

6831--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 6, 2015

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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.