

3591--A

2015-2016 Regular Sessions

I N S E N A T E

February 12, 2015

Introduced by Sens. ESPAILLAT, DIAZ, HASSELL-THOMPSON, HOYLMAN, PARKER, PERKINS, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the real property law, in relation to prohibiting charges for legal fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 26-416 to read as follows:
3 S 26-416 UNAUTHORIZED LEGAL FEES. A LESSOR OR AGENT THEREOF SHALL BE
4 PROHIBITED FROM ASSESSING A LESSEE ANY FEE, SURCHARGE OR OTHER CHARGES
5 FOR LEGAL SERVICES IN CONNECTION WITH THE OPERATION OR RENTAL OF A RESI-
6 DENTIAL UNIT UNLESS THE LESSOR HAS THE LEGAL AUTHORITY TO DO SO PURSUANT
7 TO A COURT ORDER. ANY AGREEMENT OR ASSESSMENT TO THE CONTRARY SHALL BE
8 VOID AS CONTRARY TO PUBLIC POLICY.
9 S 2. Section 6 of section 4 of chapter 576 of the laws of 1974,
10 constituting the emergency tenant protection act of nineteen seventy-
11 four, is amended by adding a new subdivision f-1 to read as follows:
12 F-1. A LESSOR OR AGENT THEREOF SHALL BE PROHIBITED FROM ASSESSING A
13 LESSEE ANY FEE, SURCHARGE OR OTHER CHARGES FOR LEGAL SERVICES IN
14 CONNECTION WITH THE OPERATION OR RENTAL OF A RESIDENTIAL UNIT UNLESS THE
15 LESSOR HAS THE LEGAL AUTHORITY TO DO SO PURSUANT TO A COURT ORDER. ANY
16 AGREEMENT OR ASSESSMENT TO THE CONTRARY SHALL BE VOID AS CONTRARY TO
17 PUBLIC POLICY.
18 S 3. Section 26-512 of the administrative code of the city of New York
19 is amended by adding a new subdivision g to read as follows:

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

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1 G. A LESSOR OR AGENT THEREOF SHALL BE PROHIBITED FROM ASSESSING A
2 LESSEE ANY FEE, SURCHARGE OR OTHER CHARGES FOR LEGAL SERVICES IN
3 CONNECTION WITH THE OPERATION OR RENTAL OF A RESIDENTIAL UNIT UNLESS THE
4 LESSOR HAS THE LEGAL AUTHORITY TO DO SO PURSUANT TO A COURT ORDER. ANY
5 AGREEMENT OR ASSESSMENT TO THE CONTRARY SHALL BE VOID AS CONTRARY TO
6 PUBLIC POLICY.

7 S 4. Subdivision 4 of section 4 of chapter 274 of the laws of 1946,
8 constituting the emergency housing rent control law, is amended by
9 adding a new paragraph (f) to read as follows:

10 (F) A LESSOR OR AGENT THEREOF SHALL BE PROHIBITED FROM ASSESSING A
11 LESSEE ANY FEE, SURCHARGE OR OTHER CHARGES FOR LEGAL SERVICES IN
12 CONNECTION WITH THE OPERATION OR RENTAL OF A RESIDENTIAL UNIT UNLESS THE
13 LESSOR HAS THE LEGAL AUTHORITY TO DO SO PURSUANT TO A COURT ORDER. ANY
14 AGREEMENT OR ASSESSMENT TO THE CONTRARY SHALL BE VOID AS CONTRARY TO
15 PUBLIC POLICY.

16 S 5. The real property law is amended by adding a new section 234-a to
17 read as follows:

18 S 234-A. UNAUTHORIZED LEGAL FEES. A LESSOR OR AGENT THEREOF SHALL BE
19 PROHIBITED FROM ASSESSING A LESSEE ANY FEE, SURCHARGE OR OTHER CHARGES
20 FOR LEGAL SERVICES IN CONNECTION WITH THE OPERATION OR RENTAL OF A RESI-
21 DENTIAL UNIT UNLESS THE LESSOR HAS THE LEGAL AUTHORITY TO DO SO PURSUANT
22 TO A COURT ORDER. ANY AGREEMENT OR ASSESSMENT TO THE CONTRARY SHALL BE
23 VOID AS CONTRARY TO PUBLIC POLICY.

24 S 6. This act shall take effect immediately; provided that: (a)
25 section 26-416 of the city rent and rehabilitation law as added by
26 section one of this act shall remain in full force and effect only as
27 long as the public emergency requiring the regulation and control of
28 residential rents and evictions continues, as provided in subdivision 3
29 of section 1 of the local emergency housing rent control act;

30 (b) the amendments to section 4 of chapter 576 of the laws of 1974
31 constituting the emergency tenant protection act of nineteen seventy-
32 four made by section two of this act shall expire on the same date as
33 such act expires and shall not affect the expiration of such act as
34 provided in section 17 of chapter 576 of the laws of 1974;

35 (c) the amendments to section 26-512 of chapter 4 of title 26 of the
36 administrative code of the city of New York, made by section three of
37 this act shall expire on the same date as such law expires and shall not
38 affect the expiration of such law as provided under section 26-520 of
39 such law; and

40 (d) the amendments to section 4 of the emergency housing rent control
41 law made by section four of this act shall expire on the same date as
42 such law expires and shall not affect the expiration of such law as
43 provided in subdivision 2 of section 1 of chapter 274 of the laws of
44 1946.