

7586

I N S E N A T E

May 10, 2016

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to authorizing
municipalities to treat unpaid building code and fire code fines as
delinquent taxes and impose tax liens upon the real property which is
the subject of such fines

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

1 Section 1. The real property tax law is amended by adding a new
2 section 901 to read as follows:
3 S 901. AUTHORIZING INCLUSION IN THE TAX LEVY OF CERTAIN FINES IMPOSED
4 BY MUNICIPAL CORPORATIONS. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO
5 THE CONTRARY, A MUNICIPAL CORPORATION, ACTING BY AND THROUGH ITS GOVERN-
6 ING BODY, MAY ENACT A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THAT
7 FINALLY ADJUDICATED FINES IMPOSED UPON REAL PROPERTY, OTHER THAN A PROP-
8 ERTY SERVING AS THE PRIMARY RESIDENCE OF ONE OR MORE OF THE OWNERS THER-
9 EOF, FOR BUILDING CODE AND FIRE CODE VIOLATIONS SHALL BE DEEMED TO BE
10 DELINQUENT TAXES IN ACCORDANCE WITH THE PROVISION OF THIS SECTION. NO
11 SUCH LAW, ORDINANCE OR RESOLUTION SHALL BE DEEMED TO TAKE EFFECT UNTIL
12 IT SHALL HAVE BEEN FILED WITH THE CLERK OF THE MUNICIPAL CORPORATION AND
13 THE APPROPRIATE COLLECTING OFFICER.
14 2. EVERY SUCH LOCAL LAW, ORDINANCE AND RESOLUTION SHALL ESTABLISH A
15 PROCEDURE FOR THE JUDICIAL DETERMINATION AND ADJUDICATION OF THE UNDER-
16 LYING CIRCUMSTANCES RELATING TO THE BUILDING CODE OR FIRE CODE
17 VIOLATION, AND THE FINE TO BE IMPOSED IF THE COURT FINDS THAT SUCH A
18 VIOLATION OCCURRED. FURTHERMORE, A REAL PROPERTY OWNER WHO AFTER BEING
19 ADJUDGED TO HAVE COMMITTED A VIOLATION SHALL HAVE THE RIGHT TO APPEAL
20 SUCH JUDGMENT.
21 3. EVERY LOCAL LAW, ORDINANCE AND RESOLUTION ENACTED PURSUANT TO THIS
22 SECTION SHALL PROVIDE THAT EACH AFFECTED PROPERTY OWNER SHALL BE
23 PROVIDED, BY THE MUNICIPAL CORPORATION, WITH NOT LESS THAN TEN DAYS
24 WRITTEN NOTICE PRIOR TO THE OCCURRENCE OF ANY ACTION BY THE MUNICIPAL
25 CORPORATION PURSUANT TO THE PROVISIONS OF THIS SECTION. EVERY SUCH

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

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1 NOTICE SHALL INFORM THE REAL PROPERTY OWNER THAT A REAL PROPERTY TAX
2 LIEN MAY BE IMPOSED IF THE FINE REMAINS UNPAID.

3 4. A MUNICIPAL CORPORATION MAY, NOT LESS THAN ONE YEAR AFTER THE FINAL
4 ADJUDICATION AND EXHAUSTION OF ALL APPEALS RELATING TO THE IMPOSITION OF
5 A FINE FOR A BUILDING CODE OR FIRE CODE VIOLATION, DECLARE SUCH FINE AND
6 ANY EXPENSES INCURRED IN ADJUDICATING SUCH FINE TO BE UNPAID REAL PROP-
7 ERTY TAXES ON THE SUBJECT PROPERTY, AND INCLUDE SUCH FINE ON THE TAX
8 ROLL OF UNPAID TAXES DELIVERED TO THE COLLECTING OFFICER.

9 S 2. Section 936 of the real property tax law, as amended by chapter
10 237 of the laws of 1995, subdivision 1 as amended by chapter 355 of the
11 laws of 1997, is amended to read as follows:

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

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

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

43 2. "Delinquent tax" means an unpaid tax, UNPAID FINES THAT ARE DEEMED
44 TO BE UNPAID TAXES PURSUANT TO SECTION NINE HUNDRED ONE OF THIS CHAPTER,
45 special ad valorem levy, special assessment or other charge imposed upon
46 real property by or on behalf of a municipal corporation or special
47 district, plus all applicable charges, relating to any parcel which is
48 included in the return of unpaid delinquent taxes prepared pursuant to
49 section nine hundred thirty-six of this chapter or such other general,
50 special, or local law as may be applicable. In no event, however, shall
51 "delinquent tax" include any unpaid tax or other charge against lands
52 owned by the state.

53 S 4. This act shall take effect on the first of January next succeed-
54 ing the date on which it shall have become a law.