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2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. PERRY, BRADLEY -- Multi-Sponsored by -- M. of A. COOK, DIAZ, GALEF, HIKIND, HOOPER, LUPARDO, SCHROEDER, TITONE, TOWNS, WEISENBERG -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to cooperative purchase applications

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

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares that residential cooperative purchasers are subject to proc-
3 esses and conditions that do not also apply to purchasers of other
4 single family residences. The legislature also finds that these proc-
5 esses and conditions, at a minimum, give the appearance and have the
6 potential to be misused to illegally discriminate against a purchaser of
7 cooperative housing. Because this state strongly opposes all illegal
8 discrimination and promotes fair housing laws and regulations, it is
9 essential that the process for purchasing a cooperative dwelling include
10 additional safeguards to protect against illegal discrimination. This
11 act is not intended and does not diminish the duty of cooperative boards
12 to uphold their established fiduciary duties. This act will significant-
13 ly improve the transparency of the cooperative purchase process to the
14 benefit of all parties involved in the transaction.

15 S 2. The real property law is amended by adding a new article 11 to
16 read as follows:

17 ARTICLE 11
18 COOPERATIVE PURCHASE
19 APPLICATIONS

20 SECTION 360. SHORT TITLE.
21 361. DEFINITIONS.
22 362. PURCHASE APPLICATIONS.
23 363. ACTION UPON APPLICATIONS.
24 364. PUBLIC POLICY.

25 S 360. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
26 THE "FAIRNESS IN COOPERATIVE HOME OWNERSHIP ACT".

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

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1 S 361. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHER-
2 WISE REQUIRES:

3 1. "APPLICATION" MEANS THE STANDARDIZED FORM DEVELOPED AND UTILIZED BY
4 A COOPERATIVE FOR THE ACQUISITION OF CERTIFICATES OF STOCK OR OTHER
5 EVIDENCE OF OWNERSHIP OF AN INTEREST IN THE COOPERATIVE.

6 2. "COOPERATIVE" MEANS REAL PROPERTY WHICH IS IMPROVED AND USED OR
7 OCCUPIED, OR INTENDED TO BE USED OR OCCUPIED, AS THE HOME OR RESIDENCE
8 OF ONE OR MORE PERSONS, WHICH IS SUBJECT TO ARTICLE TWENTY-THREE-A OF
9 THE GENERAL BUSINESS LAW, AND SHALL INCLUDE ITS COOPERATIVE MANAGEMENT,
10 COOPERATIVE TENANTS, COOPERATIVE SHAREHOLDERS OR ANY APPOINTEES OR
11 SUCCESSORS IN INTEREST THEREOF.

12 3. "PERSON" MEANS A NATURAL PERSON, CORPORATION, PARTNERSHIP, ASSOCI-
13 ATE, TRUSTEE, LIMITED LIABILITY COMPANY OR OTHER LEGAL ENTITY.

14 4. "PURCHASE" MEANS THE ACQUISITION OF CERTIFICATES OF STOCK OR OTHER
15 EVIDENCE OF OWNERSHIP OF AN INTEREST IN A COOPERATIVE.

16 5. "UNIT" MEANS A PART OF THE COOPERATIVE PROPERTY USED OR INTENDED TO
17 BE USED FOR THE HOME OR RESIDENCE OF ONE OR MORE PERSONS.

18 S 362. PURCHASE APPLICATIONS. EVERY COOPERATIVE SHALL DEVELOP A STAND-
19 ARDIZED FORM APPLICATION AND SHALL PROVIDE SUCH APPLICATION TO ANY
20 PERSON SEEKING TO PURCHASE A UNIT IN SUCH COOPERATIVE. EVERY APPLICATION
21 SHALL SET FORTH THE REQUIREMENTS FOR PURCHASE OF A UNIT AND INCLUDE A
22 NOTICE TO THE APPLICANT ADVISING HOW THEY MAY ACCESS INFORMATION ON FAIR
23 HOUSING AND ANTI-DISCRIMINATION LAWS. SUCH NOTICE SHALL BE PROMULGATED
24 BY THE DIVISION OF HUMAN RIGHTS.

25 S 363. ACTION UPON APPLICATIONS. 1. WITHIN TEN DAYS OF RECEIPT OF A
26 COMPLETED APPLICATION, THE COOPERATIVE SHALL PROVIDE THE APPLICANT WITH
27 WRITTEN ACKNOWLEDGMENT OF RECEIPT OF THE APPLICATION AND, IF APPLICABLE,
28 WRITTEN NOTICE OF ANY WAY IN WHICH THE APPLICATION IS INCOMPLETE. AN
29 APPLICATION SHALL BE DEEMED COMPLETE UPON THE FAILURE OF A COOPERATIVE
30 TO TIMELY PROVIDE THE APPLICANT WITH SUCH NOTICE.

31 2. WITHIN FORTY-FIVE DAYS OF RECEIPT OF AN APPLICATION, THE COOPER-
32 ATIVE SHALL EITHER REJECT OR APPROVE THE APPLICATION AND PROVIDE THE
33 APPLICANT WITH WRITTEN NOTICE THEREOF.

34 3. WHENEVER ANY COOPERATIVE SHALL REJECT AN APPLICATION, SUCH COOPER-
35 ATIVE SHALL PROVIDE THE APPLICANT WITH A WRITTEN STATEMENT OF THE
36 REASONS FOR SUCH REJECTION. NO COOPERATIVE SHALL REJECT AN APPLICATION
37 BECAUSE OF THE RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION,
38 MILITARY STATUS, SEX, AGE, DISABILITY, MARITAL STATUS OR FAMILIAL STATUS
39 OF THE PURCHASER.

40 4. DEPOSIT BY A PURCHASER OF AN APPLICATION IN THE UNITED STATES MAIL
41 CERTIFIED AND ADDRESSED TO THE REGISTERED OFFICE OF THE COOPERATIVE OR
42 ITS MANAGING AGENT SHALL BE DEEMED SUBMITTED AND RECEIVED BY THE COOPER-
43 ATIVE FIVE DAYS AFTER SUCH DEPOSIT.

44 5. FAILURE BY A COOPERATIVE TO TAKE ACTION ON A COMPLETED APPLICATION
45 WITHIN FORTY-FIVE DAYS OF RECEIPT THEREOF BY EITHER NOTIFYING THE
46 PURCHASER OF ITS APPROVAL OR REJECTION SHALL BE DEEMED TO BE AN APPROVAL
47 OF THE APPLICATION.

48 S 364. PUBLIC POLICY. EVERY AGREEMENT, NEGATIVE COVENANT, RESTRICTIVE
49 COVENANT OR OTHER PROVISION, WHETHER WRITTEN OR ORAL AND WHEREVER
50 CONTAINED, INCONSISTENT WITH THIS ARTICLE SHALL BE VOID AND UNENFORCEA-
51 BLE.

52 S 3. This act shall take effect on the sixtieth day after it shall
53 have become a law and shall apply to applications submitted and received
54 on or after such date.