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:

Section 1. Section 111 of the real property actions and proceedings law is amended by adding two new subdivisions 6 and 7 to read as follows:

6. As used in sections 768 and 1392 of this chapter, the term:

(a) "federal worker":

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

(ii) is a resident of this state; and

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

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

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

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

(i) with respect to real or personal property owned by a federal worker; and

(ii) that:

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 4. This act shall take effect immediately.