

# STATE OF NEW YORK

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4026--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 9, 2023

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Introduced by M. of A. L. ROSENTHAL, SHIMSKY, MAHER -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law, in relation to penalties for failure to comply with maintenance and reporting of vacant and abandoned properties, and reporting and release of information

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

1 Section 1. Paragraph (a) of subdivision 8 of section 1308 of the real  
2 property actions and proceedings law, as added by section 1 of part Q of  
3 chapter 73 of the laws of 2016, is amended to read as follows:

4 (a) Violations of this section may be heard before a hearing officer  
5 or a court of competent jurisdiction. If it shall appear to the satis-  
6 faction of the hearing officer or the court, based on the preponderance  
7 of the evidence, that the mortgagee or agent of a mortgagee has violated  
8 this section, a civil penalty may be issued by the hearing officer or  
9 the court in the amount of up to [~~five~~ six hundred fifty dollars per  
10 day per property for each day the violation persisted.

11 § 2. Subdivision 1 of section 1310 of the real property actions and  
12 proceedings law, as added by section 4 of part Q of chapter 73 of the  
13 laws of 2016, is amended to read as follows:

14 1. The department of financial services shall maintain a statewide  
15 vacant and abandoned property registry in the form of an electronic  
16 database. The department of financial services may, in accordance with  
17 the applicable provisions of the state finance law, retain a private  
18 contractor to administer such database for the purposes of satisfying  
19 this requirement. The information provided to the department of finan-  
20 cial services pursuant to this section shall be deemed and treated  
21 confidential, provided however, the superintendent of financial

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

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1 services, in her or his sole discretion, may release the information if  
2 it is in the best interest of the public. Any such released information  
3 shall continue to be treated confidentially by the parties. The depart-  
4 ment of financial services shall, upon written request, provide public  
5 officials of any state district, county, city, town or village with  
6 access to information specific to such public official's district, coun-  
7 ty, city, town or village maintained on such database to further the  
8 purposes of this section, section thirteen hundred seven of this article  
9 or article nineteen-A of this chapter, or any other related law, code,  
10 rule, regulation or ordinance, and such state district, county, city,  
11 town or village that receives such information from the department of  
12 financial services may share such information with another state  
13 district, county, city, town, village or municipal landbank for the  
14 purpose of coordinating and cooperating to further the purposes of this  
15 section, section thirteen hundred seven of this article or article nine-  
16 teen-A of this chapter or any other related law, code, rule, regulation  
17 or ordinance.

18 § 3. Subdivision 2 of section 1310 of the real property actions and  
19 proceedings law, as added by section 4 of part Q of chapter 73 of the  
20 laws of 2016, is amended to read as follows:

21 2. A lender, assignee or mortgage loan servicer shall submit or cause  
22 to be submitted to the department of financial services information  
23 required by the superintendent of financial services about any vacant  
24 and abandoned residential real property, as that term is defined in  
25 subdivision two of section thirteen hundred nine of this article, or as  
26 the superintendent of financial services may otherwise define that term,  
27 within twenty-one business days of when the lender, assignee or mortgage  
28 loan servicer learns, or should have learned, that such property is  
29 vacant and abandoned. Such information shall, at a minimum, include: (a)  
30 the current name, title, mailing address, address for service of proc-  
31 ess, and contact information, including direct phone number and email  
32 address for [~~the~~] each lender, assignee [~~or~~] and mortgage loan servicer  
33 responsible for maintaining the vacant property, and for each lender,  
34 assignee and mortgage loan servicer that is authorized or required to  
35 provide funds for the maintenance of such property; (b) whether a fore-  
36 closure action has been filed for the property in question, and, if so,  
37 the date on which the foreclosure action was commenced; and (c) the last  
38 known address and contact information for [~~the mortgagor(s)~~] any mortga-  
39 gor of record.

40 § 4. Section 1310 of the real property actions and proceedings law is  
41 amended by adding a new subdivision 6 to read as follows:

42 6. (a) This section may be enforced in the same manner as provided in  
43 paragraphs (b), (c) and (d) of subdivision eight of section thirteen  
44 hundred eight of this article.

45 (b) A violation of this section may be heard before a hearing officer  
46 or a court of competent jurisdiction. If it shall appear to the satis-  
47 faction of the hearing officer or the court, based on the preponderance  
48 of the evidence, that the lender, assignee or mortgage loan servicer has  
49 violated this section by failing to submit or to cause to be submitted  
50 to the department of financial services any information required by the  
51 superintendent of financial services about any vacant and abandoned  
52 property pursuant to this section, or failing to make an amended  
53 submission when any such information has materially changed since the  
54 latest submission, as required by subdivision three of this section, a  
55 civil penalty may be issued by the hearing officer or the court in the

1 amount of up to five thousand dollars per property for each such fail-  
2 ure.

3 § 5. Section 1310 of the real property actions and proceedings law is  
4 amended by adding a new subdivision 7 to read as follows:

5 7. The superintendent of financial services shall publish on or before  
6 February fifteenth each year an annual report presenting data regarding  
7 properties that appeared on the registry during the most recent year  
8 ending December thirty-first. Such data shall, at a minimum, include,  
9 for each county, city, and town, the total number of properties and the  
10 total number of dwelling units in such properties: (a) included in the  
11 registry at the beginning of the year, (b) added to the registry during  
12 the year, (c) removed from the registry during the year, and (d)  
13 included in the registry at the end of the year. For properties included  
14 in the registry at the end of the year, the data shall indicate, for  
15 each county, city, or town, how many properties and dwelling units in  
16 such properties have been included in the registry for (i) six consec-  
17 utive months or less, (ii) one year or less, (iii) two years or less,  
18 (iv) three years or less, or (v) longer than three years.

19 § 6. This act shall take effect on the ninetieth day after it shall  
20 have become a law.