STATE OF NEW YORK

6714

2017-2018 Regular Sessions

IN ASSEMBLY

March 16, 2017

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to providing priority for certain liens for unpaid condominium common charges

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 339-z of the real property law, as amended by chapter 475 of the laws of 2004, is amended to read as follows:

§ 339-z. Lien for common charges; priority; exoneration of grantor and grantee. The board of managers, on behalf of the unit owners, shall have a lien on each unit for the unpaid common charges thereof, together with interest thereon, prior to all other liens except only (i) liens for taxes on the unit in favor of any assessing unit, school district, special district, county or other taxing unit, (ii) all sums unpaid on a first mortgage of record, and (iii) all sums unpaid on a subordinate mortgage of record held by the New York job development authority, the New York state urban development corporation, the division of housing and community renewal, the housing trust fund corporation, the New York city housing development corporation, or in a city having a population of one million or more, the department of housing, preservation and development. **Notwithstanding the foregoing, the lien is prior to all sums described in clauses (ii) and (iii) of this section in an amount up to six months of unpaid common charges excluding any interest or fees assessed by the board of managers.** Upon the sale or conveyance of a unit, such unpaid common charges shall be paid out of the sale proceeds or by the grantee. Any grantor or grantee of a unit shall be entitled to a statement from the manager or board of managers, setting forth the amount of the unpaid common charges accrued against the unit, and neither such grantor nor grantee shall be liable for, nor shall the unit conveyed be subject to a lien for, any unpaid common charges against such unit accrued prior to such conveyance in excess of the amount ther-

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

LBD09968-01-7

ein set forth. Notwithstanding the above, the declaration of an exclusive non-residential condominium may provide that the lien for common charges will be superior to any mortgage liens of record.

§ 2. This act shall take effect immediately.