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

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:

Section 1. The real property law is amended by adding a new section 235-h to read as follows:

S 235-H. DUTY OF LANDLORDS TO VERIFY LICENSURE OF MASSAGE THERAPIST TENANTS. 1. PRIOR TO ENTERING INTO A RENTAL AGREEMENT WITH AN INDIVIDUAL WHO INTENDS TO ENGAGE IN THE PRACTICE OF MASSAGE THERAPY, AS DEFINED BY SECTION SEVENTY-EIGHT HUNDRED ONE OF THE EDUCATION LAW, FOR HIRE IN THE SPACE THAT IS SUBJECT TO SUCH RENTAL AGREEMENT, A LANDLORD SHALL HAVE THE DUTY TO VERIFY THAT SUCH INDIVIDUAL IS LICENSED TO PRACTICE MASSAGE THERAPY PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW. A LANDLORD SHALL BE DEEMED TO HAVE SATISFIED THE VERIFICATION REQUIREMENT OF THIS SUBDIVISION IF SUCH LANDLORD OBTAINS AND RETAINS A COPY OF A VALID LICENSE ISSUED TO SUCH INDIVIDUAL BY THE STATE BOARD FOR MASSAGE THERAPY.

2. IF A TENANT WHO ENGAGES IN THE PRACTICE OF MASSAGE THERAPY FOR HIRE IN THE SPACE THAT IS SUBJECT TO A RENTAL AGREEMENT IS FOUND GUILTY OF VIOLATING SECTION 230.20, 230.25, 230.30 OR 230.32 OF THE PENAL LAW, OR SECTION SIX THOUSAND FIVE HUNDRED TWELVE OF THE EDUCATION LAW, THE LANDLORD OF SUCH TENANT SHALL BE SUBJECT TO A CIVIL PENALTY OF ONE THOUSAND DOLLARS IF IT IS SHOWN BY SUBSTANTIAL EVIDENCE THAT SUCH LANDLORD FAILED TO VERIFY THAT SUCH TENANT IS LICENSED TO PRACTICE MASSAGE THERAPY PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD13093-02-5