

STATE OF NEW YORK

3678--A

2019-2020 Regular Sessions

IN SENATE

February 12, 2019

Introduced by Sens. KAPLAN, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law, in relation to evictions and foreclosures of federal employees during a federal government shutdown

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 and 1392 of this chapter, the term:

5 (a) "federal worker":

6 (i) means an employee of a federal government agency; and

7 (ii) is a resident of this state; and

8 (b) "shutdown" means any period in which there is more than a twenty-
9 four hour lapse in appropriations for any federal government agency or
10 federal department as a result of a failure of the federal government to
11 enact a regular appropriations bill or continuing resolution.

12 7. As used in section 1392 of this chapter, the term:

13 (a) "covered period" means the period beginning on the date on which a
14 shutdown begins and ending on the date that is thirty days after the
15 date on which that shutdown ends; and

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

17 (i) with respect to real or personal property owned by a federal work-
18 er; and

19 (ii) that:

20 (A) originated before the date on which a shutdown begins;

21 (B) is in effect on the date on which a shutdown begins; and

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

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

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

5 § 768. Evictions during federal government shutdown. 1. Except by the
6 order of a court, a landlord may not, during a shutdown, evict a federal
7 worker from premises that are occupied or intended to be occupied prima-
8 rily as a residence.

9 2. (a) Upon an application for eviction with respect to premises that
10 are occupied or intended to be occupied primarily as a residence, a
11 court may, upon motion of the court, and shall, if a request is made by
12 or on behalf of a federal worker, the ability of whom to pay the rent
13 that is the subject of the action is materially affected by a shutdown:

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

17 (ii) adjust the obligation under the lease to preserve the interests
18 of all parties.

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

21 § 3. The real property actions and proceedings law is amended by
22 adding a new section 1392 to read as follows:

23 § 1392. Foreclosures during government shutdown. 1. If a covered
24 action is filed in a court during a covered period, the court may, after
25 a hearing and upon the motion of the court, and shall, upon application
26 by the federal worker if the ability of the federal worker to comply
27 with the covered obligation is materially affected by a shutdown:

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

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

31 2. A sale, foreclosure, or seizure of property for a breach of an
32 obligation described in paragraph (b) of subdivision seven of section
33 one hundred eleven of this chapter by a federal worker shall not be
34 valid if made during a covered period except upon the order of a court
35 that is granted before such sale, foreclosure, or seizure.

36 § 4. This act shall take effect immediately.