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

5693

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. ESPAILLAT -- Multi-Sponsored by -- M. of A. COLTON, V. LOPEZ, ROSENTHAL, TOWNS -- read once and referred to the Committee on Housing

AN ACT to amend the general business law, in relation to plans for conversions of residences to cooperative or condominium ownership

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

Section 1. Subdivision 2 of section 352-eee of the general business law is amended by adding a new paragraph (g) to read as follows:

(G) THE PLAN PROVIDES THAT A MAJORITY OF THE BOARD OF DIRECTORS OR MANAGERS SHALL BE ELECTED BY THE SHAREHOLDERS OR UNIT OWNERS WHO ARE IN OCCUPANCY UPON THE FIRST TO OCCUR OF ANY OF THE FOLLOWING:

(I) FIFTY-ONE PERCENT OF THE SHARES OR UNITS HAVE BEEN SOLD;

(II) REGARDLESS OF THE NUMBER OF UNSOLD SHARES OR UNITS HELD BY THE SPONSOR OR A SUCCESSOR IN INTEREST, WITHIN FIFTEEN MONTHS FROM THE TIME THE PLAN IS DECLARED EFFECTIVE; OR

(III) REGARDLESS OF THE NUMBER OF UNSOLD SHARES OR UNITS HELD BY THE SPONSOR OR A SUCCESSOR IN INTEREST, WITHIN FIFTEEN MONTHS OF THE EFFECTIVE DATE OF THIS PARAGRAPH.

S 2. Subdivision 2 of section 352-eeee of the general business law is amended by adding a new paragraph (g) to read as follows:

(G) THE PLAN PROVIDES THAT A MAJORITY OF THE BOARD OF DIRECTORS OR MANAGERS SHALL BE ELECTED BY THE SHAREHOLDERS OR UNIT OWNERS WHO ARE IN OCCUPANCY UPON THE FIRST TO OCCUR OF ANY OF THE FOLLOWING:

(I) FIFTY-ONE PERCENT OF THE SHARES OR UNITS HAVE BEEN SOLD;

(II) REGARDLESS OF THE NUMBER OF UNSOLD SHARES OR UNITS HELD BY THE SPONSOR OR A SUCCESSOR IN INTEREST, WITHIN FIFTEEN MONTHS FROM THE TIME THE PLAN IS DECLARED EFFECTIVE; OR

(III) REGARDLESS OF THE NUMBER OF UNSOLD SHARES OR UNITS HELD BY THE SPONSOR OR A SUCCESSOR IN INTEREST, WITHIN FIFTEEN MONTHS OF THE EFFECTIVE DATE OF THIS PARAGRAPH.

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

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S 3. This act shall take effect immediately; provided that the amendment to section 352-eee of the general business law made by section one of this act shall expire on the same date as such section expires and shall not affect the expiration of such section as provided in section 4 of chapter 402 of the laws of 1983, as amended; and provided further that the amendment to section 352-eeee of the general business law made by section two of this act shall expire on the same date as such section expires and shall not affect the expiration of such section as provided in section 10 of chapter 555 of the laws of 1982, as amended.