

TEXT OF PROPOSED REGULATIONS

A new section 18.1(c)(7) is added to title 13 to read as follows:

(7) “Digital copy” means a copy that is identical in content to a paper copy except that it is recorded electronically in read-only .pdf format or other electronic format that the Department of Law determines to be acceptable. Digital copies of the plan shall include all the supporting documents included in Part II of the plan. Digital copies of the exhibits to the plan shall include all documents referenced in section 18.2(c)(4), as applicable. Digital copies of the amendment shall include all exhibits, back-up documents, and other supplemental documents annexed to the amendment, as applicable. The Department of Law shall periodically issue a Guidance Document as defined by State Administrative Procedure Act Section 102(14), setting forth particular guidelines and procedures for the submission of digital copies. Such Guidance Document will be available on the Department of Law’s website, as required by State Administrative Procedure Act Section 202(e).

Section 18.2(c)(3) of title 13 is amended to read as follows:

(3) [Three copies] One paper copy of a typed or printed, bound offering plan and one digital copy of the offering plan.

Section 18.2(c)(4) of title 13 is amended to read as follows:

(4) [Two sets of exhibits.] One paper copy of all exhibits to the offering plan and one digital copy of all exhibits to the offering plan. [Each set is to] The paper copy of the exhibits shall be in [binders] a binder from which documents can be removed easily, and the binder[s] must be indexed with tabs. The cover of [each] the binder must be labeled with the name and the address of the cooperative and the name, address and telephone number of the attorney who prepared the plan. [One of the binders must be marked “Original” and contain the original documents. Each] Both the binder and the digital copy must contain an index of the documents. The transmittal letter required by paragraph (1) of this subdivision must note the omission of any exhibit, other than

the exceptions stated below and the reason for the omission. If exhibits A-4, B-3, B-4, B-8, B-9, B-10, B-11, B-16, B-17, B-18, B-19, B-20, B-21, B-22, B-23, B-24 are omitted solely because the exhibit is not applicable to the offering, the omission need not be noted in the transmittal letter.

Section 18.2(d)(2) of title 13 is amended to read as follows:

(2) [three copies of the typed or printed, bound offering plan] one paper copy of the typed or printed, bound offering plan and one digital copy of the offering plan with the filing date left blank (the filing date shall be inserted after receipt of the letter from the Department of Law accepting the offering plan for filing; all offering plans must be dated before being presented to offerees); and

A new section 18.5(b)(1)(vi) is added to title 13 to read as follows:

(vi) notes if there is currently an investigation pending by the Department of Law of the sponsor, a principal of sponsor, or the property to be owned by the apartment corporation; and

A new section 18.5(b)(1)(vii) is added to title 13 to read as follows:

(vii) states the date on which sponsor submitted a digital copy of the offering plan and all previously filed amendments to the Department of Law or whether this is the first time sponsor is submitting a digital copy of the offering plan and previously filed amendments, if any.

Section 18.5(b)(2) of title 13 is amended to read as follows:

(2) [Three copies] One paper copy of the typed or printed amendment to the offering plan and one digital copy of the amendment to the offering plan.

Section 18.5(b)(4) of title 13 is amended to read as follows:

(4) One digital copy of the offering plan including all previously filed amendments, if not already submitted to the Department of Law.

A new section 20.1(c)(8) is added to title 13 to read as follows:

(8) “Digital copy” means a copy is identical in content to a paper copy except that it is recorded electronically in read-only .pdf format or other electronic format that the Department of Law determines to be acceptable.

Digital copies of the plan shall include all the supporting documents included in Part II of the plan. Digital copies of the exhibits to the plan shall include all documents referenced in section 20.2(c)(5), as applicable.

Digital copies of the amendment shall include all exhibits, back-up documents, and other supplemental documents annexed to the amendment, as applicable. The Department of Law shall periodically issue a Guidance Document as defined by State Administrative Procedure Act Section 102(14), setting forth particular guidelines and procedures for the submission of digital copies. Such Guidance Document will be available on the Department of Law’s website, as required by State Administrative Procedure Act Section 202(e).

Section 20.2(c)(4) of title 13 is amended to read as follows:

(4) [Four copies] One paper copy of a typed or printed, bound offering plan and one digital copy of the offering plan.

