

STATE OF NEW YORK

605--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 report the transaction to the office of the attorney general and to
17 local law enforcement, or, if in the city of New York, the office of the
18 sheriff.

19 (b) The office of the clerk or city registrar shall notify the buyer
20 and seller of property of any investigation and provide the opportunity
21 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.