**S8115**  HOYLMAN  No Same as   
ON FILE: 03/23/20 Real Property Actions and Proceedings Law  
TITLE....Relates to evictions and foreclosures during a state disaster emergency

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| 03/23/20 | REFERRED TO JUDICIARY |  |

HOYLMAN, KAVANAGH  
Amd §111, add §§768-a & 1393, RPAP L   
Prohibits foreclosures and evictions during a state disaster emergency.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S8115

**SPONSOR:** HOYLMAN

**TITLE OF BILL**:

An act to amend the real property actions and proceedings law, in

relation to evictions and foreclosures during a state disaster emergency

**PURPOSE OR GENERAL IDEA OF BILL**:

This legislation would establish a moratorium on evictions and foreclo-

sures during a state disaster emergency.

**SUMMARY OF SPECIFIC PROVISIONS**:

Section 1 of the bill defines the terms "state disaster emergency",

"covered period", and "covered action" for the purposes of the bill.

Section 2 of the bill prohibits landlords from evicting tenants during a

state disaster emergency without a court order, and gives the court the

ability to stay eviction proceedings or adjust lease obligations if a

tenant's ability to pay rent is materially affected by a state disaster

emergency.

Section 3 of the bill allows a court to stay a foreclosure proceeding or

adjust lease obligations if an action is filed in court during a period

beginning when a state disaster emergency is declared and lasting until

30 days after the state disaster emergency ends. It also prohibits a

sale, foreclosure, or seizure of property for breach of an obligation

related to a mortgage during such period without a court order.

Section 4 is the effective date.

**JUSTIFICATION**:

In the midst of the public health crisis that has emerged from the

spread of COVID-19, many housing insecure New Yorkers are facing signif-

icant financial hardship, threatening their ability to make their rent

or mortgage payments and making them vulnerable to foreclosure or

eviction.

These people and their families are facing the possibility of homeless-

ness at the same time that government and public health officials are

rightfully urging New Yorkers to stay home, practice social distancing,

and maintain good personal hygiene. This would be impossible for many

housing insecure families should they become homeless, leading to

increased spread of this deadly virus and devastating public health

impacts for all New Yorkers.

Low wage workers are disproportionately affected by the shock waves this

virus is sending through our economy. As they face the potential loss of

crucial sources of income, we must ensure they do not also lose their

housing during this pandemic. This bill would place a moratorium on

evictions and foreclosures during this time of crisis, preserving access

to stable housing, helping save lives, and protecting those in need.

This approach is consistent with proposals currently being considered in

other states in response to this crisis. Public officials in San Jose,

San Francisco, and L.A. in California and Miami Dade in Florida are

currently advancing similar legislation.

**PRIOR LEGISLATIVE HISTORY**:

New Bill.

**FISCAL IMPLICATIONS**:

To be determined.

**EFFECTIVE DATE**:

This act shall take effect immediately.

**STATE OF NEW YORK**

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8115

**IN SENATE**

March 23, 2020

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

AN ACT to amend the real property actions and proceedings law, in

    relation to evictions and foreclosures during a state disaster     emergency

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

Section 1. Section 111 of the real property actions and proceedings law is amended by adding two new subdivisions 6 and 7 to read as follows:

**6. As used in sections 768-a and 1393 of this chapter, the term "state** **disaster emergency" shall have the same meaning as in section twenty of** **the executive law.**

**7. As used in section 1393 of this chapter, the term:**

**(a) "covered period" means the period beginning on the date on which a** **state disaster emergency begins and ending on the date that is thirty** **days after the date on which that state disaster emergency ends; and**

**(b) "covered action" means an action relating to an obligation:**

**(i) with respect to real or personal property owned by a mortgagor;** **and**

**(ii) that:**

**(A) originated before the date on which a state disaster emergency** **begins;**

**(B) is in effect on the date on which a state disaster emergency** **begins; and**

**(C) is secured by a mortgage, trust deed, or other security in the** **nature of a mortgage.**

    § 2. The real property actions and proceedings law is amended by adding a new section 768-a to read as follows:

**§ 768-a. Evictions during state disaster emergency. 1. Except by the** **order of a court, a landlord may not, during a state disaster emergency,** **evict a tenant from premises that are occupied or intended to be** **occupied primarily as a residence.**

**2. (a) Upon an application for eviction with respect to premises that** **are occupied or intended to be occupied primarily as a residence, a** **court may, upon motion of the court, and shall, if a request is made by** **or on behalf of a tenant, if the ability of the tenant to pay the rent** **that is the subject of the action is materially affected by a state** **disaster emergency:**

**(i) stay the proceedings for a period of thirty days, unless, in the** **opinion of the court, justice and equity require a longer or shorter** **period of time; or**

**(ii) adjust the obligation under the lease to preserve the interests** **of all parties.**

**(b) If a court grants a stay pursuant to this section the court may** **grant to the landlord such relief as equity may require.**

    § 3. The real property actions and proceedings law is amended by adding a new section 1393 to read as follows:

**§ 1393. Foreclosures during state disaster emergency. 1. If a covered** **action is filed in a court during a covered period, the court may, after** **a hearing and upon the motion of the court, and shall, upon application** **by the defendant if the ability of the defendant to comply with the** **covered obligation is materially affected by a state disaster emergency:**

**(a) stay the proceedings for a period of time as justice and equity** **require; or**

**(b) adjust the obligation to preserve the interests of all parties.**

**2. A sale, foreclosure, or seizure of property for a breach of an** **obligation described in paragraph (b) of subdivision seven of section** **one hundred eleven of this chapter by a mortgagor shall not be valid if** **made during a covered period except upon the order of a court that is** **granted before such sale, foreclosure, or seizure.**

    § 4. This act shall take effect immediately.