

## Local Law Filing

[www.dos.state.ny.us/corps](http://www.dos.state.ny.us/corps)

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(select one)

of Floral Park

Local Law No. 2 of the year 2017

A local law adopting Section 65-7.1 of the Code of the Incorporated Village of Floral Park  
(insert Title)

entitled 'Foreclosures; Undertaking'.

Be it enacted by the BOARD OF TRUSTEES of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select One:)

of Floral Park as follows:

### **Section 1. Legislative Intent**

When properties in the Village of Floral Park fall vacant and become the subject of foreclosure actions, they frequently become neglected and overgrown with grass, weeds and rubbish, as well as other property maintenance violations, creating an unsightly appearance in the surrounding area and detract from the use, enjoyment and value of surrounding properties and impair the ability for people to, among other things, shop, conduct commerce, attend meetings or go to school in a safe, clear and aesthetic environment. The Village is committed to using all legal avenues to proactively address these adverse conditions, to alleviate the burden these vacant properties impose on a neighborhood. This new section places the financial burden on any person, business, organization, bank or lender who commences a foreclosure action against any vacant property in the Village to deposit funds with the Village after the foreclosure action is commenced, for use in achieving prompt remediation, if or when it shall occur.

**(If additional space is needed, attach pages (if same size as this sheet, and number each.)**

This new law is clearly in the public interest. It will help deter violations by creating a financial disincentive against allowing the property to lie fallow and unmaintained. It will help to expedite remediation of property maintenance violations, when they occur. It will also help avoid substantial outlays of public funds in accomplishing same. These requests supplement those imposed by the Village Code and the laws of the State of New York as amended in § 65-7.1 2016.

## **Section 2. Section 65-7.1 as Adopted:**

### **§ 65-7.1: Foreclosures, Undertaking.**

A. Any person, business, organization, bank or lender who commences a foreclosure action against any property within the Village that has become vacant, or subsequent parties to such an action, shall provide to the Village an undertaking in the form of cash, a cash bond, or a letter of credit acceptable to the Village Attorney, in the sum of \$35,000.00, to secure the continued maintenance of the property free of any violations of this Chapter, during the entire time that vacancy shall exist, as determined by the Superintendent of Buildings. When the foreclosure action is finally discontinued, any unused funds shall be returned.

B. It shall be unlawful for any such person, business, organization, bank or lender to fail to properly deposit such cash, a cash bond, or a letter of credit within 45 calendar days after the foreclosure action is commenced.

C. In the event that the Superintendent of Buildings determines that any property referenced in paragraph "A" above is being maintained in violation of this Chapter, then in addition to or in lieu of any other enforcement remedy at his disposal, the Superintendent may utilize the deposited funds to pay the full and actual cost of actions necessary to eliminate the violation.

D. In the event that any such funds are utilized as set forth above, such person, business, organization, bank or lender shall restore it to the full amount referenced in paragraph "A" above, within 15 calendar days after written demand by the Village, sent by regular mail and certified mail, return/receipt/requested to such person.

## **Section 3. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

## **Section 4. Effective Date**

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