STATE OF NEW YORK

8753

IN ASSEMBLY

January 11, 2022

Introduced by M. of A. CYMBROWITZ -- read once and referred to the Committee on Housing

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:

Section 1. Section 19-a of the public housing law, as added by a chapter of the laws of 2021 amending the public housing law relating 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, as proposed in legislative bills numbers S. 4742 and A. 2679, is amended to read as follows:

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

2. Such rules and regulations shall include, but not be limited to, procedures [~~to ensure that the tenant affirmatively consented~~] ***regarding notification to tenants regarding affirmative consent*** to the use of electronic records and that the use of electronic records and signatures is voluntary pursuant to section three hundred nine of the state technology law.

3. The division shall also develop a form in the top six languages other than English spoken in the state according to the latest available data from the U.S. Bureau of Census that confirms a tenant's affirmative 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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the requirement that the use of electronic records and signatures is voluntary and cannot be required by a landlord, cite the relevant parts of the electronic signatures and records act, and require that copies of this signed consent **form** be provided to the tenant [~~**and the division**~~]. No electronic records shall be accepted [~~**for**~~] **by any court or** any unit [~~**by**~~] **of** the division unless such consent form is [~~**on file with**~~] **provided to such courts or** the division.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the public housing law relating 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, as proposed in legislative bills numbers S. 4742 and A. 2679, takes effect.