

# S.2078B (Kavanagh)/A.48D (Rosenthal)

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| <b>BILL</b><br><br>S.2078B<br>(Kavanagh)/A.48D<br>(Rosenthal)   |
| <b>SUBJECT</b><br><br>Opposition to restricting<br>the use of smart access<br>systems and biometric<br>technologies in Class A and<br>other multiple dwellings. |
| <b>DATE</b><br><br>May 30, 2024   |
| <b>SUPPORT</b>  |

The Business Council of New York State strongly opposes S.2078B (Kavanagh)/A.48D (Rosenthal), which seeks to regulate and restrict the use of smart access systems and biometric technologies in Class A and other multiple dwellings. As the leading business organization representing the interests of large and small firms across New York State, we believe this bill presents numerous challenges and unintended consequences that could negatively impact the real estate sector and the broader business community.

The proposed legislation would prohibit the installation of new smart access systems for a three-year period and impose stringent restrictions on data collection, storage, and management. While we recognize the importance of tenant privacy, these measures would significantly hinder technological innovation and efficiency in property management. Smart access systems and biometric technologies have been instrumental in enhancing building security and providing convenient access solutions. By restricting these advancements, the bill could inadvertently compromise tenant safety and operational efficiency.

The bill is notably deficient in providing a clear roadmap for implementation or offering financial assistance to property owners and managers. Compliance with the proposed regulations would present considerable logistical and financial hurdles. Mandating the provision of unlimited digital access keys without associated fees places a heavy financial burden on property owners. Managing and distributing multiple entry methods would incur substantial costs, potentially leading to higher rents for tenants. This unintended consequence directly contradicts the bill's stated objective of protecting tenant interests.

Moreover, the requirement to destroy anonymized data within 90 days is impractical and could undermine security efforts. In many cases, access control logs need to be retained for longer periods to address security incidents or disputes. Forcing the destruction of this data within such a short timeframe could impede the ability of property managers to maintain a secure environment for tenants.

The prohibition on entry systems that rely solely on web-based applications is also problematic. Many Class A buildings currently utilize multiple web-based access control systems, which are essential for efficient and secure property management. Restricting these technologies would render most existing systems non-compliant, creating significant disruptions in building operations and potentially exposing property owners to liability for not providing advertised services. Furthermore, the bill's position on location tracking and geofencing technologies diverges from prevailing technological norms. Geofencing technology enables users' phones to identify their proximity to the building, streamlining entry processes without requiring continual Bluetooth scanning. This approach conserves battery life and reduces potential technical complications. Restricting these technologies may diminish user satisfaction and operational efficiency, thereby compromising the advantages associated with smart access systems.

Considering these concerns, it is imperative that policymakers carefully consider the implications of S2078B (Kavanagh) A48D (Rosenthal), on both the real estate industry and the residents of New York. The proposed restrictions have the potential to stifle innovation and compromise security without providing sufficient alternatives or addressing the complexities of modern building management.

For these reasons, the Business Council of New York State urges policymakers to reconsider the provisions of S.2078B (Kavanagh)/A.48D (Rosenthal) and engage in meaningful dialogue with industry stakeholders to ensure that any legislation enacted reflects the diverse needs and challenges of New York's real estate sector.