

Local Law Filing

(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 Babylon

FILED
STATE RECORDS

OCT 11 2016

DEPARTMENT OF STATE

Local Law No. 15 of the year 2016

A local law AMENDING CHAPTER 213, ARTICLE XLIV (MORTGAGE-IN-DEFAULT REGISTRY)
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Babylon

as follows:

See Attached.

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 15 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Babylon was duly passed by the Town Board on September 28th 2016, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. ~~(Elective Chief Executive Officer*)~~

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Barbara Purnham
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: September 29, 2016

(Seal)



Chapter 213, Article XLIV Mortgage-in-Default Registry

Add:

§213-552 - Purpose and intent.

It is the purpose and intent of the Town Board to establish a process to limit and reduce the amount of deteriorating properties located within the town, which property is subject to a mortgage which is in default. It is the Town Board's further intent to specifically establish a defaulted mortgage registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties subject to a mortgage or properties subject to mortgages which are in default.

§213-553 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

Abandoned real property in default means any real property that is under a current notice of default and/or notice of mortgagee's sale, pending tax assessor's lien sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

Enforcement officer means any full-time law enforcement officer, building inspector, fire marshal, zoning inspector, or code enforcement officer employed within the Town.

Evidence of vacancy means any condition that, on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, electricity, water or other utilities turned off, stagnant swimming pool, statements by neighbors, passers-by, delivery agents or government agents, among other evidence that the property is vacant.

Foreclosure means the process by which a property, placed as security for a mortgage loan, after a judicial process is to be sold at an auction to satisfy a debt upon which the borrower has defaulted.

Vacant means any building or structure shall be deemed to be vacant if no person or persons actually currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, non-transient basis.

§213-554 - Applicability.

This article shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the Town above and beyond any other state, county and/or local provisions for same. This article relates to property subject to a mortgage which has been determined by the mortgagee to be in default.

§213-555 - Penalties.

Any person, corporation, or entity who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof shall be guilty of a violation and, upon conviction thereof, a fine of not less than \$250 nor more than \$1,000 must be imposed or a term of imprisonment for a period not to exceed 15 days may be imposed, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, shall be guilty of a violation, and upon conviction a fine not less than \$1,000 nor more than \$2,500 must be imposed or a term of imprisonment for a period not to exceed 15 days may be imposed, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, shall be guilty of a violation and a fine not less than \$2,500 nor more than \$5,000 must be imposed or a term of imprisonment for a period not to exceed 15 days may be imposed, or both.

§213-556 - Registration of real property with a mortgage-in-default.

- (a) If the property is occupied but remains in default, it shall be inspected by the mortgagee, or said mortgagee's designee, monthly until the mortgagor or other party remedies the default.
- (b) Within ten (10) days of date that the mortgagee declares its mortgage on a particular parcel of real property to be in default, the mortgagee shall inspect and register the real property with the town's mortgage-in-default registry t. Mortgagee shall include in the registration if the property is vacant or occupied.
- (c) Mortgage-In-Default Registration. Registration pursuant to this section shall contain the name of the mortgagee and mortgage servicer; the direct mailing address of the mortgagee and servicer, e-mail address and telephone number; the name and address, e-mail, and telephone number of a local property manager who shall be responsible for the inspection, security and maintenance of the property. The local property manager named in the registration shall be located and available within Suffolk and Nassau Counties Monday through Friday between 9:00 a.m. and 5:00 p.m., holidays and lunch hours excepted, to be contacted by the town.
- (d) An annual non-refundable registration fee in the amount of \$200.00, per property, shall accompany the Mortgage-In-Default Registration form(s).
- (e) This section shall also apply to properties that have been the subject of foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- (f) Properties subject to this section shall remain under the annual Mortgage-In-Default registration requirement, inspection, security, and maintenance standards of this section as long as they remain in default.
- (g) Properties subject to this section shall also be subject to the registration requirements of Town Code Section 213-236 entitled "Repair of damaged buildings, abandoned or vacant buildings, registration of vacant buildings; fees."

article is a violation of the Town Code and may result in a citation by the town's code enforcement division.

§213-557 - Maintenance requirements.

- (a) Properties subject to this article shall be kept free of weeds, overgrown brush, dead

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§213-557 - Maintenance requirements.

- (a) Properties subject to this article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned or not being properly maintained.
- (b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Yards shall be landscaped and maintained pursuant to the standards previously established in this Code.
- (d) Pools and spas shall be kept in working order so that pool and spa water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements and any other requirements of this Code and the New York State Building Code and New York State Property Maintenance Code, as amended from time to time.
- (e) Failure of the mortgagee and/or property owner of record to properly maintain the property is a violation of the Town Code and may result in citation by the town's code enforcement division.

§213-558 - Security requirements.

- (a) Properties subject to this article shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by reglazing or boarding of the window.
- (c) If a mortgage on property is in default and has become vacant the local property manager or mortgagee must perform weekly inspections to verify compliance with the requirements of this section and any other applicable laws or town ordinances.
- (d) Failure of the mortgagee and/or property owner of record to properly inspect and secure the property, and post and maintain the signage noted in this section, is a violation of this Code and may result in a citation by the town's code enforcement division.

§213-558 - Opposing, obstructing enforcement officer; penalty.

Whoever opposes, obstructs or resists any enforcement officer, zoning inspector, building inspector, fire marshal, or any person authorized by the code enforcement division, in the discharge of duties as provided in this article, upon conviction may be punished as provided in section 1-21B of the Town Code, or New York State Penal Code Section 195.05.

§213-559 - Immunity of enforcement officer.

Any enforcement officer, or any person authorized by the code enforcement officer, shall be immune from prosecution, civil or criminal, for reasonable, good faith enter upon real property while in the discharge of duties imposed by this article.

§213-560 - Additional authority.

The code enforcement officer shall have authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard, or other measures as may be reasonably required to prevent a decline of the property.

§213-561- Supplemental provisions.

Nothing contained in this article shall prohibit the town from enforcing its codes by any other means including, but not limited to, abatement as otherwise provided by Town Code.