

I write to you from RAS Boriskin, LLC in New York to share a Covid-19 update related to legislation and court appearances:

Legislation

In light of Covid-19, New York's State Senate and Assembly are introducing a bill that impacts foreclosures and evictions during this state of emergency. A copy of the proposed bill is attached for your review. Set out below please find a summary of the proposed amendments to RPAPL.

- Eviction:
 - A tenant cannot be evicted if occupying the mortgaged property as his/her/their primary residence during this state emergency
 - Upon application to the court for eviction, if a tenant presents and identifies its inability to pay rent because of the state emergency, and/or upon motion of the court, the court may:
 - Stay the proceedings for at least 30 days
 - Adjust the lease obligations as needed
- Foreclosure:
 - Foreclosure sales can go forward but only upon order of the court obtained before the sale takes place.
 - With respect to foreclosures, a court, may on its own, or upon motion by a defendant materially impacted by the state emergency:
 - Stay the foreclosure action in the interest of justice; or
 - Adjust the obligations as needed

This bill becomes effective upon signing. We will keep you apprised of the status.

Courts

Yesterday, Judge Marks issued the updated memorandum advising that courts outside New York City (Kings, Queens, Bronx, Richmond, New York) will only be open for essential court matters. As such, outside those 5 counties, mediation appearances and status conferences are postponed. Pending trials are still proceeding forward. Pursuant to Judge Marks' Friday memorandum, motions were to be heard on submission, except for limited circumstances. Accordingly, we expect there to be a significant reduction in mediation volume until further notice. Copies of Judge Marks' March 15, 2020 memorandum is attached for your ease and convenience.

Evictions

Pursuant to Judge Marks' March 15, 2020 memorandum, effective today, all eviction proceedings and pending eviction orders are suspended statewide.

Sales

At this point in time the following counties have canceled sales for this week only: Nassau, Bronx and Queens.
Richmond county has canceled all sales through April with sales resuming May 7th. They are not calendaring any new sales until further notice.
We expect a further communication from Suffolk county today and Upstate counties in the coming days.

As we navigate these challenging times and as we have done throughout our organization's history, we continue to put forth our best efforts to provide the best service to our valued clients and to keep our team safe.

If you would like to discuss any of the foregoing, please feel free to reach out.

Thanks

Sara Z. Boriskin
RAS Boriskin, LLC
Managing Partner
900 Merchants Concourse
Westbury, New York 11590
Phone: (516) 280-7675 ext 1101



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

MEMORANDUM

March 15, 2020

To: All Judicial and Non-Judicial Personnel of the Unified Court System

From: Lawrence K. Marks *LM*

Re: Updated Protocols

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In light of further recent developments in the coronavirus public health emergency in New York State, please be advised of the following updated operational protocols for the trial courts of the Unified Court System, as well as all other UCS offices.

- **Effective 5 p.m. on Monday, March 16, we will be postponing all non-essential functions of the courts until further notice. All essential functions will continue, as described below.**
- Pending Trials: Pending criminal and civil trials will continue to conclusion. Consistent with our directive of March 13, no other criminal or civil trials shall commence until further notice.
- Special Parts: Outside of New York City, special court parts will be established in individual jurisdictions (at the courthouses listed in Attachment A) where essential matters will be consolidated; inside New York City, courthouses will remain open to handle essential matters:

Supreme Court: Essential applications as the court may allow, e.g., Mental Hygiene Law applications, civil commitments, and guardianships.

Civil matters in courts
other than Supreme Court: Essential applications as the court may allow.

Effective Monday, March 16, all eviction proceedings and pending eviction orders shall be suspended statewide until further notice.

NYC Housing Court: Essential applications as the court may allow, e.g., landlord lockouts, serious housing code violations, and repair orders.

Criminal (superior court) matters:

Essential applications as the court may allow.

