

# STATE OF NEW YORK

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2403

2023-2024 Regular Sessions

## IN ASSEMBLY

January 26, 2023

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Introduced by M. of A. J. M. GIGLIO -- read once and referred 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 Assem-  
bly, 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  
25 as so increased provided that any such mortgage instrument sets forth

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

LBD03975-01-3

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

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

7 To: \_\_\_\_\_

8 Name of owner of record

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

11 Block # \_\_\_\_\_ Lot # \_\_\_\_\_

12 Located At: \_\_\_\_\_

13 street address

14 in the county of \_\_\_\_\_ New York

15 On \_\_\_\_\_, documents were filed at this

16 date

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

18 To: \_\_\_\_\_

19 name of new owner

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

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

34 § 2. This act shall take effect immediately.