STATE OF NEW YORK

1938

2019-2020 Regular Sessions

IN ASSEMBLY

January 18, 2019

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

AN ACT to amend the real property actions and proceedings law and the real property law, in relation to allowing a board of directors or board of managers to take appropriate action against an objectionable tenant who fails to comply with the by-laws or rules and regulations of the condominium or homeowners association

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

Section 1. Section 721 of the real property actions and proceedings law is amended by adding a new subdivision 12 to read as follows:

12. The board of managers or board of directors of a condominium or homeowners association if it deems a tenant of a non-occupying unit owner or member objectionable.

§ 2. Section 339-j of the real property law, as amended by chapter 437 of the laws of 1999, is amended to read as follows:

§ 339-j. Compliance with by-laws and rules and regulations. Each unit owner shall comply strictly with the by-laws and with rules, regulations, resolutions and decisions adopted pursuant thereto. Failure to comply with any of the same shall be ground for an action to recover sums due, for damages or injunctive relief or both maintainable by the board of managers on behalf of the unit owners or, in a proper case, by an aggrieved unit owner **or to bring a summary dispossess proceeding against the tenant of a non-occupying unit owner**. In any case of flagrant or repeated violation by a unit owner, he may be required by the board of managers to give sufficient surety or sureties for his future compliance with the by-laws, rules, regulations, resolutions and decisions. Notwithstanding the foregoing provisions of this section, no action or proceeding for any relief may be maintained due to the display of a flag of the United States measuring not more than four feet by six feet.

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

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§ 3. Section 339-dd of the real property law, as added by chapter 82 of the laws of 1964, is amended to read as follows:

§ 339-dd. Actions. **1.** Actions may be brought or proceedings instituted by the board of managers in its discretion, on behalf of two or more of the unit owners, as their respective interests may appear, with respect to any cause of action relating to the common elements or more than one unit. Service of process on the unit owners in any action relating to the common elements or more than one unit may be made on the person designated in the declaration to receive service of process.

2. A summary dispossess proceeding may be brought or instituted by the board of managers in its discretion with respect to any cause of action against a tenant of a non-occupying unit owner.

§ 4. This act shall take effect immediately.