

NEW YORK

Basic Information on community association operations in this state

<p>1. Is UCA the legal basis for community associations?</p> <p>Prominent statutes governing planned communities:</p> <ul style="list-style-type: none"> Article 9B The New York Condominium Act RPP Law 339 section EE (which is a subset of Article 9b), and Section 352E of the general business law (The New York Real Estate Syndication Act). 	<p>YES NO</p>
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<p>2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally?</p> <ul style="list-style-type: none"> HOA's are the predominant verbage (condos and co-ops are a subset) 	<p>YES NO</p>
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<p>3. What state agency regulates community associations?</p> <p>NEW YORK STATE ATTORNEY GENERAL</p>	
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<p>4. Are community associations, HOAs registered as business entities or nonprofit corporations?</p> <p style="text-align: center;">NON PROFIT</p> <ul style="list-style-type: none"> NPC (Not for Profit Corporation Law) http://codes.findlaw.com/ny/notforprofit-corporation-law/ 	
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<p>5. How many community associations in this state?</p> <p><i>(Source: CAI Fact Book 2016 Statistics)</i></p>	<p>13,800 est'd</p>
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<p>6. Does this state have laws that regulate use of technology?</p> <p>If Yes, do these laws impact:</p> <ul style="list-style-type: none"> Information privacy; Data access; Identity Theft; Data breach? 	<p>YES NO</p> <p style="text-align: center;">YES YES YES YES</p>
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Key Statutes - Association/CID specific Cyber Security, Data Access and Privacy

NONE FOUND

Relevant Legislative Trends

Frequent and numerous attempts to broaden protections of private information. None enacted in 2016 or 17. Pending in 2018:

<https://ag.ny.gov/press-release/ag-schneiderman-announces-shield-act-protect-new-yorkers-data-breaches>

Pending – Shield Act –

Expands definition of private information to include log-in information

Modifies regulations for small businesses, and provide clear examples of safeguards (e.g., technical, administrative, and physical measures).

Applies the **notice requirement to anyone holding private info of New Yorkers**, changing the current requirement that they “conduct business” in New York State.

Statutes related to Data Security/retention/protection/disposal and penalties

Focus is on electronic information

- **State Technology Law 208** and **General Business Law 899 aa** together form the **NYS Information Security Breach and Notification Act**. The Information Security Policy was updated March 10, 2017
- These 2 statutes are frequently cross-referenced.
<http://law.justia.com/codes/new-york/2013/gbs/article-39-f/899-aa/>
- **NY General Business Law 399H** (2006) – Disposal of Personal information law

Identity theft statutes and penalties

- **New York City Administrative Code, section 20-118** relates to notifications regarding identity theft. And includes, language related to a person’s, firm’s, partnership’s, corporation’s, or association’s employees or associates for acts of identity theft or unlawful possession of personal identification information as defined in **article 190.23 of the Penal Law** that are committed with the use of the person’s firm’s partnership’s, et al equipment, data, technology or ther similar resource.
- **Penal code 190** requires proof of intent to commit a crime with the information.

A related statute in privacy law is:

- **CLS Gen Bus 520-a** (electronic signatures and protection of financial and credit data) State entities and persons or businesses conducting business in New York who own or license computerized data which includes private information must disclose any breach of the data to New York residents (state entities are also required to notify non-residents.)

https://www.lawserver.com/law/state/new-york/ny-laws/ny_new_york_city_administrative_code_20-118
<http://ypdcrime.com/penal.law/article190.htm>

Related General Business/Organization Statutes (non-specific to Associations)

http://www.willkie.com/~media/Files/Publications/2008/11/New%20Yorks%20Data%20Privacy%20Guide%20Offers%20Best%20Practic_/Files/NewYorkDataPrivacyGuidepdf/FileAttachment/New_York_Data_Privacy_Guide.pdf

https://its.ny.gov/sites/default/files/documents/nys-p03-002_information_security_0.pdf

Relevant Case Studies

MONTAUK MANOR'S WEBSITE APPARENTLY HACKED BY ISIS
By WILL JAMES Updated March 7, 2015 11:16 PM (Long Island/Suffolk)

An Islamic State banner appeared on the website of the historic Montauk Manor on Saturday, in an apparent hacking that may have affected other websites across the country, according to police and staff at the condo complex... "We've been told that we're one of 800 sites that's been affected by this," said Kathy Surrey, night manager for 140-unit condominium complex. "It's been a fun day," she said. "I don't mind the advertising, but this isn't good advertising."...

VALIDATION FINDINGS:

SRP has validated the occurrence of the Montauk Manor website. Numerous news outlets reported the incident. News reports of the hacking were provided by NBC.com, The Huffington Post, Southampton Press, East Hampton Star, New York Post, East Hampton Patch, The Sag Harbor Express, Long Island News.

It should be noted the following reported information about this case:

Montauk Manor was not the only target of the hack...multiple businesses across cities, both domestic and foreign were hacked.

Security experts do not believe ISIS was the source of the hack. Rather, they believe ISIS was just used to create more press.