

8296

2013-2014 Regular Sessions

I N A S S E M B L Y

December 6, 2013

Introduced by M. of A. GALEF -- read once and referred to the Committee
on Housing

AN ACT to amend the real property law, in relation to providing solar
rights to homeowners

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

1 Section 1. Section 339-j of the real property law, as amended by chap-
2 ter 437 of the laws of 1999, is amended to read as follows:
3 S 339-j. Compliance with by-laws and rules and regulations. 1. Each
4 unit owner shall comply strictly with the by-laws and with rules, regu-
5 lations, resolutions and decisions adopted pursuant thereto. Failure to
6 comply with any of the same shall be ground for an action to recover
7 sums due, for damages or injunctive relief or both maintainable by the
8 board of managers on behalf of the unit owners or, in a proper case, by
9 an aggrieved unit owner. In any case of flagrant or repeated violation
10 by a unit owner, he OR SHE may be required by the board of managers to
11 give sufficient surety or sureties for his OR HER future compliance with
12 the by-laws, rules, regulations, resolutions and decisions. Notwith-
13 standing the foregoing provisions of this section, no action or proceed-
14 ing for any relief may be maintained due to the display of a flag of the
15 United States measuring not more than four feet by six feet.
16 2. NO BOARD OF MANAGERS SHALL BAN IN THE BY-LAWS, ANY SOLAR PANEL
17 ARRAYS, THE INSTALLATION OF ROOFTOP SOLAR PANELS OR THE CLEARING AND
18 TRIMMING OF VEGETATION ON UNIT OWNERS' PROPERTIES THAT OBSCURE SUCH
19 SOLAR PANEL ARRAYS OR ROOFTOP SOLAR PANELS; PROVIDED, HOWEVER, THAT THE
20 BOARD OF MANAGERS SHALL BE CONSULTED REGARDING THE AESTHETICS OF SUCH
21 SOLAR PANEL ARRAYS AND ROOFTOP SOLAR PANELS.
22 S 2. This act shall take effect immediately.

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

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