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

2599--B

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law, in relation to certain holdover tenants

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

1 Section 1. The section heading and subdivision 1 of section 753 of the
2 real property actions and proceedings law, the section heading as
3 amended by chapter 870 of the laws of 1982, subdivision 1 as amended by
4 chapter 305 of the laws of 1963, are amended to read as follows:
5 Stay where tenant holds over in premises occupied for dwelling
6 purposes [in city of New York]. 1. In a proceeding to recover the
7 possession of premises [in the city of New York] occupied for dwelling
8 purposes, other than a room or rooms in an hotel, lodging house, or
9 rooming house, upon the ground that the occupant is holding over and
10 continuing in possession of the premises after the expiration of his OR
11 HER term and without the permission of the landlord, or, in a case where
12 a new lessee is entitled to possession, without the permission of the
13 new lessee, the court, on application of the occupant, may stay the
14 issuance of a warrant and also stay any execution to collect the costs
15 of the proceeding for a period of not more than six months, if it
16 appears that the premises are used for dwelling purposes; that the
17 application is made in good faith; that the applicant cannot within the
18 neighborhood secure suitable premises similar to those occupied by him
19 OR HER and that he OR SHE made due and reasonable efforts to secure such

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

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other premises, or that by reason of other facts it would occasion extreme hardship to [him or his] THE APPLICANT OR THE APPLICANT'S family if the stay were not granted. IN AN APPLICATION BROUGHT IN TOWN OR VILLAGE COURTS, THE TERM "NEIGHBORHOOD" SHALL BE CONSTRUED TO MEAN EITHER THE SAME TOWN OR VILLAGE WHERE THE APPLICANT NOW RESIDES, OR IF THE APPLICANT HAS SCHOOL AGED CHILDREN RESIDING WITH HIM OR HER, "NEIGHBORHOOD" SHALL MEAN THE SCHOOL DISTRICT WHERE SUCH CHILDREN ATTEND OR ARE ELIGIBLE TO ATTEND.

S 2. This act shall take effect immediately and shall apply to any proceeding to recover real property filed with any court of competent jurisdiction on and after such effective date.