

1763

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

---

Introduced by M. of A. ENGLEBRIGHT, HOOPER, WEISENBERG, ORTIZ, GABRYSZAK  
-- Multi-Sponsored by -- M. of A. CURRAN, McDONOUGH -- read once and  
referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to requiring the  
disclosure, upon the sale or lease of residential real property, of  
the availability of certain sex offender information

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

1     Section 1. The real property law is amended by adding two new sections  
2     220-a and 242-a to read as follows:  
3     S 220-A. DISCLOSURE OF THE AVAILABILITY OF SEX OFFENDER INFORMATION.  
4     1. EVERY LEASE AND RENTAL AGREEMENT OF RESIDENTIAL REAL PROPERTY SHALL  
5     CONTAIN IN NOT LESS THAN EIGHT POINT TYPE, THE FOLLOWING NOTICE:  
6     "NOTICE: THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
7     MAINTAINS AND DISTRIBUTES A SUBDIRECTORY, WHICH IS A BOOK THAT PROVIDES  
8     THE LOCATION OF LEVEL TWO AND THREE SEX OFFENDERS REQUIRED TO REGISTER  
9     PURSUANT TO ARTICLE 6-C OF THE CORRECTION LAW, THE SEX OFFENDER REGIS-  
10    TRATION ACT, TO THE OFFICES OF LOCAL VILLAGE, TOWN, CITY AND COUNTY  
11    POLICE DEPARTMENTS AND STATE LAW ENFORCEMENT AGENCIES FOR THE PURPOSE OF  
12    PUBLIC ACCESS. PLEASE CONTACT YOUR LOCAL LAW ENFORCEMENT AGENCY FOR  
13    FURTHER INFORMATION ON HOW TO ACCESS AND VIEW THE SUBDIRECTORY OF LEVEL  
14    TWO AND THREE SEX OFFENDERS. THE NEW YORK STATE DIVISION OF CRIMINAL  
15    JUSTICE SERVICES ALSO OPERATES FOR PUBLIC ACCESS A SPECIAL TOLL-FREE  
16    TELEPHONE NUMBER THROUGH WHICH CALLERS MAY VERIFY THE REGISTRATION OF A  
17    NAMED INDIVIDUAL. CALLERS MUST HAVE SPECIFIC INFORMATION WHICH WILL  
18    ACHIEVE POSITIVE IDENTIFICATION SUCH AS AN EXACT ADDRESS, DRIVER'S  
19    LICENSE NUMBER OR BIRTH DATE."  
20    2. SUBJECT TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION,  
21    UPON DELIVERY OF THE NOTICE REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS  
22    SECTION TO THE LESSEE OF THE REAL PROPERTY, NEITHER THE LESSOR NOR ANY

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

LBD05421-01-3

1 AGENT OF THE LESSOR SHALL BE REQUIRED TO PROVIDE INFORMATION IN ADDITION  
2 TO THAT CONTAINED IN THE NOTICE REGARDING THE AVAILABILITY OF THE SUBDI-  
3 RECTORY AND SPECIAL TOLL-FREE NUMBER. THE INFORMATION IN SUCH NOTICE  
4 SHALL BE DEEMED TO BE ADEQUATE TO INFORM THE LESSEE ABOUT THE EXISTENCE  
5 OF A STATEWIDE SUBDIRECTORY OF THE LOCATIONS OF LEVEL TWO AND THREE SEX  
6 OFFENDERS AND INFORMATION FROM THE SUBDIRECTORY REGARDING THOSE  
7 LOCATIONS. THE INFORMATION IN THE NOTICE SHALL NOT GIVE RISE TO ANY  
8 CAUSE OF ACTION AGAINST THE DISCLOSING PARTY BY A REGISTERED SEX OFFEN-  
9 DER.

