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:

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

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

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

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

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

§ 2. This act shall take effect immediately.

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

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