

# STATE OF NEW YORK

10167

## IN ASSEMBLY

March 24, 2020

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to evictions and foreclosures during a state disaster emergency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 111 of the real property actions and proceedings  
2 law is amended by adding two new subdivisions 6 and 7 to read as  
3 follows:

4 6. As used in sections 768-a and 1393 of this chapter, the term "state  
5 disaster emergency" shall have the same meaning as in section twenty of  
6 the executive law.

7 7. As used in section 1393 of this chapter, the term:

8 (a) "covered period" means the period beginning on the date on which a  
9 state disaster emergency begins and ending on the date that is thirty  
10 days after the date on which that state disaster emergency ends; and

11 (b) "covered action" means an action relating to an obligation:

12 (i) with respect to real or personal property owned by a mortgagor;  
13 and

14 (ii) that:

15 (A) originated before the date on which a state disaster emergency  
16 begins; and

17 (B) is in effect on the date on which a state disaster emergency  
18 begins; and

19 (C) is secured by a mortgage, trust deed, or other security in the  
20 nature of a mortgage.

21 § 2. The real property actions and proceedings law is amended by  
22 adding a new section 768-a to read as follows:

23 § 768-a. Evictions during state disaster emergency. 1. Except by the  
24 order of a court, a landlord may not, during a state disaster emergency,  
25 evict a tenant from premises that are occupied or intended to be occu-  
26 pled primarily as a residence.

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

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1     2. (a) Upon an application for eviction with respect to premises that  
2     are occupied or intended to be occupied primarily as a residence, a  
3     court may, upon motion of the court, and shall, if a request is made by  
4     or on behalf of a tenant, if the ability of the tenant to pay the rent  
5     that is the subject of the action is materially affected by a state  
6     disaster emergency:

7     (i) stay the proceedings for a period of thirty days, unless, in the  
8     opinion of the court, justice and equity require a longer or shorter  
9     period of time; or

10    (ii) adjust the obligation under the lease to preserve the interests  
11    of all parties.

12    (b) If a court grants a stay pursuant to this section the court may  
13    grant to the landlord such relief as equity may require.

14    § 3. The real property actions and proceedings law is amended by  
15    adding a new section 1393 to read as follows:

16    § 1393. Foreclosures during state disaster emergency. 1. If a covered  
17    action is filed in a court during a covered period, the court may, after  
18    a hearing and upon the motion of the court, and shall, upon application  
19    by the defendant if the ability of the defendant to comply with the  
20    covered obligation is materially affected by a state disaster emergency:

21    (a) stay the proceedings for a period of time as justice and equity  
22    require; or

23    (b) adjust the obligation to preserve the interests of all parties.

24    2. A sale, foreclosure, or seizure of property for a breach of an  
25    obligation described in paragraph (b) of subdivision seven of section  
26    one hundred eleven of this chapter by a mortgagor shall not be valid if  
27    made during a covered period except upon the order of a court that is  
28    granted before such sale, foreclosure, or seizure.

29    § 4. This act shall take effect immediately.