10 3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS  
11 SECTION, NOTHING IN THIS SECTION SHALL ALTER ANY EXISTING DUTY OF THE  
12 LESSOR OR ANY AGENT OF SUCH LESSOR UNDER ANY OTHER PROVISION OF LAW.

13 S 242-A. DISCLOSURE OF THE AVAILABILITY OF SEX OFFENDER INFORMATION.

14 1. EVERY CONTRACT FOR THE PURCHASE OF RESIDENTIAL REAL PROPERTY,  
15 COMPRISING ONE TO FOUR DWELLING UNITS, SHALL CONTAIN IN NOT LESS THAN  
16 EIGHT POINT TYPE, THE FOLLOWING NOTICE:

17 "NOTICE: THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
18 MAINTAINS AND DISTRIBUTES A SUBDIRECTORY, WHICH IS A BOOK THAT PROVIDES  
19 THE LOCATION OF LEVEL TWO AND THREE SEX OFFENDERS REQUIRED TO REGISTER  
20 PURSUANT TO ARTICLE 6-C OF THE CORRECTION LAW, THE SEX OFFENDER REGIS-  
21 TRATION ACT, TO THE OFFICES OF LOCAL VILLAGE, TOWN, CITY AND COUNTY  
22 POLICE DEPARTMENTS AND STATE LAW ENFORCEMENT AGENCIES FOR THE PURPOSE OF  
23 PUBLIC ACCESS. PLEASE CONTACT YOUR LOCAL LAW ENFORCEMENT AGENCY FOR  
24 FURTHER INFORMATION ON HOW TO ACCESS AND VIEW THE SUBDIRECTORY OF LEVEL  
25 TWO AND THREE SEX OFFENDERS. THE NEW YORK STATE DIVISION OF CRIMINAL  
26 JUSTICE SERVICES ALSO OPERATES FOR PUBLIC ACCESS A SPECIAL TOLL-FREE  
27 TELEPHONE NUMBER THROUGH WHICH CALLERS MAY VERIFY THE REGISTRATION OF A  
28 NAMED INDIVIDUAL. CALLERS MUST HAVE SPECIFIC INFORMATION WHICH WILL  
29 ACHIEVE POSITIVE IDENTIFICATION SUCH AS AN EXACT ADDRESS, DRIVER'S  
30 LICENSE NUMBER OR BIRTH DATE."

31 2. SUBJECT TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION,  
32 UPON DELIVERY OF THE NOTICE REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS  
33 SECTION TO THE BUYER OF THE REAL PROPERTY, NEITHER THE GRANTEE NOR ANY  
34 AGENT OF THE GRANTEE SHALL BE REQUIRED TO PROVIDE INFORMATION IN ADDI-  
35 TION TO THAT CONTAINED IN THE NOTICE REGARDING THE AVAILABILITY OF THE  
36 SUBDIRECTORY AND SPECIAL TOLL-FREE NUMBER. THE INFORMATION IN SUCH  
37 NOTICE SHALL BE DEEMED TO BE ADEQUATE TO INFORM THE BUYER ABOUT THE  
38 EXISTENCE OF A STATEWIDE SUBDIRECTORY OF THE LOCATIONS OF LEVEL TWO AND  
39 THREE SEX OFFENDERS AND INFORMATION FROM THE SUBDIRECTORY REGARDING  
40 THOSE LOCATIONS. THE INFORMATION IN THE NOTICE SHALL NOT GIVE RISE TO  
41 ANY CAUSE OF ACTION AGAINST THE DISCLOSING PARTY BY A REGISTERED SEX  
42 OFFENDER.

43 3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS  
44 SECTION, NOTHING IN THIS SECTION SHALL ALTER ANY EXISTING DUTY OF THE  
45 GRANTOR OR ANY AGENT OF SUCH GRANTOR UNDER ANY OTHER PROVISION OF LAW.

46 S 2. This act shall take effect on the ninetieth day after it shall  
47 have become a law and shall apply to contracts and agreements entered  
48 into on or after such date.