STATE OF NEW YORK

5112

2021-2022 Regular Sessions

IN ASSEMBLY

February 11, 2021

Introduced by M. of A. MONTESANO, ASHBY, STERN, J. M. GIGLIO, MORINELLO, McDONOUGH, BYRNES, HAWLEY, TAGUE -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to disclosure of real property located within a half mile of a superfund site

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 333-d to read as follows:

§ 333-d. Property located near a superfund site; disclosure. 1. When any purchase and sales contract is presented for the sale, purchase, or exchange of real property located within one half mile of an area designated as a superfund site pursuant to either Chapter 103 of Section 42 of the United States Code and/or section 27-1303 of the environmental conservation law, the prospective grantor shall present to the prospective grantee a disclosure notice stating whether the subject property is located within a half mile of a superfund site.

2. Such disclosure notice shall be signed by the prospective grantor and grantee prior to the signing by the grantee of a binding contract of purchase or exchange. A copy of such disclosure notice containing signatures of both the grantor and grantee shall be attached to the real estate purchase or exchange contract.

3. Failure of the seller to provide such information to the buyer shall not prevent the recording officer from filing such deed.

§ 2. This act shall take effect immediately.

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

LBD08634-01-1