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

2931

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOON -- Multi-Sponsored by -- M. of A. COOK, LAVINE, N. RIVERA -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the business corporation law, in relation to allowing homeowners associations organized as for profit corporations to merge with homeowners associations organized as not-for-profit corporations

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

Section 1. Paragraphs (a) and (f) of section 904-b of the business corporation law, as added by chapter 485 of the laws of 1999, are amended to read as follows:

(a) A domestic business corporation may be merged or consolidated into a domestic corporation formed under section two hundred one (Purposes) of the not-for-profit corporation law and authorized to do business EITHER under article forty-three of the insurance law OR AS A HOMEOWNERS ASSOCIATION THAT IS A TYPE A CORPORATION UNDER THE NOT-FOR-PROFIT CORPORATION LAW.

(f) No certificate shall be filed pursuant to this section until an order approving the plan of merger or consolidation and authorizing the filing of the certificate has been made by the supreme court, as provided in section nine hundred seven of the not-for-profit corporation law. IN THE CASE OF A HOMEOWNERS ASSOCIATION THAT IS A TYPE A CORPORATION UNDER THE NOT-FOR-PROFIT CORPORATION LAW, NO SUCH APPROVAL IS REQUIRED AS LONG AS THE APPROVALS SET FORTH IN THIS SECTION HAVE BEEN OBTAINED.

S 2. This act shall take effect immediately.

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

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