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

10878--A

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 -- 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 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 235-g to read as follows:

S 235-G. ELECTRONIC BILLING AND/OR PAYMENT OF RENT. 1. A LANDLORD SHALL NOT REQUIRE A LESSEE OR TENANT TO USE AN ELECTRONIC BILLING AND/OR PAYMENT SYSTEM AS THE ONLY METHOD FOR THE PAYMENT OF RENT. A LANDLORD SHALL NOT ASSESS ANY FEE OR OTHER CHARGE FOR A LESSEE OR TENANT THAT CHOOSES NOT TO USE AN ELECTRONIC BILLING AND/OR PAYMENT SYSTEM.

2. ANY AGREEMENT BY A LESSEE OR TENANT OF A DWELLING WAIVING OR MODIFYING HIS OR HER RIGHTS AS SET FORTH IN THIS SECTION SHALL BE VOID AS CONTRARY TO PUBLIC POLICY.

S 2. This act shall take effect on the thirtieth day after it shall have become a law and shall govern all payments of rent for residential premises.

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

LBD16806-09-0