S T A T E O F N E W Y O R K

3168

2013-2014 Regular Sessions

I N S E N A T E

January 31, 2013

Introduced by Sens. KRUEGER, SERRANO, STAVISKY -- 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 the right of tenants to withhold rent payments for the landlord's failure to provide heat

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The real property law is amended by adding a new section 235-h to read as follows:

S 235-H. TENANT RIGHT TO WITHHOLD RENT FOR FAILURE TO PROVIDE HEAT. IF ANY OWNER OF A MULTIPLE DWELLING RESPONSIBLE FOR PROVIDING HEAT TO THE TENANTS OF SUCH DWELLING SHALL FAIL TO PROVIDE SUCH SERVICE WITHIN TWENTY-FOUR HOURS OF A NOTIFICATION BY THE TENANT TO THE OWNER, HIS OR HER AGENT, EMPLOYEE OR REPRESENTATIVE, THAT SUCH TENANT IS RECEIVING INSUFFICIENT HEAT DURING THE MONTHS OF NOVEMBER THROUGH MARCH, THE TENANT SHALL HAVE THE RIGHT TO DEDUCT ONE-TENTH OF ONE MONTH'S RENT FROM HIS OR HER RENT PAYMENTS FOR EACH DAY ON WHICH THE OWNER SHALL HAVE FAILED TO PROVIDE HEAT.

S 2. This act shall take effect immediately.

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

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