

6831--A

2015-2016 Regular Sessions

I N A S S E M B L Y

April 6, 2015

Introduced by M. of A. CRESPO, LINARES, BLAKE -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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 check[,
15 it shall be the duty of]. IF SUCH REQUEST IS MADE, the [landlord to]
16 LESSOR, OR ANY AGENT OF THE LESSOR AUTHORIZED TO RECEIVE RENT, SHALL
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 SUCH LESSEE'S 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

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

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1 PAYMENT SHALL BE ISSUED IMMEDIATELY TO A LESSEE. IF A PAYMENT OF RENT IS
2 TRANSMITTED INDIRECTLY TO A LESSOR, OR AN AGENT OF A LESSOR AUTHORIZED
3 TO RECEIVE RENT, A LESSEE SHALL BE PROVIDED WITH A RECEIPT WITHIN TEN
4 BUSINESS DAYS OF SUCH LESSOR OR AGENT'S RECEIPT OF A RENT PAYMENT.
5 (D) IF A LESSOR, OR AN AGENT OF A LESSOR AUTHORIZED TO RECEIVE RENT,
6 FAILS TO RECEIVE PAYMENT FOR RENT WITHIN TEN BUSINESS DAYS OF THE DATE
7 SPECIFIED IN A LEASE AGREEMENT, SUCH LESSOR OR AGENT SHALL SEND A
8 LESSEE, BY CERTIFIED MAIL, WITHIN TWO BUSINESS DAYS THEREAFTER, A WRIT-
9 TEN NOTICE STATING THE FAILURE TO RECEIVE SUCH RENT PAYMENT. THE FAILURE
10 OF A LESSOR, OR ANY AGENT OF THE LESSOR AUTHORIZED TO RECEIVE RENT, TO
11 PROVIDE A LESSEE WITH A WRITTEN NOTICE OF THE NON-PAYMENT OF RENT MAY BE
12 USED AS AN AFFIRMATIVE DEFENSE BY SUCH LESSEE IN AN EVICTION PROCEEDING
13 BASED ON THE NON-PAYMENT OF RENT.
14 S 2. This act shall take effect immediately.