

We are writing at this time out of concern for bills (A10084 and S7523) that are currently under consideration by the Assembly and by the Senate in Albany. As you will recall similar versions of these bills have been introduced several times in the past, and our arguments *against* their passage are as firm and as strong as ever.

The bills contend that new provisions would “ensure uniformity and predictability to the application processes” used when potential homeowners seek to purchase cooperative apartments. No uniformity is required, as one of the benchmark cornerstones of cooperative living is the individual nature of each building that sets it apart from all others. While there are certainly many similarities among applications, co-op boards need to retain their right, under existing law, to describe the unique process by which applicants to purchase are reviewed. Every applicant has the freedom to choose the building to which s/he makes application, and that choice is solely their own; and their right to choose needs to continue to be predicated on a building’s unique offerings.

A second provision of the proposed legislation would force restrictive timelines to constrain and control each individual board’s review of purchase applications. The due diligence that co-op boards currently use during the review process is one of the most important responsibilities that they are obligated to pursue. It is just the meticulous care and concern shown for the review of each applicant to purchase that has provided the longevity and stability to the ever-growing market of cooperative units in the universe of residential housing. The steady growth and increased acceptance of cooperative housing by residents who voluntarily choose to abide by the regulations that currently govern the cooperative way of life should, ipso facto, prove that no further restrictions are needed. The proposed time restrictions are not only unnecessary but are not even reasonable in their assumptions.

The primary justification cited in the proposed legislation states that, “cooperative purchasers are subject to processes and conditions that do not apply to purchases of other single family residences”. Precisely! We could not agree more. And they differ, too, from rentals. And, from the purchase of multi-family dwellings as well. And, it is those very differences that define each way of life, specifically including cooperative housing, and every individual has the right to chose the type of habitation that best suits them and their families. It should also be underscored that the unique processes that govern the acceptance of new shareholders into co-ops has ensured rock-solid stability of those residences (and their neighborhoods), even in times like 2008-2009 when so many home owners other than cooperators lost their homes to failed mortgages.

Finally, those who proposed the bills in the Assembly and Senate should be ashamed and condemned for including one extraordinarily inappropriate and offensive supposition in the bills that impugns and, by implication, assails every law-abiding

board member in every cooperative apartment building. The bills actually state that, “the processes and conditions [employed by cooperatives] give the appearance and have the potential to be misused against a purchaser of cooperative housing . . . [and] because New York State strongly opposes all illegal discrimination . . . ” additional safeguards are needed. To that offensive insinuation I say, “How dare they!” If any crime is ever committed or if anyone’s human or civil rights is ever violated, then the wrong doer(s) should be rapidly brought to justice under the law. Certainly we live in a time when we are continually reminded of the needed for fairness and equality in every market and venue and we need no further watchdog to oversee the operation of our homes. In the absence of any specific charge, it is hugely egregious to imply that (all) boards are doing anything other than performing their carefully defined obligations under the strict and guiding laws of the City, State and Federal governments.

We need no further governance or imposition from our legislators; boards of directors already operate in only the best interest of their shareholders, under existing law.

We urge you to

Vote “NO” to Assembly Bill 10084

Vote “NO” to Senate Bill 7523

Very truly yours,

Stephen J. Budihas, President