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

904

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. KRUEGER -- 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 the effect of issuance and execution of an eviction warrant

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

Section 1. Subdivision 3 of section 749 of the real property actions and proceedings law, as amended by chapter 192 of the laws of 1975, is amended to read as follows:

3. The [issuing] EXECUTION of a warrant for the removal of a tenant cancels the agreement under which the person removed held the premises, and annuls the relation of landlord and tenant[, but nothing contained herein shall deprive the court of the power to vacate such warrant for good cause shown prior to the execution thereof]. HOWEVER, THIS SUBDIVISION DOES NOT DEPRIVE THE COURT OF THE POWER TO VACATE SUCH WARRANT AT ANY TIME. Petitioner may recover by action any sum of money which was payable at the time when the special proceeding was commenced and the reasonable value of the use and occupation to the time when the warrant was [issued] EXECUTED, for any period of time with respect to which the agreement does not make any provision for payment of rent.

S 2. This act shall take effect immediately and shall apply to all causes of action occurring on or after such date.

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

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