

# STATE OF NEW YORK

---

4781

2023-2024 Regular Sessions

## IN ASSEMBLY

February 23, 2023

---

Introduced by M. of A. MAMDANI, BURGOS, CRUZ, DAVILA, EPSTEIN, FORREST, GALLAGHER, GONZALEZ-ROJAS, MITAYNES, L. ROSENTHAL, JACKSON -- read once and referred to the Committee on Judiciary

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  
22 article eleven of the private housing finance law, from demanding from a  
23 prospective tenant any payment, fee or charge which is necessary to

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

LBD03745-01-3

1 compensate a managing agent and/or transfer agent for the processing,  
2 review or acceptance of such prospective tenant's application where such  
3 prospective tenant would become a dwelling unit owner or shareholder of  
4 such cooperative housing corporation.  
5 § 2. This act shall take effect immediately.