

# STATE OF NEW YORK

1095

2019-2020 Regular Sessions

## IN ASSEMBLY

January 14, 2019

Introduced by M. of A. GLICK, ENGLEBRIGHT, L. ROSENTHAL, GOTTFRIED --  
Multi-Sponsored by -- M. of A. COLTON, CYMBROWITZ, DINOWITZ, ORTIZ,  
PERRY -- read once and referred to the Committee on Housing

AN ACT to amend the real property actions and proceedings law, in  
relation to establishing protection for senior citizens against unwar-  
ranted eviction

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

Section 1. Section 111 of the real property actions and proceedings  
law is amended by adding a new subdivision 6 to read as follows:

6. As used in this chapter, the term "senior citizen" means a person  
who is sixty-two years of age or older or a person who resides with a  
spouse who is sixty-two years of age or older.

§ 2. Subdivision 2 of section 741 of the real property actions and  
proceedings law, as added by chapter 312 of the laws of 1962, is amended  
to read as follows:

2. State the respondent's interest in the premises [~~and~~], his or her  
relationship to petitioner with regard thereto and whether he or she is  
a senior citizen.

§ 3. Article 7 of the real property actions and proceedings law is  
amended by adding a new section 768 to read as follows:

§ 768. Default eviction against senior citizen. 1. In any civil action  
or proceeding for eviction from any premises occupied chiefly for dwell-  
ing purposes, if there shall be a default of an appearance by the  
respondent, the petitioner, within twenty days before the entry of judg-  
ment or final order shall file in the court an affidavit setting forth  
facts showing that the respondent is not a senior citizen.

2. If unable to file such affidavit the petitioner shall in lieu ther-  
eof file an affidavit setting forth either that the respondent is a  
senior citizen or that the petitioner is not able to determine whether  
or not respondent is a senior citizen. If an affidavit is not filed

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

LBD05673-01-9

1 showing that the respondent is not a senior citizen no judgment or final  
2 order shall be entered without first securing an order of the court  
3 directing such entry and no such order shall be made if the respondent  
4 is a senior citizen until after the court shall have appointed an attor-  
5 ney to represent the respondent and protect his or her interest, and the  
6 court shall, on application make such appointment.

7 3. Unless it appears that the respondent is not a senior citizen, the  
8 court may enter such judgment as in its opinion may be necessary to  
9 protect the rights of the respondent under this provision.

10 4. Any person who shall make or use an affidavit required under this  
11 section knowing it to be false or who shall knowingly take part in any  
12 eviction of a senior citizen otherwise than as provided for in this  
13 section or attempts to do so shall be guilty of a misdemeanor and shall  
14 be punishable by imprisonment not to exceed one year or by a fine not to  
15 exceed ten thousand dollars or both.

16 5. In any such action or proceeding in which a senior citizen is a  
17 party, if such party does not personally appear therein or is not  
18 represented by an authorized attorney the court may appoint an attorney  
19 to represent him or her; and in such a case an order may be made to  
20 protect the rights of such person.

21 6. In any such proceeding, the court may in its discretion on its own  
22 motion stay the proceedings for not longer than three months or may make  
23 such other orders as may be just.

24 § 4. This act shall take effect on the first of November next succeed-  
25 ing the date on which it shall have become a law.