STATE OF NEW YORK

4026--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

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:

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

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

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

1. The department of financial services shall maintain a statewide vacant and abandoned property registry in the form of an electronic database. The department of financial services may, in accordance with the applicable provisions of the state finance law, retain a private contractor to administer such database for the purposes of satisfying this requirement. The information provided to the department of financial services pursuant to this section shall be deemed and treated 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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services, in her or his sole discretion, may release the information if it is in the best interest of the public. Any such released information shall continue to be treated confidentially by the parties. The department of financial services shall, upon written request, provide public officials of any state district, county, city, town or village with access to information specific to such public official's district, county, city, town or village maintained on such database to further the purposes of this section, section thirteen hundred seven of this article or article nineteen-A of this chapter, or any other related law, code, rule, regulation or ordinance**, and such state district, county, city, town or village that receives such information from the department of financial services may share such information with another state district, county, city, town, village or municipal landbank for the purpose of coordinating and cooperating to further the purposes of this section, section thirteen hundred seven of this article or article nineteen-A of this chapter or any other related law, code, rule, regulation or ordinance**.

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

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

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

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

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

amount of up to five thousand dollars per property for each such failure.

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

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

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