STATE OF NEW YORK

467

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to personal property exemptions; and to prohibit the issuance and enforcement of certain money judgments against a natural person, the accumulation of interest on certain money judgments against a natural person, and the entry of certain default judgments during the period of the COVID-19 state disaster emergency; and provides for the repeal of certain provisions upon expiration thereof

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

Section 1. Notwithstanding the provisions of sections 5222, 5230, 5232, and 5233 of the civil practice law and rules or any other provision of law to the contrary, no court shall issue, and no judgment creditor, sheriff, marshal or other agent of the judgment creditor shall enforce, a money judgment against a natural person, except where the judgment is for child support, spousal support, maintenance, or alimony, or where the court has, in its discretion, allowed judgment enforcement upon a judgment creditor's emergency application.

§ 2. Notwithstanding the provisions of section 5004 of the civil practice law and rules and any other provision of law to the contrary, no interest shall accumulate on money judgments against natural persons.

§ 3. Notwithstanding the provisions of section 3215 of the civil practice law and rules and any other provision of law to the contrary, where the defendant is a natural person, no failure to comply with payment obligations on a stipulation of settlement made after commencement of an action shall be deemed a failure to comply with the stipulation that could serve as a basis for entry of a default judgment.

§ 4. Section 5205 of the civil practice law and rules is amended by adding a new subdivision (p) to read as follows:

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

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(p) One hundred percent of any federal, state, or local government financial assistance made available to individuals in express response to a disaster, catastrophe, public health crisis, or similar public emergency are exempt from application to the satisfaction of a money judgment. Such financial assistance includes but is not limited to monies made available under section 2201 of the federal Coronavirus Aid, Relief, and Economic Security Act of 2020 and any other federal, state, or local government financial assistance made available to individuals in express response to the COVID-19 pandemic.

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed thirty days following the end of the state disaster emergency declared by executive order 202 of 2020, as amended.