STATE OF NEW YORK

7508

2019-2020 Regular Sessions

IN ASSEMBLY

May 8, 2019

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

AN ACT to amend the real property actions and proceedings law, in relation to extending to commercial tenants the right to seek a stay of the issuance of a warrant and a stay of any execution to collect the costs of the proceeding in a proceeding to recover the possession of premises in the city of New York

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 and 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 **or commercial** 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 **or commercial** purposes, other than a room or rooms in [~~an~~] **a** 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 **or commercial** 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 her** or his **or her** family **or business** if the stay were not granted.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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