

TOWN OF CLARKSTOWN

LOCAL LAW 6-2024

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Section 1. Title.

A Local Law Amending Chapter 157 Article XII of the Town Code of Clarkstown—Registration of Defaulted and Vacant Properties

Section 2. Legislative Intent; Purpose.

This Local Law will amend Chapter 157 Article XII of the Town Code concerning registration of defaulted and vacant properties to reflect changes made to State law since the adoption of the Town's current Chapter 157 Article XII of the Town Code. Chapter 157, Article XII of the Town Code established a semi-annual registration of defaulted and vacant properties. Section 1393 (3) of the NYS Real Property Actions and Proceedings Law now requires registration of defaulted and vacant properties be on an annual basis, with a capped fee. This Local Law will bring the Town Code of the Town of Clarkstown into compliance with that State law.

Section 3. Amendments to §157-84 Definitions.

The following change shall be made to §157-84 Definitions:

Change **SEMI-ANNUAL REGISTRATION** to **ANNUAL REGISTRATION** and amend the definition to read as follows:

Twelve months from the date of the first action that requires registration, as determined by the Town, or its designee, and every subsequent twelve months the property is registrable. The date of the initial registration may be different than the date of the first action that required registration.

Section 4. Amendments to § 157-87 Registration of defaulted mortgage real property.

Amend §157-87 (C) to read as follows:

- (C) Each individual property on the registry that has been registered for 12 months or more prior to the effective date shall have 30 days to renew the registration and pay the nonrefundable annual registration fee. Properties registered less than 12 months prior to the effective date shall renew the registration every 12 months from the expiration of the original registration renewal date and shall pay the nonrefundable annual registration fee.

Amend §157-87 (E) to read as follows:

- (E) If the mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's-length related person or entity, the transferee is subject to all the terms of this chapter and within 10 days of the transfer must register the property or update the existing registration for the property in accordance with this chapter. Any previous unpaid annual registration fees are the responsibility of the new registrable property owner and are due and payable with their initial registration.

Amend §157-87 (G) to read as follows:

- (G) A nonrefundable annual registration fee, established by resolution by the Town Board, shall accompany each registration pursuant to this section.

Amend §157-87 (H) to read as follows:

- (H) If the foreclosing or foreclosed property is not registered, or the registration fee is not paid within 30 days of when the registration or renewal is required pursuant to this section, a late fee, established by resolution by the Town Board, shall be charged for every thirty-day period, or portion thereof, the property is not registered and shall be due and payable with the registration.

Amend §157-87 (K) to read as follows:

- (K) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.

Section 5. Amendments to § 157-88. Inspection and registration of real property not subject to mortgage in foreclosure.

Amend §157-88 (C) to read as follows:

- (C) At the time of initial registration, each registrant shall pay a nonrefundable annual registration fee for each vacant property. Subsequent nonrefundable annual renewal registrations of vacant properties and fees are due within 10 days of the expiration of the previous registration. Said fees shall be used to offset the costs of: 1) registration and registration enforcement, 2) code enforcement and mitigation related to vacant properties, and 3) for any related purposes as may be adopted in the policy set forth in this chapter. Said fees shall be deposited to a special account in the Building Department, to fulfill the purpose and intent of this chapter.

Amend §157-88 (E) to read as follows:

- (E) If the vacant property is not registered, or either the registration fee or the annual registration fee is not paid within 30 days of when the registration or annual registration is required pursuant to this section, a late fee, established by resolution by the Town Board, shall be charged for every thirty-day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent owners of the vacant property.

Amend §157-88 (F) to read as follows:

- (F) Properties subject to this section shall remain subject to the annual registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is vacant.

Section 6. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.