

# STATE OF NEW YORK

9554

## IN ASSEMBLY

January 23, 2018

Introduced by M. of A. ENGLEBRIGHT -- 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 Assembly, 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 § 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  
23 agent of the lessor shall be required to provide information in addition  
24 to that contained in the notice regarding the availability of the subdi-  
25 rectory and special toll-free number. The information in such notice  
26 shall be deemed to be adequate to inform the lessee about the existence  
27 of a statewide subdirectory of the locations of level two and three sex

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

LBD03520-01-7

1 offenders and information from the subdirectory regarding those  
2 locations. The information in the notice shall not give rise to any  
3 cause of action against the disclosing party by a registered sex offen-  
4 der.

5 3. Notwithstanding the provisions of subdivisions one and two of this  
6 section, nothing in this section shall alter any existing duty of the  
7 lessor or any agent of such lessor under any other provision of law.

8 § 242-a. Disclosure of the availability of sex offender information.

9 1. Every contract for the purchase of residential real property,  
10 comprising one to four dwelling units, shall contain in not less than  
11 eight point type, the following notice:

12 "Notice: The New York State Division of Criminal Justice Services  
13 maintains and distributes a subdirectory, which is a book that provides  
14 the location of level two and three sex offenders required to register  
15 pursuant to Article 6-C of the Correction Law, the Sex Offender Regis-  
16 tration Act, to the offices of local village, town, city and county  
17 police departments and state law enforcement agencies for the purpose of  
18 public access. Please contact your local law enforcement agency for  
19 further information on how to access and view the subdirectory of level  
20 two and three sex offenders. The New York State Division of Criminal  
21 Justice Services also operates for public access a special toll-free  
22 telephone number through which callers may verify the registration of a  
23 named individual. Callers must have specific information which will  
24 achieve positive identification such as an exact address, driver's  
25 license number or birth date."

26 2. Subject to the provisions of subdivision three of this section,  
27 upon delivery of the notice required pursuant to subdivision one of this  
28 section to the buyer of the real property, neither the grantee nor any  
29 agent of the grantee shall be required to provide information in addi-  
30 tion to that contained in the notice regarding the availability of the  
31 subdirectory and special toll-free number. The information in such  
32 notice shall be deemed to be adequate to inform the buyer about the  
33 existence of a statewide subdirectory of the locations of level two and  
34 three sex offenders and information from the subdirectory regarding  
35 those locations. The information in the notice shall not give rise to  
36 any cause of action against the disclosing party by a registered sex  
37 offender.

38 3. Notwithstanding the provisions of subdivisions one and two of this  
39 section, nothing in this section shall alter any existing duty of the  
40 grantor or any agent of such grantor under any other provision of law.

41 § 2. This act shall take effect on the ninetieth day after it shall  
42 have become a law and shall apply to contracts and agreements entered  
43 into on or after such date.