

S T A T E O F N E W Y O R K

7657--A

2009-2010 Regular Sessions

I N A S S E M B L Y

April 17, 2009

Introduced by M. of A. REILLY -- 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 including additional 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
2 220-a to read as follows:
3 S 220-A. 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. LANDLORDS SHALL BE PROHIBITED FROM INCLUDING NONESSENTIAL SERVICES
7 AS A CONDITION OF LEASING A DWELLING IN A PRIMARY WRITTEN OR ORAL LEASE
8 AGREEMENT.
9 3. NONESSENTIAL SERVICES MAY BE PROVIDED BY LANDLORDS, IF THE TENANT
10 AGREES TO HAVE SUCH NONESSENTIAL SERVICES. ANY SERVICES PROVIDED IN THIS
11 MANNER AND THE TERMS OF USE SHALL BE SET FORTH IN A WRITTEN OR ORAL
12 AGREEMENT, WHICH SHALL BE A SEPARATE AGREEMENT FROM THE PRIMARY LEASE
13 AGREEMENT AND SHALL NOT AFFECT THE VALIDITY OR APPLICATION OF THE PRIMA-
14 RY LEASE AGREEMENT.
15 4. ANY AGREEMENT PROVISION CONTAINED IN A LEASE FOR A RESIDENTIAL
16 DWELLING THAT REQUIRES PAYMENT FOR NONESSENTIAL SERVICES AS SET FORTH IN
17 THIS SECTION SHALL BE VOID AS CONTRARY TO PUBLIC POLICY.
18 S 2. This act shall take effect on the ninetieth day after it shall
19 have become a law, provided, however, that this act shall only apply to
20 lease agreements signed on or after such effective date.

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

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