Effective Monday, March 16, felony matters wherein the defendant is not in custody shall be administratively adjourned until further notice. Felony matters in which defendants are in custody will either be administratively adjourned or be conducted remotely by video in New York City and in jurisdictions outside of New York City that have technology available to do so.

Criminal (lower court):

Arraignments, and essential applications as the court may allow, e.g., applications for orders of protection.

Arraignments shall be conducted through video remote appearances in New York City and to the fullest extent possible throughout the State.

In New York City, the Red Hook Community Court and the Midtown Community Court have been designated as arraignment sites where persons believed to be at medical risk related to the coronavirus will appear remotely by video.

Family Court:

Essential matters as the court may allow, e.g., issues related to child protection proceedings, juvenile delinquency proceedings, family offenses, and support orders.

Surrogate's Court:

Essential applications as the court may allow.

Court of Claims:

Essential applications as the court may allow.

Please note that, in addressing essential applications, judges will exercise judicial discretion in a manner designed to **minimize court appearance and traffic in the courts.**

- Dedicated 800 Number: The Court System will be establishing an emergency telephone number, available 24/7, for all questions from the public relating to court operations during the coronavirus public health emergency.
- Judicial Assignments: Judges should check with their Administrative or Supervising Judge for information on their assignment under these updated protocols.
- Staff Assignments: Nonjudicial employees should check with their supervisor for information on their assignment under the updated protocols. **Unless you are expressly notified that you must report to work, do not report to work on Tuesday, March 17.** (Staff remaining home pursuant to this directive shall designate such time as excused leave for payroll purposes.) Staff not required to report to work on Tuesday shall remain available for potential future work assignments going forward.

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These initiatives are part of our continuing and evolving efforts to assure the operation of the courts in the safest possible manner for the public and our employees in this time of medical emergency. Please consult your Administrative or Supervising Judge for further details on these proposals.

Thank you for your continuing cooperation and support in these efforts.

ATTACHMENT A

Courts Outside NYC

County/City

Designated Court/Location for Emergency Proceedings

3rd District

Albany County Courthouse & Judicial Center
Albany County Family Court
Albany City Court
Cohoes City Court
Watervliet City Court

Albany County Judicial Center, 6 Lodge Street, Albany, NY 12207
Albany County Judicial Center, 6 Lodge Street, Albany, NY 12207
Albany County Judicial Center, 6 Lodge Street, Albany, NY 12207
Albany County Judicial Center, 6 Lodge Street, Albany, NY 12207
Albany County Judicial Center, 6 Lodge Street, Albany, NY 12207

Columbia County
Hudson City Court

Columbia County Courthosue, 401 Union Street, Hudson
Columbia County Courthosue, 401 Union Street, Hudson

Greene County

Greene County Courthouse, 320 Main Street, Catskill

Rensselaer County Courthouse
Rensselaer County Family Court
Rensselaer City
Troy City

Rensselaer County Courthouse, 80 Second Street, Troy
Rensselaer County Courthouse, 80 Second Street, Troy
Rensselaer County Courthouse, 80 Second Street, Troy
Rensselaer County Courthouse, 80 Second Street, Troy

Schoharie County

Schoharie County Courthouse, 290 Main Street, Schoharie

Sullivan County Courthouse
Sullivan County Family Court

Sullivan County Courthouse, 414 Broadway, Monticello
Sullivan County Courthouse, 414 Broadway, Monticello

Ulster County Courthouse
Ulster County Family
Kingston City Court

Ulster County Courthouse, 285 Wall Street, Kingston
Ulster County Courthouse, 285 Wall Street, Kingston
Ulster County Courthouse, 285 Wall Street, Kingston

4th District

Clinton Co. Supreme/County/Family/Surrogate
Plattsburgh City Court

Clinton County Courthouse, Clinton County Office Building, 137 Margaret Street, Plattsburgh
Clinton County Courthouse, Clinton County Office Building, 137 Margaret Street, Plattsburgh

