

STATE OF NEW YORK

2014

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. JACKSON, BIAGGI -- 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 emergen-
cy 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 Assem-
bly, 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
22 charges, and administrative fees incurred by the owner, lessor or agent

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

LBD02278-01-1

1 in connection with management of the building, including actions and
2 proceedings in a court of law. Any agreement or assessment to the
3 contrary shall be void as contrary to public policy.

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

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

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

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

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

31 § 234-a. Unauthorized legal fees. An owner, lessor or agent thereof
32 shall be prohibited from assessing a lessee any fee, surcharge or other
33 charges for legal services in connection with the operation or rental of
34 a residential unit unless the owner, lessor or agent has the legal
35 authority to do so pursuant to a court order. Legal services include,
36 but are not limited to, court fees, legal representation, attorney fees,
37 notary public charges, and administrative fees incurred by the owner,
38 lessor or agent in connection with management of the building, including
39 actions and proceedings in a court of law. Any agreement or assessment
40 to the contrary shall be void as contrary to public policy.

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

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