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

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 environmental information in residential property condition disclosure statements

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

Section 1. The opening paragraph of section 291 of the real property law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. WITHIN TEN DAYS OF THE RECEIPT OF A RESIDENTIAL PROPERTY CONDITION DISCLOSURE STATEMENT, PURSUANT TO SUBDIVISION ONE OF SECTION FOUR HUNDRED SIXTY-TWO OF THIS CHAPTER, A COUNTY CLERK SHALL RECORD THE SAME, AND PRODUCE AND DELIVER COPIES THEREOF TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND TO THE CLERK OF THE CITY, TOWN OR VILLAGE IN WHICH SUCH RESIDENTIAL REAL PROPERTY IS SITUATE.

S 2. Subdivision 1 of section 462 of the real property law, is added by chapter 456 of the laws of 2001, is amended to read as follows:

1. Except as is provided in section four hundred sixty-three of this article, every seller of residential real property pursuant to a real estate purchase contract shall complete and sign a property condition disclosure statement as prescribed by subdivision two of this section and cause it, or a copy thereof, to be delivered to a buyer or buyer's agent prior to the signing by the buyer of a binding contract of sale. A copy of the property condition disclosure statement containing the 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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purchase contract, AND AN ADDITIONAL COPY THEREOF CONTAINING THE SIGNATURES OF THE SELLER AND THE BUYER SHALL BE ATTACHED TO THE RECORD OF CONVEYANCE FILED WITH THE COUNTY CLERK PURSUANT TO SECTION TWO HUNDRED NINETY-ONE OF THIS CHAPTER. Nothing contained in this article or this disclosure statement is intended to prevent the parties to a contract of sale from entering into agreements of any kind or nature with respect to the physical condition of the property to be sold, including, but not limited to, agreements for the sale of real property "as is".

S 3. Section 3-0301 of the environmental conservation law is amended by adding a new subdivision 6 to read as follows:

6. THE DEPARTMENT SHALL ESTABLISH, OPERATE AND MAINTAIN AN ELECTRONIC DATABASE OF THE "ENVIRONMENTAL" INFORMATION INCLUDED IN EACH RESIDENTIAL PROPERTY DISCLOSURE STATEMENT IT RECEIVES FROM A COUNTY CLERK PURSUANT TO SUBDIVISION TWO OF SECTION TWO HUNDRED NINETY-ONE OF THE REAL PROPERTY LAW. THE INFORMATION IN SUCH DATABASE SHALL BE MADE AVAILABLE TO THE PUBLIC IN WRITTEN FORM, UPON REQUEST, AND ON THE INTERNET WEBSITE MAINTAINED BY THE DEPARTMENT.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that, effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.