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

1132

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DINOWITZ, KELLNER -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, COLTON, GALEF, GOTTFRIED, GREENE, HOOPER, PERRY -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to excluding certain days from notice period required prior to eviction

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

Section 1. Subdivision 2 of section 749 of the real property actions and proceedings law, as amended by chapter 750 of the laws of 1966, is amended to read as follows:

2. The officer to whom the warrant is directed and delivered shall give at least seventy-two hours notice, EXCLUDING ANY PERIOD WHICH OCCURS ON A SATURDAY, SUNDAY OR A PUBLIC HOLIDAY, in writing and in the manner prescribed in this article for the service of a notice of petition, to the person or persons to be evicted or dispossessed and shall execute the warrant between the hours of sunrise and sunset.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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