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

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I N A S S E M B L Y

April 27, 2010

Introduced by M. of A. ROSENTHAL, SPANO, HOOPER, SCARBOROUGH, ESPAILLAT, CASTRO, BOYLAND -- Multi-Sponsored by -- M. of A. CRESPO, GABRYSZAK, GIBSON, GLICK, GOTTFRIED, HIKIND, JAFFEE, MARKEY, PHEFFER -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to prohibiting the implementation of electronic billing and/or payment of rent without the tenant's consent

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

S 238-A. ELECTRONIC BILLING AND/OR PAYMENT OF RENT. 1. A LANDLORD SHALL NOT IMPLEMENT AN ELECTRONIC BILLING AND/OR PAYMENT SYSTEM FOR RENT WITHOUT PRIOR WRITTEN CONSENT OF THE TENANT SUBJECT TO SUCH BILLING AND/OR PAYMENT OF RENT.

A LANDLORD SHALL NOT REQUIRE THE PARTICIPATION IN AN ELECTRONIC PAYMENT SYSTEM AS A PRECONDITION OF RENTING PROPERTY BY A PROSPECTIVE TENANT NOR SHALL A LANDLORD IMPOSE PENALTIES, FINANCIAL OR OTHERWISE, OR DETERRENTS UPON TENANTS WHO FAIL TO CONSENT TO THE ELECTRONIC BILLING AND/OR PAYMENT SYSTEM FOR RENT.

2. FOR PURPOSES OF THIS SECTION, "LANDLORD" SHALL MEAN AN OWNER, LESSOR, SUBLESSOR, ASSIGNEE, OR OTHER PERSON RECEIVING OR ENTITLED TO RECEIVE RENT FOR THE USE OR OCCUPANCY OF ANY HOUSING ACCOMMODATION OR AN AGENT OF ANY OF THE FOREGOING.

S 2. This act shall take effect immediately.

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

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