STATE OF NEW YORK

2797

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

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

AN ACT to amend the real property actions and proceedings law, in relation to abandoned dwellings in any city with a population of one million or more

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

Section 1. The article heading of article 19-a of the real property actions and proceedings law, as amended by chapter 573 of the laws of 1982, is amended to read as follows:

SPECIAL [~~PROCEEDING TO CONVEY TITLE TO~~]
PROCEEDINGS REGARDING
ABANDONED [~~DWELLING TO CITY, TOWN OR VILLAGE~~] **DWELLINGS**

§ 2. Section 1970 of the real property actions and proceedings law, as amended by chapter 593 of the laws of 1983, is amended to read as follows:

§ 1970. Applicability. The department or agency of a city, town or village, responsible for the enforcement of the multiple dwelling law, the multiple residence law, or any other law, code or ordinance governing the occupancy and maintenance of residential property (hereinafter in this article referred to as "the department") may institute a proceeding in accordance with the provisions of this article for a judgment vesting in the city, town or village title to a dwelling which has been abandoned by the owner. [~~This article shall not apply to a one-family or two-family dwelling occupied by the owner thereof.~~]

§ 3. Subdivision 2 of section 1971 of the real property actions and proceedings law, as amended by chapter 496 of the laws of 1983, is amended to read as follows:

2. When the department finds that a dwelling is abandoned within the meaning of this article, it shall make and file among its records a certification containing such finding and the facts on which it is

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

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based. Further, it shall immediately affix to the dwelling in a prominent and conspicuous location, a notice that the building has been found to be an abandoned building and that it is a crime to take, remove or otherwise damage any fixture or part of the building structure. **Further, it shall immediately mail a copy of the certification with such facts and findings by registered or certified mail to the last known owner at such owner's last known address.**

§ 4. Subdivisions 1 and 2 of section 1972 of the real property actions and proceedings law, as amended by chapter 573 of the laws of 1982, are amended and a new subdivision 5 is added to read as follows:

1. If the department proposes to institute proceedings pursuant to this article, it [~~may~~] **shall** file a copy of the certification and a notice of intention to commence such proceedings in the office of the clerk of the county in which the dwelling is located. Such notice shall contain the names of all persons required to be served pursuant to this section and shall otherwise meet the requirements of subdivision (b) of [~~section~~] **rule** six thousand five hundred eleven of the civil practice law and rules. The notice shall be indexed by the clerk in the manner prescribed by subdivision (c) of [~~section~~] **rule** sixty-five hundred eleven of the civil practice law and rules for a notice of pendency of action and shall have the same effect as such notice. It shall expire one year after filing, if no proceeding pursuant to this article has been commenced. Except as otherwise provided herein, all of the provisions of article sixty-five of the civil practice law and rules shall be applicable to the notice filed pursuant to this article.

2. The department shall serve upon the owner of the dwelling, a copy of the certification. Service shall be made personally or by posting in a conspicuous place upon the dwelling and mailing a copy by registered or certified mail to the last known owner at such owner's last known address. In the case of a dwelling subject to the provisions of section three hundred twenty-five of the multiple dwelling law, such mailing may be made to the last registered owner at his last registered address. The copy of the certification shall be accompanied by a notice stating that proceedings pursuant to this [~~title~~] **article** may be instituted unless the owner notifies the department that the property has not been abandoned. Such notification shall be made by a showing that the conditions upon which the findings in such certification are based do not exist or have been corrected. Such showing shall be made not later than thirty days after the date of such notice.

5. This section shall not apply in any city having a population of one million or more.

§ 5. Section 1973 of the real property actions and proceedings law is amended by adding a new subdivision 6 to read as follows:

6. This section shall not apply in any city having a population of one million or more.

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§ 7. The real property actions and proceedings law is amended by adding a new section 1975 to read as follows:

§ 1975. Special proceeding for abandoned dwellings in any city with a population of one million or more. 1. In any city with a population of one million or more, once a department finds, pursuant to section nineteen hundred seventy-one of this article, that a dwelling is abandoned, and has notified the owner thereof, such owner shall have thirty days to

seal such dwelling or correct the facts upon which the abandonment certification is based.

2. If, at the conclusion of thirty days, such owner has not sealed such dwelling or corrected the facts upon which the abandonment certification is based, the department shall:

(a) seal such dwelling within sixty days; and

(b) initiate a proceeding to place a lien on the property in an amount to recover the costs incurred pursuant to paragraph (a) of this subdivision.

§ 8. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that 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 and directed to be made and completed on or before such effective date.