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

3912--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to tenants' right to recover attorneys' fees incurred as a result of service of notice based upon false facts or allegations

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 234-a to read as follows:

S 234-A. TENANTS' RIGHT TO RECOVER CERTAIN ATTORNEYS' FEES. THERE SHALL BE IMPLIED IN A LEASE OF RESIDENTIAL PROPERTY A COVENANT BY THE LANDLORD TO PAY TO THE TENANT THE REASONABLE ATTORNEYS' FEES AND/OR EXPENSES INCURRED BY THE TENANT AS THE RESULT OF THE SERVICE BY OR ON BEHALF OF THE LANDLORD OF A NOTICE TO CURE A VIOLATION OF THE LEASE, A NOTICE OF TERMINATION OF THE LEASE OR A NOTICE OF REFUSAL TO RENEW THE LEASE WHERE SUCH NOTICE CONTAINS ANY FACT OR ALLEGATION THAT IS NOT TRUE. WHERE SUCH NOTICE IS KNOWINGLY SERVED CONTAINING ANY FACT OR ALLEGATION THAT IS NOT TRUE, THE LANDLORD SHALL BE LIABLE TO SUCH TENANT FOR THREE TIMES THE MONTHLY RENT CHARGED SUCH TENANT, OR THREE TIMES THE DAMAGES, IF ANY, SUSTAINED BY SUCH TENANT, WHICHEVER IS GREATER, PLUS REASONABLE ATTORNEYS' FEES AND COSTS AS DETERMINED BY THE COURT.

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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