



NEW YORK STATE SENATOR

Velmanette Montgomery

Assemblymember Linda B. Rosenthal, State Senator Velmanette Montgomery Announces Groundbreaking New Bill to Regulate Keyless and Facial Recognition Building Entry Systems

VELMANETTE MONTGOMERY April 10, 2019

| ISSUE: **TENANT PRIVACY, TENANT PROTECTION, PRIVACY AND DATA SECURITY, KEYLESS ENTRY SYSTEMS, FACIAL RECOGNITION SOFTWARE**

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Legislation will protect tenant privacy and ward against landlord harassment

March 9, 2019

New York, NY – Assemblymember Linda B. Rosenthal (D/WF-Manhattan) and State Senator Velmanette Montgomery announced the introduction of groundbreaking new state legislation (A. 6788/S.5125) to regulate keyless building entry systems, such as Latch and systems like it, that rely on phone based apps, facial or other XX recognition systems. Though increasing in popularity, the technology has advanced faster than we can conceive of it, and this legislation is an attempt to catch up.

The legislation establishes a comprehensive regulatory structure for this new technology, and guarantees every tenant the right to a traditional method of entry. It also ensures that tenants cannot be required to share volumes of personal data as a condition of their tenancy with their landlord or third parties.

“Residents should not be forced to sign away their privacy rights when they sign a lease,” said Assemblymember Linda B. Rosenthal. “Yet without any meaningful oversight, keyless building entry systems like Latch can collect, store, share and sell all manner of resident and guest data with abandon. This raises enormous privacy and data security concerns, and also makes tenants more vulnerable to landlord harassment. My new legislation will help to create a regulatory framework that protects building residents and their confidential and personal data.”

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"When faced with these new systems of building access, I share my constituents concerns around surveillance, data collection, and security, especially in rent regulated units. For seniors and individuals with disabilities, keyless building entry systems can create hurdles for them to simply access their own homes. We need to take all of these concerns seriously and protect the privacy and personal data of tenants throughout the state of New York," said State Senator Velmanette Montgomery.

New York City building owners are moving away from mechanical keys, opting instead to install various digital-access alternatives, ranging from key fobs, phone applications and technology that use facial and biometric systems. The Latch company claims that its technology is already installed in thousands of New York City buildings. It further boasts that one in every ten new buildings in the United States is installing Latch.

The technology companies promise convenience and security, particularly in buildings that do not have a full-time door attendant. Despite the convenience, however, the technology allows the company and building owners to track and log the every move of building residents, their guests and their minor children. Information collected via the system is not explicitly protected against sale or sharing with third parties or building owners, who can and have used the information against their tenants.

“In the absence of effective regulation, this technology helps landlords move into the high-tech harassment age,” said Assemblymember Linda B. Rosenthal. “The landlord can effectuate an illegal lockout with the click of a button, simply turning off a tenant’s access to their own home. My legislation will guard against that.”

An unscrupulous landlord in Assemblymember Rosenthal’s district installed the Latch system on the door through which the building’s only elevator was accessible. The landlord refused to provide tenants with the option of using a mechanical key or fob. As a result, one of Assemblymember Rosenthal’s 93-year-old constituents, who does not have a smart phone, fell and injured himself while walking the stairs to his fourth floor apartment.

“The lack of regulation around keyless entry systems leaves tenants exposed to a huge range of privacy concerns, while also potentially leaving elderly, disabled or low-income tenants literally locked out. The forced use of these new technologies leaves tenants vulnerable not just to new landlord harassment and surveillance, but to the disclosure of their whereabouts, and that of children and family, to any number of third parties. While these new entry systems maybe the wave of the future, it is essential that we not race forward without first guaranteeing New Yorkers and their families are not served up on platters to the many interests of Big Tech,” said Assemblymember Linda B. Rosenthal.

The legislation introduced ensures that tenants consent to the use of keyless building entry systems, puts strict limitations on the type of data that can be collected, stored and shared. The legislation was introduced in the wake of an outcry from tenants of a rental building on West 45th street a Latch entry system was installed, and use was mandated by building manage.

Assemblymember Linda B. Rosenthal is the Chair of the Committee on Alcoholism and Drug Abuse. She represents the 67th Assembly district, which includes the Upper West Side and parts of the Clinton/ Hell's Kitchen neighborhoods in Manhattan.

State Senator Velmanette Montgomery is the Chair of Children and Families. She represents the 25th Senatorial district which includes the Bedford Stuyvesant, Fort Greene, and Boerum Hill neighborhoods of Brooklyn.

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2019-S5125

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 - In Committee Senate

- ○ On Floor Calendar Assembly
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- Delivered to Governor

- Signed By Governor

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