

# STATE OF NEW YORK

10290

## IN ASSEMBLY

April 8, 2020

Introduced by M. of A. DINOWITZ, SEAWRIGHT -- read once and referred 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:

27 2. The judgment shall not bar an action to recover the possession of  
28 real property. The judgment shall not bar an action, proceeding or coun-

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

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

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

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

32 § 4. This act shall take effect immediately.