Section 20.2(c)(5) of title 13 is amended to read as follows:

(5) [Two sets of exhibits.] One paper copy of all exhibits to the offering plan and one digital copy of all exhibits to the offering plan. [Each set is to] The paper copy of the exhibits shall be in [binders] a binder from which documents can be removed easily, and the binder[s] must be indexed with tabs. The cover of [each] the binder must be labeled with the name and the address of the condominium and the name, address and telephone number of the attorney who prepared the plan. [One of the binders must be marked “Original” and contain the original documents. Each] Both the binder and the digital copy must contain an index of the documents. The transmittal letter required by paragraph (1) of this subdivision must note the omission of any exhibit, other than the exceptions stated below and the reason for the omission. If exhibits A-4, B-3, B-4, B-8, B-9, B-10, B-11, B-16, B-17, B-18, B-19, B-20, B-21, B-22, B-23, B-24 are omitted solely because the exhibit is not applicable to the offering, the omission need not be noted in the transmittal letter.

Section 20.2(d)(2) of title 13 is amended to read as follows:

(2) [four copies of the typed or printed, bound offering plan] one paper copy of the typed or printed, bound offering plan and one digital copy of the offering plan with the filing date left blank (the filing date shall be inserted after receipt of the letter from the Department of Law accepting the offering plan for filing; all offering plans must be dated before being presented to offerees); and

A new section 20.5(b)(1)(vii) is added to title 13 to read as follows:

(vii) states the date on which sponsor submitted a digital copy of the offering plan and all previously filed amendments to the Department of Law or whether this is the first time sponsor is submitting a digital copy of the offering plan and previously filed amendments, if any.

Section 20.5(b)(2) of title 13 is amended to read as follows:

(2) [Three copies] One paper copy of the typed or printed amendment to the offering plan and one digital copy of the amendment to the offering plan.

Section 20.5(b)(4) of title 13 is amended to read as follows:

(4) One digital copy of the offering plan including all previously filed amendments, if not already submitted to the Department of Law.

A new section 21.1(k) is added to title 13 to read as follows:

(k) *Digital copy.* As used in this Part, digital copy means a copy that is identical in content to a paper copy except that it is recorded electronically in read-only .pdf format or other electronic format that the Department of Law determines to be acceptable. Digital copies of the plan shall include all the supporting documents included in Part II of the plan. Digital copies of the exhibits to the plan shall include all documents referenced in section 21.2(c)(3), as applicable. Digital copies of the amendment shall include all exhibits, back-up documents, and other supplemental documents annexed to the amendment, as applicable. The Department of Law shall periodically issue a Guidance Document as defined by State Administrative Procedure Act Section

102(14), setting forth particular guidelines and procedures for the submission of digital copies. Such Guidance Document will be available on the Department of Law's website, as required by State Administrative Procedure Act Section 202(e).

Section 21.2(c)(2) of title 13 is amended to read as follows:

(2) [Three copies] One paper copy of a typed or printed, bound offering plan and one digital copy of the offering plan.

Section 21.2(c)(3) is amended to read as follows:

(3) [Two copies] One paper copy and one digital copy of Parts A (Certifications) and B (General) of the exhibits.[,] The paper copy of the exhibits shall be indexed with numbered tabs and secured in folders so that documents can be removed easily. In addition, conformed [or photostatic] copies of the certifications must appear in the offering plan.

A new section 21.2(d) is added to title 13 to read as follows:

(d) Upon preliminary advice from the Department of Law that the proposed offering plan may be filed, sponsor must submit:

A new section 21.2(d)(1) is added to title 13 to read as follows:

(1) Checks (certified or uncertified) for the balance of the filing fees, if any, pursuant to *General Business Law section 352-e(7)(a)* and by separate check any additional filing fees pursuant to *General Business Law section 359-e(5)*, payable to "New York State Department of Law;"

A new section 21.2(d)(2) is added to title 13 to read as follows:

(2) One paper copy of the typed or printed, bound offering plan and one digital copy of the offering plan with the filing date left blank (the filing date shall be inserted after receipt of the letter from the Department of Law accepting the plan for filing; all offering plans must be dated before being presented to offerees);

A new section 21.2(d)(3) is added to title 13 to read as follows:

(3) A new attorney transmittal letter; see section 21.4(a) of this Part. The letter may indicate that exhibits have previously been supplied; and

A new section 21.2(d)(4) is added to title 13 to read as follows:

(4) If required by the Department of Law:

A new section 21.2(d)(4)(i) is added to title 13 to read as follows:

(i) a new certification by sponsor and sponsor's principals; see section 21.4(b) of this Part;

A new section 21.2(d)(4)(ii) is added to title 13 to read as follows:

(ii) a new certification by sponsor's engineer or architect; see section 21.4(c) of this Part; and

A new section 21.2(d)(4)(iii) is added to title 13 to read as follows:

(iii) a new certification by sponsor's expert on the adequacy of the budget; see section 21.4(d) of this Part.

