S T A T E O F N E W Y O R K

4753

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

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

AN ACT to amend the real property actions and proceedings law, in relation to providing for a stay in certain proceedings to recover possession of real property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The real property actions and proceedings law is amended by adding a new section 754 to read as follows:

S 754. STAY OF PROCEEDING OR ACTION FOR RENT. IN A PROCEEDING TO RECOVER POSSESSION UPON THE GROUND THAT THE RESPONDENT HAS DEFAULTED IN THE PAYMENT OF RENT WHEN JUDGMENT IS RENDERED IN FAVOR OF THE PETITIONER, THE COURT MAY STAY THE ISSUANCE OF THE WARRANT FOR GOOD CAUSE SHOWN FOR A PERIOD NOT TO EXCEED THREE MONTHS FROM THE DATE THE JUDGMENT IS ENTERED. THE COURT MAY ALSO CONDITION SUCH STAY UPON THE PAYMENT OF INSTALLMENTS FROM TIME TO TIME AS THE COURT MAY DIRECT. ANY PROVISION OF A LEASE OR OTHER AGREEMENT WHEREBY A LESSEE OR TENANT WAIVES ANY PROVISION OF THIS SECTION SHALL BE DEEMED VOID AND AGAINST PUBLIC POLICY.

S 2. This act shall take effect immediately.

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

LBD06030-01-9