

# STATE OF NEW YORK

3678

2019-2020 Regular Sessions

## IN SENATE

February 12, 2019

Introduced by Sen. KAPLAN -- 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 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

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

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

LBD09795-01-9

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

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

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

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

15 (ii) adjust the obligation under the lease to preserve the interests  
16 of all parties.

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

19 3. A person who knowingly takes part in an eviction described in this  
20 section, or that knowingly attempts to take part in an eviction  
21 described in this section, shall be guilty of a misdemeanor.

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

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

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

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

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

37 3. A person who knowingly makes or causes to be made a sale, foreclo-  
38 sure, or seizure of property that is prohibited under this section, or  
39 that knowingly attempts to make or cause to be made a sale, foreclosure,  
40 or seizure of property that is prohibited under this section, shall be  
41 guilty of a misdemeanor.

42 § 4. This act shall take effect immediately.