Essex Co. Supreme/County/Family/Surrogate

Essex County Courthouse, 7559 Court Street, Elizabethtown

Franklin Co. Supreme/County/Family/Surrogate

Franklin County Courthouse, 355 West Main Street, Malone

Fulton Co. Family Court
Fulton Co. Supreme/County/Surrogate
Gloversville City Court
Johnstown City Court

Fulton County Courthouse - Family Court Building, 223 West Main Street, Johnstown
Fulton County Courthouse - Family Court Building, 223 West Main Street, Johnstown
Fulton County Courthouse - Family Court Building, 223 West Main Street, Johnstown
Fulton County Courthouse - Family Court Building, 223 West Main Street, Johnstown

Hamilton County Courthouse
Indian Lake Court Offices

Hamilton County Courthouse, 102 County View Drive, Lake Pleasant
Hamilton County Courthouse, 102 County View Drive, Lake Pleasant

Montgomery Co. Supreme/County/Family/Surroagte Amsterdam City Court	Montgomery County Courthouse, 58 Broadway, Fonda Montgomery County Courthouse, 58 Broadway, Fonda
Saratoga Co. Family Court - Building #2 Saratoga Co. Supreme/County/Surrogate - Bldg. #3 Mechanicville City Court Saratoga Springs City Court	Saratoga County Courthouse, Building #2, 30 McMaster Street, Ballston Spa Saratoga County Courthouse, Building #2, 30 McMaster Street, Ballston Spa Saratoga County Courthouse, Building #2, 30 McMaster Street, Ballston Spa Saratoga County Courthouse, Building #2, 30 McMaster Street, Ballston Spa
St. Lawrence Co. Supreme/County/Family/Surrogate Ogdensburg City Court	St. Lawrence County Courthouse, 48 Court Street, Canton St. Lawrence County Courthouse, 48 Court Street, Canton
Schenectady Supreme/County/Surrogate - 612 State Schenectady Co. Family Court - 620 State Shaffer Heights Supreme Court Annex - Nott Terrace Schenectady City Court - Civil and Traffic (Jay St.) Schenectady City Criminal (Liberty St - police station)	Schenectady County Family Court - 620 State St., Schenectady Schenectady County Family Court - 620 State St., Schenectady Schenectady County Family Court - 620 State St., Schenectady Schenectady County Family Court - 620 State St., Schenectady Schenectady County Family Court - 620 State St., Schenectady
Warren Co. Supreme/County/Family/Surrogate Glens Falls City Court Warren Co. Centralized Arraignment Part (CAP)	Warren County Courthouse - Family Court wing, 1340 State Route 9, Lake George Warren County Courthouse - Family Court wing, 1340 State Route 9, Lake George CAP will remain open
Washington Co. Supreme/County/Family/Surrogate Washington Co. Centralized Arraignment Part (CAP)	Washington County Courthouse, 383 Broadway, Fort Edward CAP will remain open

5th District

Herkimer County Little Falls City Court	Herkimer County Court - 301 N. Washington St. Herkimer, NY 13350 Herkimer County Court - 301 N. Washington St. Herkimer, NY 13350
Jefferson County Watertown City Court	Jefferson County Court - 163 Arsenal St. Watertown, NY 13601 Jefferson County Court - 163 Arsenal St. Watertown, NY 13601
Lewis County	Lewis Multi-Bench - 7660 N. State St. Lowville, NY 13367
Oneida County Utica City Court Rome City Court Sherrill City Court	Oneida Family Court - 200 Elizabeth St. Utica, NY 13501 Oneida Family Court - 200 Elizabeth St. Utica, NY 13501 Oneida Family Court - 200 Elizabeth St. Utica, NY 13501 Oneida Family Court - 200 Elizabeth St. Utica, NY 13501
Onondaga County Syracuse City Court	Onondaga Family Court - 401 Montgomery St. Syracuse, NY 13202 Onondaga Family Court - 401 Montgomery St. Syracuse, NY 13202
Oswego County Fulton City Court Oswego City Court	Public Safety Center, 39 Churchill Road, Oswego, NY 13126 Public Safety Center, 39 Churchill Road, Oswego, NY 13126 Public Safety Center, 39 Churchill Road, Oswego, NY 13126