A new section 21.2(e) is added to title 13 to read as follows:

(e) The plan is filed on the date indicated in the letter from the Department of Law stating that the plan has been accepted for filing.

A new section 21.2(f) is added to title 13 to read as follows:

(f) The sponsor shall commence the offering within a reasonable time after the filing and if applicable shall submit an affidavit of service of the plan and notice on the commercial or professional tenants within five days of such service.

A new section 21.5(b)(1)(iv) is added to title 13 to read as follows:

(iv) identifies, if possible, the attorney in the Department of Law who reviewed the most recent submission;

A new section 21.5(b)(1)(v) is added to title 13 to read as follows:

(v) gives the current status of the offering plan:

A new section 21.5(b)(1)(v)(a) is added to title 13 to read as follows:

(a) states whether or not the plan has been declared effective or if the first closing has occurred; and

A new section 21.5(b)(1)(v)(b) is added to title 13 to read as follows:

(b) states if there are any outstanding rescission periods.

A new section 21.5(b)(1)(vi) is added to title 13 to read as follows:

(vi) notes if there is currently an investigation pending by the Department of Law of the sponsor, a principal of sponsor, or the property to be owned by the apartment corporation; and

A new section 21.5(b)(1)(vii) is added to title 13 to read as follows:

(vii) states the date on which sponsor submitted a digital copy of the offering plan and all previously filed amendments to the Department of Law or whether this is the first time sponsor is submitting a digital copy of the offering plan and previously filed amendments, if any.

Section 21.5(b)(2) of title 13 is amended to read as follows:

(2) [Three copies] One paper copy of the typed or printed amendment to the offering plan and one digital copy of the amendment to the offering plan.

Section 21.5(b)(4) of title 13 is amended to read as follows:

(4) One digital copy of the offering plan including all previously filed amendments, if not already submitted to the Department of Law.

A new section 22.1(c)(6) is added to title 13 to read as follows:

(6) “Digital copy” means a copy that is identical in content to a paper copy except that it is recorded electronically in read-only .pdf format or other electronic format that the Department of Law determines to be acceptable. Digital copies of the plan shall include all the supporting documents included in Part II of the plan. Digital copies of the exhibits to the plan shall include all documents referenced in section 22.2(c)(6), as applicable. Digital copies of the amendment shall include all exhibits, back-up documents, and other supplemental documents annexed to the amendment, as applicable. The Department of Law shall periodically issue a Guidance Document as defined by State Administrative Procedure Act Section 102(14), setting forth

particular guidelines and procedures for the submission of digital copies. Such Guidance Document will be available on the Department of Law's website, as required by State Administrative Procedure Act Section 202(e).

Section 22.2(c)(4) of title 13 is amended to read as follows:

(4) [Three copies] One paper copy of a typed or printed, bound offering plan and one digital copy of the offering plan. Loose leaf binders and rings are not acceptable.

Section 22.2(c)(6) of title 13 is amended to read as follows:

(6)[Two sets of exhibits.] One paper copy of all exhibits to the offering plan and one digital copy of all exhibits to the offering plan. [Each set is to] The paper copy of the exhibits shall be in [binders] a binder from which documents can be removed easily, and the binder[s] must be indexed with tabs. The cover of [each] the binder must be labeled with the name and the address of the HOA and the name, address and telephone number of the attorney who prepared the plan. [One of the binders must be marked "Orig" and contain the original documents required below. Each] Both the binder and the digital copy must contain an index of the documents. The transmittal letter required by paragraph (1) of this subdivision must note the omission of any Exhibit and the reason for the omission.

Section 22.2(d)(2) of title 13 is amended to read as follows:

(2) [four copies of the typed or printed, bound offering plan] one paper copy of the typed or printed, bound offering plan and one digital copy of the offering plan with the filing date left blank (the filing date shall be inserted after receipt of the letter from the Department of Law accepting the offering plan for filing; all offering plans must be dated before being presented to offerees); and

A new section 22.5(b)(1)(vii) is added to title 13 to read as follows:

(vii) states the date on which sponsor submitted a digital copy of the offering plan and all previously filed amendments to the Department of Law or whether this is the first time sponsor is submitting a digital copy of the offering plan and previously filed amendments, if any.

Section 22.5(b)(2) of title 13 is amended to read as follows:

(2) [Three copies] One paper copy of the typed or printed amendment to the offering plan and one digital copy of the amendment to the offering plan.

