

INC. VILLAGE OF ISLAND PARK

LOCAL LAW 14 OF 2016

Local Law No. 14 of the Year 2016, entitled Foreclosures, Undertakings and Maintenance of Premises.

The purpose of this proposed Local Law is to establish the procedure in relation to Foreclosures and Maintenance of Premises.

See attached Local Law No. 14 of the Year 2016.

Inc. Village of Island Park

A local law to enact a new section of the Code of the Inc. Village of Island Park in relation to Foreclosures, Undertakings and Maintenance of Premises.

Local Village Law 14 of 2016 of Inc. Village of Island Park, shall henceforth read as follows:

I. Foreclosures; Undertaking.

Legislative Intent: When residential properties in the Inc. Village of Island Park fall vacant and become the subject of foreclosure actions, they frequently become neglected and overgrown with grass, weeds and rubbish, creating an unsightly appearance in the surrounding residential area and detracting from the use, enjoyment and value of surrounding properties. The Inc. Village of Island Park is committed to using all legal avenues to proactively address these adverse conditions, to alleviate the burden these vacant properties impose on neighboring residents. This new section Inc. Village of Island Park Residential Properties places the financial burden on any person, business, organization, bank or lender who commences a foreclosure action against any vacant residential property in the Inc. Village of Island Park to deposit funds with the Inc. Village after the foreclosure action is commenced, for use in achieving prompt remediation, if or when it shall occur. 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 overgrown grass, weeds and rubbish, when they occur. It will also help avoid substantial outlays of public funds in accomplishing same.

A. Any person, business, organization, bank or lender who commences a foreclosure action against a residential property (improved with a single-family, two-family or multiple family residence) that has become vacant shall provide to the Inc. Village an undertaking in the form of cash, a cash bond, or a letter of credit acceptable to the Inc. Village Attorney, in the sum of \$25,000.00, to secure the continued maintenance of the property free of any violations of section of this Local Law for Residential Properties, during the entire time that vacancy shall exist, as determined by the Inc. Village of Island Park Board. When the foreclosure action is finally discontinued, any unused funds shall be returned.

II. Non-Residential Foreclosures; Undertaking.

Legislative Intent: When all non-residential properties in the Inc. Village of Island Park fall vacant and become the subject of foreclosure actions, they frequently become neglected and overgrown with grass, weeds and rubbish, 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 Inc. 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 Inc. Village of Island Park Residential Properties places the financial burden on any person, business, organization, bank or lender who commences a foreclosure action against any vacant property in the Inc. Village of

Island Park not subject to the provisions of Inc. Village of Island Park of this local law to deposit funds with the Inc. Village of Island Park after the foreclosure action is commenced, for use in achieving prompt remediation, if or when it shall occur. 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 overgrown grass, weeds and rubbish, when they occur. It will also help avoid substantial outlays of public funds in accomplishing same.

A. Any person, business, organization, bank or lender who commences a foreclosure action against a property not subject to the requirements of Local Law for Residential Properties (including, among other property, commercial properties) that has become vacant, or subsequent parties of such an action, shall provide to the Inc. Village of Island Park an undertaking in the form of cash, a cash bond, or a letter of credit acceptable to the Inc. Village of Island Park Attorney, in the sum of \$35,000.00, to secure the continued maintenance of the property free of any violations of Local Law for Residential Properties during the entire time that vacancy shall exist, as determined by the Inc. Village of Island Park Board. 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.

III. Resident and Non-Resident Foreclosure Commonalities

In the event that the Inc. Village of Island Park Board determines that any property referenced in paragraph "A" above is being maintained in violation of section, then in addition to or in lieu of any other enforcement remedy at his disposal, the Inc. Village of Island Park Board may utilize the deposited funds to pay the full and actual cost of actions necessary to eliminate the violation.

A. 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 Inc. Village of Island Park, sent by regular mail and certified mail, return receipt requested to such person, business, organization, bank or lender at an address designated by them for service of notices, or else to their last known address. It shall be unlawful for such person business, organization, bank or lender to fail to timely restore funds as required herein.

B. In the event that the Inc. Village of Island Park Board determines that any property referenced in paragraph "A" above is being maintained in violation of Local Law for Residential Properties and no cash, cash bond, or letter of credit acceptable to the Inc. Village of Island Park Attorney has been provided or replenished as required by paragraphs A or B above, then in addition to or in lieu of any other enforcement remedy at his disposal, the Inc. Village of Island Park Board may serve a written demand upon such person, business, organization, bank or lender to provide the required cash, cash bond, or letter of credit acceptable to the Inc. Village of Island Park Attorney, within 10 days after the date of such written demand, subject to the following:

- (1) The 45 day time allotment of paragraph C hereof is superseded;

(2) The written demand shall be served in any manner authorized to obtain personal service under Article 3 of the Civil Practice Law and Rules of the State of New York, or otherwise at applicable law; and

(3) In the event that no cash, cash bond, or letter of credit acceptable to the Inc. Village of Island Park Attorney has been provided or replenished as required by paragraphs A or D above, within 10 days after the date of such written demand, then such person, business, organization, bank or lender shall be subject to fines of up to triple the maximum amount set forth under Local Law for Residential Properties and a minimum fine of \$500 for each day of the noncompliance until such time as that person or entity complies with the provisions of this section, or by imprisonment for not more than 15 days, or by both such fine and imprisonment., with each calendar day of failure to timely provide same constituting a separate additional offense, as set forth under section Local Law for Residential Properties.

C. If any provision of this section is declared unenforceable for any reason by a court of competent jurisdiction, such declaration shall affect only that provision, and shall not affect the remainder of this section, which shall remain in full force and effect.

D. This section shall apply to all non-residential foreclosures commencing after the effective date of this local law. It is to be considered remedial legislation and shall be liberally construed so that substantial justice is done.

IV. Unsafe Buildings.

The funds deposited with the Inc. Village of Island Park as an undertaking pursuant to Local Law for Residential Properties the Code may be used by the Inc. Village of Island Park Board to remedy any unsafe condition existing at a foreclosure property which is the subject of the undertaking, and in that event, the utilized funds shall be replenished as provided for, in the same manner and under the same requirements as if the funds had been used by the Inc. Village of Island Park Board, as provided therein.