

# STATE OF NEW YORK

3949

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

Introduced by M. of A. BICHOTTE HERMELYN, COLTON -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to establishing an emergency repair program

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

1 Section 1. The real property law is amended by adding a new section  
2 235-j to read as follows:

3 § 235-j. Emergency repair program. 1. Every municipality shall set up  
4 a program that repairs emergency violations of habitability for resi-  
5 dents in twenty-four to forty-eight hours from notification and bills  
6 the owners of the property for such repairs. The program shall include a  
7 hotline for tenants, accessible via a toll-free phone number, to report  
8 potential emergency violations of habitability. Such violations shall be  
9 accessed for eligibility via the hotline and any contractor contacted to  
10 repair such violations shall verify its existence to the municipality  
11 for program eligibility. Proof of notice to the property owner regarding  
12 such violation or violations is required for program eligibility. All  
13 costs of the hotline shall be paid for by the municipality. Emergency  
14 violations include but are not limited to structural stability of build-  
15 ings, accessibility of buildings, mold and/or lead-based paint issues.

16 2. The municipality described in subdivision one of this section may  
17 bill the property owner for the cost of the emergency repair plus  
18 related fees and/or for the cost of sending a contractor to attempt to  
19 make repairs. Such charges will appear on the property tax bill, as well  
20 as on a separate notice sent to the owner once the repairs are complete.  
21 If the owner fails to pay, the municipality shall file a tax lien  
22 against such owner. The tax lien will bear interest and may be sold  
23 and/or foreclosed to collect the amount owed.

24 3. Property owners can avoid emergency repair and service charges and  
25 remove the violation or violations from municipality records at no cost

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

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1 by correcting the violation or emergency condition and certifying such  
2 correction to the municipality no later than thirty days from notice of  
3 such violation or complying with a violation or order as directed by the  
4 issuing municipality. Property owners may contact the municipality for a  
5 list of contractors. Anything less than a full repair shall not be  
6 acceptable in correcting the violation or violations. If a property  
7 owner attempts to patch the violation or do surface work, such owner  
8 shall be fined double for the violation or violations and may not  
9 protest the emergency repair charge pursuant to subdivision four of this  
10 section.

11 4. Property owners may protest an emergency repair charge by submit-  
12 ting their protest in writing and delivering it to the municipality on  
13 or before the payment due date listed on the statement of account. Such  
14 owner may request an invoice that supports the municipality's emergency  
15 repair charge prior to protesting the charge. Failure to protest an  
16 emergency repair charge within the time allowed negates the owner's  
17 right to contest the charge in any subsequent administrative or judicial  
18 proceeding.

19 5. Each municipality shall notify owners of property on record of the  
20 emergency repair program and make all information regarding such program  
21 freely and publicly available on its website.

22 § 2. This act shall take effect on the sixtieth day after it shall  
23 have become a law. Effective immediately, the addition, amendment and/or  
24 repeal of any rule or regulation necessary for the implementation of  
25 this act on its effective date are authorized to be made and completed  
26 on or before such effective date.