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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH -- Multi-Sponsored by -- M. of A.
BOYLAND, COLTON, FARRELL, RAIA, J. RIVERA, TOWNS -- read once and
referred to the Committee on Housing

AN ACT to amend the general business law, in relation to notification of
cooperative or condominium self-dealing contract termination

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

1 Section 1. Section 352-e of the general business law is amended by
2 adding a new subdivision 2-d to read as follows:
3 2-D. (A) FOR THE PURPOSES OF THIS SUBDIVISION THE TERM "SELF-DEALING
4 CONTRACT" SHALL BE DEFINED AS ANY CONTRACT OR PORTION THEREOF WHICH IS
5 ENTERED INTO AFTER OCTOBER EIGHTH, NINETEEN HUNDRED EIGHTY, AND WHICH:
6 (I) PROVIDES FOR OPERATION, MAINTENANCE, OR MANAGEMENT OF A CONDOMIN-
7 IUM OR COOPERATIVE ASSOCIATION IN A CONVERSION PROJECT, OR OF PROPERTY
8 SERVING THE CONDOMINIUM OR COOPERATIVE UNIT OWNERS IN SUCH PROJECTS;
9 (II) IS BETWEEN SUCH UNIT OWNERS OR SUCH ASSOCIATION AND THE DEVELOPER
10 OR AN AFFILIATE OF THE DEVELOPER;
11 (III) WAS ENTERED INTO WHILE SUCH ASSOCIATION WAS CONTROLLED BY THE
12 DEVELOPER THROUGH SPECIAL DEVELOPER CONTROL OR BECAUSE THE DEVELOPER
13 HELD A MAJORITY OF THE VOTES IN SUCH ASSOCIATION;
14 (IV) IS FOR A PERIOD OF MORE THAN THREE YEARS, INCLUDING ANY AUTOMATIC
15 RENEWAL PROVISIONS WHICH ARE EXERCISABLE AT THE SOLE OPTION OF THE
16 DEVELOPER OR AN AFFILIATE OF THE DEVELOPER; AND
17 (V) MAY NOT BE TERMINATED WITHOUT PENALTY BY SUCH UNIT OWNERS OR SUCH
18 ASSOCIATION.
19 (B) IN THE CASE OF OFFERINGS OF COOPERATIVES, CONDOMINIUMS OR OTHER
20 INTERESTS IN REALTY COVERED BY THE PROVISIONS OF SECTION SIX HUNDRED
21 EIGHT OF THE CONDOMINIUM AND COOPERATIVE ABUSE RELIEF ACT OF 1980, 15
22 U.S.C. 3607, THE ATTORNEY GENERAL SHALL REFUSE TO ISSUE A LETTER OF
23 ACCEPTANCE UNLESS THE OFFERING STATEMENT, PROSPECTUS OR PLAN PROVIDES

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

LBD00485-01-9

1 THAT THE TENANT SHAREHOLDERS OR OWNERS ENTITLED TO VOTE TO TERMINATE A
2 SELF-DEALING CONTRACT PURSUANT TO SUCH SECTION TWICE BE NOTIFIED OF SUCH
3 RIGHT IN WRITING (I) ONCE WITHIN THIRTY DAYS OF THE DATE THAT THE RIGHT
4 TO TERMINATE PURSUANT TO SUBSECTION (B) OF SUCH SECTION COMMENCES AND
5 (II) SECONDLY AT LEAST SIX MONTHS PRIOR TO THE DATE THAT SUCH RIGHT TO
6 TERMINATE WILL EXPIRE.

7 S 2. This act shall take effect on the thirtieth day after it shall
8 have become a law and shall apply to plans for which letters of accept-
9 ance are issued on or after such effective date.