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

1754

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. ENGLEBRIGHT, HOOPER, WEISENBERG, ORTIZ, GABRYSZAK, FIELDS -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, EDDINGTON, MAYERSOHN, McDONOUGH -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to requiring the disclosure, upon the sale or lease of residential real property, of the availability of certain sex offender information

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

Section 1. The real property law is amended by adding two new sections 220-a and 242-a to read as follows:

S 220-A. DISCLOSURE OF THE AVAILABILITY OF SEX OFFENDER INFORMATION. 1. EVERY LEASE AND RENTAL AGREEMENT OF RESIDENTIAL REAL PROPERTY SHALL CONTAIN IN NOT LESS THAN EIGHT POINT TYPE, THE FOLLOWING NOTICE:

"NOTICE: THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES MAINTAINS AND DISTRIBUTES A SUBDIRECTORY, WHICH IS A BOOK THAT PROVIDES THE LOCATION OF LEVEL TWO AND THREE SEX OFFENDERS REQUIRED TO REGISTER PURSUANT TO ARTICLE 6-C OF THE CORRECTION LAW, THE SEX OFFENDER REGISTRATION ACT, TO THE OFFICES OF LOCAL VILLAGE, TOWN, CITY AND COUNTY POLICE DEPARTMENTS AND STATE LAW ENFORCEMENT AGENCIES FOR THE PURPOSE OF PUBLIC ACCESS. PLEASE CONTACT YOUR LOCAL LAW ENFORCEMENT AGENCY FOR FURTHER INFORMATION ON HOW TO ACCESS AND VIEW THE SUBDIRECTORY OF LEVEL TWO AND THREE SEX OFFENDERS. THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES ALSO OPERATES FOR PUBLIC ACCESS A SPECIAL "900" TELEPHONE NUMBER THROUGH WHICH CALLERS MAY VERIFY THE REGISTRATION OF A NAMED INDIVIDUAL. CALLERS MUST HAVE SPECIFIC INFORMATION WHICH WILL ACHIEVE POSITIVE IDENTIFICATION SUCH AS AN EXACT ADDRESS, DRIVER'S LICENSE NUMBER OR BIRTH DATE."

2. SUBJECT TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION, UPON DELIVERY OF THE NOTICE REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS SECTION TO THE LESSEE OF THE REAL PROPERTY, NEITHER THE LESSOR NOR ANY

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

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AGENT OF THE LESSOR SHALL BE REQUIRED TO PROVIDE INFORMATION IN ADDITION TO THAT CONTAINED IN THE NOTICE REGARDING THE AVAILABILITY OF THE SUBDIRECTORY AND SPECIAL "900" NUMBER. THE INFORMATION IN SUCH NOTICE SHALL BE DEEMED TO BE ADEQUATE TO INFORM THE LESSEE ABOUT THE EXISTENCE OF A STATEWIDE SUBDIRECTORY OF THE LOCATIONS OF LEVEL TWO AND THREE SEX OFFENDERS AND INFORMATION FROM THE SUBDIRECTORY REGARDING THOSE LOCATIONS. THE INFORMATION IN THE NOTICE SHALL NOT GIVE RISE TO ANY CAUSE OF ACTION AGAINST THE DISCLOSING PARTY BY A REGISTERED SEX OFFENDER.

3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION, NOTHING IN THIS SECTION SHALL ALTER ANY EXISTING DUTY OF THE LESSOR OR ANY AGENT OF SUCH LESSOR UNDER ANY OTHER PROVISION OF LAW.

S 242-A. DISCLOSURE OF THE AVAILABILITY OF SEX OFFENDER INFORMATION. 1. EVERY CONTRACT FOR THE PURCHASE OF RESIDENTIAL REAL PROPERTY, COMPRISING ONE TO FOUR DWELLING UNITS, SHALL CONTAIN IN NOT LESS THAN EIGHT POINT TYPE, THE FOLLOWING NOTICE:

"NOTICE: THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES MAINTAINS AND DISTRIBUTES A SUBDIRECTORY, WHICH IS A BOOK THAT PROVIDES THE LOCATION OF LEVEL TWO AND THREE SEX OFFENDERS REQUIRED TO REGISTER PURSUANT TO ARTICLE 6-C OF THE CORRECTION LAW, THE SEX OFFENDER REGISTRATION ACT, TO THE OFFICES OF LOCAL VILLAGE, TOWN, CITY AND COUNTY POLICE DEPARTMENTS AND STATE LAW ENFORCEMENT AGENCIES FOR THE PURPOSE OF PUBLIC ACCESS. PLEASE CONTACT YOUR LOCAL LAW ENFORCEMENT AGENCY FOR FURTHER INFORMATION ON HOW TO ACCESS AND VIEW THE SUBDIRECTORY OF LEVEL TWO AND THREE SEX OFFENDERS. THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES ALSO OPERATES FOR PUBLIC ACCESS A SPECIAL "900" TELEPHONE NUMBER THROUGH WHICH CALLERS MAY VERIFY THE REGISTRATION OF A NAMED INDIVIDUAL. CALLERS MUST HAVE SPECIFIC INFORMATION WHICH WILL ACHIEVE POSITIVE IDENTIFICATION SUCH AS AN EXACT ADDRESS, DRIVER'S LICENSE NUMBER OR BIRTH DATE."

2. SUBJECT TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION, UPON DELIVERY OF THE NOTICE REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS SECTION TO THE BUYER OF THE REAL PROPERTY, NEITHER THE GRANTEE NOR ANY AGENT OF THE GRANTEE SHALL BE REQUIRED TO PROVIDE INFORMATION IN ADDITION TO THAT CONTAINED IN THE NOTICE REGARDING THE AVAILABILITY OF THE SUBDIRECTORY AND SPECIAL "900" NUMBER. THE INFORMATION IN SUCH NOTICE SHALL BE DEEMED TO BE ADEQUATE TO INFORM THE BUYER ABOUT THE EXISTENCE OF A STATEWIDE SUBDIRECTORY OF THE LOCATIONS OF LEVEL TWO AND THREE SEX OFFENDERS AND INFORMATION FROM THE SUBDIRECTORY REGARDING THOSE LOCATIONS. THE INFORMATION IN THE NOTICE SHALL NOT GIVE RISE TO ANY CAUSE OF ACTION AGAINST THE DISCLOSING PARTY BY A REGISTERED SEX OFFENDER.

3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION, NOTHING IN THIS SECTION SHALL ALTER ANY EXISTING DUTY OF THE GRANTOR OR ANY AGENT OF SUCH GRANTOR UNDER ANY OTHER PROVISION OF LAW.

S 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to contracts and agreements entered into on or after such date.