6th District

Broome County Binghamton City Court (City Hall)	Broome County Annex County and Family Court Building, Binghamton Broome County Annex County and Family Court Building, Binghamton
Chemung County Elmira City Court (City Hall)	Justice Building, Elmira Justice Building, Elmira
Chenango County Norwich City Court (City Court Building)	Eaton Center, Norwich Eaton Center, Norwich
Cortland County Supreme Court (Cortland County Courthouse)	Cortland County Courthouse, 46 Greenbush Street, Cortland
Delaware County	Delaware County Courthouse, 3 Court Street, Delhi
Madison County Oneida City Court (Justice Center)	Madison County Courthouse, 138 North Court Street, Wampsville Madison County Courthouse, 138 North Court Street, Wampsville
Otsego County Oneonta City Court (Public Safety building)	Otsego County Office Building, 197 Main Street, Cooperstown Otsego County Office Building, 197 Main Street, Cooperstown
Schuyler County	Schuyler County Courthouse, Watkins Glen
Tioga County	Tioga County Annex Building, Owego
Tompkins County Ithaca City Court (City Court Building)	Tompkins County Courthouse, 320 North Main Street, Ithaca Tompkins County Courthouse, 320 North Main Street, Ithaca
7th District	
Cayuga County Auburn City Court	Cayuga Historic Old Post Office, Auburn See Courthouse Above Cayuga CAP Jail Visitation (Town and Village)
Livingston County	Livingston County Courthouse, Geneseo Livingston CAP (Town and Village)
Monroe County Rochester City Court	Monroe County Courthouse, Hall of Justice, Rochester Monroe County Courthouse, Hall of Justice, Rochester
Ontario County Canandaigua City Court	Ontario County Courthouse, Canandaigua Ontario CAP Jail Lobby (Town and Village) Ontario County Courthouse, Canandaigua Ontario CAP Jail (Town and Village)
Geneva City Court	Ontario County Courthouse, Canandaigua Ontario CAP Jail (Town and Village)

Seneca County	Seneca County Courthouse, Waterloo Seneca CAP Jail Lobby (Town and Village)
Steuben County	Steuben County Courthouse, Bath Steuben CAP Jail Visitation Area (Town and Village)
Corning City Court	Steuben County Courthouse, Bath Steuben CAP Jail Visitation Area (Town and Village)
Hornell City Court	Steuben County Courthouse, Bath Steuben CAP Jail Visitation Area (Town and Village)
Wayne County	Wayne County Courthouse, Lyons Wayne CAP Jail Visitation (Town and Village)
Yates County	Yates County Courthouse, Penn Yan yates CAP Jail Lobby (Town and Village)
8th District	
Allegany County	Allegany County Courthouse, Belmont
Cattaraugus County Olean City Court Salamanca City Court	Cattaraugus County Courthouse, Little Valley Cattaraugus County Courthouse, Little Valley Cattaraugus County Courthouse, Little Valley
Chautauqua County Dunkirk City Court Jamestown City Court	Chautauqua County Courthouse, Mayville Chautauqua County Courthouse, Mayville Chautauqua County Courthouse, Mayville
Erie County Buffalo City Court Lackawana City Court Tonawanda City Court	Erie County Courthouse, Buffalo Erie County Courthouse, Buffalo Erie County Courthouse, Buffalo Erie County Courthouse, Buffalo
Genesee County Batavia City Court	Genesee County Court Facility, Batavia Genesee County Court Facility, Batavia
Niagara County Lockport City Court Niagara Falls City Court North Tonawanada City Court	Niagara County Courthouse, Lockport Niagara County Courthouse, Lockport Niagara County Courthouse, Lockport Niagara County Courthouse, Lockport
Orleans County	Orleans County Courthouse, Albion
Wyoming County	Wyoming County Courthouse, Warsaw
9th District	

