Bill Draft 1

**STATE OF NEW YORK**

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2019-2020 Regular Sessions

**SENATE - ASSEMBLY**

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IN SENATE -- Introduced by

IN ASSEMBLY -- Introduced by

AN ACT to amend the real property law and the real property actions and proceedings law relation to notice requirements.

 **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 is amended to read as follows:

    § 235-e. Duty 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 lessee, it shall be the duty of the lessor, or any agent of the lessor authorized to receive rent, to provide the 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) A lessee may request, in writing, that a lessor provide a receipt for rent paid by personal check. If such request is made, the lessor, or any agent of the lessor authorized to receive rent, shall provide the lessee with the receipt described in subdivision (a) of this section. Such request shall, unless otherwise specified by the lessee, remain in effect for the duration of such lessee's tenancy. The lessor shall maintain a record of all cash receipts for rent for at least three years.

    (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 to receive rent, a lessee shall be provided with a receipt within fifteen 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 five days of the date specified in a lease agreement, such lessor or agent shall send the lessee, by certified mail, 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. Subdivision (2) of section 711 of the real property actions and proceedings law is amended to read as follows:

2. The tenant has defaulted in the payment of rent, pursuant to the agreement under which the premises are held, and a written demand of the rent has been made on **or after the sixth day upon which rent is due,** ~~with at least~~ **giving** fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, ~~has been~~ **which shall be** served upon **~~him~~** **tenants** as prescribed in section seven hundred thirty-five of this article. Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due his predecessor in interest if he has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and the apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective as against the occupants.

§3. Subdivision (4) of section 731 of the real property actions and proceedings law is amended to read as follows:

4. In an action premised on a tenant defaulting in the payment of rent, payment to the landlord of the full amount of rent due, **in cash or certified funds,** when such payment is made at any time prior to the hearing on the petition, shall be accepted by the landlord and renders moot the grounds on which the special proceeding was commenced.

§4. This act shall take effect immediately.