

STATE OF NEW YORK

7801

IN SENATE

January 11, 2022

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the real property law, in relation to unauthorized legal fees in connection with the operation or rental of a residential unit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 234-a of the real property law, as added by a chap-
2 ter of the laws of 2021 amending the administrative code of the city of
3 New York, the emergency tenant protection act of nineteen seventy-four,
4 the emergency housing rent control law and the real property law relat-
5 ing to prohibiting charges for legal fees, as proposed in legislative
6 bills numbers S. 2014 and A. 5040, is amended to read as follows:

7 § 234-a. Unauthorized legal fees. (a) An owner, lessor or agent there-
8 of shall be prohibited from assessing a lessee any fee, surcharge or
9 other charges for legal services in connection with the operation or
10 rental of a residential unit unless the owner, lessor or agent has the
11 legal authority to do so pursuant to a court order. The provisions of
12 this subdivision shall not apply to a shareholder of a cooperative hous-
13 ing corporation, provided, however, that the provisions of this subdivi-
14 sion shall apply with respect to any tenant or subtenant of such a
15 shareholder.

16 (b) Legal services include, but are not limited to, court fees, legal
17 representation, attorney fees, notary public charges, and administrative
18 fees incurred by the owner, lessor or agent in connection with manage-
19 ment of the building, including actions and proceedings in a court of
20 law.

21 (c) Any agreement or assessment [~~to the~~] contrary to this section
22 shall be void as contrary to public policy.

23 § 2. This act shall take effect on the same date and the same manner
24 as a chapter of the laws of 2021 amending the administrative code of the
25 city of New York, the emergency tenant protection act of nineteen seven-
26 ty-four, the emergency housing rent control law and the real property
27 law relating to prohibiting charges for legal fees, as proposed in
28 legislative bills numbers S. 2014 and A. 5040, takes effect.

EXPLANATION--Matter in italics (underscoring) is new; matter in brackets
[~~-~~] is old law to be omitted.

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