

STATE OF NEW YORK

2949

2019-2020 Regular Sessions

IN SENATE

January 31, 2019

Introduced by Sen. STAVISKY -- 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 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:

1 Section 1. The real property law is amended by adding a new section
2 227-e to read as follows:

3 § 227-e. Landlord duty to mitigate damages. In any lease or rental
4 agreement covering premises occupied for dwelling purposes, if a tenant
5 vacates a premises in violation of the terms of the lease, the landlord
6 shall, in good faith, take reasonable and customary actions to rent the
7 premises at fair market value. If the landlord rents the premises at
8 fair market value, the new tenant's lease shall, once in effect, termi-
9 nate the previous tenant's lease and mitigate damages otherwise recover-
10 able against the previous tenant because of such tenant's vacating the
11 premises. The burden of proof shall be on the party seeking to recover
12 damages. Any provision in a lease that exempts a landlord's duty to
13 mitigate damages under this section shall be void as contrary to public
14 policy.

15 § 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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