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

1438

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Housing

AN ACT to amend the real property actions and proceedings law, in relation to the restoration of a wrongfully removed tenant

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 750 to read as follows:

S 750. RESTORING A WRONGFULLY REMOVED TENANT TO POSSESSION. 1. WHEN A COURT RESTORES A WRONGFULLY REMOVED TENANT TO POSSESSION AFTER EXECUTION OF A WARRANT OF EVICTION, AND WHERE THE SUBJECT PREMISES IS OCCUPIED, THE COURT SHALL ISSUE A WARRANT DIRECTED TO THE SHERIFF OF THE COUNTY OR TO ANY CONSTABLE OR MARSHAL OF THE CITY IN WHICH THE PROPERTY OR A PORTION THEREOF IS SITUATED, OR, IF IT IS NOT SITUATED IN A CITY, TO ANY CONSTABLE OF ANY TOWN IN THE COUNTY, DESCRIBING THE PROPERTY, COMMANDING THE OFFICER TO REMOVE ALL PERSONS AND TO PUT THE WRONGFULLY REMOVED TENANT INTO FULL POSSESSION.

2. THE OFFICER TO WHOM THE WARRANT IS DIRECTED AND DELIVERED SHALL GIVE AT LEAST TWENTY-FOUR HOURS NOTICE, 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 REMOVED AND SHALL EXECUTE THE WARRANT BETWEEN THE HOURS OF SUNRISE AND SUNSET.

S 2. This act shall take effect on the first of September next succeeding the date on which 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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