

STATE OF NEW YORK

7701

IN SENATE

January 7, 2022

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

AN ACT to amend the public housing law, in relation to directing the commissioner of housing and community renewal to promulgate rules and regulations regarding the use of electronic records and signatures for certain residential leases

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

1 Section 1. Section 19-a of the public housing law, as added by a chap-
2 ter of the laws of 2021 amending the public housing law relating to
3 directing the commissioner of housing and community renewal to promul-
4 gate rules and regulations regarding the use of electronic records and
5 signatures for certain residential leases, as proposed in legislative
6 bills numbers S. 4742 and A. 2679, is amended to read as follows:

7 § 19-a. Electronic lease regulations. 1. The commissioner, in consul-
8 tation with the electronic facilitator as defined in section three
9 hundred three of the state technology law, shall promulgate rules and
10 regulations authorizing the use of electronic records or signatures on a
11 voluntary basis by tenants for residential leases and lease renewals of
12 units for which the owner is required to file annual registration state-
13 ments, pursuant to either section twelve-a of the emergency tenant
14 protection act of nineteen seventy-four or section 26-517 of the admin-
15 istrative code of the city of New York, in a manner that conforms with
16 the requirements of article three of the state technology law.

17 2. Such rules and regulations shall include, but not be limited to,
18 procedures [~~to ensure that the tenant affirmatively consented~~] regarding
19 notification to tenants regarding affirmative consent to the use of
20 electronic records and that the use of electronic records and signatures
21 is voluntary pursuant to section three hundred nine of the state tech-
22 nology law.

23 3. The division shall also develop a form in the top six languages
24 other than English spoken in the state according to the latest available
25 data from the U.S. Bureau of Census that confirms a tenant's affirmative
26 consent to the use of electronic records. Such form shall clearly state

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

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1 the requirement that the use of electronic records and signatures is
2 voluntary and cannot be required by a landlord, cite the relevant parts
3 of the electronic signatures and records act, and require that copies of
4 this signed consent form be provided to the tenant [~~and the division~~].
5 No electronic records shall be accepted [~~for~~] by any court or any unit
6 [~~by~~] of the division unless such consent form is [~~on file with~~] provided
7 to such courts or the division.

8 § 2. This act shall take effect on the same date and in the same
9 manner as a chapter of the laws of 2021 amending the public housing law
10 relating to directing the commissioner of housing and community renewal
11 to promulgate rules and regulations regarding the use of electronic
12 records and signatures for certain residential leases, as proposed in
13 legislative bills numbers S. 4742 and A. 2679, takes effect.