STATE OF NEW YORK

7801

IN SENATE

January 11, 2022

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

AN ACT to amend the real property law, in relation to unauthorized legal fees in connection with the operation or rental of a residential unit

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

Section 1. Section 234-a of the real property law, as added by a chapter of the laws of 2021 amending 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 relating to prohibiting charges for legal fees, as proposed in legislative bills numbers S. 2014 and A. 5040, is amended to read as follows:

§ 234-a. Unauthorized legal fees. **(a)** An owner, lessor or agent thereof shall be prohibited from assessing a lessee any fee, surcharge or other charges for legal services in connection with the operation or rental of a residential unit unless the owner, lessor or agent has the legal authority to do so pursuant to a court order. **The provisions of this subdivision shall not apply to a shareholder of a cooperative housing corporation, provided, however, that the provisions of this subdivision shall apply with respect to any tenant or subtenant of such a shareholder.**

(b) Legal services include, but are not limited to, court fees, legal representation, attorney fees, notary public charges, and administrative fees incurred by the owner, lessor or agent in connection with management of the building, including actions and proceedings in a court of law.

(c) Any agreement or assessment [~~to the~~] contrary **to this section** shall be void as contrary to public policy.

§ 2. This act shall take effect on the same date and the same manner as a chapter of the laws of 2021 amending 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 relating to prohibiting charges for legal fees, as proposed in legislative bills numbers S. 2014 and A. 5040, takes effect.

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

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