

2298

2009-2010 Regular Sessions

I N S E N A T E

February 17, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to providing for the recovery of attorneys' fees for enforcement of certain covenants or property restrictions

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

- 1 Section 1. The real property law is amended by adding a new section
2 339-11 to read as follows:
3 S 339-11. RECOVERABLE ATTORNEYS' FEES. (A) AS USED IN THIS SECTION,
4 "HOMEOWNERS ASSOCIATION" IS AN ASSOCIATION OR CORPORATION ESTABLISHED TO
5 GOVERN A PRIVATE COMMUNITY WHOSE MEMBERS OWN THE IMPROVED LOTS OR HOMES
6 OR BOTH SUCH LOTS AND HOMES OF WHICH THE COMMUNITY IS COMPOSED. MEMBER-
7 SHIP IN THE ASSOCIATION IS MANDATORY FOR OWNERS OF A LOT OR HOME IN THE
8 COMMUNITY. "HOME" MEANS A HOUSE OR CONDOMINIUM UNIT WITHIN A HOMEOWNERS
9 ASSOCIATION.
10 (B) IN ADDITION TO ALL OTHER REMEDIES PROVIDED BY LAW, THE PREVAILING
11 PARTY IN A REAL PROPERTY ACTION BROUGHT TO ENFORCE THE HOMEOWNERS ASSO-
12 CIATION CONTRACTUAL COVENANTS, OR PROPERTY RESTRICTIONS WHICH RUN WITH
13 THE LAND, SHALL BE AWARDED REASONABLE ATTORNEYS' FEES AND OTHER COSTS OF
14 LITIGATION REASONABLY INCURRED.
15 S 2. This act shall take effect immediately and shall apply to all
16 causes of action commenced on and after such date.

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

LBD09312-01-9