

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.

LBD02278-01-1

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.