

STATE OF NEW YORK

5443--A

2009-2010 Regular Sessions

IN SENATE

May 6, 2009

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens

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

1 Section 1. Findings. On March 24, 1992, through a Queens in rem tax
2 foreclosure action, the city of New York acquired title to premises
3 designated as lot 30 in tax block 11364, also known as 133-47 84th
4 Street, Ozone Park, in the borough of Queens, based on non-payment of
5 taxes due to inadvertence by Thomas and Lucille Hussey, the former
6 owners of such property. Pursuant to sections 11-424 and 11-424.1 of the
7 administrative code of the city of New York, the city may release its
8 interest in property thus acquired if an application for such a release
9 is filed with the city's department of city wide administrative services
10 within two years of the date on which the city's deed is recorded and if
11 such application is approved by the in rem foreclosure release board.
12 Since that period has now elapsed, and pending the effectiveness of a
13 chapter of the laws of 2009 authorizing the in rem foreclosure release
14 board to authorize the release of property where an application for such
15 release is made more than two years after the date of the city's acqui-
16 sition thereof, state legislation is necessary to restore said property
17 to the aforesaid former owner. In addition, since the New York city
18 charter requires that the sale of city owned property be at public

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

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1 auction or by sealed bids (except as otherwise provided by law), state
2 legislative authorization is necessary to permit said reconveyance.

3 § 2. Notwithstanding any other provision of general, special or local
4 law, charter or administrative code to the contrary and subject to
5 section three of this act, the city of New York is hereby authorized to
6 release its interest in and reconvey the real property designated as tax
7 block 11364, lot 30, on the tax map of the city for the borough of
8 Queens as said map was on March 24, 1992, to Thomas and Lucille Hussey,
9 the former record owners of said property on such date.

10 § 3. Such release and reconveyance may be made only upon the approval
11 of the in rem foreclosure release board established by section 11-424.1
12 of the administrative code of the city of New York, subject to the gran-
13 tees meeting the following conditions precedent:

14 (a) Submit an application for release in writing to the city commis-
15 sioner of city wide administrative services accompanied by a certified
16 title search, affidavit of ownership, and all fees and payments as
17 otherwise required by section 11-424 of the administrative code of the
18 city of New York.

19 (b) Pay all taxes, interest, penalties and charges otherwise required
20 by section 11-424 of the administrative code of the city of New York
21 upon approval of the application by the in rem foreclosure release
22 board.

23 § 4. This chapter of the laws of 2009 shall not be deemed to be the
24 chapter upon the effectiveness of which paragraph 2 of subdivision a of
25 section 11-424 of the administrative code of the city of New York, under
26 local law, depends. Accordingly, the provisions of such paragraph 2
27 shall not apply to the release and reconveyance authorized to be made
28 herein.

29 § 5. This act shall take effect immediately.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5443A

SPONSOR: ADDABBO

TITLE OF BILL:

An act authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens

PURPOSE:

Authorizes New York city to reconvey property obtained by an in rem proceeding to Lucille Hussey.

JUSTIFICATION:

On March 24, 1992, the property located at Block 11364, Lot 30, also known as 133-47 84th Street, Ozone Park, in the borough of Queens, was acquired by in rem tax foreclosure, based on non-payment of taxes due to inadvertence by Thomas and Lucille Hussey, the former owners of such property. Since the period for filing a release application to the City has expired, pending the effectiveness of a chapter of the laws of 1998 authorizing the in rem foreclosure release board to authorize the release of property where an application for such release is made more than two years after the date of the city's acquisition thereof, state enabling legislation is necessary to restore said property to the aforesaid former owner. In addition, since the New York City Charter requires that the sale of city owned property be at public auction or by sealed bids (except as otherwise provided by law), state legislative authorization is necessary to permit said reconveyance.

LEGISLATIVE HISTORY:

S.6707 (2008); S.5948 (1998).

FISCAL IMPLICATIONS:

An application for release in writing to the city commissioner of general services accompanied by a certified title search, affidavit of ownership, and all fees and payments as otherwise required by section 11-424 of the administrative code of the city of New York. All taxes, interest, penalties and charges otherwise required by section 11-424 of the administrative code of the City of New York must be paid upon approval of the application by the in rem foreclosure release board.

EFFECTIVE DATE:
Immediately.

