S T A T E O F N E W Y O R K

1128

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DINOWITZ -- Multi-Sponsored by -- M. of A. AUBRY, COLTON, GLICK, JACOBS, MILLMAN, PHEFFER, SCARBOROUGH, WEPRIN -- read once and referred to the Committee on Housing

AN ACT to amend the multiple dwelling law and the multiple residence law, in relation to defining circumstances for the elimination of condominium and cooperative corporation officer and director criminal liability

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

Section 1. Section 304 of the multiple dwelling law is amended by adding a new subdivision 10-a to read as follows:

10-A. (A) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, NO CRIMINAL LIABILITY OR PENALTY SHALL ATTACH TO ANY PERSON SERVING AS A VOLUNTEER OFFICER OR MEMBER OF THE BOARD OF DIRECTORS OF A COOPERATIVE HOUSING CORPORATION OR OF THE BOARD OF MANAGERS OF A CONDOMINIUM FORMED PURSUANT TO ARTICLE NINE-B OF THE REAL PROPERTY LAW, ARISING FROM OR RELATING TO ANY VIOLATION OF ANY PROVISION OF THIS CHAPTER OR OF SECTION 17-123 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, AS ADDED BY LOCAL LAW NUMBER THIRTY-THREE OF THE CITY OF NEW YORK FOR THE YEAR NINETEEN HUNDRED EIGHTY-SIX, OR OF TITLE TWENTY-SEVEN OF SUCH ADMINISTRATIVE CODE, OR ANY RULE OR REGULATION PROMULGATED PURSUANT TO SUCH LAWS, WHERE SUCH VIOLATION RELATES TO THE PHYSICAL CONDITION OF THE MULTIPLE DWELLING OR DWELLINGS UNDER THE CONTROL OF SUCH COOPERATIVE HOUSING CORPORATION OR CONDOMINIUM, UNLESS SUCH VOLUNTARY OFFICER OR BOARD MEMBER IS RESPONSIBLE FOR THE DAY TO DAY MANAGEMENT OF SUCH MULTIPLE DWELLING OR DWELLINGS OR SUCH VOLUNTARY OFFICER OR BOARD MEMBER: (1) INTENDED TO VIOLATE THE LAW, RULE OR REGULATION; (2) HAD ACTUAL KNOWLEDGE THAT SUCH LAW, RULE OR REGULATION WAS BEING VIOLATED; OR (3) HAD BEEN SERVED WITH NOTICE THAT SUCH LAW, RULE OR REGULATION WAS BEING VIOLATED AND FAILED

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

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TO TAKE REMEDIAL ACTION WITHIN A REASONABLE PERIOD OF TIME AFTER THE RECEIPT OF SUCH NOTICE.

(B) FOR THE PURPOSES OF THIS SUBDIVISION, AN OFFICER OR BOARD MEMBER SHALL NOT LOSE HIS OR HER STATUS AS A PERSON SERVING WITHOUT COMPENSATION SOLELY BY REASON OF RECEIVING PAYMENT FOR HIS OR HER ACTUAL INCURRED EXPENSES IN ATTENDING MEETINGS OR IN OTHERWISE EXECUTING THE DUTIES OF SUCH OFFICER OR BOARD MEMBER, PROVIDED THAT NO SALARY OR OTHER REMUNERATION IS RECEIVED BY THE OFFICER OR BOARD MEMBER.

S 2. Section 304 of the multiple residence law is amended by adding a new subdivision 3 to read as follows:

3. (A) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, NO CRIMINAL LIABILITY OR PENALTY SHALL ATTACH TO ANY PERSON SERVING AS A VOLUNTEER OFFICER OR MEMBER OF THE BOARD OF DIRECTORS OF A COOPERATIVE HOUSING CORPORATION OR OF THE BOARD OF MANAGERS OF A CONDOMINIUM FORMED PURSUANT TO ARTICLE NINE-B OF THE REAL PROPERTY LAW, ARISING FROM OR RELATING TO ANY VIOLATION OF ANY PROVISION OF THIS CHAPTER OR ANY RULE OR REGULATION PROMULGATED PURSUANT TO SUCH LAWS, WHERE SUCH VIOLATION RELATES TO THE PHYSICAL CONDITION OF THE MULTIPLE DWELLING OR DWELLINGS UNDER THE CONTROL OF SUCH COOPERATIVE HOUSING CORPORATION OR CONDOMINIUM, UNLESS SUCH VOLUNTARY OFFICER OR BOARD MEMBER IS RESPONSIBLE FOR THE DAY TO DAY MANAGEMENT OF SUCH MULTIPLE DWELLING OR DWELLINGS OR SUCH VOLUNTARY OFFICER OR BOARD MEMBER: (1) INTENDED TO VIOLATE THE LAW, RULE OR REGULATION; (2) HAD ACTUAL KNOWLEDGE THAT SUCH LAW, RULE OR REGULATION WAS BEING VIOLATED; OR (3) HAD BEEN SERVED WITH NOTICE THAT SUCH LAW, RULE OR REGULATION WAS BEING VIOLATED AND FAILED TO TAKE REMEDIAL ACTION WITHIN A REASONABLE PERIOD OF TIME AFTER THE RECEIPT OF SUCH NOTICE.

(B) FOR THE PURPOSES OF THIS SUBDIVISION, AN OFFICER OR BOARD MEMBER SHALL NOT LOSE HIS OR HER STATUS AS A PERSON SERVING WITHOUT COMPENSATION SOLELY BY REASON OF RECEIVING PAYMENT FOR HIS OR HER ACTUAL INCURRED EXPENSES IN ATTENDING MEETINGS OR IN OTHERWISE EXECUTING THE DUTIES OF SUCH OFFICER OR BOARD MEMBER, PROVIDED THAT NO SALARY OR OTHER REMUNERATION IS RECEIVED BY THE OFFICER OR BOARD MEMBER.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.