Dutchess County Beacon City Court Poughkeepsie City Court	Dutchess Family Court, 50 Market Street, Poughkeepsie, NY Dutchess Family Court, 50 Market Street, Poughkeepsie, NY Dutchess Family Court, 50 Market Street, Poughkeepsie, NY
Orange County Middletown City Court Newburgh City Court Port Jervis City Court	Orange County Courthouse, 285 Main Street, Goshen, NY Orange County Courthouse, 285 Main Street, Goshen, NY Orange County Courthouse, 285 Main Street, Goshen, NY Orange County Courthouse, 285 Main Street, Goshen, NY
Putnam County	County Courthouse, 20 County Center, Carmel NY
Rockland County	Rockland County Courthouse, New City
Westchester County Mount Vernon City Court New Rochelle City Court Peekskill City Court Rye City Court White Plains City Court Yonkers City Court	Supreme Court - 111 Dr. Martin Luther King Jr. Blvd., White Plains Supreme Court - 111 Dr. Martin Luther King, Jr. Blvd, White Plains Supreme Court - 111 Dr. Martin Luther King, Jr. Blvd, White Plains Supreme Court - 111 Dr. Martin Luther King, Jr. Blvd, White Plains Supreme Court - 111 Dr. Martin Luther King, Jr. Blvd, White Plains Supreme Court - 111 Dr. Martin Luther King, Jr. Blvd, White Plains Supreme Court - 111 Dr. Martin Luther King, Jr. Blvd, White Plains
Nassau County	
Nassau County - All Courts	Nassau County District Court, 99 Main Street, Hempstead, NY
Suffolk County	
Suffolk County - All Courts	Cohalen Court Complex, 400 Carleton Avenue, Centrall Islip, NY 11722
Court of Claims	
Albany	Robert Abrams Building for Law and Justice, Capitol Station, Albany

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

BILL NUMBER:

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 provide protections against evictions and foreclosures 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.

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal:

S. -----
 Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

REALPALA

(Relates to evictions and foreclo-
sures during a state disaster emer-
gency)

RPAP L. actions state emergency

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:

s15 Addabbo	s02 Flanagan	s09 Kaminsky	s25 Montgomery	s23 Savino
s52 Akshar	s55 Funke	s07 Kaplan	s20 Myrie	s32 Sepulveda
s46 Amedore	s59 Gallivan	s26 Kavanagh	s58 O'Mara	s41 Serino
s36 Bailey	s05 Gaughan	s63 Kennedy	s62 Ott	s29 Serrano
s30 Benjamin	s12 Gianaris	s28 Krueger	s21 Parker	s51 Seward
s34 Biaggi	s22 Gonnardes	s24 Lanza	s19 Persaud	s39 Skoufis
s57 Borrello	s47 Griffo	s01 LaValle	s13 Ramos	s16 Stavisky
s04 Boyle	s40 Harekham	s45 Little	s61 Ranzenhofner	s35 Stewart
s44 Breslin	s54 Helming	s11 Liu	s48 Ritchie	s05 Cousins
s08 Brooks	s27 Hoylman	s03 Martinez	s33 Rivera	s49 Tedisco
s38 Carlucci	s31 Jackson	s53 May	s56 Robach	s06 Thomas
s14 Commie	s60 Jacobs	s37 Mayer	s18 Salazar	s50
s17 Felder	s43 Jordan	s42 Metzger	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

