

# STATE OF NEW YORK

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6427

2021-2022 Regular Sessions

## IN SENATE

April 28, 2021

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Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to prohibiting landlords, lessors, sub-lessors and grantors from demanding brokers' fees from a tenant

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 1 of section 238-a of the real  
2 property law, as added by section 10 of part M of chapter 36 of the laws  
3 of 2019, is amended to read as follows:

4 (a) Except in instances where statutes or regulations provide for a  
5 payment, fee or charge, no landlord, lessor, sub-lessor or grantor may  
6 demand any payment, fee, or charge for the processing, review or accept-  
7 ance of an application, or demand any other payment, fee or charge  
8 before or at the beginning of the tenancy, including but not limited to  
9 broker's fees, except background checks and credit checks as provided by  
10 paragraph (b) of this subdivision, provided that this subdivision shall  
11 not apply to entrance fees charged by continuing care retirement commu-  
12 nities licensed pursuant to article forty-six or forty-six-A of the  
13 public health law, assisted living providers licensed pursuant to arti-  
14 cle forty-six-B of the public health law, adult care facilities licensed  
15 pursuant to article seven of the social services law, senior residential  
16 communities that have submitted an offering plan to the attorney gener-  
17 al, or not-for-profit independent retirement communities that offer  
18 personal emergency response, housekeeping, transportation and meals to  
19 their residents.

20 § 2. This act shall take effect immediately.

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

LBD11133-01-1