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

4761

2011-2012 Regular Sessions

I N S E N A T E

April 20, 2011

Introduced by Sen. LAVALLE -- 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 real property law, in relation to manufactured home park owners and change in the use of the land comprising such manufactured home park

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

Section 1. Paragraph 6 of subdivision b of section 233 of the real property law, as amended by chapter 561 of the laws of 2008, is amended to read as follows:

6. (i) The manufactured home park owner or operator proposes a change in the use of the land comprising the manufactured home park, or a portion thereof, on which the manufactured home is located, from manufactured home lot rentals to some other use, provided the manufactured home owner is given written notice of the proposed change of use and the manufactured home owner's need to secure other accommodations. SUCH NOTICE SHALL INCLUDE: (A) A DESCRIPTION OF THE CHANGE OF USE PROPOSED BY THE MANUFACTURED HOME PARK OWNER OR OPERATOR; AND (B) A COPY OF ALL APPLICATIONS REQUIRED TO AFFECT SUCH CHANGE OF USE THAT HAVE BEEN SUBMITTED TO THE LOCAL GOVERNMENT WITH JURISDICTION. REGARDLESS OF WHEN SUCH NOTICE MAY BE SERVED, NO EVICTION PROCEEDINGS BASED ON A CHANGE OF USE SHALL BE COMMENCED UNTIL SUCH APPLICATIONS HAVE BEEN APPROVED BY THE LOCAL GOVERNMENT. Whenever a manufactured home park owner or operator gives a notice of proposed change of use to any manufactured home owner, the manufactured home park owner or operator shall, at the same time, give notice of the proposed change of use to all other manufactured home owners in the manufactured home park who will be required to secure other accommodations as a result of such proposed change of use. Eviction proceedings based on a change in use shall not be commenced prior to six months from the service of notice of proposed change in use

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

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or the end of the lease term, whichever is later. Such notice shall be served in the manner prescribed in section seven hundred thirty-five of the real property actions and proceedings law or by certified mail, return receipt requested. NOTHING HEREIN SHALL BE CONSTRUED TO DIMINISH OR EXCUSE THE REQUIREMENT FOR FACTUAL ARTICULATION REQUIRED BY ANY NOTICE WHICH HERETOFORE MAY HAVE BEEN MADE PURSUANT TO THIS SECTION.

(ii) Where a purchaser of a manufactured home park certified that such purchaser did not intend to change the use of the land pursuant to paragraph (b) of subdivision two of section two hundred thirty-three-a of this article, no eviction proceedings based on a change of use shall be commenced until the expiration of sixty months from the date of the closing on the sale of the park. NO MANUFACTURED HOME PARK OWNER OR OPERATOR SHALL PROCEED UNDER THIS PARAGRAPH TO THE EXTENT THAT IT IS THE INTENTION OF THE MANUFACTURED HOME PARK OWNER OR OPERATOR TO CAUSE THE MANUFACTURED HOME PARK TO BE VACATED.

S 2. Paragraph (a) of subdivision 2 of section 233-a of the real property law, as added by chapter 561 of the laws of 2008, is amended to read as follows:

(a) If a manufactured home park owner MARKETS FOR SALE OR receives a bona fide offer to purchase a manufactured home park that such manufactured home park owner intends to accept, such manufactured home park owner shall require [the] ANY prospective purchaser to provide, in writing, the certification required by paragraph (b) of this subdivision, and shall not accept any offer to purchase, nor respond with a counteroffer until such manufactured home park owner has received such certification.

S 3. Subdivisions 3 and 4 of section 233-a of the real property law are renumbered subdivisions 4 and 5 and a new subdivision 3 is added to read as follows:

3. IN THE EVENT THAT THE MANUFACTURED PARK OWNER OR OPERATOR IS A CORPORATION, COMPANY, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR LIMITED LIABILITY PARTNERSHIP, SAID CORPORATION, COMPANY, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR LIMITED LIABILITY PARTNERSHIP SHALL BE PROHIBITED FROM SERVING THE NOTICE REQUIRED PURSUANT TO PARAGRAPH SIX OF SUBDIVISION B OF SECTION TWO HUNDRED THIRTY-THREE OF THIS ARTICLE, WITHIN SIXTY MONTHS OF THE SALE, TRANSFER, CONVEYANCE, OR ASSIGNMENT, BY OPERATION OF LAW OR OTHERWISE, OF ANY PORTION OF OWNERSHIP INTEREST IN SAID CORPORATION, COMPANY, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR LIMITED LIABILITY PARTNERSHIP.

S 4. This act shall take effect immediately.