



GOOD MORNING!

Our program will begin
momentarily



OLD HOUSE, NEW PROBLEMS!

NEW MUNICIPAL SEARCH ISSUES INSIDE AND OUT

Hosted by All New York Title Agency, Inc.

Presenters:

Joseph S. Petrillo, Esq.

John M. Martin, Esq.

Tyler H. Gablenz, Esq.





JOSEPH S. PETRILLO, ESQ.

**President
All New York Title Agency**

With over 40 years of legal experience in title insurance and real property law, Joe has coordinated, cleared, and closed many complex, sophisticated transactions.

In addition to being a principal of All New York Title, Joe has held positions in the title industry as VP Regional Counsel, as Claims Counsel and Vice President/New York area manager for a major title insurance underwriter. Joe was active in the formation of the Title Insurance Rate Service Association (TIRSA) of NY State serving as its first President and contributed to developing the policies and procedures in the current TIRSA rate manual.

Prior to his involvement with the title industry, Joe was involved in preparing and submitting condominium and cooperative offering plans, bank closings, real estate acquisitions, construction financing and many other real property matters including multi-state and shopping center transactions.

He is a member of the Bar Associations of New York and Virginia, is a former Vice President and Executive Committee member of the New York State Land Title Association (NYSLTA) and currently sits on the Board of Directors of the New York State Association For Affordable Housing (NYSFAFH)



JOHN M. MARTIN, ESQ.

**VP & General Counsel
All New York Title Agency**

John M. Martin, Esq. is vice president and general counsel at All New York Title Agency, Inc. He has over 38 years legal experience in title insurance and real property matters. His responsibilities involve the legal operation of the company from review of routine title issues to closing the most complex commercial transactions.

Mr. Martin has handled the title insurance for numerous affordable housing matters involving the City of New York, including HPD, HDC, and NYCHA, the State of New York, including HFA, HCR and SONYMA, as well as many local and county housing agencies throughout New York. These affordable housing transactions involved non-profits, faith-based organizations as well as for-profit developers totaling hundreds of millions of dollars resulting in many thousands of new or rehabilitated housing units across the City and State of New York. Most of these matters involved complex financing including tax credits and state or city agency bonds and regulatory agreements.

John has chaired the Law Committee of New York State Land Title Association and served for 10 years as Chair of the Westchester County Bar Association's Real Property Section. Prior to All New York Title, Mr. Martin held positions in the title industry as claims counsel, New York and New Jersey state counsel and vice president of operations for a major title insurance underwriter.



TYLER GABLENZ, ESQ.

Vice President

**Senior Underwriting Counsel
All New York Title Agency**

Since joining All New York Title in 2015, Tyler has focused his work on identifying and resolving title issues for both the residential and commercial branches of the business. His responsibilities include preparing and reviewing title reports, assisting clients and attorneys with clearing title issues and serving as escrow agent for complex commercial closings.

Prior to joining All New York, Tyler gained experience in real estate transactions working for a top real estate law firm in Connecticut, while attending Quinnipiac University School of Law.

Tyler earned a law degree from Quinnipiac University School of Law in 2015 and was admitted to the New York State Bar in 2016.

INTRODUCTION

- How to register for the All NY Title Client Portal
 - Visit www.allnyt.com and select “Members” where you will be able to create an account.
 - Registration as a Member will provide access to replays of CLE programs including today’s and you will be included on email distributions with industry updates.
 - Includes replay of October 2023 CLE Program addressing “Landmines” in municipal searches, in particular issues that may arise in NYC.
- Important Notes for Today’s Program:
 - Definition of “Enforcement Notice” and “Public Records” in the title policy.
 - Tax searches, classifications and exemptions.

HUDSON VALLEY MUNICIPAL SEARCHES

- Standard Municipal Searches: Certificate of Occupancy, Housing and Building, Fire Department Violations and Street Report.
- Additional Searches that may be available upon request (depending on the municipality): Emergency Repair, Health Department and Highway.

NEW YORK CITY MUNICIPAL SEARCHES

- Standard Municipal Searches (typically for residential property): Certificate of Occupancy, Housing and Building, Fire Department Violations, Street Report and Emergency Repair.
- Extended Searches (typically for commercial property): Highway, Air Resources Report, Fuel Oil, Landmark and Flood Zone Report.

HUDSON VALLEY/NYC MUNICIPALS CONTINUED

- Municipal searches are included in the title report, but are municipal search returns or violations a title issue?
- Beware of “problem” municipalities.
 - High cost
 - Long turnaround time
 - Smoke detector affidavits, site inspections and specific filing requirements
- Contact ALLNYT for a municipal information guide.

“PROBLEM” MUNICIPALITY EXAMPLES

- High cost: Town of Carmel, Rockland County and Orange County.
- Long turnaround time: Town of New Castle, Village of Elmsford, Village of Tarrytown, Town of Patterson, Orange County generally.
- Affidavits, inspections and specific requirements: Yonkers, Peekskill, Dobbs Ferry, Mamaroneck, Rye, Fishkill, East Fishkill, Wappinger, Clarkstown.
 - Smoke Detector Affidavits: generally common in Dutchess and Orange County.

EXTERIOR IMPROVEMENTS & CHANGES

- New survey or prior survey with visual inspection?
- What does the survey reading in the title report address?
- Tools now being used for review beyond just the survey print:
 - MLS and other listing services with photos
 - Google Maps and satellite imagery
 - Assessor's card
- New Rochelle example

WHAT ABOUT THE INTERIOR?

- NOTE: This is not a title issue, but a discussion we think is important for the benefit of attorney practitioners.
- Is this a home inspection issue?
- What changes have we seen recently?
 - Historically some tax assessor's have used MLS and real estate listings to evaluate properties for re-assessment.
 - Now the same strategy is being used by building departments and other municipal offices to not just look at the assessed value but to also identify exterior AND interior improvements AND possible building violations.

CAN THEY REALLY ISSUE A VIOLATION BASED ONLY ON PHOTOS?

- See sample Port Chester Building Department letter:

• A comparison of the Real Estate Listing photography from 2024 and Plan F-4942 indicate that the basement was finished into a recreation and bonus room. No approvals or permits have been issued for said alteration. An alteration beyond the scope of the approved plan constitutes a violation of village code.

- Also important to note, Assessor's Offices and Building Departments who perform an inspection to address a specific permit or issue may take the opportunity to inspect the full property and identify additional issues.

CONSIDERATIONS FOR PURCHASER'S ATTORNEY

- Language in your Retainer Agreement
- Request copies of and review the assessor's card, listing photos, home inspection report and survey.
- Order a TOEPP Owner's Policy instead of a standard ALTA 2021 Owner's Policy.

TOEPP OWNER'S POLICY

- Stands for TIRSA Owner's Extended Protection Policy and is available on improved 1-4 family residential property owned by a natural person or a living trust.
- Made available in New York in August, 2007.
- Premium is an additional 20% over the standard owner's expense.
- The policy amount increases 10% per year for each of the first five years.

TOEPP OWNER'S POLICY COVERAGE

- Includes certain coverage for building department, zoning and subdivision law violations, subject to deductibles.
- Extends coverage beyond the closing date.
- Extended coverage includes deed forgery and theft.
- May also include coverage for landlord, squatter issues.
 - Watch for an upcoming article we have coming out in May!

IF YOU HAVE ANY QUESTIONS DO NOT HESITATE TO CONTACT
OUR OFFICE.

THANK YOU FOR ATTENDING!