

4079

2011-2012 Regular Sessions

I N   S E N A T E

March 16, 2011

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Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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  
20    other premises, or that by reason of other facts it would occasion  
21    extreme hardship to [him or his] THE APPLICANT OR THE APPLICANT'S family  
22    if the stay were not granted. IN AN APPLICATION BROUGHT IN TOWN OR  
23    VILLAGE COURTS, THE TERM "NEIGHBORHOOD" SHALL BE CONSTRUED TO MEAN  
24    EITHER THE SAME TOWN OR VILLAGE WHERE THE APPLICANT NOW RESIDES, OR IF

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

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1 THE APPLICANT HAS SCHOOL AGED CHILDREN RESIDING WITH HIM OR HER, "NEIGH-  
2 BORHOOD" SHALL MEAN THE SCHOOL DISTRICT WHERE SUCH CHILDREN ATTEND OR  
3 ARE ELIGIBLE TO ATTEND.  
4 S 2. This act shall take effect immediately and shall apply to any  
5 proceeding to recover real property filed with any court of competent  
6 jurisdiction on and after such effective date.