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

1097

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CAHILL, TITUS, BENEDETTO -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Housing

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:

Section 1. The section heading and subdivision 1 of section 753 of the real property actions and proceedings law, the section heading as amended by chapter 870 of the laws of 1982, subdivision 1 as amended by chapter 305 of the laws of 1963, are amended to read as follows:

Stay where tenant holds over in premises occupied for dwelling purposes [in city of New York]. 1. In a proceeding to recover the possession of premises [in the city of New York] occupied for dwelling purposes, other than a room or rooms in an hotel, lodging house, or rooming house, upon the ground that the occupant is holding over and continuing in possession of the premises after the expiration of his OR HER term and without the permission of the landlord, or, in a case where a new lessee is entitled to possession, without the permission of the new lessee, the court, on application of the occupant, may stay the issuance of a warrant and also stay any execution to collect the costs of the proceeding for a period of not more than six months, if it appears that the premises are used for dwelling purposes; that the application is made in good faith; that the applicant cannot within the neighborhood secure suitable premises similar to those occupied by him OR HER and that he OR SHE made due and reasonable efforts to secure such 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

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

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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.