

# STATE OF NEW YORK

5786

2017-2018 Regular Sessions

## IN ASSEMBLY

February 15, 2017

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

AN ACT to amend the real property law, in relation to fees landlords may  
charge tenants

The People of the State of New York, represented in Senate and Assem-  
bly, 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 § 220-a. Application fees. 1. Wherever used in this section:

4 a. "application fee" means any application processing fee or credit  
5 check charge or similar charge that a potential tenant must pay or is in  
6 any way requested to pay to a landlord in order to be considered for  
7 rental or lease of any real property or portion thereof used for resi-  
8 dential purposes.

9 b. "potential tenant" means any person with an intention to lease or  
10 rent any real property or portion thereof for residential purposes,  
11 excluding potential tenant shareholders of cooperative housing corpo-  
12 rations.

13 2. If a landlord or his or her agent charges a potential tenant an  
14 application fee, such application fee may not exceed the actual cost of  
15 a credit check or other related services paid for by a landlord to a  
16 third party, provided, however, that the total of such fee or fees shall  
17 not exceed thirty dollars.

18 3. Where a landlord charges application fees in violation of this  
19 section, a potential tenant may file a complaint with the commissioner  
20 of the division of housing and community renewal. Upon a finding by the  
21 commissioner that a landlord has violated the provisions of this  
22 section, the commissioner shall impose a fine of one hundred dollars for  
23 a first or second violation and a fine of two hundred fifty dollars for  
24 a third or any subsequent violation.

25 § 2. This act shall take effect on the ninetieth day after it shall  
26 have become a law.

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

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