

# STATE OF NEW YORK

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1973

2019-2020 Regular Sessions

## IN ASSEMBLY

January 18, 2019

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Introduced by M. of A. ZEBROWSKI, COOK, VANEL, CAHILL, JAFFEE, GOTTFRIED, COLTON, NIOU -- 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:

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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