

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The real property actions and proceedings law is amended by
2 adding a new section 754 to read as follows:
3 S 754. STAY OF PROCEEDING OR ACTION FOR RENT. IN A PROCEEDING TO
4 RECOVER POSSESSION UPON THE GROUND THAT THE RESPONDENT HAS DEFAULTED IN
5 THE PAYMENT OF RENT WHEN JUDGMENT IS RENDERED IN FAVOR OF THE PETITION-
6 ER, THE COURT MAY STAY THE ISSUANCE OF THE WARRANT FOR GOOD CAUSE SHOWN
7 FOR A PERIOD NOT TO EXCEED THREE MONTHS FROM THE DATE THE JUDGMENT IS
8 ENTERED. THE COURT MAY ALSO CONDITION SUCH STAY UPON THE PAYMENT OF
9 INSTALLMENTS FROM TIME TO TIME AS THE COURT MAY DIRECT. ANY PROVISION OF
10 A LEASE OR OTHER AGREEMENT WHEREBY A LESSEE OR TENANT WAIVES ANY
11 PROVISION OF THIS SECTION SHALL BE DEEMED VOID AND AGAINST PUBLIC POLI-
12 CY.
13 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