Section 22.5(b)(4) of title 13 is amended to read as follows:

(4) One digital copy of the offering plan including all previously filed amendments, if not already submitted to the Department of Law.

A new section 23.1(c)(7) is added to title 13 to read as follows:

(7) “Digital copy” means a copy that is identical in content to a paper copy except that it is recorded electronically in read-only .pdf format or other electronic format that the Department of Law determines to be acceptable. Digital copies of the plan shall include all the supporting documents included in Part II of the plan. Digital copies of the exhibits to the plan shall include all documents referenced in section 23.2(c)(5), as applicable. Digital copies of the amendment shall include all exhibits, back-up documents, and other supplemental documents annexed to the amendment, as applicable. The Department of Law shall periodically issue a Guidance Document as defined by State Administrative Procedure Act Section 102(14), setting forth particular guidelines and procedures for the submission of digital copies. Such Guidance Document will be available on the Department of Law’s website, as required by State Administrative Procedure Act Section 202(e).

Section 23.2(c)(4) of title 13 is amended to read as follows:

(4) [Three copies] One paper copy of a typed or printed, bound offering plan and one digital copy of the offering plan.

Section 23.2(c)(5) is amended to read as follows:

(5) [Two sets of exhibits.] One paper copy of all exhibits to the offering plan and one digital copy of all exhibits to the offering plan. [Each set is to] The paper copy of the exhibits shall be in [binders] a binder from which documents can be removed easily, and the binder[s] must be indexed with tabs. The cover of [each] the binder must be labeled with the name and the address of the condominium and the name, address and telephone number of the attorney who prepared the plan. [One of the binders must be marked “Original” and contain the original documents. Each] Both the binder and the digital copy must contain an index of the documents. The transmittal letter required by paragraph (1) of this subdivision must note the omission of any exhibit, other than the exceptions stated below and the reason for the omission. If exhibits A-4, B-3, B-4, B-8, B-9, B-10, B-11, B-16, B-17, B-18, B-19, B-20, B-21, B-22, B-23, B-24 are omitted solely because the exhibit is not applicable to the offering, the omission need not be noted in the transmittal letter.

Section 23.2(d)(2) of title 13 is amended to read as follows:

(2) [four copies of the typed or printed, bound offering plan] one paper copy of the typed or printed, bound offering plan and one digital copy of the offering plan with the filing date left blank (the filing date shall be inserted after receipt of the letter from the Department of Law accepting the offering plan for filing; all offering plans must be dated before being presented to offerees); and

A new section 23.5(b)(1)(vii) is added to title 13 to read as follows:

(vii) states the date on which sponsor submitted a digital copy of the offering plan and all previously filed amendments to the Department of Law or whether this is the first time sponsor is submitting a digital copy of the offering plan and previously filed amendments, if any.

Section 23.5(b)(2) of title 13 is amended to read as follows:

(2) [Three copies] One paper copy of the typed or printed amendment to the offering plan and one digital copy of the amendment to the offering plan;

Section 23.5(b)(4) of title 13 is amended to read as follows:

(4) One digital copy of the offering plan including all previously filed amendments, if not already submitted to the Department of Law; and

A new section 24.1(c)(12) is added to title 13 to read as follows:

(12) “Digital copy” means a copy that is identical in content to a paper copy except that it is recorded electronically in read-only .pdf format or other electronic format that the Department of Law determines to be acceptable. Digital copies of the plan shall include all the supporting documents included in Part II of the plan. Digital copies of the exhibits to the plan shall include all documents referenced in section 24.2(c)(4), as applicable. Digital copies of the amendment shall include all exhibits, back-up documents, and other supplemental documents annexed to the amendment, as applicable. The Department of Law shall periodically issue a Guidance Document as defined by State Administrative Procedure Act Section 102(14), setting forth particular guidelines and procedures for the submission of digital copies. Such Guidance Document will be available on the Department of Law’s website, as required by State Administrative Procedure Act Section 202(e).

Section 24.2(c)(3) of title 13 is amended to read as follows:

(3) [Three copies] One paper copy of a typed or printed, bound offering plan and one digital copy of the offering plan.

Section 24.2(c)(4) of title 13 is amended to read as follows:

(4) [Two sets of exhibits.] One paper copy of all exhibits to the offering plan and one digital copy of all exhibits to the offering plan. [Each set is to] The paper copy of the exhibits shall be in [binders] a binder from which documents can be removed easily, and the binder[s] must be indexed with tabs. The cover of [each] the binder must be labeled with the name and the address of the timesharing plan and the name, address and telephone number of the attorney who prepared the plan. [One of the binders must be marked “Original” and

contain the original documents. Each] Both the binder and the digital copy must contain an index of the documents. The transmittal letter required by paragraph (1) of this subdivision must note the omission of any exhibit, and the reason for the omission.

