STATE OF NEW YORK

966

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to information available for inspection during certain special proceedings by tenants; and to amend a chapter of the laws of 2022 amending the real property actions and proceedings law relating to special proceedings by tenants of dwellings outside the city of New York and certain counties for judgment directing deposit of rents and the use thereof for the purpose of remedying conditions dangerous to life, health or safety, as proposed in legislative bills numbers S. 6721 and A. 3241, in relation to the effectiveness thereof

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

Section 1. Section 796-k of the real property actions and proceedings law, as added by a chapter of the laws of 2022 amending the real property actions and proceedings law relating to special proceedings by tenants of dwellings outside the city of New York and certain counties for judgment directing deposit of rents and the use thereof for the purpose of remedying conditions dangerous to life, health or safety, as proposed in legislative bills numbers S. 6721 and A. 3241, is amended to read as follows:

§ 796-k. Presentation or settlement of accounts. The court shall require the keeping of written accounts itemizing the receipts and expenditures for work performed under an order issued pursuant to section seven hundred ninety-six-h or seven hundred ninety-six-i of this article, which shall be open to inspection by the owner of the dwelling, or any mortgagee or lienor or any other person having an interest in such receipts or expenditures provided, however, that notwithstanding any other provision of law to the contrary, such information as may be in the possession of the department charged with the enforcement of the housing maintenance code of the [~~county or city~~] **municipality** shall be

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

LBD03956-01-3

available from such department for inspection only by the owner of the dwelling, the tenant of the dwelling, or a person having a recorded interest in the property. Upon motion of the court or the administrator or of the owner, any mortgagee or lienor of record or of any person having an interest, the court may require a presentation or settlement of the accounts with respect thereto. Notice of a motion for presentation or settlement of such accounts shall be served on the owner, any mortgagee or other lienor of record who appeared in the proceeding and any person having an interest in such receipts or expenditures.

§ 2. Section 2 of a chapter of the laws of 2022 amending the real property actions and proceedings law relating to special proceedings by tenants of dwellings outside the city of New York and certain counties for judgment directing deposit of rents and the use thereof for the purpose of remedying conditions dangerous to life, health or safety, as proposed in legislative bills numbers S. 6721 and A. 3241, is amended to read as follows:

§ 2. This act shall take effect [~~immediately~~] **on the one hundred eightieth day after it shall have become a law**.

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the real property actions and proceedings law relating to special proceedings by tenants of dwellings outside the city of New York and certain counties for judgment directing deposit of rents and the use thereof for the purpose of remedying conditions dangerous to life, health or safety, as proposed in legislative bills numbers S. 6721 and A. 3241, takes effect.