

6190

I N   S E N A T E

(PREFILED)

January 8, 2014

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Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the administrative code of the city of New York, in relation to the filing of deeds containing restrictive covenants

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The administrative code of the city of New York is amended  
2     by adding a new section 27-106 to read as follows:  
3     S 27-106 REGISTRY OF DEEDS WITH RESTRICTIVE COVENANTS. (A) THE DEPART-  
4     MENT SHALL MAINTAIN A REGISTRY OF ALL DEEDS CONTAINING RESTRICTIVE  
5     COVENANTS THAT ARE FILED WITH THE DEPARTMENT. ANY SUCH FILING SHALL NOT  
6     BE DEEMED AS ACCEPTABLE IN LIEU OF ANY OTHER FILING REQUIREMENTS  
7     MANDATED OR PERMITTED UNDER ANY OTHER PROVISION OF LAW, RULE OR REGU-  
8     LATION. A DEED CONTAINING ONE OR MORE RESTRICTIVE COVENANTS MAY BE FILED  
9     WITH THE DEPARTMENT FOR INCLUSION IN THIS REGISTRY BY ANY OWNER OR HOME-  
10    OWNER ASSOCIATION WHOSE PROPERTY IS SUBJECT TO A RESTRICTIVE COVENANT  
11    AND/OR BY OR ON BEHALF OF A NEIGHBORHOOD ASSOCIATION OR CIVIC ASSOCI-  
12    ATION WHOSE AREA OF GEOGRAPHIC CONCERN, AS SET FORTH IN ITS CERTIFICATE  
13    OF INCORPORATION, CHARTER OR OTHER RELEVANT ORGANIZING DOCUMENT, ENCOM-  
14    PASSES THE PROPERTY THAT IS THE SUBJECT OF SUCH RESTRICTIVE COVENANT.  
15    THE FILING SHALL BE ACCOMPANIED BY A NOTARIZED REGISTRATION STATEMENT  
16    ACKNOWLEDGING THE AUTHENTICITY OF SUCH DEED. THIS REGISTRY SHALL BE MADE  
17    AVAILABLE TO THE PUBLIC DURING REGULAR BUSINESS HOURS.  
18    (B) PRIOR TO THE ISSUANCE OF ANY PERMIT, EMPLOYEES OF THE DEPARTMENT  
19    SHALL SEARCH THE REGISTRY CREATED PURSUANT TO SUBDIVISION (A) OF THIS  
20    SECTION FOR THE PURPOSE OF DETERMINING WHETHER ANY DEED LISTED IN THIS  
21    REGISTRY CONTAINS ANY RESTRICTIVE COVENANT THAT WOULD BE VIOLATED BY THE  
22    ISSUANCE OF THE REQUESTED PERMIT OR THE COMPLETION OF THE PROJECT FOR  
23    WHICH SUCH PERMIT IS SOUGHT. IF A VIOLATION OF ANY SUCH RESTRICTIVE  
24    COVENANT WOULD OCCUR, THEN THE DEPARTMENT SHALL NOT ISSUE SUCH PERMIT  
25    EXCEPT AS AUTHORIZED BY ORDER OF A COURT OF COMPETENT JURISDICTION. ANY  
26    OWNER OR HOMEOWNER ASSOCIATION WHOSE PROPERTY IS THE SUBJECT OF SUCH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD11962-01-3

1 RESTRICTIVE COVENANT, OR ANY NEIGHBORHOOD ASSOCIATION OR CIVIC ASSOCI-  
2 ATION WHOSE AREA OF CONCERN ENCOMPASSES THE PROPERTY THAT IS THE SUBJECT  
3 OF SUCH RESTRICTIVE COVENANT, SHALL BE BARRED FROM COLLECTING DAMAGES  
4 AGAINST THE CITY FOR THE FAILURE TO ENFORCE THE RESTRICTIONS CONTAINED  
5 IN SUCH RESTRICTIVE COVENANT IF SUCH RESTRICTIVE COVENANT HAS NOT BEEN  
6 FILED WITH THE DEPARTMENT. THE DEPARTMENT SHALL PROMULGATE ANY ADDI-  
7 TIONAL RULES FOR THE IMPLEMENTATION OF THIS SECTION.

8 S 2. This act shall take effect immediately.