



Legislation Text

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Res. No. 1428

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that increases the felony classification of crimes applicable to the prosecution of a fraudulent conveyance of residential real estate.

By Council Member Cornegy

Whereas, Deed theft is a tool that criminals use to illegally obtain real estate so that they can sell it for a huge profit in high demanding housing markets such as New York City; and

Whereas, According to a New York Times article, titled "*Why Black Homeowners in Brooklyn Are Being Victimized by Fraud,*" which provided an illustrative report on how seniors were deceived into signing away their homes, showed that criminals were taking advantage of a homeowner's limited financial means, homeowners were afraid to lose their property, homeowners lacked legal knowledge concerning the transfer of titles and criminals were able to gain the trust of a homeowner; and

Whereas, On December 2018, the Manhattan District Attorney's office received a report from a Manhattan Grand Jury that recommended that the state pass legislation on reforms to the penal law by increasing the felony classification of certain applicable offenses related to the fraudulent transfer of residential real estate property; and

Whereas, The Manhattan Grand Jury considers written instruments to be deeds, mortgages, assignments of mortgages, satisfaction of mortgages, contracts of sale and any other supporting documents of a deed that are recorded with the City Register or any other government office; and

Whereas, The Manhattan Grand Jury recommended that the penal law should be amended to increase the fines for the offense of offering a false filing in the first degree, and to provide that an attempt to offer or

present a false written instrument by a perpetrator may be also penalized upon early detection by a law enforcement agency; and

Whereas, The Manhattan Grand Jury further recommended an update to the penal law to elevate the identify theft of a property title from the lowest level of felony, a class E felony, to a class D felony, increasing the maximum term of incarceration from four years to seven years; and

Whereas, The Manhattan Grand Jury also recommended changing the penal law by changing the existing offenses of offering a false instrument for filing in the first and second degrees to second and third degree offenses but retain their classification as a class E felony and a class A misdemeanor, respectively; and

Whereas, Manhattan Grand Jury also recommended changing the penal law by elevating the corresponding criminal conduct of the “possession” of a forged written instrument to a higher offense of criminal possession of a forged instrument, a class C felony, which increases the maximum term of incarceration from seven years to fifteen years; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign legislation that increases the felony classification of crimes applicable to the prosecution of a fraudulent conveyance of residential real estate.

JLC
LS 9420
5/7/2020