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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 339-j of the real property law, as amended by chapter 437 of the laws of 1999, is amended to read as follows:

S 339-j. Compliance with by-laws and rules and regulations. 1. Each unit owner shall comply strictly with the by-laws and with rules, regulations, resolutions and decisions adopted pursuant thereto. Failure to comply with any of the same shall be ground for an action to recover sums due, for damages or injunctive relief or both maintainable by the board of managers on behalf of the unit owners or, in a proper case, by an aggrieved unit owner. In any case of flagrant or repeated violation by a unit owner, he OR SHE may be required by the board of managers to give sufficient surety or sureties for his OR HER future compliance with the by-laws, rules, regulations, resolutions and decisions. Notwithstanding the foregoing provisions of this section, no action or proceeding for any relief may be maintained due to the display of a flag of the United States measuring not more than four feet by six feet.

2. NO BOARD OF MANAGERS SHALL BAN IN THE BY-LAWS, ANY SOLAR PANEL ARRAYS, THE INSTALLATION OF ROOFTOP SOLAR PANELS OR THE CLEARING AND TRIMMING OF VEGETATION ON UNIT OWNERS' PROPERTIES THAT OBSCURE SUCH SOLAR PANEL ARRAYS OR ROOFTOP SOLAR PANELS; PROVIDED, HOWEVER, THAT THE BOARD OF MANAGERS SHALL BE CONSULTED REGARDING THE AESTHETICS OF SUCH SOLAR PANEL ARRAYS AND ROOFTOP SOLAR PANELS.

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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