

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1997**

No. 69

By Council Members Spigner and Pagan (by the request of the Mayor) also Council Members Harrison and Robinson.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to tax lien foreclosure by action in rem.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 11-405 of the administrative code of the city of New York, as amended by local law number 37 for the year 1996, is amended to read as follows:

a. The commissioner of finance from time to time shall prepare a list, to be known as a "list of delinquent taxes", of all parcels, or all parcels within a particular class or classes, that are within a particular borough or [portion of a borough] *section of a tax map or portion of a section of a tax map* of the city and on which there are tax liens subject to foreclosure pursuant to this chapter, *provided, however, that no such portion shall be smaller than a block, as defined in subdivision d of section 11-204 of subchapter one of chapter two of this title.* Every such list shall bear a caption containing the in rem action number of the city's tax foreclosure proceeding, the borough or the section [or sections of the borough, or] *of a tax map or portion of a section of a tax map, and* where the action covers less than all parcels in an entire borough or section of a [borough] *tax map or portion of a section of a tax map,* the particular class or classes, and shall contain a statement of the rate or rates at which interest and penalties will be computed for the various liens it includes.

§ 2. Subdivision b of section 11-406 of the administrative code of the city of New York, as amended by local law number 37 for the year 1996, is amended to read as follows:

b. Such notice shall clearly indicate that it is a notice of foreclosure of tax liens; the borough or the section [or sections of the borough] *of a tax map or portion of a section of a tax map* in which the properties subject to foreclosure are located and where the area affected by the action includes less than all parcels in an entire borough or section of a [borough] *tax map or portion of a section of a tax map,* the particular class or class-

es contained therein, and by a general description which need not contain measurements and direction; where and when the list of delinquent taxes was filed; the general nature of the information contained in the list; that the filing of the list constitutes commencement of a foreclosure action by the city in the supreme court for the particular county and a notice of pendency of action against each parcel listed; that such action is against the property only and no personal judgment will be entered; that the list will be available for inspection at the city collector's central office and at the borough office of the city collector in the borough in which said property is located until a specified date at least ten weeks after the date of first publication; that until such date a parcel may be redeemed by paying all taxes and charges contained in said list of delinquent taxes together with interest and penalties thereon; that during said period of redemption and for an additional period of twenty days after said last date for redemption any person having any interest in or lien upon a parcel on the list may file with the appropriate county clerk and serve upon the corporation counsel a verified answer setting forth in detail the full name of said answering party, the nature and amount of his or her interest or lien and any legal defense against foreclosure; and that in the absence of redemption or answer a judgement of foreclosure may be taken by default.

§ 3. Subdivision f of section 11-409 of the administrative code of the city of New York, as amended by local law number 37 for the year 1996, is amended to read as follows:

f. All answers interposed in an action hereunder and all affidavits and other papers pertaining to any litigation involving such answers or to any proceeding brought pursuant to this chapter involving less than an entire action shall bear a caption containing the in rem action number of the city's tax foreclosure proceeding, the borough or the section [or sections of the borough] *of a tax map or portion of a section of a tax map* affected, and if the action covers less than all parcels in an entire borough or section of a [borough] *tax map or portion of a section of a tax map*, the particular class or classes, and the serial, section, block and lot numbers of the parcel or parcels in issue.

§ 4. This local law shall take effect immediately and shall apply to every list of delinquent taxes prepared on or after the effective date of this local law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on August 26, 1997, and approved by the Mayor on September 11, 1997.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 69 of 1997, Council Int. No. 958) contains the correct text and:

Received the following vote at the meeting of the New York City Council on August 26, 1997: 49 FOR, 1 AGAINST.

Was approved by the Mayor on September 11, 1997.

Was returned to the City Clerk on September 12, 1997.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel