

414

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Housing

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:

1     Section 1. The real property law is amended by adding a new section  
2     235-g to read as follows:  
3     S 235-G. TENANT RIGHT TO WITHHOLD RENT FOR FAILURE TO PROVIDE HEAT. IF  
4     ANY OWNER OF A MULTIPLE DWELLING RESPONSIBLE FOR PROVIDING HEAT TO THE  
5     TENANTS OF SUCH DWELLING SHALL FAIL TO PROVIDE SUCH SERVICE WITHIN TWEN-  
6     TY-FOUR HOURS OF A NOTIFICATION BY THE TENANT TO THE OWNER, HIS OR HER  
7     AGENT, EMPLOYEE OR REPRESENTATIVE, THAT SUCH TENANT IS RECEIVING INSUF-  
8     FICIENT HEAT DURING THE MONTHS OF NOVEMBER THROUGH MARCH, THE TENANT  
9     SHALL HAVE THE RIGHT TO DEDUCT ONE-TENTH OF ONE MONTH'S RENT FROM HIS OR  
10    HER RENT PAYMENTS FOR EACH DAY ON WHICH THE OWNER SHALL HAVE FAILED TO  
11    PROVIDE HEAT.  
12    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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