

STATE OF NEW YORK

1505

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Housing

AN ACT to amend the general business law and the business corporation
law, in relation to enactment of a residential condominium and cooper-
ative owner's bill of rights

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 352-eeeeee to read as follows:

3 § 352-eeeeee. Residential condominium owner's bill of rights. The
4 organizational and operating documents of every residential condominium
5 established or operating pursuant to the laws of the state shall guaran-
6 tee the following to each unit owner:

7 1. That (a) all applications by unit owners in connection with matters
8 which require approval of the board of managers and (b) all requests for
9 determinations by the board of managers including but not limited to
10 requests for the resolution of disputes between or among unit owners,
11 disputes between unit owners and the condominium association such as
12 disputes concerning responsibility for repairs shall be processed in a
13 reasonably expeditious manner pursuant to uniform procedures and timeta-
14 bles adopted in writing. The board's decision shall be in writing and
15 shall set forth the reasons therefor, except that no reason shall be
16 required when approval is granted.

17 2. That the final results of elections for the board of managers
18 including a tally of the votes received by each candidate shall be post-
19 ed within one business day following the availability of such informa-
20 tion in a prominent place accessible to all unit owners in each building
21 comprising the condominium.

22 3. That the board of managers shall call a meeting to fill any vacan-
23 cies which occur on such board within sixty days of the occurrence of

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

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1 such vacancy if the vacancy occurs more than six months prior to the
2 annual meeting of unit owners.

3 4. That any member of a board of managers who is elected while a unit
4 owner in the condominium, who sells their apartment, and who, subsequent
5 to such sale shall no longer be a unit owner in such condominium, shall
6 resign from such board no later than the closing date of such sale.

7 5. That complete and accurate financial statements and any other
8 statements ordinarily provided to unit owners be provided in a timely
9 fashion pursuant to established timetables at least once annually. For
10 the purposes of this subdivision "financial statements" shall include
11 the balance sheets and statements of income and expense for each of the
12 three most current fiscal years. Attached to said financial statements
13 shall be a statement which discloses (a) any controlling interest or
14 employee or agency relationship which any board member or officer of the
15 condominium association or the spouse of such person has in or with any
16 supplier of services or materials to said condominium and (b) any
17 consideration the value of which exceeds one hundred dollars which any
18 such board member or officer or the spouse of such person receives from
19 such supplier.

20 6. That the following documents be made available for inspection or
21 copying, by any reasonable electronic or physical means including camera
22 or photocopier, by unit owners during regular business hours on no more
23 than ten days written notice to the board of managers:

24 (a) approved minutes of board of managers meetings, provided that such
25 board shall have thirty days from the dates of the meetings at which the
26 minutes are approved to prepare such minutes and provided further that
27 the board may exclude matters which it deems confidential or which were
28 discussed in executive session;

29 (b) detailed, accurate records, in chronological order, of the
30 receipts and expenditures arising from the operation of the property;

31 (c) bank account and financial investment statements;

32 (d) all proposals received in response to a request for bids to
33 provide goods or services to the condominium the cost of which is
34 reasonably expected to exceed five thousand dollars in any one year.
35 Such documents shall be made available within ten days of receipt unless
36 the board chooses to conduct closed competitive bidding in which case
37 the documents shall be made available within ten days of the selection
38 of the successful bid;

39 (e) reports of accountants, consultants and experts retained or hired
40 to perform services for or on behalf of the association including finan-
41 cial statements as defined in subdivision five of this section provided,
42 however, that such reports may be withheld when a majority of the
43 members of the board has voted to withhold such information. When the
44 matter concerns alleged conflict of interest or malfeasance involving
45 board members the report may be withheld only upon a vote of the majori-
46 ty of disinterested board members. If all board members are interested
47 parties the report may not be withheld;

48 (f) reports by municipal and/or county inspectors concerning compli-
49 ance with health, building and housing codes and regulations; and

50 (g) the records of decisions by the board of managers to exclude or
51 withdraw materials pursuant to paragraph (a) or (e) of this subdivision.
52 Such records shall be prepared in every instance that materials are
53 withheld or excluded. The record shall include the general nature of the
54 materials and the reason for withholding or excluding same.

55 7. That in addition to any other notice required by the condominium
56 association's organizational or operating documents, notice of all board

1 and unit owner meetings shall be posted in a prominent place accessible
2 to all unit owners in each building comprising the condominium.

3 8. The attorney general is authorized to enforce the provisions of
4 this section and may, upon their own initiative, or in response to a
5 complaint by one or more unit owners, investigate allegations of any
6 failure to comply with the provisions hereof.

7 § 2. The business corporation law is amended by adding a new section
8 708-a to read as follows:

9 § 708-a. Residential cooperative owner's bill of rights.

10 (a) For the purposes of this section, the term "cooperative" shall
11 mean a corporation owning or leasing residential premises and operating
12 the same on a cooperative basis.

