to be included in the notice.

S 8. Subdivision 1 of section 1351 of the real property actions and
proceedings law, as added by chapter 312 of the laws of 1962, is amended
to read as follows:

1. The judgment shall direct that the mortgaged premises, or so much
thereof as may be sufficient to discharge the mortgage debt, the
expenses of the sale and the costs of the action, and which may be sold
separately without material injury to the parties interested, be sold by
or under the direction of the sheriff of the county, or a referee WITHIN
NINETY DAYS OF THE DATE OF THE JUDGMENT.

S 9. Subdivision 1 of section 1353 of the real property actions and
proceedings law, as added by chapter 312 of the laws of 1962, is amended
to read as follows:

1. After the property has been sold, the officer conducting the sale
shall execute a deed to the purchaser. The plaintiff, or any other
party, may become a purchaser. IF THE PLAINTIFF (OR ITS AFFILIATE, AS
DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION SIX-L OF THE
BANKING LAW) IS THE PURCHASER, SUCH PARTY SHALL PLACE THE PROPERTY BACK
ON THE MARKET FOR SALE OR OTHER OCCUPANCY: (A) WITHIN ONE HUNDRED EIGHTY
DAYS OF THE EXECUTION OF THE DEED OF SALE, OR (B) WITHIN NINETY DAYS OF
COMPLETION OF CONSTRUCTION, RENOVATION, OR REHABILITATION OF THE PROPER-
TY, PROVIDED THAT SUCH CONSTRUCTION, RENOVATION, OR REHABILITATION
PROCEEDED DILIGENTLY TO COMPLETION, WHICHEREVER COMES FIRST, PROVIDED
HOWEVER, A COURT OF COMPETENT JURISDICTION MAY GRANT AN EXTENSION FOR
GOOD CAUSE.

S 10. No local law, ordinance, or resolution shall impose a duty to
maintain or register vacant and abandoned property as defined in section
1309 of the real property actions and proceedings law in a manner inconsistent with the provisions of this act that are related to maintenance as provided under subdivision 3, 4, 5, 6 and 7 of section 1308 of the real property actions and proceedings law, or registration as provided under section 1310 of the real property actions and proceedings law, or establish related penalties or other monetary obligation, with respect to a state or federally chartered bank, savings bank, savings and loan association or credit union that originates, owns, services or maintains mortgages related to such property.

No local law, ordinance, or resolution shall impose a duty to maintain vacant and abandoned property upon any state or federally chartered bank, savings bank, savings and loan association or credit union that originates, owns, services or maintains mortgages related to such property for which the provisions of this act, pursuant to the opening paragraph of section 1308 of the real property actions and proceedings law as added by section one of this act, do not apply.

S 11. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that:

(a) The amendments to subdivision (a) of rule 3408 of the civil practice law and rules made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to chapter 507 of the laws of 2009, as amended, when upon such date the provisions of section three of this act shall take effect; and

(b) The amendments to subdivisions 1, 2, 5 and 6 of section 1304 of the real property actions and proceedings law made by section six of this act shall be subject to the expiration and reversion of such subdivisions pursuant to chapter 507 of the laws of 2009, as amended, when upon such date the provisions of section seven of this act shall take effect.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through Q of this act shall be as specifically set forth in the last section of such Parts.