STATE OF NEW YORK

5938

2023-2024 Regular Sessions

IN ASSEMBLY

March 24, 2023

Introduced by M. of A. FAHY -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to prosecution by the department of financial services and municipalities of certain violations regarding residential real properties

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

Section 1. The real property actions and proceedings law is amended by adding a new section 1360 to read as follows:

§ 1360. Superintendent of financial services; prosecution of violations. 1. The superintendent of financial services shall promulgate, by regulation, standards of review for determinations by the department of financial services of whether to prosecute violations regarding residential real property, as authorized under this article.

2. Where the department of financial services and a municipality are both authorized to prosecute a violation regarding residential real property under this article, the department of financial services shall not seek to prosecute such violation unless it receives confirmation from such municipality that such municipality does not intend to prosecute such violation itself.

3. Where a hearing officer or court of competent jurisdiction decides in favor of the department of financial services in a proceeding alleging a violation regarding residential real property under this article, the proceeds of any civil penalty issued pursuant to such decision shall be payable to the department of financial services for the purposes of prosecuting future violations under this article.

4. For the purposes of this section, the term "residential real property" shall mean real property located in this state improved by any building or structure that is or may be used, in whole or in part, as

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

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the home or residence of one or more persons, and shall include any building or structure used for both residential and commercial purposes.

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