

# 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 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7 ~~his license has been revoked by the licensor, or (c) the licensor is no~~  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 phant 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 § 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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