STATE OF NEW YORK

11000

IN ASSEMBLY

May 29, 2018

Introduced by M. of A. MORELLE, BRONSON -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to what constitutes abandonment of property for purposes of article 19-A of such law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 1971 of the real property actions and proceedings law, as amended by chapter 529 of the laws of 2008, is amended to read as follows:

1. The department may make a finding that a dwelling is abandoned if:

(a) **(1)** In the case of an occupied dwelling, the owner has failed for a period of at least three consecutive months either to collect rent or to institute summary proceedings for nonpayment of rent, and the department finds that the dwelling has become a danger to life, health or safety as a result of the owner's failure to assume [~~his~~] responsibility for its condition. Such failure may be shown by such facts as an owner's failure to provide services including, but not limited to[~~,~~]**:**

(i) the failure to make repairs[~~,~~]**;**

(ii) supply janitorial service[~~,~~]**;**

(iii) purchase fuel or other needed supplies[~~, or~~]**;**

(iv) pay utility bills**; or**

(v) the owner's failure to satisfy a notice by the department or other government agency to remedy a violation of a local zoning ordinance, local zoning law, building code, sanitation code, housing code, property maintenance code, or any other provision of law relating to life, health, or safety for more than one year.

(2) The appointment of an administrator pursuant to article seven-A of this chapter shall not prevent the department from making a finding that a dwelling is abandoned; or

(b) In the case of a vacant dwelling[~~, it~~]**:**

(1) The department finds that the dwelling has become a danger to life, health or safety as a result of the owner's failure to assume responsibility for its condition. Such failure may be shown by such

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

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facts as an owner's failure to provide services including, but not limited to:

(i) making repairs;

(ii) supply janitorial service;

(iii) purchase fuel or other needed supplies;

(iv) pay utility bills; or

(v) satisfying a notice by the department or other government agency to remedy a violation of a local zoning ordinance, local zoning law, building code, sanitation code, housing code, property maintenance code, or any other provision of law relating to life, health, or safety for more than one year; or

(2) Such dwelling is not sealed or continuously guarded as required by law or it was sealed or is continuously guarded by a person other than the owner, a mortgagee, lienor or agent thereof, and either of the following facts exists:

(i) A vacate order of the department or other governmental agency currently prohibits occupancy of the dwelling; or

(ii) The tax on such premises has been due and unpaid for a period of at least one year; or

(c) In the case of a building for which an administrator has been appointed pursuant to article seven-A of this chapter[~~,~~]:

[~~(i)~~] (1) no motion for the termination of the judgment entered pursuant to article seven-A of this chapter has been granted by the appointing court;

[~~(ii)~~] (2) no mortgagee or lienor has commenced foreclosure proceedings; and

[~~(iii)~~] (3) at least six months have passed since the granting of a judgment appointing an administrator pursuant to article seven-A of this chapter.

§ 2. This act shall take effect immediately.