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

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2009-2010 Regular Sessions

I N S E N A T E

February 23, 2009

Introduced by Sens. FLANAGAN, ALESI, WINNER -- 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 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 HIGH RISK 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 HIGH RISK 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. IN ADDITION, THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES MAINTAINS A WEBSITE PROVIDING INFORMATION, INCLUDING THE NAMES AND ADDRESSES, REGARDING CERTAIN SEX OFFENDERS.

2. SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF THIS SECTION, UPON DELIVERY OF THE NOTICE REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS

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

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SECTION TO THE LESSEE OF THE RESIDENTIAL REAL PROPERTY, NEITHER THE LESSOR NOR ANY AGENT OF THE LESSOR SHALL BE REQUIRED TO PROVIDE INFORMATION IN ADDITION TO THAT CONTAINED IN THE NOTICE REGARDING THE AVAILABILITY OF THE SUBDIRECTORY, THE SPECIAL "900" NUMBER OR THE WEBSITE. 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 HIGH RISK 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.

3. WHERE THE LESSEE RECEIVES THE NOTICE CONTAINED IN SUBDIVISION ONE OF THIS SECTION AT OR BEFORE THE TIME OF A WRITTEN OFFER OF A LEASE OR RENTAL AGREEMENT FOR THE LEASE OF RESIDENTIAL REAL PROPERTY, ANY PERSON WHO IS LICENSED AS A REAL ESTATE BROKER, ASSOCIATE REAL ESTATE BROKER, OR REAL ESTATE SALESPERSON UNDER SECTION FOUR HUNDRED FORTY-A OF THIS CHAPTER AND WHO IS ACTING IN A FIDUCIARY CAPACITY FOR EITHER A LESSOR OR A LESSEE OF RESIDENTIAL REAL PROPERTY SHALL NOT BE REQUIRED TO PROVIDE ANY FURTHER INFORMATION TO THE LESSEE OF THE RESIDENTIAL REAL PROPERTY REGARDING INFORMATION RELATING TO OR THE LOCATION OF SEX OFFENDERS.

4. 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 HIGH RISK 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 HIGH RISK 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. IN ADDITION, THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES MAINTAINS A WEBSITE PROVIDING INFORMATION, INCLUDING THE NAMES AND ADDRESSES, REGARDING CERTAIN SEX OFFENDERS.

2. SUBJECT TO THE PROVISIONS OF SUBDIVISION FOUR OF THIS SECTION, UPON DELIVERY OF THE NOTICE REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS SECTION TO THE BUYER OF THE RESIDENTIAL REAL PROPERTY, NEITHER THE SELLER NOR ANY AGENT OF THE SELLER SHALL BE REQUIRED TO PROVIDE INFORMATION IN ADDITION TO THAT CONTAINED IN THE NOTICE REGARDING THE AVAILABILITY OF THE SUBDIRECTORY, THE SPECIAL "900" NUMBER OR THE WEBSITE. 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 HIGH RISK 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.

3. WHERE THE BUYER RECEIVES THE NOTICE CONTAINED IN SUBDIVISION ONE OF THIS SECTION AT OR BEFORE THE TIME OF THE MAKING OF A WRITTEN OFFER FOR THE PURCHASE OF RESIDENTIAL REAL PROPERTY, ANY PERSON WHO IS LICENSED AS A REAL ESTATE BROKER, ASSOCIATE REAL ESTATE BROKER, OR REAL ESTATE

SALESPERSON UNDER SECTION FOUR HUNDRED FORTY-A OF THIS CHAPTER AND WHO IS ACTING IN A FIDUCIARY CAPACITY FOR EITHER A BUYER OR A SELLER OF RESIDENTIAL REAL PROPERTY SHALL NOT BE REQUIRED TO PROVIDE ANY FURTHER INFORMATION TO THE BUYER OF THE RESIDENTIAL REAL PROPERTY REGARDING INFORMATION RELATING TO OR THE LOCATION OF SEX OFFENDERS.

4. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION, NOTHING IN THIS SECTION SHALL ALTER ANY EXISTING DUTY OF THE SELLER OR ANY AGENT OF SUCH SELLER 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.