

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to the sale of real property

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

1 Section 1. Section 509 of the not-for-profit corporation law, as  
2 amended by chapter 145 of the laws of 1991, is amended to read as  
3 follows:

4 S 509. Purchase, sale, mortgage and lease of real property.

5 1. No purchase of real property shall be made by a corporation and no  
6 corporation shall sell, mortgage or lease real property, unless author-  
7 ized by the vote of two-thirds of the entire board, provided that if  
8 there are twenty-one or more directors, the vote of a majority of the  
9 entire board shall be sufficient.

10 2. (A) A CORPORATION WHICH SELLS REAL PROPERTY TO ANY ENTITY OTHER  
11 THAN THE STATE OF NEW YORK OR ANOTHER NOT-FOR-PROFIT CORPORATION WHICH  
12 IS GOVERNED BY THIS CHAPTER SHALL REIMBURSE THE STATE AND/OR A MUNICI-  
13 PALITY FOR ANY CAPITAL FUNDING, GRANTS OR FINANCING RECEIVED THROUGH A  
14 STATE OR MUNICIPAL AGENCY OR PUBLIC BENEFIT CORPORATION WITHIN THE TEN  
15 YEARS PRECEDING SUCH SALE.

16 (B) A SALE OF REAL PROPERTY BY A NOT-FOR-PROFIT CORPORATION TO ANY  
17 ENTITY OTHER THAN THE STATE OF NEW YORK OR ANOTHER NOT-FOR-PROFIT CORPO-  
18 RATION WHICH IS GOVERNED BY THIS CHAPTER SHALL NOT BE EXEMPT FROM THE  
19 PAYMENT OF REAL PROPERTY TRANSFER TAX IMPOSED UNDER SECTION FOURTEEN  
20 HUNDRED TWO OF THE TAX LAW.

21 (C) ANY CORPORATION WHICH HAS RECEIVED A REAL PROPERTY TAX ABATEMENT  
22 WITHIN THE LAST TEN YEARS FOR REAL PROPERTY TAXES ASSESSED ON SUCH PROP-  
23 erty SHALL REIMBURSE THE TAXING AUTHORITY THE TOTAL AMOUNT OF ANY SUCH

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

1 ABATEMENT UPON THE SALE OF SUCH REAL PROPERTY TO ANY ENTITY OTHER THAN  
2 THE STATE OF NEW YORK OR ANOTHER NOT-FOR-PROFIT CORPORATION WHICH IS  
3 GOVERNED BY THIS CHAPTER.  
4 S 2. This act shall take effect immediately.