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

1440

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. DUANE, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to the abatement of rent where the landlord fails to make repairs

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

Section 1. The real property actions and proceedings law is amended by adding a new section 757 to read as follows:

S 757. RENT ABATEMENT FOR FAILURE TO MAKE REPAIRS. 1. UPON PROPER PROOF OF THE EXISTENCE OF A CONDITION THAT IS, IN THE OPINION OF THE COURT, SUCH AS TO CONSTRUCTIVELY EVICT THE TENANT FROM A PORTION OF THE PREMISES OCCUPIED BY HIM OR HER, THE COURT SHALL STAY ANY PROCEEDING OR ACTION FOR RENT AND SHALL REDUCE ANY RENT DUE BY A FULL DAY'S RENT FOR EACH DAY THE CONDITION IS NOT REPAIRED.

2. IF, IN THE OPINION OF THE COURT, THERE HAS BEEN PROPER PROOF OF THE EXISTENCE OF A CONDITION WHICH REDUCES THE HABITABILITY OF THE PREMISES, THE COURT SHALL STAY ANY PROCEEDING OR ACTION FOR RENT AND SHALL REDUCE ANY RENT DUE BY A PERCENTAGE RANGING FROM TEN TO FIFTY PERCENT, REPRESENTING, IN THE OPINION OF THE COURT, THE REDUCTION OF HABITABILITY CAUSED BY THE CONDITIONS IN NEED OF REPAIR, FOR EACH DAY THE CONDITION IS NOT REPAIRED.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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