STATE OF NEW YORK

1859--A

2019-2020 Regular Sessions

IN ASSEMBLY

January 17, 2019

Introduced by M. of A. MAGNARELLI, FAHY, BUCHWALD, M. G. MILLER, JAFFEE, GUNTHER, OTIS, STECK, ORTIZ, JOYNER, BLAKE, JEAN-PIERRE, GALEF, WALKER, HYNDMAN -- Multi-Sponsored by -- M. of A. COOK, ENGLEBRIGHT, THIELE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law, in relation to authorizing municipalities to compel mortgagees either to complete a mortgage foreclosure proceeding pursuant to article 13 of the real property actions and proceedings law or to issue a certificate of discharge of the mortgage for any property which has been certified abandoned pursuant to section 1971 of the real property actions and proceedings law

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

Section 1. Short title. This act shall be known and may be cited as the "zombie property remediation act of 2019".

§ 2. The real property actions and proceedings law is amended by adding a new section 1392 to read as follows:

§ 1392. Foreclosure actions involving abandoned properties. If a property has been certified abandoned pursuant to section nineteen hundred seventy-one of this chapter, or deemed vacant and abandoned pursuant to section thirteen hundred nine of this article, the city, village, or town in which the property is located may commence a proceeding in a court of competent jurisdiction in the county in which the property is located to compel any or all mortgagees to: (a) if the note is in default, the mortgagee shall commence a foreclosure procedure within three months and shall meet all deadlines to ensure the case is ready to be moved to judgment within a reasonable time period but not to exceed one year; (b) if a foreclosure has already been commenced, file the necessary motions and within three months paperwork to move the case

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

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to judgment foreclosure within three months; or (c) issue a certificate of discharge of the mortgage within three months and file a satisfaction of the mortgage with the appropriate local office.

§ 3. This act shall take effect immediately.