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

7322--A

2011-2012 Regular Sessions

I N A S S E M B L Y

April 29, 2011

Introduced by M. of A. REILLY -- Multi-Sponsored by -- M. of A. MARKEY -- read once and referred to the Committee on Housing -- reported and referred to the Committee on Codes -- 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:

Section 1. The real property law is amended by adding a new section 220-a to read as follows:

S 220-A. BASE RENT AND NONESSENTIAL SERVICES. 1. FOR THE PURPOSES OF THIS SECTION, "NONESSENTIAL SERVICES" SHALL INCLUDE CABLE TELEVISION, INTERNET SERVICES AND GARAGE USAGE.

2. LANDLORDS SHALL BE PROHIBITED FROM INCLUDING NONESSENTIAL SERVICES AS A CONDITION OF LEASING A DWELLING IN A PRIMARY WRITTEN OR ORAL LEASE AGREEMENT.

3. NONESSENTIAL SERVICES MAY BE PROVIDED BY LANDLORDS, IF THE TENANT AGREES TO HAVE SUCH NONESSENTIAL SERVICES. ANY SERVICES PROVIDED IN THIS MANNER AND THE TERMS OF USE SHALL BE SET FORTH IN A WRITTEN OR ORAL AGREEMENT, WHICH SHALL BE A SEPARATE AGREEMENT FROM THE PRIMARY LEASE AGREEMENT AND SHALL NOT AFFECT THE VALIDITY OR APPLICATION OF THE PRIMARY LEASE AGREEMENT.

4. ANY AGREEMENT PROVISION CONTAINED IN A LEASE FOR A RESIDENTIAL DWELLING THAT REQUIRES PAYMENT FOR NONESSENTIAL SERVICES AS SET FORTH IN THIS SECTION SHALL BE VOID AS CONTRARY TO PUBLIC POLICY.

5. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BUILDINGS THAT CONTAIN LESS THAN THREE DWELLING UNITS.

S 2. This act shall take effect on the ninetieth day after it shall have become a law, provided, however, that this act shall only apply to 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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