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 beekeeping rights act

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 article 9-E to read as follows:

ARTICLE 9-E

BEEKEEPING RIGHTS ACT

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

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

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

(i) a deed;

(ii) a contract;

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

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

(v) a security agreement; or

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

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

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

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

2. (a) A homeowners' association may not adopt or enforce any rules or regulations that would effectively prohibit, or impose unreasonable limitations on, the installation or use of an apiary on property owned 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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restrictions of such homeowners' association where (i) the colony is maintained for the purpose of the production of honey, and (ii) the beekeeper is in compliance with the provisions of article fifteen of the agriculture and markets law. A restriction on use which effectively prohibits the installation or use of an apiary is unenforceable and shall be void as contrary to public policy.

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

(i) inhibits an apiary from functioning at its intended maximum efficiency; or

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

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

4. If approval for the installation or use of an apiary is required by a homeowners' association, the application for approval shall be processed and approved by the association in a manner prescribed by the association and shall not be willfully avoided or delayed. The approval or denial of an application shall be in writing. Any denial of an application shall include a detailed description of the exact basis for the denial and shall include specific examples of the homeowners' association's concerns, if applicable. If an application is not denied in writing within sixty days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

5. An apiary shall meet the requirements established by any local, state or federal law, rule or regulation on health and safety standards and those requirements imposed by state and local permitting authorities.

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

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