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New State Laws on Eviction Should Have Little Effect in City

Governor Paterson recently signed two new state laws that apply to eviction cases. Both laws appear to be “feel good” legislation without real meaning, especially in New York City, says Dov Treiman of the Manhattan law firm of Adam Leitman Bailey, P.C. Here’s a brief rundown of the two laws.

Judge must explain settlement stipulations to parties without attorney (Chap. 281, Laws of 2009). This law, which took effect September 28, 2009, applies when parties to an eviction case in housing court sign a stipulation settling the case. The law says that if a party in the case (whether the owner or the tenant) isn’t represented by an attorney, the judge must fully explain the agreement to that party. This law doesn’t apply to stipulations delaying the case. The legislature’s memo in support of the law explains that because of the volume of cases moving through housing court, stipulations are often issued quickly and with little explanation, so that an unrepresented party may not have a clear understanding of his or her rights and responsibilities. The law is intended to ensure that these parties understand the agreements that have been reached.

In a sense, this law requires judges to do what they’ve already been doing in New York City housing courts, that is, explaining court agreements to parties without attorneys, notes Treiman. There’s a risk that the new law may also be used as an excuse for judges to talk parties out of a fair agreement, he says.

Non-work days aren’t counted in 72-hour notice period before eviction (Chap. 256, Laws of 2009). This law, which took effect August 27, 2009, applies when a marshal gives a tenant a 72-hour notice before executing an eviction warrant. It excludes Saturdays, Sundays, and public holidays from the 72-hour notice period.

This law should not affect evictions in New York City where the Department of Investigation sets the required notice period for eviction at seven business days instead of the 72 hours called for by State law, says Treiman. ♦

Use HPD Form to Invalidate Property Registration

The Department of Housing Preservation and Development (HPD) recently issued a form you can use to end your status as a building’s registered owner if you’ve transferred the building but the new owner doesn’t file an updated registration with HPD within 30 days of that transfer. The form is called “Application to Invalidate Property Registration.” It’s based on Local Law 56 of 2008, which the City passed last year to give a prior owner the right to ask HPD to invalidate the last property registration if the building’s new owner fails to file an updated registration. (For more information, see “Council Passes Bill Changing Property Registration Requirements,” in our November 2008 issue, p. 10.) Once HPD has invalidated the registration, the prior owner will no longer get notices or orders that HPD is required to send to the last registered owner or last registered managing agent of the building.

The invalidation form is posted on HPD’s Website, www.nyc.gov/hpd. Click on “Residential Bldg Owners,” at the left of the screen, and then on “Property Registration Unit.” We’ve also posted the form on our CHIP® Web site, www.chipnyc.org. Note that you must attach proof that you transferred title to the building. ♦