

STATE OF NEW YORK

9166--A

Cal. No. 322

IN ASSEMBLY

February 9, 2024

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Judiciary -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend chapter 455 of the laws of 1997, amending the New York city civil court act and the civil practice law and rules relating to authorizing New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments of the supreme and family courts of the city of New York and defining the term "the sheriff" as used therein, in relation to the effectiveness thereof; and to amend the real property actions and proceedings law, in relation to notice of eviction by New York city marshals and electronic filing

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

1 Section 1. Section 3 of chapter 455 of the laws of 1997, amending the
2 New York city civil court act and the civil practice law and rules
3 relating to authorizing New York city marshals to exercise the same
4 functions, powers and duties as sheriffs with respect to the execution
5 of money judgments of the supreme and family courts of the city of New
6 York and defining the term "the sheriff" as used therein, as amended by
7 chapter 151 of the laws of 2023, is amended to read as follows:

8 § 3. This act shall take effect immediately and shall remain in full
9 force and effect only until June 30, [~~2024~~] 2026 when upon such date
10 this act shall be deemed repealed.

11 § 2. The real property actions and proceedings law is amended by
12 adding a new section 662 to read as follows:

13 § 662. New York city marshals. In the event the authority of a marshal
14 is extended throughout the city of New York with respect to the taking
15 and restitution of property, a marshal shall provide notice of such
16 eviction by physical posting of the notice and by an electronic filing.
17 For purposes of this section, "electronic filing" shall mean an elec-

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

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1 tronic filing as described in section twenty-one hundred three-a of the
2 New York city civil court act.

3 § 3. The opening paragraph of subdivision 1 of section 735 of the real
4 property actions and proceedings law, as amended by chapter 370 of the
5 laws of 1980, is amended to read as follows:

6 Service of the notice of petition and petition shall be made by
7 personally delivering them to the respondent; or by delivering to
8 and leaving personally with a person of suitable age and discretion who
9 resides or is employed at the property sought to be recovered, a copy
10 of the notice of petition and petition, if upon reasonable application
11 admittance can be obtained and such person found who will receive it; or
12 if admittance cannot be obtained and such person found, by affix-
13 ing a copy of the notice and petition upon a conspicuous part of the
14 property sought to be recovered or placing a copy under the entrance
15 door of such premises; and in addition, within one day after such
16 delivering to such suitable person or such affixing or placement, by an
17 electronic filing as described in section twenty-one hundred eleven of
18 the civil practice law and rules and by mailing to the respondent both
19 by registered or certified mail and by regular first class mail,

20 § 4. This act shall take effect immediately.