STATE OF NEW YORK

1534

2023-2024 Regular Sessions

IN SENATE

January 12, 2023

Introduced by Sens. HOYLMAN-SIGAL, 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:

Section 1. Section 175.35 of the penal law, as amended by chapter 490 of the laws of 2013, is amended to read as follows:

§ 175.35 Offering a false instrument for filing in the first degree.

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation; or

2. (a) he or she commits the crime of offering a false instrument for filing in the second degree; and

(b) such instrument is a financing statement the contents of which are prescribed by section 9--502 of the uniform commercial code, the collateral asserted to be covered in such statement is the property of a person who is a state or local officer as defined by section two of the public officers law or who otherwise is a judge or justice of the 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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actual transaction, and he or she filed such financing statement in retaliation for the performance of official duties by such person**; or**

3. with intent to obtain a building permit in violation of an existing law, rule or regulation, he or she offers or presents to a public office, public servant, public authority or public benefit corporation a building permit application for purposes of demolishing or significantly renovating a property located in a city having a population of one million or more persons, knowing that such building permit application contains a false statement or false information regarding the extent of the tenant occupancy.

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

§ 2. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law.