

6259

I N S E N A T E

(PREFILED)

January 6, 2016

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the real property actions and proceedings law and the real property tax law, in relation to requiring the court in a foreclosure action to provide notice to the former owner of the real property of the right to apply for surplus moneys from the sale of such property

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

- 1 Section 1. Section 1354 of the real property actions and proceedings
2 law is amended by adding a new subdivision 5 to read as follows:
3 5. THE COURT SHALL PROVIDE NOTICE TO THE FORMER OWNER OR OWNERS OF THE
4 FORECLOSED REAL PROPERTY OF THE EXISTENCE OF SURPLUS MONEYS RESULTING
5 FROM THE SALE AND THEIR RIGHT TO FILE A WRITTEN NOTICE OF CLAIM TO ALL
6 OR A PORTION OF SUCH PROCEEDS PURSUANT TO SECTION THIRTEEN HUNDRED
7 SIXTY-ONE OF THIS ARTICLE.
8 S 2. Section 1136 of the real property tax law is amended by adding a
9 new subdivision 4 to read as follows:
10 4. NOTICE TO FORMER OWNERS. IN THE EVENT THE COURT DIRECTS THE SALE OF
11 REAL PROPERTY PURSUANT TO THIS SECTION, THE COURT SHALL PROVIDE NOTICE
12 TO THE FORMER OWNER OR OWNERS OF THE FORECLOSED REAL PROPERTY THAT
13 OWNERSHIP OF SUCH PROPERTY HAS BEEN TRANSFERRED TO A MUNICIPALITY OR A
14 TAX DISTRICT, THAT AFTER THE SALE THEREOF THERE IS A POTENTIAL THAT
15 SURPLUS MONEYS MAY RESULT FROM THE SALE AND IN THE EVENT A SURPLUS
16 RESULTS, SUCH OWNER OR OWNERS SHALL HAVE A RIGHT TO FILE A WRITTEN
17 NOTICE OF CLAIM TO ALL OR A PORTION OF SUCH PROCEEDS PURSUANT TO SECTION
18 THIRTEEN HUNDRED SIXTY-ONE OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS
19 LAW.
20 S 3. This act shall take effect immediately.

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

LBD13264-02-5