

STATE OF NEW YORK

1170

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BUTTENSCHON -- read once and referred to the
Committee on Housing

AN ACT to amend the real property actions and proceedings law, in
relation to reducing the period of notice required to be given when a
written demand for rent is served on a tenant after the tenant has
defaulted in the payment of rent and the period of notice to be given
serving a warrant issued pursuant to a final judgment of eviction from
fourteen days to seven days

The People of the State of New York, represented in Senate and Assem-
bly, 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~~ seven days' notice requir-
7 ing, in the alternative, the payment of the rent, or the possession of
8 the premises, has been served upon him as prescribed in section seven
9 hundred thirty-five of this article. Any person succeeding to the land-
10 lord's interest in the premises may proceed under this subdivision for
11 rent due his predecessor in interest if he has a right thereto. Where a
12 tenant dies during the term of the lease and rent due has not been paid
13 and the apartment is occupied by a person with a claim to possession, a
14 proceeding may be commenced naming the occupants of the apartment seek-
15 ing a possessory judgment only as against the estate. Entry of such a
16 judgment shall be without prejudice to the possessory claims of the
17 occupants, and any warrant issued shall not be effective as against the
18 occupants.

19 § 2. Paragraph (a) of subdivision 2 of section 749 of the real proper-
20 ty actions and proceedings law, as amended by section 19 of part M of
21 chapter 36 of the laws of 2019, is amended 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 (a) The officer to whom the warrant is directed and delivered shall
2 give at least [~~fourteen~~ seven days' notice, in writing and in the
3 manner prescribed in this article for the service of a notice of peti-
4 tion, to the person or persons to be evicted or dispossessed and shall
5 execute the warrant on a business day between the hours of sunrise and
6 sunset.

7 § 3. This act shall take effect immediately and shall apply to actions
8 and proceedings commenced on or after such effective date.