a049 Abbate	a053 Davila	a128 Hunter	a037 Nolan	a099 Schmitt
a092 Abinanti	a072 De La Rosa	a029 Hyndman	a144 Norris	a076 Seawright
a084 Arroyo	a034 DesDekker	a104 Jacobson	a069 O'Donnell	a052 Simon
a107 Ashby	a003 DeStefano	a097 Jaffee	a051 Ortiz	a036 Simotas
a035 Aubrey	a070 Dickens	a011 Jean-Pierre	a091 Otis	a005 Smith
a120 Barclay	a054 Dilan	a135 Johns	a132 Palmesano	a118 Smullen
a030 Barnwell	a081 Dinowitz	a115 Jones	a002 Pahlumbo	a022 Solages
a106 Barrett	a147 DiPietro	a077 Joyner	a088 Paulin	a114 Stice
a060 Barron	a016 D'Urso	a040 Kim	a141 Peoples-	a110 Steck
a082 Benedetto	a048 Eichenstein	a131 Kolb	Stokes	a010 Stern
a042 Bichotte	a004 Englebright	a105 Lalor	a058 Perry	a127 Stipe
a079 Blake	a074 Epstein	a013 Lavine	a023 Pfeffer	a102 Tague
a117 Blankenshush	a109 Fahy	a134 Lawrence	Amato	a071 Taylor
a098 Brabence	a061 Fall	a050 Lemol	a086 Pichardo	a001 Thiele
a026 Braunstein	a080 Fernandez	a125 Lifton	a089 Pretlow	a033 Vanel
a138 Bronson	a126 Finch	a009 LiPetri	a073 Quart	a116 Walczyk
a093 Buchwald	a008 Fitzpatrick	a123 Lupardo	a019 Ra	a055 Walker
a142 Burke	a124 Friend	a129 Magnarelli	a006 Ramos	a143 Wallace
a119 Buttenschon	a046 Fronts	a064 Malliotakis	a062 Reilly	a112 Walsh
a094 Byrne	a095 Galef	a130 Manktelow	a087 Reyes	a041 Weinstein
a133 Byrnes	a137 Guatt	a108 McDonald	a043 Richardson	a024 Weprin
a103 Cahill	a007 Gaubario	a014 McDonough	a078 Rivera	a059 Williams
a044 Carroll	a148 Giglio	a146 McMahon	a068 Rodriguez	a113 Woerner
a047 Colton	a066 Glick	a017 Mikalin	a027 Rosenthal, D.	a056 Wright
a032 Cook	a150 Goodell	a101 Miller, B.	a067 Rosenthal, L.	a096 Zebrowski
a085 Crespo	a075 Gottfried	a038 Miller, M. G.	a025 Rozic	a012
a122 Crouch	a021 Griffin	a020 Miller, M. L.	a149 Ryan	a031
a039 Cruz	a100 Gunther	a015 Montesano	a121 Salka	a136
a063 Cusick	a139 Hawley	a145 Morinello	a111 Santabarbara	
a045 Cymbrowitz	a083 Heastie	a057 Mosley	a090 Sayegh	
a018 Darling	a028 Hevesi	a065 Niosi	a140 Schimmginger	

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and: in Assembly 2 copies of memorandum in support, in Senate 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

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

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

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

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

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

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

14 (ii) that:

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

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

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

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

23 § 768-a. Evictions during state disaster emergency. 1. Except by the
24 order of a court, a landlord may not, during a state disaster emergency,
25 evict a tenant from premises that are occupied or intended to be occu-
26 pied primarily as a residence.

27 2. (a) Upon an application for eviction with respect to premises that
28 are occupied or intended to be occupied primarily as a residence, a

1 court may, upon motion of the court, and shall, if a request is made by
2 or on behalf of a tenant, if the ability of the tenant to pay the rent
3 that is the subject of the action is materially affected by a state
4 disaster emergency;

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

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

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

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

14 § 1393. Foreclosures during state disaster emergency. 1. If a covered
15 action is filed in a court during a covered period, the court may, after
16 a hearing and upon the motion of the court, and shall, upon application
17 by the defendant if the ability of the defendant to comply with the
18 covered obligation is materially affected by a state disaster emergency:

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

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

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

27 § 4. This act shall take effect immediately.