

STATE OF NEW YORK

9721

IN SENATE

May 22, 2024

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to ground lease contracts

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 a new section
2 233-c to read as follows:

3 § 233-c. Residential ground lease cooperative apartment buildings. 1.
4 Wherever used in this section:

5 (a) The term "residential ground lease cooperative apartment building"
6 means any and all buildings, improvements and/or other structures
7 located in the state of New York occupied, owned and/or leased in whole
8 or in part by a ground lease residential cooperative, or any subsidiary
9 or affiliate thereof, pursuant to a subject residential cooperative
10 ground lease.

11 (b) The term "ground lease residential cooperative" means any New York
12 corporation organized and/or operating as a housing development fund
13 corporation, New York cooperative corporation and/or cooperative housing
14 corporation, including any entity meeting the definition thereof for
15 federal income tax purposes, or any person or entity that is a tenant in
16 common, co-tenant or joint owner with any such corporation, or which is,
17 directly or indirectly through a subsidiary or affiliate thereof, a
18 party to a subject residential cooperative ground lease.

19 (c) The term "subject residential cooperative ground lease" means the
20 lease agreement, together with any amendments or other related agree-
21 ments including any forbearance, settlement, tenancy in common or other
22 similar agreements related thereto, pursuant to which a ground lease
23 residential cooperative leases, occupies and/or otherwise uses for resi-
24 dential, commercial, or other ancillary purposes the ground lease real
25 property from one or more subject ground lease owners.

26 2. Any subject residential cooperative ground lease in a residential
27 ground lease cooperative apartment building containing a renewal and/or
28 extension clause exercisable prior to the expiration of such ground

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

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1 lease at the sole option of the ground lease residential cooperative may
2 be executed at any time prior to expiration of such ground lease in
3 accordance with all other terms thereof. All other terms and conditions
4 of the ground lease shall remain in full force and effect.

5 § 2. This act shall take effect on the ninetieth day after it shall
6 have become a law, and shall apply to all contracts issued, renewed,
7 modified, altered or amended on or after such date.