STATE OF NEW YORK

928

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

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

AN ACT to amend the real property law, in relation to establishing an emergency repair program

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

Section 1. The real property law is amended by adding a new section 235-h to read as follows:

§ 235-h. Emergency repair program. 1. Every municipality shall set up a program that repairs emergency violations of habitability for residents in twenty-four to forty-eight hours from notification and bills the owners of the property for such repairs. The program shall include a hotline for tenants, accessible via a toll-free phone number, to report potential emergency violations of habitability. Such violations shall be accessed for eligibility via the hotline and any contractor contacted to repair such violations shall verify its existence to the municipality for program eligibility. Proof of notice to the property owner regarding such violation or violations is required for program eligibility. All costs of the hotline shall be paid for by the municipality. Emergency violations include but are not limited to structural stability of buildings, accessibility of buildings, mold and/or lead-based paint issues.

2. The municipality described in subdivision one of this section may bill the property owner for the cost of the emergency repair plus related fees and/or for the cost of sending a contractor to attempt to make repairs. Such charges will appear on the property tax bill, as well as on a separate notice sent to the owner once the repairs are complete. If the owner fails to pay, the municipality shall file a tax lien against such owner. The tax lien will bear interest and may be sold and/or foreclosed to collect the amount owed.

3. Property owners can avoid emergency repair and service charges and remove the violation or violations from municipality records at no cost

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

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by correcting the violation or emergency condition and certifying such correction to the municipality no later than thirty days from notice of such violation or complying with a violation or order as directed by the issuing municipality. Property owners may contact the municipality for a list of contractors. Anything less than a full repair shall not be acceptable in correcting the violation or violations. If a property owner attempts to patch the violation or do surface work, such owner shall be fined double for the violation or violations and may not protest the emergency repair charge pursuant to subdivision four of this section.

4. Property owners may protest an emergency repair charge by submitting their protest in writing and delivering it to the municipality on or before the payment due date listed on the statement of account. Such owner may request an invoice that supports the municipality's emergency repair charge prior to protesting the charge. Failure to protest an emergency repair charge within the time allowed negates the owner's right to contest the charge in any subsequent administrative or judicial proceeding.

5. Each municipality shall notify owners of property on record of the emergency repair program and make all information regarding such program freely and publicly available on its website.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law. 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 to be made on or before such effective date.