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

314

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the general business law, in relation to providing an extension of time to the purchasing period for tenants to purchase a dwelling unit in a cooperative apartment building

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

Section 1. Section 352-eeee of the general business law is amended by adding three new subdivisions 2-a, 2-b and 2-c to read as follows:

2-A. NOTWITHSTANDING THE TIME PERIODS SET FORTH IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION, THE OFFEROR SHALL EXTEND THE PURCHASE PERIOD FOR AN ADDITIONAL YEAR FROM THE ORIGINAL DATE AND AT THE ORIGINAL PURCHASE PRICE SET FORTH IN THE OFFERING STATEMENT OR PROSPECTUS, REQUIRED BY SUBDIVISION ONE OF SECTION THREE HUNDRED FIFTY-TWO-E OF THIS ARTICLE, TO TENANTS INTENDING TO PURCHASE A DWELLING UNIT IN SUCH COOPERATIVE APARTMENT BUILDING WHO HAVE NOT BEEN ABLE TO ACQUIRE THE FINANCING NECESSARY TO MAKE SUCH PURCHASE DURING THE PURCHASE PERIOD PROVIDED IN THE INITIAL OFFERING STATEMENT OR PROSPECTUS.

2-B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE OFFEROR SHALL NOT REQUIRE A TENANT TO SEEK ANY ADDITIONAL FINANCING UPON PROOF THAT SUCH TENANT HAS BEEN DENIED FINANCING FROM A FINANCIAL INSTITUTION. SUCH OWNER SHALL RETURN ANY MONIES DEPOSITED BY A TENANT UNABLE TO ATTAIN SUCH FINANCING.

2-C. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PURCHASER OF A DWELLING UNIT OR CONDOMINIUM OR OTHER FORM OF COOPERATIVE INTEREST IN REALTY, SHALL HAVE THE OPTION TO VOID A PURCHASE AGREEMENT IF THE OFFEROR REFINANCES A COOPERATIVE BUILDING OR GROUP OF BUILDINGS OR DEVELOPMENT DURING THE PURCHASE PERIOD.

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

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S 2. This act shall take effect immediately; provided, however, that the amendments made to section 352-eeee of the general business law by section one of this act shall not affect the expiration of such section and shall be deemed to expire therewith.