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

1409

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to tenants' right to offset rental payments by the cost of certain emergency repairs

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-g to read as follows:

S 235-G. TENANT RIGHT TO OFFSET RENTAL PAYMENTS BY THE COST OF EMERGENCY REPAIRS. 1. EVERY TENANT MAY OFFSET AGAINST RENTAL PAYMENTS THE COST OF MAKING EMERGENCY REPAIRS WHEN A LANDLORD IS EITHER UNWILLING OR UNABLE TO CORRECT THE SITUATION WITHIN TWENTY-FOUR HOURS. SUCH EMERGENCY REPAIRS SHALL INCLUDE:

(A) BROKEN WINDOWS WHICH ALLOW THE MIGRATION OF OUTSIDE AIR INTO THE LIVING AREA OF A DWELLING DURING THE WINTER MONTHS.

(B) BROKEN OR OTHERWISE INOPERABLE EXTERIOR SECURITY LOCKS.

(C) BROKEN OR OTHERWISE INOPERABLE WATER CLOSETS.

(D) REMOVAL OF OBSTRUCTIONS FROM SEWAGE LINES.

(E) BROKEN OR OTHERWISE INOPERABLE PLUMBING LINES WHICH CAUSE INTERRUPTION OF DELIVERY OF BOTH COLD AND HOT WATER SUPPLIES.

(F) LEAKS OR OBSTRUCTIONS IN SUPPLY AND DELIVERY GAS LINES.

2. THE TENANT SHALL MAKE A GOOD FAITH EFFORT TO CONTACT THE LANDLORD TO NOTIFY HIM OF THE EMERGENCY SITUATION; AND IN THE EVENT THE LANDLORD DOES NOT RESPOND WITHIN TWENTY-FOUR HOURS THE TENANT SHALL HAVE THE RIGHT TO MAKE ALL NECESSARY EMERGENCY REPAIRS, AND MAY OFFSET THE REASONABLE COST THEREOF FROM FUTURE RENT. THE TENANT MUST SECURE AND PROVIDE TO THE LANDLORD AN ITEMIZED COST ACCOUNTING OF ALL EMERGENCY REPAIRS MADE.

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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