

# STATE OF NEW YORK

5040

2021-2022 Regular Sessions

## IN ASSEMBLY

February 10, 2021

Introduced by M. of A. DINOWITZ, GOTTFRIED, L. ROSENTHAL, PICHARDO, COOK, BENEDETTO, PERRY, BARRON, REYES, DE LA ROSA -- Multi-Sponsored by -- M. of A. GLICK -- read once and referred to the Committee on Housing

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. An owner, lessor or agent thereof  
4 shall be prohibited from assessing a lessee any fee, surcharge or other  
5 charges for legal services in connection with the operation or rental of  
6 a residential unit unless the owner, lessor or agent has the legal  
7 authority to do so pursuant to a court order. Legal services include,  
8 but are not limited to, court fees, legal representation, attorney fees,  
9 notary public charges, and administrative fees incurred by the owner,  
10 lessor or agent in connection with management of the building, including  
11 actions and proceedings in a court of law. Any agreement or assessment  
12 to the contrary shall be void as contrary to public policy.

13 § 2. Section 6 of section 4 of chapter 576 of the laws of 1974,  
14 constituting the emergency tenant protection act of nineteen seventy-  
15 four, is amended by adding a new subdivision f-1 to read as follows:

16 f-1. An owner, lessor or agent thereof shall be prohibited from  
17 assessing a lessee any fee, surcharge or other charges for legal  
18 services in connection with the operation or rental of a residential  
19 unit unless the owner, lessor or agent has the legal authority to do so  
20 pursuant to a court order. Legal services include, but are not limited  
21 to, court fees, legal representation, attorney fees, notary public

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

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1 charges, and administrative fees incurred by the owner, lessor or agent  
2 in connection with management of the building, including actions and  
3 proceedings in a court of law. Any agreement or assessment to the  
4 contrary shall be void as contrary to public policy.

5 § 3. Section 26-512 of the administrative code of the city of New York  
6 is amended by adding a new subdivision g to read as follows:

7 g. An owner, lessor or agent thereof shall be prohibited from assess-  
8 ing a 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 owner, lessor or agent has the legal authority to do so pursuant to a  
11 court order. Legal services include, but are not limited to, court  
12 fees, legal representation, attorney fees, notary public charges, and  
13 administrative fees incurred by the owner, lessor or agent in connection  
14 with management of the building, including actions and proceedings in a  
15 court of law. Any agreement or assessment to the contrary shall be void  
16 as contrary to public policy.

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

20 (f) An owner, lessor or agent thereof shall be prohibited from assess-  
21 ing a lessee any fee, surcharge or other charges for legal services in  
22 connection with the operation or rental of a residential unit unless the  
23 owner, lessor or agent has the legal authority to do so pursuant to a  
24 court order. Legal services include, but are not limited to, court  
25 fees, legal representation, attorney fees, notary public charges, and  
26 administrative fees incurred by the owner, lessor or agent in connection  
27 with management of the building, including actions and proceedings in a  
28 court of law. Any agreement or assessment to the contrary shall be void  
29 as contrary to public policy.

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

32 § 234-a. Unauthorized legal fees. An owner, lessor or agent thereof  
33 shall be prohibited from assessing a lessee any fee, surcharge or other  
34 charges for legal services in connection with the operation or rental of  
35 a residential unit unless the owner, lessor or agent has the legal  
36 authority to do so pursuant to a court order. Legal services include,  
37 but are not limited to, court fees, legal representation, attorney fees,  
38 notary public charges, and administrative fees incurred by the owner,  
39 lessor or agent in connection with management of the building, including  
40 actions and proceedings in a court of law. Any agreement or assessment  
41 to the contrary shall be void as contrary to public policy.

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

48 (b) the amendments to section 26-512 of chapter 4 of title 26 of the  
49 administrative code of the city of New York, made by section three of  
50 this act shall expire on the same date as such law expires and shall not  
51 affect the expiration of such law as provided under section 26-520 of  
52 such law.