

## **Legal Alert: Update to Electronic leases/Signatures**

**March 28, 2022**

As we previously advised, on December 21, 2021, Governor Hochul signed a bill amending the public housing law to permit for the *voluntary* use of rent stabilized lease agreements and signatures in electronic form. The law tasked the New York State Division of Housing and Community Renewal (DHCR) with the development of a procedure to ensure that tenants are aware of their rights, and have affirmatively consented to the *voluntary* use of an electronic lease and electronic signature. It further provided that DHCR will not accept an electronic lease form unless accompanied by an executed consent form, which consent form is to be provided to the tenant and the DHCR.

On March 25, 2022, DHCR issued the [Electronic Lease Offer: Tenant's Voluntary Consent](#) ("the DHCR Consent form") and [Operational Bulletin 2022-1: Electronic Lease Offering and Tenant's Voluntary Consent](#), which allows tenants to voluntarily consent to accept electronic lease offerings.

While owners are not required by law to offer leases electronically, and cannot require a tenant to sign the consent form, owners who choose to offer an electronic lease, must obtain the tenant's voluntary written consent on the DHCR Consent form. The content of the DHCR Consent form cannot be changed, however, changes in formatting are acceptable based on software limitations. The DHCR Consent form provides explicit directions as to how to complete the form, service of the form on the tenant, as well as the steps the tenant must then undertake.

Owners and tenants choosing to execute leases electronically along with all lawful riders will still be bound by the timeframes set forth by the applicable regulations governing the window periods to offer and respond to a lease offering. The window periods are memorialized in [DHCR Fact Sheet No. 4](#).