

STATE OF NEW YORK

4403

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. McDONALD, FAHY, GOTTFRIED, OTIS, RAIA, DiPIETRO, PEOPLES-STOKES, WOERNER, GUNTHER, PALMESANO, STECK, FRIEND, MORINELLO, WALLACE, HAWLEY -- Multi-Sponsored by -- M. of A. COOK, CROUCH, RAMOS, SCHIMMINGER -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to the redemption of real property subject to a delinquent tax lien

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

1 Section 1. Subdivision 2 of section 1110 of the real property tax law,
2 as amended by chapter 532 of the laws of 1994, is amended to read as
3 follows:

4 2. The redemption period shall expire two years after lien date,
5 except that a tax district may increase the redemption period for resi-
6 dential or farm property in the manner provided by section eleven
7 hundred eleven of this article, or a tax district may reduce the redemp-
8 tion period for residential vacant and abandoned property to one year
9 provided the property has been placed on a vacant and abandoned roll, or
10 registry or list prior to the date on which taxes become delinquent in
11 the local municipality, pursuant to section eleven hundred eleven-a of
12 this article. Notwithstanding the foregoing, if the notice published
13 pursuant to section eleven hundred twenty-four of this article specifies
14 a later date for the expiration of the redemption period, the redemption
15 period shall expire on the date so specified.

16 § 2. The real property tax law is amended by adding a new section
17 1111-a to read as follows:

18 § 1111-a. Expedited foreclosure proceedings for vacant and abandoned
19 residential real property. 1. Finding of vacancy and abandonment by
20 affidavit. Except in cities with a population of one million or more,
21 an enforcing officer or his or her agent may determine that a residen-
22 tial real property is vacant and abandoned under this section. Such

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

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1 property may be subject to a redemption period of one year, only if the
2 enforcing officer or his or her agent makes an affidavit to that effect
3 and the property has been placed on a local municipal roll, registry or
4 list of vacant and abandoned property maintained by the taxing munic-
5 ipality.

6 2. Enforcing officer. (a) For purposes of this section "enforcing
7 officer" shall mean the person employed by the municipality to enforce
8 state and local land use regulations such as the New York State Property
9 Maintenance Code or the New York State Uniform and Fire Prevention and
10 Building Code, or his or her agent.

11 (b) The enforcing officer or his or her agent must conduct at least
12 three consecutive inspections of residential real property believed to
13 be vacant and abandoned, with each inspection occurring at least thirty
14 days apart and at different times of the day. The enforcing officer must
15 include in his or her affidavit the dates and times of inspections and a
16 statement that each inspection reasonably indicated that no occupant was
17 present and that there was no evidence of occupancy on the property to
18 indicate that any persons were residing there.

19 (c)(1) For purposes of this subdivision, the "evidence of abandonment"
20 that the enforcing officer or his or her agent considers during such
21 consecutive inspections shall include but not be limited to any of the
22 following conditions: (i) overgrown or dead vegetation; (ii) an accumu-
23 lation of newspapers, circulars, flyers or mail; (iii) past due utility
24 notices, disconnected utilities, or utilities not in use; (iv) an accu-
25 mulation of trash refuse or other debris; (v) the absence of window
26 coverings such as curtains, blinds, or shutters; (vi) one or more board-
27 ed, missing or broken windows; (vii) that the property is open to casual
28 entry or trespass; or (viii) that the property has a building or struc-
29 ture that is or appears structurally unsound or has any other condition
30 that presents a potential hazard or danger to the safety of persons. At
31 least three separate reasonable indications of abandonment are required
32 for a determination of abandonment by the enforcing officer or his or
33 her agent observed on each of his or her consecutive inspections made
34 pursuant to paragraph (b) of this subdivision. A listing of all indi-
35 cations relied on shall be included in the affidavit along with the
36 dates and times observed.

37 (2) Residential real property shall not be deemed vacant and/or aban-
38 doned where such property is: (i) an unoccupied building which is under-
39 going construction, renovation or rehabilitation that is proceeding to
40 completion, and the building is in compliance with all applicable ordi-
41 nances, codes, regulations and statutes; (ii) a building occupied on a
42 seasonal basis; (iii) a building that is the subject of a probate
43 action, action to quiet title, or other similar ownership dispute; (iv)
44 a building damaged by a natural disaster and one or more owners intends
45 to repair and reoccupy the property; or (v) occupied by the taxpayer, a
46 relative of the taxpayer or a tenant lawfully in possession.

47 (d) The affidavit required by this subdivision shall include language
48 indicating the enforcing officer or his or her agent in his or her
49 professional opinion has made a determination that the property is
50 vacant and abandoned.

51 3. Notice. (a) The affidavit described in subdivision two of this
52 section shall be served on the property owner or owners pursuant to
53 section three hundred eight of the civil practice law and rules within
54 one week of having the enforcing officer's signature affixed to it.

55 (b) The affidavit and copies of all attached pictures, exhibits and
56 other supporting documentation shall be filed with the clerk of the

1 town, village, or city in which the real property is located within one
2 week of having the enforcing officer's or his or her agent's signature
3 affixed to it.

4 4. Municipal roll of vacant and abandoned property. (a) All taxing
5 localities may maintain a roll of vacant and abandoned properties. Such
6 roll must include the tax identification number of the lot, the name or
7 names of known legal owners of the property, the date of the finding of
8 vacant and abandonment pursuant to the enforcing officer's affidavit,
9 and any other information the municipality deems necessary.

10 (b) The roll of vacant and abandoned properties shall be made avail-
11 able to the public.

12 (c) Upon the placement of any property or lot on the roll, the clerk
13 of the town, village or city in which the real property is located shall
14 serve notice on the property owner or owners, pursuant to section three
15 hundred eight of the civil practice law and rules, that the property has
16 been placed on the roll and the property may be subject to a reduced
17 redemption period of one year if delinquent taxes become owing.

18 (d) For purposes of this section the term "roll" shall include a
19 registry or list of vacant and abandoned property.

20 5. Any person or persons, jointly or severably aggrieved under this
21 section may apply to the supreme court for review by proceeding under
22 article seventy-eight of the civil practice law and rules. Such proceed-
23 ing must be instituted within four months of service of notice on the
24 property owner.

25 § 3. Subdivision 2 of section 1122 of the real property tax law, as
26 amended by chapter 532 of the laws of 1994, is amended to read as
27 follows:

28 2. (a) In a tax district which has extended the redemption period for
29 residential or farm property to three or four years, there may be sepa-
30 rate lists for property identified as residential or farm property and
31 for other property.

32 (b) In a tax district which has a roll for vacant and abandoned real
33 property pursuant to section eleven hundred eleven-a of this article
34 there may be a separate roll, registry or list for property identified
35 as vacant and abandoned real property.

36 (c) In a tax district having a population of fifty thousand or more
37 according to the latest federal census, there may be a separate list for
38 each existing geographical area such as a city, town, village, ward,
39 section or other appropriate area bounded or defined by law.

40 § 4. This act shall take effect on January 1, 2020. Effective imme-
41 diately the addition, amendment and/or repeal of any rule or regulation
42 necessary for the implementation of this act on its effective date are
43 authorized to be made and completed on or before such date.