STATE OF NEW YORK

6967

2017-2018 Regular Sessions

IN ASSEMBLY

March 28, 2017

Introduced by M. of A. ZEBROWSKI, SEPULVEDA, COOK, HOOPER, VANEL, CAHILL, JAFFEE, GOTTFRIED, HARRIS, COLTON -- Multi-Sponsored by -- M. of A. D'URSO, SIMON -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to requiring landlords to mitigate damages if a tenant vacates a premises in violation of the terms of the lease

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real property law is amended by adding a new section 227-e to read as follows:

§ 227-e. Landlord duty to mitigate damages. In any lease or rental agreement covering premises occupied for dwelling purposes, if a tenant vacates a premises in violation of the terms of the lease, the landlord shall, in good faith, take reasonable and customary actions to rent the premises at fair market value. If the landlord rents the premises at fair market value, the new tenant's lease shall, once in effect, terminate the previous tenant's lease and mitigate damages otherwise recoverable against the previous tenant because of such tenant's vacating the premises. The burden of proof shall be on the party seeking to recover damages. Any provision in a lease that exempts a landlord's duty to mitigate damages under this section shall be void as contrary to public policy.

§ 2. This act shall take effect immediately.

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

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