STATE OF NEW YORK

5651--A

2009-2010 Regular Sessions

IN ASSEMBLY

February 17, 2009

Introduced by M. of A. PHEFFER -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens

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

1 Section 1. Findings. On March 24, 1992, through a Queens in rem tax
2 foreclosure action, the city of New York acquired title to premises
3 designated as lot 30 in tax block 11364, also known as 133-47 84th
4 Street, Ozone Park, in the borough of Queens, based on non-payment of
5 taxes due to inadvertence by Thomas and Lucille Hussey, the former
6 owners of such property. Pursuant to sections 11-424 and 11-424.1 of the
7 administrative code of the city of New York, the city may release its
8 interest in property thus acquired if an application for such a release
9 is filed with the city's department of city wide administrative services
10 within two years of the date on which the city's deed is recorded and if
11 such application is approved by the in rem foreclosure release board.
12 Since that period has now elapsed, and pending the effectiveness of a
13 chapter of the laws of 2009 authorizing the in rem foreclosure release
14 board to authorize the release of property where an application for such
15 release is made more than two years after the date of the city's acqui-
16 sition thereof, state legislation is necessary to restore said property
17 to the aforesaid former owner. In addition, since the New York city
18 charter requires that the sale of city owned property be at public

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

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1 auction or by sealed bids (except as otherwise provided by law), state
2 legislative authorization is necessary to permit said reconveyance.

3 § 2. Notwithstanding any other provision of general, special or local
4 law, charter or administrative code to the contrary and subject to
5 section three of this act, the city of New York is hereby authorized to
6 release its interest in and reconvey the real property designated as tax
7 block 11364, lot 30, on the tax map of the city for the borough of
8 Queens as said map was on March 24, 1992, to Thomas and Lucille Hussey,
9 the former record owners of said property on such date.

10 § 3. Such release and reconveyance may be made only upon the approval
11 of the in rem foreclosure release board established by section 11-424.1
12 of the administrative code of the city of New York, subject to the gran-
13 tees meeting the following conditions precedent:

14 (a) Submit an application for release in writing to the city commis-
15 sioner of city wide administrative services accompanied by a certified
16 title search, affidavit of ownership, and all fees and payments as
17 otherwise required by section 11-424 of the administrative code of the
18 city of New York.

19 (b) Pay all taxes, interest, penalties and charges otherwise required
20 by section 11-424 of the administrative code of the city of New York
21 upon approval of the application by the in rem foreclosure release
22 board.

23 § 4. This chapter of the laws of 2009 shall not be deemed to be the
24 chapter upon the effectiveness of which paragraph 2 of subdivision a of
25 section 11-424 of the administrative code of the city of New York, under
26 local law, depends. Accordingly, the provisions of such paragraph 2
27 shall not apply to the release and reconveyance authorized to be made
28 herein.

29 § 5. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A5651A

SPONSOR: Pheffer

TITLE OF BILL: An act authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens to former owners Thomas and Lucille Hussey, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 11364, Lot No. 30 on tax map for the borough of Queens

PURPOSE OR GENERAL IDEA OF BILL: Authorizes New York City to reconvey property obtained by an in rem proceeding to Lucille Hussey

JUSTIFICATION: On March 24, 1992, the property located at Block 11364, Lot 30, also known as 133-47 84th Street, Ozone Park, in the borough of Queens, was acquired by in rem tax foreclosure, based on non-payment of taxes due to inadvertence by Thomas and Lucille Hussey, the former owners of such property. Since the period for filing an application to the City has expired, pending the effectiveness of a chapter of the laws of 1998 authorizing the in rem foreclosure release board to authorize the release of property where an application for such release is made more than two years after the date of the city's acquisition thereof, state enabling legislation is necessary to restore said property to the aforesaid former owner. In addition, since the New York City Charter requires that the sale of city owned property be at public auction or by sealed bids (except as otherwise provided by law), state legislative authorization is necessary to permit said reconveyance.

PRIOR LEGISLATIVE HISTORY: 2007-2008: A.9670 - Referred to Cities

FISCAL IMPLICATIONS: An application for release in writing to the city commissioner of general services accompanied by a certified title search, affidavit of ownership, and all fees and payments as otherwise required by section 11-424 of the administrative code of the city of New York. All taxes, interest, penalties and charges otherwise required by section 11-424 of the administrative code of the City of New York must be paid upon approval of the application by the in rem foreclosure release board.

EFFECTIVE DATE: Immediately.
