



New York State YMCA
Youth And Government

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FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate Freedom 3

Bill #:SF-23

1 **Sponsors:** Eric DiGiacomo, Jae Ho Kim, Brendan Reilly

2
3 **An Act To**

4 Amend § 1307 of the Real Property Actions and Proceedings Law and add
5 subsection 9 to convert foreclosed or vacant properties into homeless shelters.

6
7 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

8
9 **Purpose**

10 The purpose of this bill is to convert foreclosed properties into homeless shelters.
11 Our bill plans to convert abandoned properties into homeless shelters to help
12 improve the quality of life.

13
14 **Summary of Provisions**

15 **Section 1: Definitions**

16 Zombie Property: A piece of land or a building that has been abandoned and is
17 beyond repair

18 **Section 2**

19 §1307. Duty to maintain foreclosed property.

20 3. The municipality in which such residential real property is located, any tenant
21 lawfully in possession, and a board of managers of a condominium in which the
22 premises are located or a homeowners association if said premises are subject to
23 the rules and regulations of such an association, shall have the right to enforce the
24 obligations described in this section in any court of competent jurisdiction after at
25 least seven days' notice to the plaintiff in the foreclosure action unless emergency
26 repairs are required. Any entity acting pursuant to this subdivision shall have a
27 cause of action in any court of competent jurisdiction against the plaintiff in the
28 foreclosure action to recover costs incurred as a result of maintaining the property.
29 The authority provided by this subdivision shall be in addition to, and shall not be
30 deemed to diminish or reduce, any rights of the parties described in this section
31 under existing law against the mortgagor of such property for failure to maintain
32 such property.

33 5. For the purposes of this section "maintain" shall mean keeping the subject
34 property in a manner that is consistent with the standards set forth in the New
35 York property maintenance code chapter 3 sections 301, 302 (excluding 302.2,
36 302.6 and 302.8), 304.1, 304.3, 304.7, 304.10, 304.12, 304.13, 304.15,
37 304.16, 307.1, and 308.1; provided, however, that if the property is occupied by a
38 tenant, then such property must also be maintained in a safe and habitable
39 condition.



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5. A plaintiff shall be relieved of its responsibilities to maintain the residential real property that is the subject of a foreclosure action for the period that a receiver of such property is serving.

6. Nothing contained in this section shall diminish in any way the obligations pursuant to any state or local law of the mortgagor of the property or a receiver of rents and profits appointed in an action to foreclose a mortgage to maintain the property prior to the closing of title pursuant to a foreclosure sale.

7. This section shall not preempt, reduce or limit any rights or obligations imposed by any local laws with respect to property maintenance and the locality's ability to enforce those laws.

8. If any county repossesses the abandoned or foreclosed property, then the mortgagor is exempt from the previous responsibilities, which then fall upon the county.

Justification

Throughout New York State, homelessness is a widespread issue. Thousands of people spend every day wondering where they will go. They have close to nothing. Meanwhile, there are also thousands of vacant housing units going unused. A shocking 17% of all homeless people in the United States are located in New York State. These homes could be used to solve this problem, yet, they remain vacant. Converting these properties into homeless shelters would provide a temporary solution.

Fiscal Implications

The installment of this bill would require the allocation of funds to the project. We would use funding from the U.S. Department of Housing And Urban Development which has funds allocated to different counties in New York State. Despite the shelter collecting donations and utilizing volunteers, the county would still be responsible for the funds required for the facility. The amount needed to fund the facility would vary slightly for each property due to different sizes and capacities.

Environmental Implications

This bill would have little to no environmental implications due to the use of previously established areas of land for the new shelters.

Effective Date

This bill will go into effect one year following its passage.