

STATE OF NEW YORK

8192

IN SENATE

April 13, 2020

Introduced by Sens. HOYLMAN, KRUEGER, MAYER, LIU, MYRIE, SAVINO, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to default of payment of rent

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

1 Section 1. Subdivision 2 of section 711 of the real property actions
2 and proceedings law, as amended by section 12 of part M of chapter 36 of
3 the laws of 2019, is amended to read as follows:

4 2. The tenant has defaulted in the payment of rent, pursuant to the
5 agreement under which the premises are held, and a written demand of the
6 rent has been made with at least fourteen days' notice requiring, in the
7 alternative, the payment of the rent, or the possession of the premises,
8 has been served upon him or her as prescribed in section seven hundred
9 thirty-five of this article. Any person succeeding to the landlord's
10 interest in the premises may proceed under this subdivision for rent due
11 his or her predecessor in interest if he or she has a right thereto.
12 Where a tenant dies during the term of the lease and rent due has not
13 been paid and the apartment is occupied by a person with a claim to
14 possession, a proceeding may be commenced naming the occupants of the
15 apartment seeking a possessory judgment only as against the estate.
16 Entry of such a judgment shall be without prejudice to the possessory
17 claims of the occupants, and any warrant issued shall not be effective
18 as against the occupants. This subdivision shall not apply where a
19 tenant has defaulted in the payment of rent due between March seventh,
20 two thousand twenty and a date six months after the expiration of the
21 state disaster emergency, as such term is defined in section twenty of
22 the executive law, declared pursuant to executive order two hundred two
23 of two thousand twenty, as amended.

24 § 2. Subdivision 2 of section 747 of the real property actions and
25 proceedings law, as added by chapter 312 of the laws of 1962, is amended
26 to read as follows:

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

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1 2. The judgment shall not bar an action to recover the possession of
2 real property. The judgment shall not bar an action, proceeding or coun-
3 terclaim, commenced or interposed within sixty days of entry of the
4 judgment, for affirmative equitable relief which was not sought by coun-
5 terclaim in the proceeding because of the limited jurisdiction of the
6 court. No judgment for possession shall be entered from rent owed
7 between March seventh, two thousand twenty and a date six months after
8 the expiration of the state disaster emergency, as such term is defined
9 in section twenty of the executive law, declared pursuant to executive
10 order two hundred two of two thousand twenty, as amended.

11 § 3. The real property actions and proceedings law is amended by
12 adding a new section 712 to read as follows:

13 § 712. Grounds where landlord-tenant relationship exists; special
14 proceedings for rent due during the COVID-19 pandemic. A tenant shall
15 include an occupant of one or more rooms in a rooming house or a resi-
16 dent, not including a transient occupant, of one or more rooms in a
17 hotel who has been in possession for thirty consecutive days or longer.
18 No tenant or lawful occupant of a dwelling or housing accommodation
19 shall be removed from possession in a special proceeding maintained
20 under this article upon the grounds of this section. A special proceed-
21 ing for a judgment of rent due may be maintained where the tenant has
22 defaulted in the payment of rent, pursuant to the agreement under which
23 the premises are held, where such rent was due between March seventh,
24 two thousand twenty and a date six months after the expiration of the
25 state disaster emergency, as that term is defined in section twenty of
26 the executive law, declared pursuant to executive order two hundred two
27 of two thousand twenty, as amended, and a written demand of the rent has
28 been made with at least fourteen days' notice requiring the payment of
29 the rent, served upon the tenant as prescribed in section seven hundred
30 thirty-five of this article. Any person succeeding to the landlord's
31 interest in the premises may proceed under this section for rent due his
32 or her predecessor in interest for the time period specified above if he
33 or she has a right thereto.

34 § 4. This act shall take effect immediately.