

STATE OF NEW YORK

11586

IN ASSEMBLY

June 5, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Walker) --
read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to mandating a stay of foreclosure sales in all actions where a defendant has filed and perfected an appeal from a judgment of foreclosure and sale

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

1 Section 1. Subdivision (c) of section 5519 of the civil practice law
2 and rules is amended to read as follows:

3 (c) Stay and limitation of stay by court order. The court from or to
4 which an appeal is taken or the court of original instance may stay all
5 proceedings to enforce the judgment or order appealed from pending an
6 appeal or determination on a motion for permission to appeal in a case
7 not provided for in subdivision (a) or [~~subdivision~~] (b) of this
8 section, or may grant a limited stay or may vacate, limit or modify any
9 stay imposed by subdivision (a) of this section, subdivision (b) of this
10 section or this subdivision, except that only the court to which an
11 appeal is taken may vacate, limit or modify a stay imposed by paragraph
12 one of subdivision (a) of this section. Notwithstanding any other
13 provision of law, in any action involving a judgment of foreclosure and
14 sale, the enforcement of the judgment shall be automatically stayed
15 where a notice of appeal has been filed by the defendant until the
16 appeal is decided or dismissed, unless expressly waived by the defend-
17 ant.

18 § 2. This act shall take effect immediately.

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

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