

STATE OF NEW YORK

1973

2019-2020 Regular Sessions

IN ASSEMBLY

January 18, 2019

Introduced by M. of A. ZEBROWSKI, COOK, VANEL, CAHILL, JAFFEE, GOTTFRIED, COLTON, NIOU -- Multi-Sponsored by -- M. of A. D'URSO, SIMON -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to requiring landlords to mitigate damages if a tenant vacates a premises in violation of the terms of the lease

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The real property law is amended by adding a new section
2 227-e to read as follows:

3 § 227-e. Landlord duty to mitigate damages. In any lease or rental
4 agreement covering premises occupied for dwelling purposes, if a tenant
5 vacates a premises in violation of the terms of the lease, the landlord
6 shall, in good faith, take reasonable and customary actions to rent the
7 premises at fair market value. If the landlord rents the premises at
8 fair market value, the new tenant's lease shall, once in effect, termi-
9 nate the previous tenant's lease and mitigate damages otherwise recover-
10 able against the previous tenant because of such tenant's vacating the
11 premises. The burden of proof shall be on the party seeking to recover
12 damages. Any provision in a lease that exempts a landlord's duty to
13 mitigate damages under this section shall be void as contrary to public
14 policy.

15 § 2. This act shall take effect immediately.

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

LBD06169-01-9