

# STATE OF NEW YORK

1768--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 14, 2025

Introduced by M. of A. ROSENTHAL, CLARK -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to prohibiting landlords from requiring a fee for nonessential services in a tenant's base rent

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

1 Section 1. The real property law is amended by adding a new section  
2 238-b to read as follows:

3 § 238-b. Base rent and nonessential services. 1. For the purposes of  
4 this section, "nonessential services" shall include cable television,  
5 internet services and garage usage.

6 2. A landlord shall be prohibited from requiring a fee for nonessen-  
7 tial services in addition to the payment of rent as a condition of leas-  
8 ing a dwelling in a primary written or oral lease agreement.

9 3. Nonessential services for which a fee is charged in addition to the  
10 payment of rent may be provided by a landlord, if the tenant agrees to  
11 have such nonessential services and agrees to pay a fee for such nones-  
12 sential services in addition to the payment of rent. Any nonessential  
13 services provided in this manner and the terms of use shall be set forth  
14 in a written or oral agreement, which shall be a separate agreement from  
15 the primary lease agreement and shall not affect the validity or appli-  
16 cation of the primary lease agreement.

17 4. Any agreement provision contained in a lease for a residential  
18 dwelling that requires payment of a fee for nonessential services in  
19 addition to the rent as set forth in this section shall be void as  
20 contrary to public policy.

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

LBD04616-02-6

1 5. The provisions of this section shall not apply to buildings that  
2 contain less than three dwelling units.

3 § 2. This act shall take effect on the ninetieth day after it shall  
4 have become a law, provided, however, that this act shall only apply to  
5 lease agreements signed on or after such effective date.