

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 commit-
tee

AN ACT to amend the real property law, in relation to prohibiting land-
lords from including additional services in a tenant's base rent

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 5. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BUILDINGS THAT
19 CONTAIN LESS THAN THREE DWELLING UNITS.
20 S 2. This act shall take effect on the ninetieth day after it shall
21 have become a law, provided, however, that this act shall only apply to
22 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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