

STATE OF NEW YORK

2377

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sen. ALCANTARA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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 § 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 § 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 § 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:

20 g. A lessor or agent thereof shall be prohibited from assessing a
21 lessee any fee, surcharge or other charges for legal services in
22 connection with the operation or rental of a residential unit unless the

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

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1 lessor has the legal authority to do so pursuant to a court order. Any
2 agreement or assessment to the contrary shall be void as contrary to
3 public policy.

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

7 (f) A lessor or agent thereof shall be prohibited from assessing a
8 lessee any fee, surcharge or other charges for legal services in
9 connection with the operation or rental of a residential unit unless the
10 lessor has the legal authority to do so pursuant to a court order. Any
11 agreement or assessment to the contrary shall be void as contrary to
12 public policy.

13 § 5. The real property law is amended by adding a new section 234-a to
14 read as follows:

15 § 234-a. Unauthorized legal fees. A lessor or agent thereof shall be
16 prohibited from assessing a lessee any fee, surcharge or other charges
17 for legal services in connection with the operation or rental of a resi-
18 dential unit unless the lessor has the legal authority to do so pursuant
19 to a court order. Any agreement or assessment to the contrary shall be
20 void as contrary to public policy.

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

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

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

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