

8296

2013-2014 Regular Sessions

I N   A S S E M B L Y

December 6, 2013

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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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