

STATE OF NEW YORK

2783

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sens. BRISPORT, SALAZAR -- read twice and ordered printed,
and when printed to be committed 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 acceptance of an application, or demand any other payment, fee or charge
7 before or at the beginning of the tenancy, including but not limited to
8 broker's fees, except background checks and credit checks as provided by
9 paragraph (b) of this subdivision, provided that this subdivision shall
10 not apply to entrance fees charged by continuing care retirement communities licensed pursuant to article forty-six or forty-six-A of the
11 public health law, assisted living providers licensed pursuant to article forty-six-B of the public health law, adult care facilities licensed
12 pursuant to article seven of the social services law, senior residential communities that have submitted an offering plan to the attorney general, or not-for-profit independent retirement communities that offer
13 personal emergency response, housekeeping, transportation and meals to
14 their residents. Nothing in this paragraph shall prohibit a cooperative
15 housing corporation, other than a cooperative housing corporation
16 subject to the provisions of article two, article four, article five or
17 article eleven of the private housing finance law, from demanding from a
18 prospective tenant any payment, fee or charge which is necessary to
19 compensate a managing agent and/or transfer agent for the processing,
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 review or acceptance of such prospective tenant's application where such
2 prospective tenant would become a dwelling unit owner or shareholder of
3 such cooperative housing corporation.
4 § 2. This act shall take effect immediately.