

STATE OF NEW YORK

10167

IN ASSEMBLY

March 24, 2020

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to evictions and foreclosures during a state disaster emergency

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

Section 1. Section 111 of the real property actions and proceedings law is amended by adding two new subdivisions 6 and 7 to read as follows:

6. As used in sections 768-a and 1393 of this chapter, the term "state disaster emergency" shall have the same meaning as in section twenty of the executive law.

7. As used in section 1393 of this chapter, the term:

(a) "covered period" means the period beginning on the date on which a state disaster emergency begins and ending on the date that is thirty days after the date on which that state disaster emergency ends; and

(b) "covered action" means an action relating to an obligation:

(i) with respect to real or personal property owned by a mortgagor; and

(ii) that:

(A) originated before the date on which a state disaster emergency begins;

(B) is in effect on the date on which a state disaster emergency begins; and

(C) is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

§ 2. The real property actions and proceedings law is amended by adding a new section 768-a to read as follows:

§ 768-a. Evictions during state disaster emergency. 1. Except by the order of a court, a landlord may not, during a state disaster emergency, evict a tenant from premises that are occupied or intended to be occupied primarily as a residence.

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

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1 2. (a) Upon an application for eviction with respect to premises that
2 are occupied or intended to be occupied primarily as a residence, a
3 court may, upon motion of the court, and shall, if a request is made by
4 or on behalf of a tenant, if the ability of the tenant to pay the rent
5 that is the subject of the action is materially affected by a state
6 disaster emergency:

7 (i) stay the proceedings for a period of thirty days, unless, in the
8 opinion of the court, justice and equity require a longer or shorter
9 period of time; or

10 (ii) adjust the obligation under the lease to preserve the interests
11 of all parties.

12 (b) If a court grants a stay pursuant to this section the court may
13 grant to the landlord such relief as equity may require.

14 § 3. The real property actions and proceedings law is amended by
15 adding a new section 1393 to read as follows:

16 § 1393. Foreclosures during state disaster emergency. 1. If a covered
17 action is filed in a court during a covered period, the court may, after
18 a hearing and upon the motion of the court, and shall, upon application
19 by the defendant if the ability of the defendant to comply with the
20 covered obligation is materially affected by a state disaster emergency:

21 (a) stay the proceedings for a period of time as justice and equity
22 require; or

23 (b) adjust the obligation to preserve the interests of all parties.

24 2. A sale, foreclosure, or seizure of property for a breach of an
25 obligation described in paragraph (b) of subdivision seven of section
26 one hundred eleven of this chapter by a mortgagor shall not be valid if
27 made during a covered period except upon the order of a court that is
28 granted before such sale, foreclosure, or seizure.

29 § 4. This act shall take effect immediately.