

# STATE OF NEW YORK

368

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. HOYLMAN, BAILEY, KRUEGER, PERSAUD, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to including filing certain building permit applications containing false statements regarding tenant occupancy in the offense of offering a false instrument for filing in the first degree

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

1 Section 1. Section 175.35 of the penal law, as amended by chapter 490  
2 of the laws of 2013, is amended to read as follows:  
3 § 175.35 Offering a false instrument for filing in the first degree.  
4 A person is guilty of offering a false instrument for filing in the  
5 first degree when:  
6 1. knowing that a written instrument contains a false statement or  
7 false information, and with intent to defraud the state or any political  
8 subdivision, public authority or public benefit corporation of the  
9 state, he or she offers or presents it to a public office, public serv-  
10 ant, public authority or public benefit corporation with the knowledge  
11 or belief that it will be filed with, registered or recorded in or  
12 otherwise become a part of the records of such public office, public  
13 servant, public authority or public benefit corporation; or  
14 2. (a) he or she commits the crime of offering a false instrument for  
15 filing in the second degree; and  
16 (b) such instrument is a financing statement the contents of which are  
17 prescribed by section 9--502 of the uniform commercial code, the collat-  
18 eral asserted to be covered in such statement is the property of a  
19 person who is a state or local officer as defined by section two of the  
20 public officers law or who otherwise is a judge or justice of the  
21 unified court system, such financing statement does not relate to an

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

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1 actual transaction, and he or she filed such financing statement in  
2 retaliation for the performance of official duties by such person; or  
3 3. with intent to obtain a building permit in violation of an existing  
4 law, rule or regulation, he or she offers or presents to a public  
5 office, public servant, public authority or public benefit corporation a  
6 building permit application for purposes of demolishing or significantly  
7 renovating a property located in a city having a population of one  
8 million or more persons, knowing that such building permit application  
9 contains a false statement or false information regarding the extent of  
10 the tenant occupancy.

11 Offering a false instrument for filing in the first degree is a class  
12 E felony.

13 § 2. This act shall take effect on the first of November next succeed-  
14 ing the date upon which it shall have become a law.