STATE OF NEW YORK

9091

IN SENATE

April 22, 2024

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to civil penalties and fines related to conditions or uses of land

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

Section 1. The general municipal law is amended by adding a new article 7-B to read as follows:

ARTICLE 7-B

CIVIL PENALTIES AND FINES RELATED TO CONDITIONS OR USES OF LAND

Section 150. In rem civil penalties and fines.

§ 150. In rem civil penalties and fines. 1. Any civil penalty arising from a violation related to the condition or use of real property, which civil penalty is assessed, levied, or results from a prosecution by a municipality, may by declaration of the court or administrative tribunal adjudicating the civil penalty, in its determination or judgment asserting such penalty, declare that the penalty may be applied against the property at which the violation is found, in rem, jointly and severally with any other person or entity liable for the penalty. Where the civil penalty is applied in rem, the owner of the property must be a party to the proceeding adjudicating or assessing the civil penalty.

2. In addition to any other means of enforcement or collection of the civil penalty, any such civil penalty declared against a property may be enforced against the property in rem in an action against the property in the manner of collecting a debt; or in the alternative, be added to the tax levy of the property in the year following the adjudication of the fine.

3. In any case where a town or village or other local government entity has been credited for unpaid delinquent taxes by the county, pursuant to section nine hundred thirty-six of the real property tax law, for any amount that includes a civil penalty, and such civil penalty is subsequently deemed invalid in whole or in part for any reason, then the principal amount of the civil penalty deemed to be invalid, plus such interest and penalties as may have accrued on such principal amount,

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

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will be a charge by the county against the municipality or other local government entity.

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