

8644

I N A S S E M B L Y

January 7, 2016

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

AN ACT to amend the real property actions and proceedings law, in
relation to grounds where no landlord-tenant relationship exists

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

1 Section 1. Subdivisions 7 and 10 of section 713 of the real property
2 actions and proceedings law, subdivision 7 as added by chapter 312 of
3 the laws of 1962 and subdivision 10 as amended by chapter 467 of the
4 laws of 1981, are amended to read as follows:
5 7. [He is a licensee of the person entitled to possession of the prop-
6 erty at the time of the license, and (a) his license has expired, or (b)
7 his license has been revoked by the licensor, or (c) the licensor is no
8 longer entitled to possession of the property;] THE PERSON IS AN OCCU-
9 PANT WHO ENTERED INTO POSSESSION OF THE PROPERTY LAWFULLY AND THE LEGAL
10 BASIS FOR THE PERSON'S ENTITLEMENT TO POSSESSION HAS EXPIRED OR BEEN
11 REVOKED; provided, however, that a mortgagee or vendee in possession
12 shall not be deemed to be a licensee within the meaning of this subdivi-
13 sion. A RESIDENTIAL OCCUPANT WHO HAS PEACEABLY BEEN IN ACTUAL POSSESSION
14 OF THE PROPERTY FOR AT LEAST THIRTY DAYS SHALL NOT BE INVOLUNTARILY
15 DEPRIVED OF POSSESSION EXCEPT BY A SPECIAL PROCEEDING UNDER THIS
16 SECTION.
17 10. The person in possession has entered the property or remains in
18 possession by force or unlawful means [and he or his predecessor in
19 interest was not in quiet possession for three years before the time of
20 the forcible or unlawful entry or detainer] and the petitioner was
21 peaceably in actual possession at the time of the forcible or unlawful
22 entry or in constructive possession at the time of the forcible or
23 unlawful detainer; no notice to quit shall be required in order to main-
24 tain a proceeding under this subdivision.
25 S 2. This act shall take effect immediately.

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

A

LBD13021-01-5