

STATE OF NEW YORK

1224

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sens. BORRELLO, OBERACKER, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to excluding certain real property conveyances from the written notice requirement

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
2 641 of the laws of 2019, is amended to read as follows:

3 § 291. Recording of conveyances. A conveyance of real property, within
4 the state, on being duly acknowledged by the person executing the same,
5 or proved as required by this chapter, and such acknowledgment or proof
6 duly certified when required by this chapter, may be recorded in the
7 office of the clerk of the county where such real property is situated,
8 and such county clerk or city registrar where applicable shall, upon the
9 request of any party, on tender of the lawful fees therefor, record the
10 same in said office. Every such conveyance not so recorded is void as
11 against any person who subsequently purchases or acquires by exchange or
12 contracts to purchase or acquire by exchange, the same real property or
13 any portion thereof, or acquires by assignment the rent to accrue there-
14 from as provided in section two hundred ninety-four-a of this article,
15 in good faith and for a valuable consideration, from the same vendor or
16 assignor, his distributees or devisees, and whose conveyance, contract
17 or assignment is first duly recorded, and is void as against the lien
18 upon the same real property or any portion thereof arising from payments
19 made upon the execution of or pursuant to the terms of a contract with
20 the same vendor, his distributees or devisees, if such contract is made
21 in good faith and is first duly recorded. Notwithstanding the forego-
22 ing, any increase in the principal balance of a mortgage lien by virtue
23 of the addition thereto of unpaid interest in accordance with the terms
24 of the mortgage shall retain the priority of the original mortgage lien

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

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1 as so increased provided that any such mortgage instrument sets forth
2 its terms of repayment. The clerk of the county or city registrar where
3 such conveyance of residential real property is recorded and maintained
4 shall mail a written notice of such conveyance to the owner of record.
5 The notice shall have the heading printed in 20 point bold type and read
6 as follows:

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

8 To: _____

9 Name of owner of record

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

12 Block # _____ Lot # _____

13 Located At: _____

14 street address

15 in the county of _____ New York

16 On _____, documents were filed at this

17 date

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

19 To: _____

20 name of new owner

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

26 The party seeking to record such conveyance shall bear the cost of such
27 written notice. The clerk of the county or city registrar is entitled to
28 charge a reasonable fee to cover the cost of mailing the envelope to the
29 owner of record. Failure to mail such notice or the failure of any party
30 to receive the same, shall not affect the validity of the conveyance of
31 the property. Conveyances by the state of New York or any of its poli-
32 tical subdivisions in conjunction with a foreclosure of a tax lien
33 pursuant to a proceeding in rem under title three of article eleven of
34 the real property tax law shall not require written notice.

35 § 2. This act shall take effect immediately.