

STATE OF NEW YORK

440--A

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. PERRY, BARRON, COOK, HYNDMAN, TAYLOR, RIVERA, WILLIAMS, WRIGHT, WEPRIN, WALLACE -- Multi-Sponsored by -- M. of A. BENEDETTO, COLTON, DE LA ROSA, GALEF, L. ROSENTHAL, SIMON, TITUS -- 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 law, in relation to notice of sale or transfer of ownership of residential property

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

1 Section 1. Section 291 of the real property law, as amended by chapter
2 447 of the laws of 1984, is amended to read as follows:
3 § 291. Recording of conveyances. A conveyance of real property, with-
4 in the state, on being duly acknowledged by the person executing the
5 same, or proved as required by this chapter, and such acknowledgment or
6 proof duly certified when required by this chapter, may be recorded in
7 the office of the clerk of the county where such real property is situ-
8 ated, and such county clerk or city registrar where applicable shall,
9 upon the request of any party, on tender of the lawful fees therefor,
10 record the same in [~~his~~] said office. Every such conveyance not so
11 recorded is void as against any person who subsequently purchases or
12 acquires by exchange or contracts to purchase or acquire by exchange,
13 the same real property or any portion thereof, or acquires by assignment
14 the rent to accrue therefrom as provided in section two hundred ninety-
15 four-a of [~~the real property law~~] this article, in good faith and for a
16 valuable consideration, from the same vendor or assignor, his distribu-
17 tees or devisees, and whose conveyance, contract or assignment is first
18 duly recorded, and is void as against the lien upon the same real prop-
19 erty or any portion thereof arising from payments made upon the
20 execution of or pursuant to the terms of a contract with the same

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

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1 vendor, his distributees or devisees, if such contract is made in good
2 faith and is first duly recorded. Notwithstanding the foregoing, any
3 increase in the principal balance of a mortgage lien by virtue of the
4 addition thereto of unpaid interest in accordance with the terms of the
5 mortgage shall retain the priority of the original mortgage lien as so
6 increased provided that any such mortgage instrument sets forth its
7 terms of repayment. The clerk of the county or city registrar where
8 such conveyance of residential real property is recorded and maintained
9 shall mail a written notice of such conveyance to the owner of record.
10 The notice shall have the heading printed in 20 point bold type and read
11 as follows:

12 "NOTICE OF SALE OR TRANSFER OF OWNERSHIP OF YOUR RESIDENTIAL PROPERTY.

13 To: _____

14 Name of owner of record

15 Our records show that you are listed as the current owner of record for
16 residential property:

17 Block # _____ Lot # _____

18 Located At: _____

19 street address

20 in the county of _____ New York

21 On _____, documents were filed at this

22 date

23 office to change ownership and transfer title of your property.

24 To: _____

25 name of new owner

26 If you have any questions regarding the validity of the documents, and
27 wish to dispute the recording of the transfer, you should obtain legal
28 counsel. If you believe you are a victim of a crime related to this
29 recording, contact your local law enforcement agency or, if in the City
30 of New York, the office of the sheriff."

31 The party seeking to record such conveyance shall bear the cost of such
32 written notice. The clerk of the county or city registrar is entitled
33 to charge a reasonable fee to cover the cost of mailing the envelope to
34 the owner of record. Failure to mail such notice or the failure of any
35 party to receive the same, shall not affect the validity of the convey-
36 ance of the property.

37 § 2. This act shall take effect on the ninetieth day after it shall
38 have become a law.