STATE OF NEW YORK

10496--A

IN ASSEMBLY

May 22, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Reyes, Otis) -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to ceasing the execution of money judgments by a sheriff due to the impacts of COVID-19

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

Section 1. 1. Notwithstanding any provision of law to the contrary, prior to the later of September 30, 2020 or the conclusion of the state disaster emergency declared pursuant to executive order 202, no sheriff shall take action with respect to the execution of a money judgment unless:

(a) such action or type of action has been ordered by the governor pursuant to article 2-B of the executive law or is necessary in order to carry out an order issued by the governor pursuant to such article; or

(b) such action or type of action is in connection with a matter under the jurisdiction of the family court.

2. Notwithstanding any provision of law to the contrary, prior to the later of April 1, 2021 or six months following the conclusion of the state disaster emergency declared pursuant to executive order 202, no sheriff shall take action with respect to the execution of a money judgment unless:

(a) such action or type of action has been ordered by the governor pursuant to article 2-B of the executive law or is necessary in order to carry out an order issued by the governor pursuant to such article;

(b) such action or type of action is in connection with a matter under the jurisdiction of the family court; or

(c) the party against whom such taking and restitution or such execution is sought has been provided a reasonable opportunity to show the court having jurisdiction over the matter that such party suffered a substantial loss of income because of novel coronavirus, COVID-19, and such court has found that such party has not suffered such a loss or has effectively waived such opportunity.

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

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3. For the purposes of subdivision 2 of this section, a party has suffered a substantial loss of income because of COVID-19 in the following instances:

(a) The party is a natural person and between March 7, 2020 and the conclusion of the state disaster emergency declared pursuant to executive order 202, inclusive, experienced two or more weeks in which (i) the person claimed federal or state unemployment insurance benefits in connection with a claim that was filed on or after March 7, 2020 or (ii) the person worked fewer than three days and earned less than $504 because of one or more of the following situations:

(1) the person was diagnosed with COVID-19 or was experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(2) a member of the person's household was diagnosed with COVID-19;

(3) the person was providing care for a family member or a member of the person's household who was diagnosed with COVID-19;

(4) a member of the person's household for whom the person had primary caregiving responsibility was unable to attend school or another facility that was closed as a direct result of the state disaster emergency declared pursuant to executive order 202 and such school or facility care was required for the person to work;

(5) the person was unable to reach the person's place of employment because of a quarantine imposed as a direct result of the state disaster emergency declared pursuant to executive order 202;

(6) the person was unable to reach the person's place of employment because the person had been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(7) the person was scheduled to commence employment and did not have a job or was unable to reach the job as a direct result of the state disaster emergency declared pursuant to executive order 202;

(8) the person became the breadwinner or major supporter for a household because the head of the household died as a direct result of COVID-19;

(9) the person quit a job as a direct result of COVID-19; or

(10) the person's place of employment is closed as a direct result of the state disaster emergency declared pursuant to executive order 202;

(b) The party is a business and (i) it was subject to seating, occupancy or on-premises service limitations pursuant to an executive order issued by the governor during the state disaster emergency declared pursuant to executive order 202 or (ii) its revenues for any three-month period between March 7, 2020 and the conclusion of the state disaster emergency declared pursuant to executive order 202, inclusive, were less than 50% of its revenues for the same period in 2019 or less than 50% of its aggregate revenues for the months of December 2019, January 2020, and February 2020; or

(c) The party is a natural person who is being held liable for a debt or other obligation of a business that satisfies the requirements of paragraph (b) of this subdivision.

§ 2. This act shall take effect immediately.