

# STATE OF NEW YORK

6470

2017-2018 Regular Sessions

## IN ASSEMBLY

March 7, 2017

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

AN ACT to amend the real property actions and proceedings law, in  
relation to inspecting, securing and maintaining vacant and abandoned  
residential property

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

- 1 Section 1. Subdivision 4 of section 1308 of the real property actions  
2 and proceedings law, as added by section 1 of part Q of chapter 73 of  
3 the laws of 2016, is amended to read as follows:  
4 4. If the posted notice is not responded to or persists for seven  
5 consecutive calendar days without contact with the borrower, property  
6 owner or occupant indicating that the property is not vacant or aban-  
7 doned, or if an emergent property condition that could reasonably  
8 damage, destroy or harm the property arises, the servicer shall:  
9 (a) in cases where the property contains two or more points of ingress  
10 or egress, replace no more than one door lock to provide subsequent  
11 access to the property;  
12 (b) secure, replace or board up broken doors and windows;  
13 (c) secure any part of the property that may be deemed an attractive  
14 nuisance including, but not limited to, a water feature that could  
15 create a drowning risk, refrigerator or freezer units, outbuildings,  
16 wells or septic tanks;  
17 (d) take reasonable measures to ensure that pipes, ducts, conductors,  
18 fans and blowers do not discharge harmful gases, steam, vapor, hot air,  
19 grease, smoke, odors or other gaseous or particulate waste directly upon  
20 abutting or adjacent public or private property or that of another  
21 tenant;  
22 (e) where appropriate, winterize the applicable plumbing and heating  
23 systems;

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

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- 1 (f) provide basic utilities including, but not limited to, water,  
2 electricity, natural gas, propane and sewer service, as appropriate and  
3 when allowed by the local utility provider, that are needed for the  
4 operation of a sump pump or dehumidifier, or when there are jointly  
5 owned or shared utilities with adjoining properties or units, except for  
6 turning off water service to prevent flooding or water leaks in the  
7 property, or when other utility service could reasonably create a hazard  
8 to the property or an unauthorized occupant or person entering the prop-  
9 erty;
- 10 (g) remove and remediate any significant health and safety issues,  
11 including outstanding code violations;
- 12 (h) take reasonable measures to prevent the growth of harmful mold;
- 13 (i) respond to government inquiries regarding property condition,  
14 subject to restrictions regarding financial privacy; [~~and~~]
- 15 (j) ensure that the notice required to be posted in subdivision three  
16 of this section remains posted on an easily accessible part of the prop-  
17 erty that would be reasonably visible to the borrower, property owner or  
18 occupant so long as the duty to maintain applies; and
- 19 (k) pay homeowners' association or cooperative fees as needed to main-  
20 tain the property.
- 21 § 2. This act shall take effect immediately.