

6352

2011-2012 Regular Sessions

I N A S S E M B L Y

March 15, 2011

Introduced by M. of A. MAISEL, ENGLEBRIGHT, BARRON -- Multi-Sponsored by
-- M. of A. COOK, PHEFFER, WEISENBERG -- read once and referred to the
Committee on Judiciary

AN ACT to amend the real property law, in relation to the recording of
residential property condition disclosure statements with county
clerks; and to amend the environmental conservation law, in relation
to directing the department of environmental conservation to establish
and maintain a publicly accessible electronic database of the environ-
mental information in residential property condition disclosure state-
ments

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

1 Section 1. The opening paragraph of section 291 of the real property
2 law is designated subdivision 1 and a new subdivision 2 is added to read
3 as follows:
4 2. WITHIN TEN DAYS OF THE RECEIPT OF A RESIDENTIAL PROPERTY CONDITION
5 DISCLOSURE STATEMENT, PURSUANT TO SUBDIVISION ONE OF SECTION FOUR
6 HUNDRED SIXTY-TWO OF THIS CHAPTER, A COUNTY CLERK SHALL RECORD THE SAME,
7 AND PRODUCE AND DELIVER COPIES THEREOF TO THE DEPARTMENT OF ENVIRON-
8 MENTAL CONSERVATION AND TO THE CLERK OF THE CITY, TOWN OR VILLAGE IN
9 WHICH SUCH RESIDENTIAL REAL PROPERTY IS SITUATE.
10 S 2. Subdivision 1 of section 462 of the real property law, is added
11 by chapter 456 of the laws of 2001, is amended to read as follows:
12 1. Except as is provided in section four hundred sixty-three of this
13 article, every seller of residential real property pursuant to a real
14 estate purchase contract shall complete and sign a property condition
15 disclosure statement as prescribed by subdivision two of this section
16 and cause it, or a copy thereof, to be delivered to a buyer or buyer's
17 agent prior to the signing by the buyer of a binding contract of sale. A
18 copy of the property condition disclosure statement containing the
19 signatures of both seller and buyer shall be attached to the real estate

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

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1 purchase contract, AND AN ADDITIONAL COPY THEREOF CONTAINING THE SIGNA-
2 TURES OF THE SELLER AND THE BUYER SHALL BE ATTACHED TO THE RECORD OF
3 CONVEYANCE FILED WITH THE COUNTY CLERK PURSUANT TO SECTION TWO HUNDRED
4 NINETY-ONE OF THIS CHAPTER. Nothing contained in this article or this
5 disclosure statement is intended to prevent the parties to a contract of
6 sale from entering into agreements of any kind or nature with respect to
7 the physical condition of the property to be sold, including, but not
8 limited to, agreements for the sale of real property "as is".
9 S 3. Section 3-0301 of the environmental conservation law is amended
10 by adding a new subdivision 6 to read as follows:
11 6. THE DEPARTMENT SHALL ESTABLISH, OPERATE AND MAINTAIN AN ELECTRONIC
12 DATABASE OF THE "ENVIRONMENTAL" INFORMATION INCLUDED IN EACH RESIDENTIAL
13 PROPERTY DISCLOSURE STATEMENT IT RECEIVES FROM A COUNTY CLERK PURSUANT
14 TO SUBDIVISION TWO OF SECTION TWO HUNDRED NINETY-ONE OF THE REAL PROPER-
15 TY LAW. THE INFORMATION IN SUCH DATABASE SHALL BE MADE AVAILABLE TO THE
16 PUBLIC IN WRITTEN FORM, UPON REQUEST, AND ON THE INTERNET WEBSITE MAIN-
17 TAINED BY THE DEPARTMENT.
18 S 4. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law; provided that, effec-
20 tive immediately, any rules and regulations necessary to implement the
21 provisions of this act on its effective date are authorized and directed
22 to be completed on or before such date.