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

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 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 A written receipt. (a) Upon the receipt of THE PAYMENT OF rent for residential premises in the form of cash or any instrument other than the personal check of the [tenant] LESSEE, it shall be the duty of the [landlord] LESSOR, OR ANY AGENT OF THE LESSOR AUTHORIZED TO RECEIVE RENT, to provide the [payor] LESSEE 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.

(b) [Where a tenant] A LESSEE MAY REQUEST, in writing, [requests] that a [landlord] LESSOR provide a receipt for rent paid by personal check[,]. IF SUCH A REQUEST IS MADE it shall be the duty of the [landlord] LESSOR, OR ANY AGENT OF THE LESSOR AUTHORIZED TO RECEIVE RENT, to provide the [payor] LESSEE with the receipt described in subdivision (a) of this section [for each such request made in writing]. SUCH REQUEST SHALL, UNLESS OTHERWISE SPECIFIED BY THE LESSEE, REMAIN IN EFFECT FOR THE DURATION OF THE TENANCY.

(C) IF A PAYMENT OF RENT IS PERSONALLY TRANSMITTED TO A LESSOR, OR AN AGENT OF A LESSOR AUTHORIZED TO RECEIVE RENT, THE RECEIPT FOR SUCH PAYMENT SHALL BE ISSUED IMMEDIATELY TO A LESSEE. IF A PAYMENT OF RENT IS TRANSMITTED INDIRECTLY TO A LESSOR, OR AN AGENT OF A LESSOR AUTHORIZED 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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BUSINESS DAYS OF SUCH LESSOR OR AGENT'S RECEIPT OF A RENT PAYMENT. IF A LESSOR, OR AN AGENT OF A LESSOR AUTHORIZED TO RECEIVE RENT, FAILS TO RECEIVE PAYMENT FOR RENT WITHIN TEN BUSINESS DAYS OF THE DATE SPECIFIED IN THE LEASE AGREEMENT, SUCH LESSOR OR AGENT SHALL PROVIDE A LESSEE WITH A WRITTEN NOTICE STATING THE FAILURE TO RECEIVE SUCH RENT PAYMENT. THE FAILURE OF A LESSOR, OR ANY AGENT OF THE LESSOR AUTHORIZED TO RECEIVE RENT, TO PROVIDE A LESSEE WITH A WRITTEN NOTICE OF THE NON-PAYMENT OF RENT MAY BE USED AS AN AFFIRMATIVE DEFENSE BY SUCH LESSEE IN AN EVICTION PROCEEDING BASED ON THE NON-PAYMENT OF RENT.

S 2. This act shall take effect immediately.