

3929

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 28, 2015

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Introduced by M. of A. WRIGHT -- read once and referred to the Committee  
on Housing

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:

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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