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

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I N S E N A T E

May 26, 2016

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the New York city civil court act and the administrative code of the city of New York, in relation to enforcement and collection of judgments for civil penalties in an action in the housing part of the New York city civil court

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

Section 1. Section 1505 of the New York city civil court act, as amended by chapter 523 of the laws of 1965, is amended to read as follows:

S 1505. Execution to be levied against real property.

(A) An execution out of this court may not be levied against real property. In order for an execution on a judgment of this court to be levied against real property, a transcript of such judgment must be filed with the county clerk of the county wherein judgment was entered, pursuant to [S 1502] SECTION FIFTEEN HUNDRED TWO of this act. After such transcripting, [CPLR S 5018 (a)] SUBDIVISION (A) OF SECTION FIVE THOUSAND EIGHTEEN OF THE CIVIL PRACTICE LAW AND RULES shall be applicable and the judgment enforceable accordingly. This shall not be construed to prevent the issuance of an execution out of this court, pursuant and subject to [S 1504] SECTION FIFTEEN HUNDRED FOUR of this act, after such transcripting.

(B) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE OR ANY OTHER PROVISION OF LAW, EXCEPT FOR THE PROVISIONS OF RULE FIVE THOUSAND FIFTEEN AND SECTION THREE HUNDRED SEVENTEEN OF THE CIVIL PRACTICE LAW AND RULES, IN A CITY OF A MILLION OR MORE, WHEN THE DEPARTMENT CHARGED WITH THE ENFORCEMENT OF THE HOUSING MAINTENANCE CODE OF SUCH CITY OR ITS AUTHORIZED REPRESENTATIVE OBTAINS A JUDGMENT IN AN ACTION OR PROCEEDING BROUGHT BY SUCH DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVE UNDER ARTICLE TWO OF SUBCHAPTER FIVE OF CHAPTER TWO OF TITLE TWENTY-SEVEN OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, THE JUDGMENT FOR CIVIL PENALTIES SHALL CONSTITUTE A CHARGE RECOVERABLE FROM THE OWNER AND A LIEN UPON THE BUILDING AND LOTS, AND UPON THE RENTS AND OTHER INCOME

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

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THEREOF WHEN THE AMOUNT OF ANY PART OF SUCH JUDGMENT REMAINS UNPAID FOR A PERIOD OF ONE YEAR FROM THE DATE THAT THE TRANSCRIPT OF THE JUDGMENT IS FILED. THE PROVISIONS OF ARTICLE EIGHT OF SUBCHAPTER FIVE OF CHAPTER TWO OF TITLE TWENTY-SEVEN OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK SHALL GOVERN THE EFFECT AND ENFORCEMENT OF SUCH LIEN; PROVIDED, HOWEVER, THAT WITH RESPECT TO SUCH LIEN, ANY REFERENCE TO COSTS, EXPENSES OR DISBURSEMENT OF THE DEPARTMENT IN SUCH ARTICLE SHALL BE CONSTRUED TO MEAN THE JUDGMENT FOR CIVIL PENALTIES RECOVERABLE FROM THE OWNER AND THAT SECTION 27-2145 AND SUBDIVISION A OF SECTION 27-2144 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK SHALL NOT APPLY, PROVIDED FURTHER THAT SUCH JUDGMENT MAY NOT BE CHALLENGED AS PROVIDED FOR IN SECTION 27-2146 OF SUCH CODE. NOTICE OF THE AMOUNT OF SUCH JUDGMENT MAY BE SENT TO SUCH OWNER PURSUANT TO SECTION 11-129 OF SUCH CODE, AND SUCH AMOUNT SHALL BE DUE AND PAYABLE AS PROVIDED IN SUCH NOTICE. SUCH UNPAID LIEN SHALL ACCRUE INTEREST, PROVIDED, HOWEVER, THAT SUCH LIEN SHALL NOT BE SUBJECT TO FORECLOSURE OR SALE BY THE CITY OF ONE MILLION OR MORE UNTIL IT HAS REMAINED UNPAID FOR FIVE YEARS FROM THE ENTRY OF THE JUDGMENT.

S 2. Section 27-2116 of the administrative code of the city of New York is amended by adding a new subdivision (e) to read as follows:

(E) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION OR ANY OTHER PROVISION OF LAW, EXCEPT FOR THE PROVISIONS OF RULE FIVE THOUSAND FIFTEEN AND SECTION THREE HUNDRED SEVENTEEN OF THE CIVIL PRACTICE LAW AND RULES, WHEN THE DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVE OBTAINS A JUDGMENT IN AN ACTION OR PROCEEDING UNDER THIS ARTICLE AGAINST AN OWNER, THE JUDGMENT FOR CIVIL PENALTIES SHALL CONSTITUTE A CHARGE RECOVERABLE FROM THE OWNER AND A LIEN UPON THE BUILDING AND LOTS, AND UPON THE RENTS AND OTHER INCOME THEREOF WHEN THE AMOUNT OR ANY PART OF SUCH JUDGMENT REMAINS UNPAID FOR A YEAR OF ONE YEAR FROM THE DATE THAT THE TRANSCRIPT OF THE JUDGMENT IS FILED. THE PROVISIONS OF ARTICLE EIGHT OF SUBCHAPTER FIVE OF CHAPTER TWO OF THIS TITLE SHALL GOVERN THE EFFECT AND ENFORCEMENT OF SUCH LIEN, PROVIDED, HOWEVER, THAT WITH RESPECT TO SUCH LIEN, ANY REFERENCE TO COSTS, EXPENSES OR DISBURSEMENT OF THE DEPARTMENT IN SUCH ARTICLE SHALL BE CONSTRUED TO MEAN THE JUDGMENT FOR CIVIL PENALTIES RECOVERABLE FROM THE OWNER AND THAT SECTION 27-2145 AND SUBDIVISION A OF SECTION 27-2144 OF THIS SUBCHAPTER SHALL NOT APPLY, AND PROVIDED FURTHER THAT SUCH JUDGMENT MAY NOT BE CHALLENGED AS PROVED FOR IN SECTION 27-2146 OF THIS SUBCHAPTER. NOTICE OF THE AMOUNT OF SUCH JUDGMENT MAY BE SENT TO SUCH OWNER PURSUANT TO SECTION 11-129 OF THIS CODE, AND SUCH AMOUNT SHALL BE DUE AND PAYABLE AS PROVIDED IN SUCH NOTICE. SUCH UNPAID LIEN SHALL ACCRUE INTEREST, PROVIDED, HOWEVER, THAT SUCH LIEN SHALL NOT BE SUBJECT TO FORECLOSURE OR SALE BY THE CITY UNTIL IT HAS REMAINED UNPAID FOR FIVE YEARS FROM THE ENTRY OF THE JUDGMENT.

S 3. This act shall take effect immediately and shall apply to any judgment made on or after such date in an action brought by the city of New York or its authorized representative under article 2 of subchapter 5 of chapter 2 of title 27 of the administrative code of the city of New York.