Section 24.2(d)(2) of title 13 is amended to read as follows:

(2) [three copies of the typed or printed, bound offering plan] one paper copy of the typed or printed, bound offering plan and one digital copy of the offering plan with the filing date left blank (the filing date shall be inserted after receipt of the letter from the Department of Law accepting the offering plan for filing; all offering plans must be dated before being presented to offerees); and

Section 24.5(b)(1)(v) of title 13 is amended to read as follows:

(v) gives the current status of the offering plan, and states if there are any outstanding rescission periods.

A new section 24.5(b)(1)(vi) is added to title 13 to read as follows:

(vi) notes if there is currently an investigation pending by the Department of Law of the sponsor, a principal of sponsor, or the proposed timeshare; and

A new section 24.5(b)(1)(vii) is added to title 13 to read as follows:

(vii) states the date on which sponsor submitted a digital copy of the offering plan and all previously filed amendments to the Department of Law or whether this is the first time sponsor is submitting a digital copy of the offering plan and previously filed amendments, if any.

Section 24.5(b)(2) of title 13 is amended to read as follows:

(2) [Three copies] One paper copy of the typed or printed amendment to the offering plan and one digital copy of the amendment to the offering plan;

Section 24.5(b)(4) of title 13 is amended to read as follows:

(4) One digital copy of the offering plan including all previously filed amendments, if not already submitted to the Department of Law;

A new section 25.1(c)(6) is added to title 13 to read as follows:

(6) “Digital copy” means a copy that is identical in content to a paper copy except that it is recorded electronically in read-only .pdf format or other electronic format that the Department of Law determines to be acceptable. Digital copies of the plan shall include all the supporting documents included in Part II of the plan. Digital copies of the exhibits to the plan shall include all documents referenced in section 25.2(c)(5), as applicable. Digital copies of the amendment shall include all exhibits, back-up documents, and other supplemental documents annexed to the amendment, as applicable. The Department of Law shall periodically issue a Guidance Document as defined by State Administrative Procedure Act Section 102(14), setting forth particular guidelines and procedures for the submission of digital copies. Such Guidance Document will be available on the Department of Law’s website, as required by State Administrative Procedure Act Section 202(e).

Section 25.2(c)(4) of title 13 is amended to read as follows:

(4) [Three copies] One paper copy of a typed or printed, bound offering plan and one digital copy of the offering plan.

Section 25.2(c)(5) of title 13 is amended to read as follows:

(5) [Two sets of exhibits.] One paper copy of all exhibits to the offering plan and one digital copy of all exhibits to the offering plan. [Each set is to] The paper copy of the exhibits shall be in [binders] a binder from which documents can be removed easily, and the binder[s] must be indexed with tabs. The cover of [each] the binder must be labeled with the name and the address of the senior residential community and the name, address and telephone number of the attorney who prepared the plan. [One of the binders must be marked “Original” and contain the original documents. Each] Both the binder and the digital copy must contain an index of the documents. The transmittal letter required by section 25.2(c)(1) must note the omission of any exhibit, other than the exceptions stated below and the reason for the omission. If exhibits B-3, B-4, B-8, B-9, B-10, B-11, B-

12, B-14, B-15 B-16, B-17 are omitted solely because the exhibit is not applicable to the offering, the omission need not be noted in the transmittal letter.

Section 25.2(d)(2) of title 13 is amended to read as follows:

(2) [four copies of the typed or printed, bound offering plan] one paper copy of the typed or printed, bound offering plan and one digital copy of the offering plan with the filing date left blank (the filing date shall be inserted after receipt of the letter from the Department of Law accepting the offering plan for filing; all offering plans must be dated before being presented to offerees); and

A new section 25.5(b)(1)(vii) is added to title 13 to read as follows:

(vii) states the date on which sponsor submitted a digital copy of the offering plan and all previously filed amendments to the Department of Law or whether this is the first time sponsor is submitting a digital copy of the offering plan and previously filed amendments, if any.

Section 25.5(b)(2) of title 13 is amended to read as follows:

(2) [Three copies] One paper copy of the typed or printed amendment to the offering plan and one digital copy of the amendment to the offering plan.

Section 25.5(b)(4) of title 13 is amended to read as follows:

(4) One digital copy of the offering plan including all previously filed amendments, if not already submitted to the Department of Law.