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

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I N A S S E M B L Y

March 4, 2014

Introduced by M. of A. GALEF, OTIS, RAIA, MONTESANO -- Multi-Sponsored by -- M. of A. McLAUGHLIN, MOSLEY, RIVERA, SKARTADOS, THIELE -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to solar energy systems on cooperative apartments

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

Section 1. The real property law is amended by adding a new section 339-ll to read as follows:

S 339-LL. INSTALLATION OF SOLAR ENERGY SYSTEM ON COOPERATIVE APARTMENT ROOFS. 1. FOR THE PURPOSES OF THE INSTALLATION OF SOLAR ENERGY SYSTEM ON INDIVIDUAL COOPERATIVE APARTMENT ROOFS, A ROOF SHALL NOT BE CONSIDERED A COMMON ELEMENT PURSUANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION THREE HUNDRED THIRTY-NINE-E OF THIS ARTICLE.

2. ANY TENANT-SHAREHOLDER SHALL HAVE THE RIGHT TO INSTALL A SOLAR ENERGY SYSTEM ON HIS OR HER INDIVIDUAL ROOF UNLESS THERE IS A COMPELLING REASON FOR THE BOARD OF DIRECTORS OF THE COOPERATIVE CORPORATION TO DENY SUCH INSTALLATION. PRIOR TO ANY INSTALLATION, THE GOVERNING BOARD OF DIRECTORS OF THE COOPERATIVE CORPORATION SHALL BE CONSULTED REGARDING THE AESTHETICS OF THE INSTALLATION AS SUCH SOLAR PANEL RELATES TO THE OVERALL APPEARANCE OF THE ROOF OR ROOFS. SUCH TENANT-SHAREHOLDER SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND REMOVAL OF THE SOLAR ENERGY SYSTEM, AS WELL AS ANY DAMAGES INCURRED BY A PERSON AS A RESULT OF SUCH SOLAR ENERGY SYSTEM. ALL OTHER TENANT-SHAREHOLDERS OF SUCH COOPERATIVE CORPORATION SHALL BE HELD HARMLESS FOR ANY DAMAGES CAUSED BY THE INSTALLATION OF SUCH SOLAR ENERGY SYSTEM.

S 2. Section 339-k of the real property law, as added by chapter 82 of the laws of 1964, is amended to read as follows:

S 339-k. Certain work prohibited. No unit owner OR TENANT-SHAREHOLDER OF A COOPERATIVE CORPORATION shall do any work which would jeopardize the soundness or safety of the property, reduce the value thereof or impair any easement or hereditament, nor may any unit owner add any material structure or excavate any additional basement or cellar, without in every such case the consent of all the unit owners OR

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

LBD13799-01-4

TENANT-SHAREHOLDERS OF A COOPERATIVE CORPORATION affected being first obtained. THIS SECTION SHALL NOT APPLY TO THE INSTALLATION OF SOLAR ENERGY SYSTEMS.

S 3. This act shall take effect immediately.