

# STATE OF NEW YORK

416--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. MAGNARELLI, HUNTER -- read once and referred to the Committee on Real Property Taxation -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to authorizing the city of Syracuse to add unpaid housing code violation penalties, costs and fines to such city's annual tax levy in accordance with applicable law

The People of the State of New York, represented in Senate and Assembly, 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 § 901. Collection of unpaid housing code violation penalties in the  
4 city of Syracuse; levy. 1. Authorization. In addition to and not in  
5 limitation of any power otherwise granted by law, the city of Syracuse  
6 is hereby authorized to collect any unpaid housing, building and fire  
7 code violation penalties, costs and fines through placement by the  
8 city's commissioner of finance on the city's annual tax levy in accord-  
9 ance with the provisions of this section.

10 2. Eligibility. In order to be eligible for placement on the city of  
11 Syracuse's annual tax levy such unpaid code violation penalties, costs  
12 and fines shall have been adjudicated and imposed through a judgment in  
13 a court of competent jurisdiction or the city of Syracuse's codes  
14 violation bureau established pursuant to section three hundred eighty of  
15 the general municipal law, on an owner of real property within the city  
16 and recorded by the county clerk, as certified by the city's corporation  
17 counsel to the commissioner of finance and have remained unpaid for one  
18 year after the final adjudication and exhaustion of all appeals relating  
19 to the imposition of the fines for a code violation preceding the place-  
20 ment on the city's tax levy.

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

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1     3. Minimum amount owed. To qualify for placement on the tax levy the  
2 amount owed for unpaid code violations must be at least five percent of  
3 the amount of the tax assessed value of the property.

4     4. Levy. Such code violation penalty, cost or fine as set forth in a  
5 copy of the judgment certified by the corporation counsel to the commis-  
6 sioner of finance shall be set down in the annual tax levy under the  
7 heading uncollected fines and penalties and in according with this  
8 section shall be levied, enforced and collected in the same manner, by  
9 the same proceedings, at the same time, under the same penalties and  
10 having the same lien upon the property assessed as the general city tax  
11 and as a part thereof.

12     5. Notice. The city of Syracuse shall notify all owners or known  
13 interested parties of record of the placement of the code violations on  
14 the municipal tax levy as uncollected fines and penalties within thirty  
15 days of placement, pursuant to section three hundred eight of the civil  
16 practice law and rules. The notice shall include the date or dates of  
17 such violations, the description of the violations, the amount owed, a  
18 statement detailing the foreclosure process that will occur if the  
19 violations remain unpaid, the process to claim any surplus funds and the  
20 contact information for the city's office in charge of receiving  
21 payments.

22     6. Tax year. Any unpaid code violations shall be placed on the tax  
23 roll the city of Syracuse is currently in and shall not be placed on a  
24 list, roll or levy of delinquent taxes.

25     7. Owner occupied. Notwithstanding any other applicable provisions of  
26 law, nothing in this section shall be applied to a residential dwelling  
27 that is owner-occupied or is the primary residence of a homeowner.

28     8. Tenants. Prior to the placement of any property with unpaid code  
29 violations on the tax levy, the city of Syracuse shall develop a program  
30 to assist tenants residing in a dwelling at risk for tax foreclosure due  
31 to unpaid code violations. Such program shall include housing counseling  
32 assistance or other support in relocating the tenants to suitable hous-  
33 ing prior to the tax foreclosure.

34     9. Payment plan. Nothing in this section shall preclude an owner or  
35 landlord from entering into a payment plan with the city of Syracuse for  
36 past amounts due for code violations.

37     10. Curing code violations. (a) If all of the violations for which the  
38 penalties, fees and costs have been assessed are cured, removed or  
39 corrected prior to the expiration of the period for redemption set forth  
40 by the city of Syracuse for the city's annual tax levy, the property  
41 shall be removed from the levy and auction and the balance of the amount  
42 owed shall be placed as a lien on the property pursuant to applicable  
43 laws for debt collection and an action for foreclosure of the property  
44 shall not be maintained for the amount owed.

45     (b) The determination of whether or not the code violations have been  
46 cured shall be made by the city of Syracuse's enforcing officer in  
47 charge of ensuring compliance with applicable housing, building, and  
48 fire codes such as a code enforcement officer. An appeal of this deter-  
49 mination may be made to the city's zoning board of appeals or other  
50 local administrative body as provided for in local law. The final deter-  
51 mination made by the administrative body shall be reviewable pursuant to  
52 article seventy-eight of the civil practice law and rules.

53     (c) This section shall not be applicable to any cause of action  
54 brought for money due based on the curing of code violations under any  
55 form for receivership or a mechanics lien.

1 11. Payment prior to auction. (a) If the balance owed for code  
2 violations placed on the tax levy is paid prior to the expiration of the  
3 period for redemption set forth by the city of Syracuse for the city's  
4 annual tax levy and there is no balance due for unpaid real property  
5 taxes, the property may not be auctioned, and the property shall be  
6 removed from the tax levy.

7 (b) The owner shall have the right to pay the full balance prior to  
8 the expiration of the period for redemption set forth by the city of  
9 Syracuse for the city's annual tax levy in order to redeem the property.

10 12. Surplus. Any surplus funds remaining after the sale of a property  
11 at a tax foreclosure for unpaid code violations shall be returned to the  
12 former owner of the property in a manner provided under local law. This  
13 provision shall not apply to a sale of a property at a tax foreclosure  
14 due to unpaid taxes. If a property has both unpaid taxes and unpaid code  
15 violations on the same tax levy and is auctioned at a tax foreclosure  
16 the amount of the surplus funds returned to the former owner shall be  
17 proportionate to the amount of unpaid code violations owed in the total  
18 amount of debt owed to the city of Syracuse. For the purpose of this  
19 section, "surplus funds" shall mean the balance of money received after  
20 auction of a property at a tax foreclosure sale minus the amount owed  
21 for code violations and the costs and attorneys' fees incurred in the  
22 collection of the fees by the city.

23 13. Balance due. If after an auction a balance is due for code  
24 violations, the city of Syracuse may proceed with any action against the  
25 former owner pursuant to applicable laws.

26 14. Exclusions. The provisions of this section shall not apply if the  
27 city of Syracuse sells their tax liens in a tax lien sale.

28 § 2. This act shall take effect immediately.