STATE OF NEW YORK

5084

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

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 Assembly, do enact as follows:

Section 1. Subdivisions 7 and 10 of section 713 of the real property actions and proceedings law, subdivision 7 as added by chapter 312 of the laws of 1962 and subdivision 10 as amended by chapter 467 of the laws of 1981, are amended to read as follows:

7. [~~He is a licensee of the person entitled to possession of the property at the time of the license, and (a) his license has expired, or (b) his license has been revoked by the licensor, or (c) the licensor is no longer entitled to possession of the property;~~] **The person is an occupant who entered into possession of the property lawfully and the legal basis for the person's entitlement to possession has expired or been revoked;** provided, however, that a mortgagee or vendee in possession shall not be deemed to be a licensee within the meaning of this subdivision. **A residential occupant who has peaceably been in actual possession of the property for at least thirty days shall not be involuntarily deprived of possession except by a special proceeding under this section.**

10. The person in possession has entered the property or remains in possession by force or unlawful means [~~and he or his predecessor in interest was not in quiet possession for three years before the time of the forcible or unlawful entry or detainer~~] and the petitioner was peaceably in actual possession at the time of the forcible or unlawful entry or in constructive possession at the time of the forcible or unlawful detainer; no notice to quit shall be required in order to maintain a proceeding under this subdivision.

§ 2. This act shall take effect immediately.

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

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