

STATE OF NEW YORK

5168--A

Cal. No. 1245

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

Introduced by Sen. ROLISON -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommended to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the real property tax law, in relation to authorizing the city of Newburgh to add unpaid housing code violation penalties, costs and fines to such city's annual tax levy in accordance with applicable law

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

1 Section 1. The real property tax law is amended by adding a new
2 section 903 to read as follows:

3 § 903. Collection of unpaid housing code violation penalties; levy. 1.
4 Authorization. In addition to and not in limitation of any power other-
5 wise granted by law, the city of Newburgh is hereby authorized to
6 collect any unpaid housing, building and fire code violation penalties,
7 costs and fines through placement by the city's director of finance,
8 treasurer, or other public official charged with the duties of oversee-
9 ing tax collections on the city's annual tax levy in accordance with the
10 provisions of this section.

11 2. Eligibility. In order to be eligible for placement on the munici-
12 pality's annual tax levy such unpaid code violation penalties, costs and
13 fines shall have been adjudicated and imposed through a judgment in a
14 court of competent jurisdiction on an owner of real property within the
15 city and recorded by the county clerk, as certified by the city's corpo-
16 ration counsel to the director of finance, treasurer or other public
17 official charged with the duties of overseeing tax collections and have
18 remained unpaid for one year after the final adjudication and exhaustion

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

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1 of all appeals relating to the imposition of the fines for a code
2 violation preceding the placement on the city's tax levy.

3 3. Minimum amount owed. To qualify for placement on the tax levy the
4 amount owed for unpaid code violations must be at least five percent of
5 the amount of the tax assessed value of the property.

6 4. Levy. Such code violation penalty, cost or fine as set forth in a
7 copy of the judgment certified by the city's corporation counsel to the
8 director of finance, treasurer or other public official charged with the
9 duties of overseeing tax collections shall be set down in the annual tax
10 levy under the heading uncollected fines and penalties and in accordance
11 with this section shall be levied, enforced and collected in the same
12 manner, by the same proceedings, at the same time, under the same penal-
13 ties and having the same lien upon the property assessed as the general
14 city tax and as a part thereof.

15 5. Notice. The city shall notify all owners of record of the placement
16 of the code violations on the city tax levy as uncollected fines and
17 penalties within thirty days of placement, pursuant to section three
18 hundred eight of the civil practice law and rules. The notice shall
19 include the date or dates of such violations, the description of the
20 violations, the amount owed, a statement detailing the foreclosure proc-
21 ess that will occur if the violations remain unpaid and the contact
22 information for the city office in charge of receiving payments.

23 6. Tax year. Any unpaid code violations shall be placed on the tax
24 roll the city is currently in and shall not be placed on a list, roll or
25 levy of delinquent taxes.

26 7. Owner occupied. Notwithstanding any other applicable provisions of
27 law, nothing in this section shall be applied to a residential dwelling
28 that is owner-occupied or is the primary residence of a homeowner.

29 8. Tenants. Prior to the placement of any property with unpaid code
30 violations on the tax levy, the city shall develop a program to assist
31 tenants residing in a dwelling at risk for tax foreclosure due to unpaid
32 code violations. Such program shall include housing counseling assist-
33 ance or other support in relocating the tenants to suitable housing
34 prior to the tax foreclosure.

35 9. Payment plan. Nothing in this section shall preclude an owner or
36 landlord from entering into a payment plan with the city for past
37 amounts due for code violations in accordance with section eleven
38 hundred eighty-four of this chapter.

39 10. Curing code violations. (a) If all of the violations for which the
40 penalties, fees and costs have been assessed are cured, removed or
41 corrected prior to the expiration of the period for redemption pursuant
42 to section eleven hundred ten of this chapter, and penalties, costs and
43 fines are paid in full, the property shall be removed from the levy and
44 auction and the balance of the amount owed shall be placed as a lien on
45 the property pursuant to applicable laws for debt collection and an
46 action for foreclosure of the property shall not be maintained for the
47 amount owed.

48 (b) The determination of whether or not the code violations have been
49 cured shall be made by the city enforcing officer in charge of ensuring
50 compliance with applicable housing, building, and fire codes such as a
51 code enforcement officer. An appeal of this determination may be made
52 to the city's zoning board of appeals or other local administrative body
53 as provided for in local law. The final determination made by the admin-
54 istrative body shall be reviewable pursuant to article seventy-eight of
55 the civil practice law and rules.

1 11. Payment prior to auction. (a) If the balance owed for code
2 violations placed on the tax levy is paid prior to the expiration of the
3 period for redemption pursuant to section eleven hundred ten of this
4 chapter and there is no balance due for unpaid real property taxes, the
5 property may not be auctioned, and the property shall be removed from
6 the tax levy.

7 (b) The owner shall have the right to pay the full balance prior to
8 the expiration of the period for redemption pursuant to section eleven
9 hundred ten of this chapter in order to redeem the property.

10 12. Surplus. Any surplus funds remaining after the sale of a property
11 at a tax foreclosure for unpaid code violations shall be returned to the
12 former owner of the property in a manner provided under local law. For
13 the purpose of this section, "surplus funds" shall mean the balance of
14 money received after auction of a property at a tax foreclosure sale
15 minus the amount owed for code violations and the costs and attorneys
16 fees incurred in the collection of the fees by the municipalities.

17 13. Balance due. If after an auction a balance is due for code
18 violations, the city may proceed with any action against the former
19 owner pursuant to applicable laws.

20 14. Exclusions. The provisions of this section shall not apply to the
21 city if the city sells its tax liens in a tax lien sale.

22 § 2. This act shall take effect immediately.