

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:

Section 1. The real property law is amended by adding a new section 233-c to read as follows:

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

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

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

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

2. Any subject residential cooperative ground lease in a residential ground lease cooperative apartment building containing a renewal and/or 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.

LBD15727-04-4

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.