

STATE OF NEW YORK

2366

2025-2026 Regular Sessions

IN SENATE

January 16, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed to the Committee on Housing,
Construction and Community Development

AN ACT to amend the real property actions and proceedings law and the
penal law, in relation to clarifying the definition of "tenant" to
exclude squatters; and to amend the administrative code of the city of
New York, in relation to bona fide lease agreements and evictions

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

1 Section 1. The opening paragraph of section 711 of the real property
2 actions and proceedings law, as amended by section 1 of part II of chap-
3 ter 56 of the laws of 2024, is amended to read as follows:

4 A tenant shall include an occupant of one or more rooms in a rooming
5 house or a resident, not including a transient occupant, of one or more
6 rooms in a hotel who has been in possession for [~~thirty~~ sixty consec-
7 utive days or longer. A tenant shall not include a squatter. For the
8 purposes of this section, a squatter is a person who enters onto or
9 intrudes upon real property without the permission of the person enti-
10 tled to possession, and continues to occupy the property without title,
11 right or permission of the owner or owner's agent or a person entitled
12 to possession. In the event of a conflict between the provisions regard-
13 ing squatters of this section and the provisions of subdivision three of
14 section seven hundred thirteen of this article, the provisions of
15 section seven hundred thirteen of this article shall be controlling. No
16 tenant or lawful occupant of a dwelling or housing accommodation shall
17 be removed from possession except in a special proceeding. A special
18 proceeding may be maintained under this article upon the following
19 grounds:

20 § 2. Section 711 of the real property actions and proceedings law is
21 amended by adding a new subdivision 7 to read as follows:

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

LBD06425-01-5

1 7. Notwithstanding any contrary provision of law, for the purposes of
2 this article, a tenant shall not include a person who enters onto real
3 property or enters a building with the intent of squatting therein, or
4 without title, right, and permission of the rightful owner, or payment
5 of rent to the rightful owner pursuant to a bona fide lease agreement.

6 § 3. Subdivision (g) of section 140.10 of the penal law, as amended by
7 chapter 176 of the laws of 2011, is amended to read as follows:

8 (g) where the property consists of a right-of-way or yard of a rail-
9 road or rapid transit railroad which has been designated and conspicu-
10 ously posted as a no-trespass railroad zone; or

11 (h) with the intent of squatting in such building or upon such real
12 property or otherwise occupies such building or real property without
13 title, right, and permission of the rightful owner, or payment of rent
14 to the rightful owner pursuant to a bona fide lease agreement; provided,
15 however, that in any prosecution under this subdivision it shall be an
16 affirmative defense that the defendant is a tenant as defined in section
17 seven hundred eleven of the real property actions and proceedings law.

18 § 4. The opening paragraph of subdivision a of section 26-521 of the
19 administrative code of the city of New York is amended to read as
20 follows:

21 It shall be unlawful for any person to evict or attempt to evict an
22 occupant of a dwelling unit who has lawfully occupied the dwelling unit
23 for thirty consecutive days or longer or who has entered into a bona
24 fide lease agreement with the rightful owner with respect to such dwell-
25 ing unit or has made a request for a lease for such dwelling unit pursu-
26 ant to the hotel stabilization provisions of the rent stabilization law
27 except to the extent permitted by law pursuant to a warrant of eviction
28 or other order of a court of competent jurisdiction or a governmental
29 vacate order by:

30 § 5. This act shall take effect immediately.