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

S. 339 A. 157

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 5, 2011

IN SENATE -- Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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

AN ACT to amend the real property law, in relation to the duty of a landlord to provide a written receipt of rent paid

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

Section 1. Section 235-e of the real property law, as amended by chapter 848 of the laws of 1986, is amended to read as follows:

S 235-e. Duty of landlord to provide written receipt. (a) Upon the receipt of rent for residential premises in the form of cash or any instrument other than the personal check of the tenant, it shall be the duty of the landlord to provide the payor OR IF PAID IN WHOLE OR PART BY A SOCIAL SERVICES DISTRICT OR THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, THEN THE TENANT, with a written receipt containing the following:

1. The date;

2. The amount;

3. The identity of the premises and period for which paid; and

4. The signature and title of the person receiving the rent OR THE PRINTED NAME, ADDRESS AND TELEPHONE NUMBER OF THE LICENSED REAL ESTATE BROKER OR FIRM IN CHARGE OF THE DWELLING OR THE PRINTED NAME, NEW YORK CITY ADDRESS AND TELEPHONE NUMBER OF THE MANAGING AGENT OR DESIGNEE DESCRIBED IN PARAGRAPH FIVE OF SUBDIVISION A OF SECTION 27-2098 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

(b) Where a tenant, in writing, requests that a landlord provide a receipt for rent paid by personal check, it shall be the duty of the

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

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landlord to provide the payor with the receipt described in subdivision (a) of this section for each such request made in writing.

(C) IN ADDITION TO ANY OTHER REMEDY AUTHORIZED BY LAW, A COURT MAY IMPOSE A TWENTY-FIVE DOLLAR REDUCTION IN THE RENT FOR EACH FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION IN ANY PROCEEDING COMMENCED UNDER ARTICLE SEVEN OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW.

(D) THE OFFICE OF COURT ADMINISTRATION SHALL DEVELOP, DISTRIBUTE AND WHERE NECESSARY PROVIDE TENANTS WITH AN EXPLANATION OF THE WRITTEN RECEIPT EACH LANDLORD MUST PRESENT TO A TENANT UPON PAYMENT OF RENT. SUCH OFFICE SHALL TAKE SUCH STEPS AS ARE NECESSARY TO INFORM TENANTS OF THEIR RIGHT TO RECEIVE SUCH RECEIPT AND A LANDLORD'S OBLIGATION TO PROVIDE SUCH RECEIPT.

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