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Friday's Fast Facts

I. New York City Department of Environmental Protections sets new procedures for water bills.

II. Executive Order 202.38 extending audio visual notaries until July 6, 2020.

III. Moratorium on Enforcement Proceedings.

I. New York City Department of Environmental Protections sets new procedures for water bills

New York City has advised that New York City's Department of Finance ("DOF") and Department of Environmental Protection ("DEP") have implemented restrictions limiting public access to a private property owners' water usage and billing data through the Online Public Access Portal.

Water bill searches, relying on information available from the DOF, **will now only report the account number(s) for a property, the name of the customer(s) being billed, and the Amount(s), if any, due.** If no amount is owed for water charges, whether water usage is metered or is charged based on frontage, the report will not indicate the amount that was paid or any billing period, only that there is no balance due. This, of course, may make computing water adjustments at closing difficult.

A reading, setting forth any amounts owed for metered water, can be ordered from the Department of Environmental Protection (DEP) through one of the search companies in advance of closing. If a meter is not capable of providing an electronic reading, without an inspector gaining access to a property, the name and telephone number of a person the Department can contact for access must be provided. Charges imposed by DEP for performing a meter reading, which are understood to be \$25, will be added to the water bill that is issued.

Alternatively, a request for a meter reading can be made by means of an email sent to TitleReadRequests@dep.nyc.gov, in person at a borough office of the DEP's Bureau of Customer Service (BCS), by telephone to the BCS call center (718- 595-7000), or by mail to DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, New York 11373-9055.

So long as a water meter reading request (commonly referred to as a "Title Read" or "Final Read") is made at least thirty (30) days prior to closing, and said water charges are paid in accordance with the "Title Read Letter," a bona fide purchaser will be afforded "innocent owner" protections if the title read is inaccurate or incomplete.

A Title Read Letter properly requested and issued remains in effect for sixty days from the date on which it is issued.

You can continue to collect and pay all water and sewer charges entered up to the date of closing, however, the title policy does not cover water or sewer charges for usage prior to the Date of Policy. The title policy covers only those charges entered and, therefore, a lien prior to Date of Policy. Water and sewer charges entered after the Closing become liens after the Date of Policy, which are not covered regardless of the time period in which those charges accrued.

Please [click here](#) to review the Memo from the NYSLTA that provides detailed information regarding the Title Read Letter.

II. Executive Order 202.38 Audio/Video Technology

On June 6th, 2020, Governor Cuomo issued Executive Order 202.38 which continued until July 6, 2020, his prior Executive Orders that authorized the use of audio-video technology during the notarial process. You can access Executive Order 202.38 by clicking [here](#). Executive Order 202.7 which was issued on March 19, 2020, authorized any notarial act that is required under New York State law to be performed utilizing audio-video technology under certain condition previously outlined and supplemented.

III. Moratorium on Enforcement Proceedings

The ability of a party to commence or continue enforcement proceedings such as mortgage foreclosures, tax foreclosures, and evictions remains on hold under the continuing moratorium.

If you're interested in speaking with any of us regarding the above, please do not hesitate to contact us. We will continue to send updates as the information is rapidly changing.