

7406

2013-2014 Regular Sessions

I N A S S E M B L Y

May 15, 2013

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

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

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

1 Section 1. Section 235-e of the real property law, as amended by chap-
2 ter 848 of the laws of 1986, is amended to read as follows:
3 S 235-e. Duty [of landlord] to provide A written receipt. (a) Upon the
4 receipt of THE PAYMENT OF rent for residential premises in the form of
5 cash or any instrument other than the personal check of the [tenant]
6 LESSEE, it shall be the duty of the [landlord] LESSOR, OR ANY AGENT OF
7 THE LESSOR AUTHORIZED TO RECEIVE RENT, to provide the [payor] LESSEE
8 with a written receipt containing the following:
9 1. The date;
10 2. The amount;
11 3. The identity of the premises and period for which paid; and
12 4. The signature and title of the person receiving the rent.
13 (b) [Where a tenant] A LESSEE MAY REQUEST, in writing, [requests] that
14 a [landlord] LESSOR provide a receipt for rent paid by personal
15 check[,]. IF SUCH A REQUEST IS MADE it shall be the duty of the [land-
16 lord] LESSOR, OR ANY AGENT OF THE LESSOR AUTHORIZED TO RECEIVE RENT, to
17 provide the [payor] LESSEE with the receipt described in subdivision (a)
18 of this section [for each such request made in writing]. SUCH REQUEST
19 SHALL, UNLESS OTHERWISE SPECIFIED BY THE LESSEE, REMAIN IN EFFECT FOR
20 THE DURATION OF THE TENANCY.
21 (C) IF A PAYMENT OF RENT IS PERSONALLY TRANSMITTED TO A LESSOR, OR AN
22 AGENT OF A LESSOR AUTHORIZED TO RECEIVE RENT, THE RECEIPT FOR SUCH
23 PAYMENT SHALL BE ISSUED IMMEDIATELY TO A LESSEE. IF A PAYMENT OF RENT IS
24 TRANSMITTED INDIRECTLY TO A LESSOR, OR AN AGENT OF A LESSOR AUTHORIZED
25 TO RECEIVE RENT, A LESSEE SHALL BE PROVIDED WITH A RECEIPT WITHIN TEN

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

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1 BUSINESS DAYS OF SUCH LESSOR OR AGENT'S RECEIPT OF A RENT PAYMENT. IF A
2 LESSOR, OR AN AGENT OF A LESSOR AUTHORIZED TO RECEIVE RENT, FAILS TO
3 RECEIVE PAYMENT FOR RENT WITHIN TEN BUSINESS DAYS OF THE DATE SPECIFIED
4 IN THE LEASE AGREEMENT, SUCH LESSOR OR AGENT SHALL PROVIDE A LESSEE WITH
5 A WRITTEN NOTICE STATING THE FAILURE TO RECEIVE SUCH RENT PAYMENT. THE
6 FAILURE OF A LESSOR, OR ANY AGENT OF THE LESSOR AUTHORIZED TO RECEIVE
7 RENT, TO PROVIDE A LESSEE WITH A WRITTEN NOTICE OF THE NON-PAYMENT OF
8 RENT MAY BE USED AS AN AFFIRMATIVE DEFENSE BY SUCH LESSEE IN AN EVICTION
9 PROCEEDING BASED ON THE NON-PAYMENT OF RENT.
10 S 2. This act shall take effect immediately.