S T A T E O F N E W Y O R K

7859

2013-2014 Regular Sessions

I N A S S E M B L Y

June 6, 2013

Introduced by M. of A. ESPINAL -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to adverse possession where property taxes are paid for ten or more years

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 511 of the real property actions and proceedings law, as amended by chapter 269 of the laws of 2008, is amended to read as follows:

S 511. Adverse possession under written instrument or judgment. Where the occupant or those under whom the occupant claims entered into the possession of the premises under claim of right, exclusive of any other right, founding the claim upon a written instrument, as being a conveyance of the premises in question, OR WHERE THE OCCUPANT HAS PAID THE PROPERTY TAXES OF THE PREMISES, or upon the decree or judgment of a competent court, and there has been a continued occupation and possession of the premises included in the instrument, decree or judgment, or of some part thereof, for ten years, under the same claim, the premises so included are deemed to have been held adversely; except that when they consist of a tract divided into lots, the possession of one lot is not deemed a possession of any other lot.

S 2. Section 521 of the real property actions and proceedings law, as amended by chapter 269 of the laws of 2008, is amended to read as follows:

S 521. Adverse possession not under written instrument or judgment. 1. Where there has been an actual continued occupation of premises under a claim of right, exclusive of any other right, but not founded upon a written instrument or a judgment or decree, the premises so actually occupied, and no others, are deemed to have been held adversely.

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

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2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHERE A PERSON OR ENTITY HAS PAID TEN OR MORE YEARS OF PROPERTY TAXES FOR THE PREMISES, SUCH PREMISES SHALL BE DEEMED TO BE HELD ADVERSELY.

S 3. This act shall take effect immediately.