STATE OF NEW YORK

360

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the real property law, in relation to requiring that certain sellers of real property provide a certificate of occupancy to the purchaser of the real property

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 259 to read as follows:

§ 259. Certificates of occupancy; required disclosure to purchaser. 1. Prior to executing a deed of sale with a purchaser or prospective purchaser of real property, the owner of the real property shall provide the purchaser or prospective purchaser, or the agent of the purchaser or prospective purchaser, with a copy of a certificate of occupancy for the real property that is the subject of the deed of sale. Such certificate shall have been issued within thirty days of the date of transfer of ownership on the property.

2. The provisions of this section shall not apply to transfers of real property:

(a) to a relative of the owner;

(b) made pursuant to a court order, including but not limited to transfers by a referee in a foreclosure action, to a party in a divorce proceeding or by a bankruptcy trustee in a bankruptcy or reorganization proceeding;

(c) by a municipality;

(d) by an executor or administrator of an estate;

(e) by a beneficiary of an estate provided such transfer is made within sixty days of the date on which the beneficiary acquired title to the property;

(f) by a deed in lieu of foreclosure;

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

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(g) due to the operation of law pursuant to a deed, including but not limited to a tax deed; or

(h) of real property that does not have a dwelling located thereon.

3. Any agreement by a purchaser of premises for dwelling purposes waiving or modifying his or her rights as set forth in this section shall be void as contrary to public policy.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.