

STATE OF NEW YORK

8972

IN SENATE

April 4, 2024

Introduced by Sen. HARCKHAM -- 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 enacting the beek-keeping rights act

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 article
2 9-E to read as follows:

ARTICLE 9-E

BEEKEEPING RIGHTS ACT

5 Section 344. Certain covenants, conditions, and restrictions of homeowners'
6 associations prohibited.

7 § 344. Certain covenants, conditions, and restrictions of homeowners'
8 associations prohibited. 1. Definitions. For the purposes of this
9 section:

10 (a) "restriction on use" shall mean any covenant, restriction, or
11 condition contained in:

12 (i) a deed;

13 (ii) a contract;

14 (iii) the by-laws of a homeowners' association;

15 (iv) any rules or regulations adopted by a homeowners' association;

16 (v) a security agreement; or

17 (vi) any other instrument affecting the transfer or sale of, or any
18 interest in, real property.

19 (b) "apiary" shall have the same meaning as such term is defined in
20 section one hundred seventy-three-a of the agriculture and markets law.

21 (c) "beekeeper" shall have the same meaning as such term is defined in
22 section one hundred seventy-three-a of the agriculture and markets law.

23 (d) "colony" shall have the same meaning as such term is defined in
24 section one hundred seventy-three-a of the agriculture and markets law.

25 2. (a) A homeowners' association may not adopt or enforce any rules or
26 regulations that would effectively prohibit, or impose unreasonable
27 limitations on, the installation or use of an apiary on property owned
28 or leased which is subject to the covenants, conditions, and

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

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1 restrictions of such homeowners' association where (i) the colony is
2 maintained for the purpose of the production of honey, and (ii) the
3 beekeeper is in compliance with the provisions of article fifteen of the
4 agriculture and markets law. A restriction on use which effectively
5 prohibits the installation or use of an apiary is unenforceable and
6 shall be void as contrary to public policy.

7 (b) For the purposes of this subdivision, an unreasonable limitation
8 includes, but is not limited to, any restriction on use that:

9 (i) inhibits an apiary from functioning at its intended maximum effi-
10 ciency; or

11 (ii) increases the apiary's installation or maintenance costs by an
12 amount which is estimated to be greater than ten percent of the total
13 cost of the initial installation of the apiary, including the costs of
14 labor and equipment.

15 3. Notwithstanding subdivision two of this section, a homeowners'
16 association may adopt or enforce a restriction on use to prohibit the
17 installation of an apiary where such restrictions are consistent with
18 the provisions of article fifteen of the agriculture and markets law.

19 4. If approval for the installation or use of an apiary is required by
20 a homeowners' association, the application for approval shall be proc-
21 essed and approved by the association in a manner prescribed by the
22 association and shall not be willfully avoided or delayed. The approval
23 or denial of an application shall be in writing. Any denial of an appli-
24 cation shall include a detailed description of the exact basis for the
25 denial and shall include specific examples of the homeowners' associ-
26 ation's concerns, if applicable. If an application is not denied in
27 writing within sixty days from the date of receipt of the application,
28 the application shall be deemed approved, unless that delay is the
29 result of a reasonable request for additional information.

30 5. An apiary shall meet the requirements established by any local,
31 state or federal law, rule or regulation on health and safety standards
32 and those requirements imposed by state and local permitting authori-
33 ties.

34 6. In any action by an individual requesting to have an apiary and
35 seeking to enforce compliance with this section, the individual shall be
36 awarded reasonable attorney's fees if such individual prevails.

37 § 2. This act shall take effect on the sixtieth day after it shall
38 have become a law.