

1306

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

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

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The real property law is amended by adding a new section
2 234-a to read as follows:
3 S 234-A. TENANTS' RIGHT TO RECOVER CERTAIN ATTORNEYS' FEES. THERE
4 SHALL BE IMPLIED IN A LEASE OF RESIDENTIAL PROPERTY A COVENANT BY THE
5 LANDLORD TO PAY TO THE TENANT THE REASONABLE ATTORNEYS' FEES AND/OR
6 EXPENSES INCURRED BY THE TENANT AS THE RESULT OF THE SERVICE BY OR ON
7 BEHALF OF THE LANDLORD OF A NOTICE TO CURE A VIOLATION OF THE LEASE, A
8 NOTICE OF TERMINATION OF THE LEASE OR A NOTICE OF REFUSAL TO RENEW THE
9 LEASE WHERE SUCH NOTICE CONTAINS ANY FACT OR ALLEGATION THAT IS NOT
10 TRUE. WHERE SUCH NOTICE IS KNOWINGLY SERVED CONTAINING ANY FACT OR ALLE-
11 GATION THAT IS NOT TRUE, THE LANDLORD SHALL BE LIABLE TO SUCH TENANT FOR
12 THREE TIMES THE MONTHLY RENT CHARGED SUCH TENANT, OR THREE TIMES THE
13 DAMAGES, IF ANY, SUSTAINED BY SUCH TENANT, WHICHEVER IS GREATER, PLUS
14 REASONABLE ATTORNEYS' FEES AND COSTS AS DETERMINED BY THE COURT.
15 S 2. This act shall take effect immediately.

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

LBD01009-01-1