13 (b) (1) The organizational and operating documents of every residen-
14 tial cooperative established or operating pursuant to the laws of the
15 state shall guarantee the following to each shareholder:

16 (2) That (i) all applications by shareholders in connection with
17 matters which require approval of the board of directors and (ii) all
18 requests for determinations by the board of directors including but not
19 limited to requests for the resolution of disputes between or among
20 shareholders, disputes between shareholders and the board such as
21 disputes concerning responsibility for repairs shall be processed in a
22 reasonably expeditious manner pursuant to uniform procedures and timeta-
23 bles adopted in writing. The board's decision shall be in writing and
24 shall set forth the reasons therefor, except that no reason shall be
25 required when approval is granted.

26 (3) That the final results of elections for the board of directors
27 including a tally of the votes received by each candidate shall be post-
28 ed within one business day following the availability of such informa-
29 tion in a prominent place accessible to all shareholders in each build-
30 ing comprising the cooperative.

31 (4) That the board of directors shall call a meeting to fill any
32 vacancies which occur on such board within sixty days of the occurrence
33 of such vacancy if the vacancy occurs more than six months prior to the
34 annual meeting of shareholders.

35 (5) That any member of a board of directors who is elected while a
36 shareholder in the cooperative, who sells their apartment, and who,
37 subsequent to such sale shall no longer be a shareholder in such cooper-
38 ative, shall resign from such board no later than the closing date of
39 such sale.

40 (6) That complete and accurate financial statements and any other
41 statements ordinarily provided to shareholders be provided in a timely
42 fashion pursuant to established timetables at least once annually. For
43 the purposes of this paragraph "financial statements" shall include the
44 balance sheets and statements of income and expense for each of the
45 three most current fiscal years. Attached to said financial statements
46 shall be a statement which discloses (i) any controlling interest or
47 employee or agency relationship which any board member or officer of the
48 cooperative board or the spouse of such person has in or with any
49 supplier of services or materials to said cooperative and (ii) any
50 consideration the value of which exceeds one hundred dollars which any
51 such board member or officer or the spouse of such person receives from
52 such supplier.

53 (7) That the following documents be made available for inspection or
54 copying, by any reasonable electronic or physical means including camera
55 or photocopier, by shareholders during regular business hours on no more
56 than ten days written notice to the board of directors:

1 (i) approved minutes of board of directors meetings, provided that
2 such board shall have thirty days from the dates of the meetings at
3 which the minutes are approved to prepare such minutes and provided
4 further that the board may exclude matters which it deems confidential
5 or which were discussed in executive session;

6 (ii) detailed, accurate records, in chronological order, of the
7 receipts and expenditures arising from the operation of the property;

8 (iii) bank account and financial investment statements;

9 (iv) all proposals received in response to a request for bids to
10 provide goods or services to the cooperative the cost of which is
11 reasonably expected to exceed five thousand dollars in any one year.
12 Such documents shall be made available within ten days of receipt unless
13 the board chooses to conduct closed competitive bidding in which case
14 the documents shall be made available within ten days of the selection
15 of the successful bid;

16 (v) reports of accountants, consultants and experts retained or hired
17 to perform services for or on behalf of the cooperative including finan-
18 cial statements as defined in paragraph five of this subdivision
19 provided, however, that such reports may be withheld when a majority of
20 the members of the board has voted to withhold such information. When
21 the matter concerns alleged conflict of interest or malfeasance involv-
22 ing board members the report may be withheld only upon a vote of the
23 majority of disinterested board members. If all board members are inter-
24 ested parties the report may not be withheld;

25 (vi) reports by municipal and/or county inspectors concerning compli-
26 ance with health, building and housing codes and regulations; and

27 (vii) the records of decisions by the board of directors to exclude or
28 withdraw materials pursuant to subparagraph (i) or (v) of this para-
29 graph. Such records shall be prepared in every instance that materials
30 are withheld or excluded. The record shall include the general nature
31 of the materials and the reason for withholding or excluding same.

32 (8) That in addition to any other notice required by the cooperative's
33 organizational or operating documents, notice of all board and share-
34 holder meetings shall be posted in a prominent place accessible to all
35 shareholders in each building comprising the cooperative.

36 (9) The attorney general is authorized to enforce the provisions of
37 this section and may, upon their own initiative, or in response to a
38 complaint by one or more shareholders, investigate allegations of any
39 failure to comply with the provisions hereof.

40 § 3. Within six months of the effective date of this act the attorney
41 general shall promulgate a handbook summarizing the rights of unit
42 owners vis-a-vis condominium associations and the procedures and proc-
43 esses available to unit owners to enforce such rights.

44 § 4. This act shall take effect immediately; provided, however, that
45 as to residential condominium associations existing and operating as
46 such on the effective date of this act the boards of managers of such
47 associations shall within one year of the effective date of this act
48 take all steps necessary to amend the appropriate organizational and
49 operating documents of such associations to implement the provisions of
50 this act.