

NYC Initiative Petition to Amend NYC Charter – under § 37, New York Municipal Home Rule Law

I, the undersigned, do hereby state that I am a resident of and a registered and qualified voter in New York City, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby sign this Petition, as set forth below and on the one additional page, to enable the contents of this Petition (or an approved summary) to be submitted to the electors of New York City at a general election.

In witness where, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of signer (signature required) (printed name may be added)	Residence	Enter NYC County
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Signature:
/ /13 printed name:.....ZIP

PETITION TO REQUIRE NYC TO CONDEMN UNDER-WATER OWNER-RESIDING RESIDENTIAL PROPERTIES (1-4 FAMILY, COOP AND CONDO) TO ENABLE HOMEOWNER WHO CANNOT AFFORD CURRENT MORTGAGE TO REMAIN IN THE PROPERTY WITH NEW, AFFORDABLE MORTGAGE BASED ON CURRENT VALUE AND INTEREST RATE

WHEREAS, hundreds of thousands of homeowners in NYC have mortgages that are under water which they are unable to service and as a result are being threatened with foreclosure;

WHEREAS, the lenders or owners of the note have failed for a variety of reasons to have granted the homeowner an affordable loan modification based on the present value of the property and the current rate of interest, and are threatening to sell the property at a foreclosure sale less than the present value of the property, even though the homeowner has the financial capacity to service the loan based on the present value and present rate of interest; and

WHEREAS, the United States Supreme Court has recently held, in *Kelo v. City of New London*, 545 U.S. 469 (2005), that a municipality may condemn property for private use; and the New York Courts have permitted condemnation for "civic projects".

[Note: The Petition is continued on page 2.]

Complete ONE of the following:

(1) STATEMENT OF WITNESS

I, (name of witness) _____ state: I am a duly qualified voter of the City of New York and I am also duly qualified to sign the Petition. I now reside in New York City at (residence address, including No., Street, County, ZIP) _____.

The individual whose name is subscribed to this Petition sheet containing 1 signature, subscribed the same in my presence on the date above indicated and identified himself/herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

____/____/2013
Date

Signature of Witness

WITNESS IDENTIFICATION INFORMATION: The following information for the witness named above must be completed prior to filing with the Board of Elections in order for this petition sheet to be valid.

County in New York City: *[Circle or Underline One of the Following:]* Bronx Kings New York Queens Richmond

(2) NOTARY PUBLIC OR COMMISSIONER OF DEEDS

On the date above indicated before me personally came the NYC voter whose signature appears on this Petition sheet containing one petition signature who signed same in my presence and who being by me duly sworn, said that the foregoing statement made and subscribed by him/her was true.

____/____/2013
Date

Signature and Official Title of Officer Administering Oath

WHEREAS, it is in the best interest of NYC and its residents to enable homeowners to remain in their homes instead of evicting and uprooting them and replacing them with renters, or new owners who take out a mortgage based on the same present value of the property and the present market rate of interest.

THE FOLLOWING IS HEREBY DESIRED AND APPROVED AS AN INITIATIVE FOR ADOPTION OF A LOCAL LAW TO AMEND THE NEW YORK CITY CHARTER, TO BE PRESENTED TO VOTERS OF THE CITY OF NEW YORK AT A GENERAL ELECTION OF VOTERS:

1. The title of this local law is "Act to Require NYC to Condemn Under-Water Owner-Residing Residential Properties (1-4 Family, Coop and Condo) to Enable Homeowner Who Cannot Afford Current Mortgage to Remain in the Property with New, Affordable Mortgage Based on Current Value and Interest Rate".
2. "Qualified Property" means a 1-4 family residential property or a residential coop or condo unit located anywhere in New York in which the owner or primary owner is resident;
3. "Under Water" means the total amount owed as to all outstanding mortgages on the Qualified Property which have been in existence at least two years (the "Mortgage Debt") is at least 110% of the Mortgage Debt.
4. "Qualified Owner" means the owner or primary owner of a Qualified Property who alone or with others has granted one or more mortgages which are Under Water as to all the mortgages and are not affordable as written, but which would be affordable by the Qualified Owner, alone or with family members or co-dwellers in the Qualified Property, with a mortgage based on the present value of the Qualified Property and a fixed interest rate at the present market rate of interest.
5. NYC shall assist in finding or creating one or more non-profit or for-profit "Property Intermediaries" which, prior to a proposed condemnation, will commit to purchasing the Qualified Property from NYC after it has been condemned by NYC at a taking price based on the present value of the Qualified Property.
6. As soon as a Property Intermediary is found by NYC to provide the required financing for a Qualified Property to the Qualified Owner and enters into an agreement with NYC to such effect, NYC shall condemn the Qualified Property and sell it to the Property Intermediary.
7. The Property Intermediary, after offering the refinancing to the existing note owner, may either find a purchaser or joint venturer or other interested person to perform the Duties of the Property Intermediary, including banks, investors, REMIC trusts, other financial institutions, non-profit agencies or others.
8. The "Duties of the Property Intermediary" are to provide a mortgage to the Qualified Owner based on the present value of the Qualified Property at a fixed rate of interest equal to the present market rate of interest for mortgage transactions of the same type, with the title to the Qualified Property being withheld from the Qualified Owner as long as there is any liability of the Qualified Owner for a deficiency judgment under any of the mortgages in existence before the condemnation takes place. The purpose of this provision is to ensure that the homeowner does not lose the right to remain in the Qualified Property by reason of any continuing liability under the pre-condemnation notes and mortgages.
9. The Duties of the Property Intermediary shall include an effort to obtain releases for the Qualified Owner from any liability to the pre-condemnation owners or holders of the notes and mortgages to enable the Qualified Owner to receive good title to the Qualified Property as soon as possible.
10. NYC is permitted to facilitate the grant of mortgages and other transactions under this Act by providing forbearance of payment of real estate taxes on the Qualified Property for up to a 4-year period (or maximum period under law, whichever is less).
11. If any provision or part of this law is held to be unconstitutional or invalid for any reason, the remaining provisions or parts shall be in no manner affected thereby but shall remain in full force and effect.

Plan for Financing the Implementation of this Statute to Require NYC to Condemn Under-Water Owner-Residing Residential Properties (1-4 Family, Cop and Condo) to Enable Homeowner Who Cannot Afford Current Mortgage to Remain in the Property with New, Affordable Mortgage Based on Current Value and Interest Rate

(Submitted in Support of the Petition pursuant to ¶ 11 of Section 37 of the NY Municipal Home Rule Law)

No funds will be required to implement this statute, other than the personnel to administer this Act. The real estate tax relief requires payment of interest and is secured as a 1st lien by the value of the Qualified Property.

Availability of Additional Information about this Petition, the Ballot Initiative Process, and the Individuals Involved

Additional information about this Petition and other Petitions, the Ballot Initiative Process and the individuals involved is available at lawmall.com/nycballotinitiatives.php. Copies of this Petition may be downloaded and printed for use in obtaining signatures.

WHERE TO MAIL THE ORIGINAL SIGNED PETITION

Please mail the Petition (as signed by two NYC registered voters) to:

NYC Ballot Initiatives c/o Carl E. Person
225 E. 36th Street – Suite 3A
New York NY 10016-3664

[end of petition zz33zz]