

STATE OF NEW YORK

1656--A

Cal. No. 64

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL, SEAWRIGHT, RAGA, FORREST, SHRESTHA, COLTON -- read once and referred to the Committee on Judiciary -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the real property actions and proceedings law, in relation to prohibiting naming dependent children under the age of 18 in petitions to recover possession of real property and eviction warrants and sealing any records pertaining to such children

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

Section 1. Section 741 of the real property actions and proceedings law, as added by chapter 312 of the laws of 1962, the opening paragraph as amended by chapter 583 of the laws of 1979, subdivision 5 as amended by chapter 302 of the laws of 1976, subdivisions 5-a and 5-b as added by section 5 of part HH of chapter 56 of the laws of 2024, subdivision 6 as added by chapter 615 of the laws of 2022, subdivision 7 as added by chapter 579 of the laws of 2023, subdivision 8 as amended by chapter 64 of the laws of 2024, and subdivision 9 as added by chapter 416 of the laws of 2025, is amended to read as follows:

§ 741. Contents of petition. 1. The petition shall be verified by the person authorized by section seven hundred twenty-one of this article to maintain the proceeding; or by a legal representative, attorney or agent of such person pursuant to subdivision (d) of section thirty hundred twenty of the civil practice law and rules. An attorney of such person may verify the petition on information and belief notwithstanding the fact that such person is in the county where the attorney has ~~his~~ an office. Every petition shall:

~~1-~~ (a) State the interest of the petitioner in the premises from which removal is sought.

~~2-~~ (b) State the respondent's interest in the premises and ~~his~~ the respondent's relationship to petitioner with regard thereto.

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

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1 ~~[3-]~~ **(c)** Describe the premises from which removal is sought.

2 ~~[4-]~~ **(d)** State the facts upon which the special proceeding is based.

3 ~~[5-]~~ **(e)** State the relief sought. The relief may include a judgment
4 for rent due, and for a period of occupancy during which no rent is due,
5 for the fair value of use and occupancy of the premises if the notice of
6 petition contains a notice that a demand for such a judgment has been
7 made.

8 ~~[5-a-]~~ **(f)** Append or incorporate the notice required pursuant to
9 section two hundred thirty-one-c of the real property law, which shall
10 state the following: (i) if the premises are or are not subject to arti-
11 cle six-A of the real property law, the "good cause eviction law", and
12 if the premises are exempt, such petition shall state why the premises
13 are exempt from such law; (ii) if the landlord is not renewing the lease
14 for a unit subject to article six-A of the real property law, the lawful
15 basis for such non-renewal; and (iii) if the landlord is increasing the
16 rent upon an existing lease of a unit subject to article six-A of the
17 real property law above the applicable local rent standard, as defined
18 in subdivision eight of section two hundred eleven of the real property
19 law, the justification for such increase.

20 ~~[5-b-]~~ **(g)** If the petitioner claims exemption from the provisions of
21 article six-A of the real property law pursuant to subdivision one of
22 section two hundred fourteen of the real property law, append or incor-
23 porate the information required pursuant to subdivision one of section
24 two hundred fourteen of the real property law.

25 ~~[6-]~~ **(h)** In the city of Albany, where the premises from which removal
26 is sought is subject to a local law requiring the registration of said
27 premises as a condition of legal rental, allege proof of compliance with
28 such local law.

29 ~~[7-]~~ **(i)** In the city of Newburgh, where the premises from which
30 removal is sought is subject to a local law requiring the registration
31 of said premises as a condition of legal rental, allege proof of compli-
32 ance with such local law.

33 ~~[8-]~~ **(j)** In the city of Syracuse, where the premises from which
34 removal is sought is subject to a local law requiring the registration
35 of said premises as a condition of legal rental, allege proof of compli-
36 ance with such local law.

37 ~~[9-]~~ **(k)** In the city of Schenectady, where the premises from which
38 removal is sought is subject to a local law requiring the registration
39 of said premises as a condition of legal rental, allege proof of compli-
40 ance with such local law.

41 **2. No dependent children under the age of eighteen living in the same**
42 **household with a parent or guardian shall be named in the petition.**

43 § 2. Subdivision 1 of section 749 of the real property actions and
44 proceedings law, as amended by section 19 of part M of chapter 36 of the
45 laws of 2019, is amended to read as follows:

46 1. Upon rendering a final judgment for petitioner, the court shall
47 issue a warrant directed to the sheriff of the county or to any consta-
48 ble or marshal of the city in which the property, or a portion thereof,
49 is situated, or, if it is not situated in a city, to any constable of
50 any town in the county, describing the property, stating the earliest
51 date upon which execution may occur pursuant to the order of the court,
52 and commanding the officer to remove all persons named in the proceed-
53 ing, provided upon a showing of good cause, the court may issue a stay
54 of re-letting or renovation of the premises for a reasonable period of
55 time; **provided further, however, that no dependent children under the**

1 age of eighteen living in the same household with a parent or guardian
2 shall be named in the warrant.

3 § 3. Section 749 of the real property actions and proceedings law is
4 amended by adding a new subdivision 4 to read as follows:

5 4. In the event that a warrant is issued pursuant to subdivision one
6 of this section and any persons are removed from a property, any records
7 pertaining to dependent children under the age of eighteen living in the
8 same household with a parent or guardian who were residing on or removed
9 from such property shall be sealed and deemed confidential. No disclo-
10 sure or use of such information relating to dependent children under the
11 age of eighteen who were residing on or removed from such property shall
12 be authorized, and the use of such information shall be prohibited.

13 § 4. This act shall take effect immediately; provided, however, that
14 the amendments to paragraphs (f) and (g) of subdivision 1 of section 741
15 of the real property actions and proceedings law made by section one of
16 this act shall not affect the repeal of such paragraphs and shall be
17 deemed repealed therewith.