

STATE OF NEW YORK

6427--A

2021-2022 Regular Sessions

IN SENATE

April 28, 2021

Introduced by Sens. BRISPORT, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 amended by chapter 789 of the laws of 2021, is amended
3 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. Nothing in this paragraph shall prohibit a cooperative
20 housing corporation, other than a cooperative housing corporation
21 subject to the provisions of article two, article four, article five or

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

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1 article eleven of the private housing finance law, from demanding from a
2 prospective tenant any payment, fee or charge which is necessary to
3 compensate a managing agent and/or transfer agent for the processing,
4 review or acceptance of such prospective tenant's application where such
5 prospective tenant would become a dwelling unit owner or shareholder of
6 such cooperative housing corporation.

7 § 2. This act shall take effect immediately.