

# STATE OF NEW YORK

605

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to prohibiting the recording of conveyances suspected to be fraudulent

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

1 Section 1. Section 291 of the real property law, as amended by chapter  
2 641 of the laws of 2019, is amended to read as follows:

3 § 291. Recording of conveyances. 1. A conveyance of real property,  
4 within the state, on being duly acknowledged by the person executing the  
5 same, or proved as required by this chapter, and such acknowledgment or  
6 proof duly certified when required by this chapter, may be recorded in  
7 the office of the clerk of the county where such real property is situ-  
8 ated, and such county clerk or city registrar where applicable shall,  
9 upon the request of any party, on tender of the lawful fees therefor,  
10 record the same in said office.

11 (a) A county clerk or city registrar shall not register any conveyance  
12 for real property if the clerk or registrar has reason to believe that  
13 the conveyance is false or fraudulent in any manner. If the county  
14 clerk or city registrar has reason to believe or suspect that the  
15 conveyance is fraudulent, the office of the clerk or registrar shall  
16 conduct reasonable investigation into the transaction.

17 (b) If after reasonable investigation the transaction is suspected or  
18 believed to be false or fraudulent, the office of the clerk or the city  
19 registrar shall report the investigation to local law enforcement, or,  
20 if in the city of New York, the office of the sheriff.

21 (c) The office of the clerk or city registrar shall notify the buyer  
22 and seller of property of any investigation and provide the opportunity  
23 for each party to participate in the investigation.

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

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1 2. Every such conveyance not so recorded is void as against any person  
 2 who subsequently purchases or acquires by exchange or contracts to  
 3 purchase or acquire by exchange, the same real property or any portion  
 4 thereof, or acquires by assignment the rent to accrue therefrom as  
 5 provided in section two hundred ninety-four-a of this article, in good  
 6 faith and for a valuable consideration, from the same vendor or assign-  
 7 nor, [~~his~~] such person's distributees or devisees, and whose conveyance,  
 8 contract or assignment is first duly recorded, and is void as against  
 9 the lien upon the same real property or any portion thereof arising from  
 10 payments made upon the execution of or pursuant to the terms of a  
 11 contract with the same vendor, [~~his~~] such person's distributees or devi-  
 12 sees, if such contract is made in good faith and is first duly recorded.

13 3. Notwithstanding the foregoing, any increase in the principal  
 14 balance of a mortgage lien by virtue of the addition thereto of unpaid  
 15 interest in accordance with the terms of the mortgage shall retain the  
 16 priority of the original mortgage lien as so increased provided that any  
 17 such mortgage instrument sets forth its terms of repayment.

18 4. The clerk of the county or city registrar where such conveyance of  
 19 residential real property is recorded and maintained shall mail via  
 20 certified mail a written notice of such conveyance to the owner of  
 21 record. The notice shall have the heading printed in 20 point bold type  
 22 and read as follows:

23 "NOTICE OF SALE OR TRANSFER OF OWNERSHIP OF YOUR RESIDENTIAL PROPERTY.

24 To: \_\_\_\_\_  
 25 Name of owner of record

26 Our records show that you are listed as the current owner of record for  
 27 residential property:

28 Block # \_\_\_\_\_ Lot # \_\_\_\_\_

29 Located At: \_\_\_\_\_  
 30 street address

31 in the county of \_\_\_\_\_ New York  
 32 On \_\_\_\_\_, documents were filed at this  
 33 date  
 34 office to change ownership and transfer title of your property.

35 To: \_\_\_\_\_  
 36 name of new owner

37 If you have any questions regarding the validity of the documents, and  
 38 wish to dispute the recording of the transfer, you should obtain legal  
 39 counsel. If you believe you are a victim of a crime related to this  
 40 recording, contact your local law enforcement agency or, if in the City  
 41 of New York, the office of the sheriff."

42 The party seeking to record such conveyance shall bear the cost of  
 43 such written notice. The clerk of the county or city registrar is enti-  
 44 tled to charge a reasonable fee to cover the cost of mailing the envel-  
 45 ope to the owner of record. Failure to mail such notice or the failure  
 46 of any party to receive the same, shall not affect the validity of the  
 47 conveyance of the property.

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