

# STATE OF NEW YORK

4556

2023-2024 Regular Sessions

## IN SENATE

February 10, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to determining when a dwelling is abandoned

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

1 Section 1. Paragraph (b) of subdivision 1 of section 1971 of the real  
2 property actions and proceedings law, as amended by chapter 529 of the  
3 laws of 2008, is amended to read as follows:

4 (b) In the case of a vacant dwelling, it is not sealed or continuously  
5 guarded, in that admittance to the property may be gained without damag-  
6 ing any portion of the property, as required by law or it was sealed or  
7 is continuously guarded by a person other than the owner, a mortgagee,  
8 lienor or agent thereof, and ~~[either]~~ any of the following facts exists:

9 (i) A vacate order of the department or other governmental agency  
10 currently prohibits occupancy of the dwelling; or

11 (ii) The tax on such premises has been due and unpaid for a period of  
12 at least one year; or

13 (iii) The property has had a zoning, building or property maintenance  
14 code violation which has the potential to injure, endanger or unreason-  
15 ably annoy the health and safety of others that has been continuously  
16 outstanding and not remedied for a period of at least one year from the  
17 date the original notice of violation was served upon the property owner  
18 pursuant to subdivision four of section three hundred eight of the civil  
19 practice law and rules if the owner is a natural person, or pursuant to  
20 section three hundred ten, three hundred ten-a, three hundred eleven or  
21 three hundred eleven-a of the civil practice law and rules if the owner  
22 is a partnership, limited partnership, corporation or limited liability  
23 company, respectively; or

24 § 2. This act shall take effect immediately.

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

LBD08994-01-3