



381060

LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/3R

04/16/2010 10:13 AM

Senator Fasano moved the following:

Senate Amendment

Delete lines 2303 - 2347
and insert:
applicable fire and life safety code.

1. Notwithstanding chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, a cooperative or unit owner is not obligated to retrofit the common elements or units of a residential cooperative with a fire sprinkler system in a building that has been certified for occupancy by the applicable governmental entity if the unit owners have voted to forego such retrofitting by the affirmative vote of a majority of all voting



381060

14 interests in the affected cooperative. The local authority
15 having jurisdiction may not require completion of retrofitting
16 with a fire sprinkler system before the end of 2019. By December
17 31, 2016, a cooperative that is not in compliance with the
18 requirements for a fire sprinkler system and has not voted to
19 forego retrofitting of such a system must initiate an
20 application for a building permit for the required installation
21 with the local government having jurisdiction demonstrating that
22 the cooperative will become compliant by December 31, 2019.

23 2. A vote to forego retrofitting may be obtained by limited
24 proxy or by a ballot personally cast at a duly called membership
25 meeting, or by execution of a written consent by the member, and
26 is effective upon recording a certificate attesting to such vote
27 in the public records of the county where the cooperative is
28 located. The cooperative shall mail or hand deliver to each unit
29 owner written notice at least 14 days before the membership
30 meeting in which the vote to forego retrofitting of the required
31 fire sprinkler system is to take place. Within 30 days after the
32 cooperative's opt-out vote, notice of the results of the opt-out
33 vote must be mailed or hand delivered to all unit owners.
34 Evidence of compliance with this notice requirement must be made
35 by affidavit executed by the person providing the notice and
36 filed among the official records of the cooperative. After
37 notice is provided to each owner, a copy must be provided by the
38 current owner to a new owner before closing and by a unit owner
39 to a renter before signing a lease. ~~Notwithstanding the~~
40 ~~provisions of chapter 633 or of any other code, statute,~~
41 ~~ordinance, administrative rule, or regulation, or any~~
42 ~~interpretation of the foregoing, a cooperative or unit owner is~~



381060

43 ~~not obligated to retrofit the common elements or units of a~~
44 ~~residential cooperative with a fire sprinkler system or other~~
45 ~~engineered life safety system in a building that has been~~
46 ~~certified for occupancy by the applicable governmental entity,~~
47 ~~if the unit owners have voted to forego such retrofitting and~~
48 ~~engineered life safety system by the affirmative vote of two-~~
49 ~~thirds of all voting interests in the affected cooperative.~~
50 ~~However, a cooperative may not forego the retrofitting with a~~
51 ~~fire sprinkler system of common areas in a high-rise building.~~
52 ~~For purposes of this subsection, the term "high-rise building"~~
53 ~~means a building that is greater than 75 feet in height where~~
54 ~~the building height is measured from the lowest level of fire~~
55 ~~department access to the floor of the highest occupiable story.~~
56 ~~For purposes of this subsection, the term "common areas" means~~
57 ~~any enclosed hallway, corridor, lobby, stairwell, or entryway.~~
58 ~~In no event shall The local authority having jurisdiction~~
59 ~~require completion of retrofitting of common areas with a~~
60 ~~sprinkler system before the end of 2014.~~

61 ~~(a) A vote to forego retrofitting may be obtained by~~
62 ~~limited proxy or by a ballot personally cast at a duly called~~
63 ~~membership meeting, or by execution of a written consent by the~~
64 ~~member, and shall be effective upon the recording of a~~
65 ~~certificate attesting to such vote in the public records of the~~
66 ~~county where the cooperative is located. The association shall~~
67 ~~mail, hand deliver, or electronically transmit to each unit~~
68 ~~owner written notice at least 14 days prior to such membership~~
69 ~~meeting in which the vote to forego retrofitting of the required~~
70 ~~fire sprinkler system is to take place. Within 30 days after the~~
71 ~~association's opt-out vote, notice of the results of the opt-out~~



381060

72 ~~vote shall be mailed, hand delivered, or electronically~~
73 ~~transmitted to all unit owners. Evidence of compliance with this~~
74 ~~30-day notice shall be made by an affidavit executed by the~~
75 ~~person providing the notice and filed among the official records~~
76 ~~of the association. After such notice is provided to each owner,~~
77 ~~a copy of such notice shall be provided by the current owner to~~
78 ~~a new owner prior to closing and shall be provided by a unit~~
79 ~~owner to a renter prior to signing a lease.~~