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

7559

I N S E N A T E

May 9, 2016

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to solar energy systems on condominium units

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 INDIVIDUAL UNIT ROOFS. 1. FOR THE PURPOSES OF THE INSTALLATION OF SOLAR ENERGY SYSTEM ON INDIVIDUAL UNIT 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 UNIT OWNER SHALL HAVE THE RIGHT TO INSTALL SOLAR ENERGY SYSTEM ON HIS OR HER INDIVIDUAL UNIT ROOFS EXCEPT WHERE IT POSES A THREAT TO PUBLIC HEALTH OR SAFETY. PRIOR TO ANY INSTALLATION, THE GOVERNING BOARD OF MANAGERS OF THE CONDOMINIUM BOARD SHALL BE CONSULTED AS PART OF A REVIEW PROCESS. SUCH UNIT OWNER 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 UNIT OWNERS 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 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 affected being first obtained. THIS SECTION SHALL NOT APPLY TO THE INSTALLATION OF SOLAR ENERGY SYSTEMS.

S 3. 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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