

# STATE OF NEW YORK

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1936

2019-2020 Regular Sessions

## IN ASSEMBLY

January 18, 2019

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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 Assem-  
bly, do enact as follows:

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

3 § 339-z. Lien for common charges; priority; exoneration of grantor and  
4 grantee. The board of managers, on behalf of the unit owners, shall have  
5 a lien on each unit for the unpaid common charges thereof, together with  
6 interest thereon, prior to all other liens except only (i) liens for  
7 taxes on the unit in favor of any assessing unit, school district,  
8 special district, county or other taxing unit, (ii) all sums unpaid on a  
9 first mortgage of record, and (iii) all sums unpaid on a subordinate  
10 mortgage of record held by the New York job development authority, the  
11 New York state urban development corporation, the division of housing  
12 and community renewal, the housing trust fund corporation, the New York  
13 city housing development corporation, or in a city having a population  
14 of one million or more, the department of housing, preservation and  
15 development. Notwithstanding the foregoing, the lien is prior to all  
16 sums described in clauses (ii) and (iii) of this section in an amount up  
17 to six months of unpaid common charges excluding any interest or fees  
18 assessed by the board of managers. Upon the sale or conveyance of a  
19 unit, such unpaid common charges shall be paid out of the sale proceeds  
20 or by the grantee. Any grantor or grantee of a unit shall be entitled to  
21 a statement from the manager or board of managers, setting forth the  
22 amount of the unpaid common charges accrued against the unit, and  
23 neither such grantor nor grantee shall be liable for, nor shall the unit  
24 conveyed be subject to a lien for, any unpaid common charges against  
25 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.

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1 ein set forth. Notwithstanding the above, the declaration of an exclu-  
2 sive non-residential condominium may provide that the lien for common  
3 charges will be superior to any mortgage liens of record.  
4 § 2. This act shall take effect immediately.