STATE OF NEW YORK

1097

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. BICHOTTE HERMELYN, SEAWRIGHT, EPSTEIN, RIVERA -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to extending to commercial tenants the right to seek a stay of the issuance of a warrant and a stay of any execution to collect the costs of the proceeding in a proceeding to recover the possession of premises in the city of New York

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

Section 1. The section heading and subdivision 1 of section 753 of the real property actions and proceedings law, as amended by section 21 of part M of chapter 36 of the laws of 2019, are amended to read as follows:

Stay in premises occupied for dwelling **or commercial** purposes. 1. In a proceeding to recover the possession of premises occupied for dwelling **or commercial** purposes, other than a room or rooms in [~~an~~] **a** hotel, lodging house, or rooming house, the court, on application of the occupant, may stay the issuance of a warrant and also stay any execution to collect the costs of the proceeding for a period of not more than one year, if it appears that the premises are used for dwelling **or commercial** purposes; that the application is made in good faith; that the applicant cannot within the neighborhood secure suitable premises similar to those occupied by the applicant and that the applicant made due and reasonable efforts to secure such other premises, or that by reason of other facts it would occasion extreme hardship to the applicant or the applicant's family if the stay were not granted. In determining whether refusal to grant a stay would occasion extreme hardship, the court shall consider serious ill health, significant exacerbation of an ongoing condition, a child's enrollment in a local school, and any other extenuating life circumstances affecting the ability of the applicant or the applicant's family to relocate and maintain quality of life. The

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

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court shall consider any substantial hardship the stay may impose on the landlord in determining whether to grant the stay or in setting the length or other terms of the stay. In an application brought outside a city of one million or more, the term "neighborhood" shall be construed to mean (i) the same town, village or city where the applicant now resides, or (ii) if the applicant has school aged children residing with him or her, "neighborhood" shall mean the school district where such children attend or are eligible to attend.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.