# STATE OF NEW YORK

3138

2017-2018 Regular Sessions

# IN SENATE

January 19, 2017

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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:

§ 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[~~, it shall be the duty of~~]**. If such request is made,** the [~~landlord to~~] **lessor, or any agent of the lessor authorized to receive rent, shall** 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 such lessee's 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**

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

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to receive rent, a lessee shall be provided with a receipt within ten business days of such lessor or agent's receipt of a rent payment.

(d) 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 a lease agreement, such lessor or agent shall send a lessee, by certified mail, within two business days thereafter, 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.

§ 2. This act shall take effect immediately.