

9046

I N A S S E M B L Y

January 19, 2016

Introduced by M. of A. MILLER -- read once and referred to the Committee
on Judiciary

AN ACT to amend the real property law, in relation to the duty of landlords to verify the licensure of massage therapist tenants

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
2 235-h to read as follows:
3 S 235-H. DUTY OF LANDLORDS TO VERIFY LICENSURE OF MASSAGE THERAPIST
4 TENANTS. 1. PRIOR TO ENTERING INTO A RENTAL AGREEMENT WITH AN INDIVIDUAL
5 WHO INTENDS TO ENGAGE IN THE PRACTICE OF MASSAGE THERAPY, AS DEFINED BY
6 SECTION SEVENTY-EIGHT HUNDRED ONE OF THE EDUCATION LAW, FOR HIRE IN THE
7 SPACE THAT IS SUBJECT TO SUCH RENTAL AGREEMENT, A LANDLORD SHALL HAVE
8 THE DUTY TO VERIFY THAT SUCH INDIVIDUAL IS LICENSED TO PRACTICE MASSAGE
9 THERAPY PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW.
10 A LANDLORD SHALL BE DEEMED TO HAVE SATISFIED THE VERIFICATION REQUIRE-
11 MENT OF THIS SUBDIVISION IF SUCH LANDLORD OBTAINS AND RETAINS A COPY OF
12 A VALID LICENSE ISSUED TO SUCH INDIVIDUAL BY THE STATE BOARD FOR MASSAGE
13 THERAPY.
14 2. IF A TENANT WHO ENGAGES IN THE PRACTICE OF MASSAGE THERAPY FOR HIRE
15 IN THE SPACE THAT IS SUBJECT TO A RENTAL AGREEMENT IS FOUND GUILTY OF
16 VIOLATING SECTION 230.20, 230.25, 230.30 OR 230.32 OF THE PENAL LAW, OR
17 SECTION SIX THOUSAND FIVE HUNDRED TWELVE OF THE EDUCATION LAW, THE LAND-
18 LORD OF SUCH TENANT SHALL BE SUBJECT TO A CIVIL PENALTY OF ONE THOUSAND
19 DOLLARS IF IT IS SHOWN BY SUBSTANTIAL EVIDENCE THAT SUCH LANDLORD FAILED
20 TO VERIFY THAT SUCH TENANT IS LICENSED TO PRACTICE MASSAGE THERAPY
21 PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW.
22 S 2. This act shall take effect on the thirtieth day after it shall
23 have become a law.

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

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