STATE OF NEW YORK

1656

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL, SEAWRIGHT, RAGA, FORREST, SHRESTHA, MAMDANI -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to prohibiting naming dependent children under the age of 18 in petitions to recover possession of real property and eviction warrants and sealing any records pertaining to such children

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

Section 1. Section 741 of the real property actions and proceedings law, as added by chapter 312 of the laws of 1962, the opening paragraph as amended by chapter 583 of the laws of 1979, subdivision 5 as amended by chapter 302 of the laws of 1976, subdivisions 5-a and 5-b as added by section 5 of part HH of chapter 56 of the laws of 2024, subdivision 6 as added by chapter 615 of the laws of 2022, subdivision 7 as added by chapter 579 of the laws of 2023 and subdivision 8 as amended by chapter 64 of the laws of 2024, is amended to read as follows:

§ 741. Contents of petition. **1.** The petition shall be verified by the person authorized by section seven hundred twenty-one **of this article** to maintain the proceeding; or by a legal representative, attorney or agent of such person pursuant to subdivision (d) of section thirty hundred twenty of the civil practice law and rules. An attorney of such person may verify the petition on information and belief notwithstanding the fact that such person is in the county where the attorney has [~~his~~] **an** office. Every petition shall:

[~~1.~~] **(a)** State the interest of the petitioner in the premises from which removal is sought.

[~~2.~~] **(b)** State the respondent's interest in the premises and [~~his~~] **the respondent's** relationship to petitioner with regard thereto.

[~~3.~~] **(c)** Describe the premises from which removal is sought.

[~~4.~~] **(d)** State the facts upon which the special proceeding is based.

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

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[~~5.~~] **(e)** State the relief sought. The relief may include a judgment for rent due, and for a period of occupancy during which no rent is due, for the fair value of use and occupancy of the premises if the notice of petition contains a notice that a demand for such a judgment has been made.

[~~5-a.~~] **(f)** Append or incorporate the notice required pursuant to section two hundred thirty-one-c of the real property law, which shall state the following: (i) if the premises are or are not subject to article six-A of the real property law, the "good cause eviction law", and if the premises are exempt, such petition shall state why the premises are exempt from such law; (ii) if the landlord is not renewing the lease for a unit subject to article six-A of the real property law, the lawful basis for such non-renewal; and (iii) if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of the real property law above the applicable local rent standard, as defined in subdivision eight of section two hundred eleven of the real property law, the justification for such increase.

[~~5-b.~~] **(g)** If the petitioner claims exemption from the provisions of article six-A of the real property law pursuant to subdivision one of section two hundred fourteen of the real property law, append or incorporate the information required pursuant to subdivision one of section two hundred fourteen of the real property law.

[~~6.~~] **(h)** In the city of Albany, where the premises from which removal is sought is subject to a local law requiring the registration of said premises as a condition of legal rental, allege proof of compliance with such local law.

[~~7.~~] **(i)** In the city of Newburgh, where the premises from which removal is sought is subject to a local law requiring the registration of said premises as a condition of legal rental, allege proof of compliance with such local law.

[~~8.~~] **(j)** In the city of Syracuse, where the premises from which removal is sought is subject to a local law requiring the registration of said premises as a condition of legal rental, allege proof of compliance with such local law.

2. No dependent children under the age of eighteen living in the same household with a parent or guardian shall be named in the petition.

§ 2. Subdivision 1 of section 749 of the real property actions and proceedings law, as amended by section 19 of part M of chapter 36 of the laws of 2019, is amended to read as follows:

1. Upon rendering a final judgment for petitioner, the court shall issue a warrant directed to the sheriff of the county or to any constable or marshal of the city in which the property, or a portion thereof, is situated, or, if it is not situated in a city, to any constable of any town in the county, describing the property, stating the earliest date upon which execution may occur pursuant to the order of the court, and commanding the officer to remove all persons named in the proceeding, provided upon a showing of good cause, the court may issue a stay of re-letting or renovation of the premises for a reasonable period of time**; provided further, however, that no dependent children under the age of eighteen living in the same household with a parent or guardian shall be named in the warrant**.

§ 3. Section 749 of the real property actions and proceedings law is amended by adding a new subdivision 4 to read as follows:

4. In the event that a warrant is issued pursuant to subdivision one of this section and any persons are removed from a property, any records pertaining to dependent children under the age of eighteen living in the

same household with a parent or guardian who were residing on or removed from such property shall be sealed and deemed confidential. No disclosure or use of such information relating to dependent children under the age of eighteen who were residing on or removed from such property shall be authorized, and the use of such information shall be prohibited.

§ 4. This act shall take effect immediately; provided, however, that the amendments to paragraphs (f) and (g) of subdivision 1 of section 741 of the real property actions and proceedings law made by section one of this act shall not affect the repeal of such paragraphs and shall be deemed repealed therewith.