

7406

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 15, 2013

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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.