STATE OF NEW YORK

10355

IN ASSEMBLY

May 13, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. B. Miller) -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to establishing expedited eviction proceedings for residential dwellings in which the owner and a lodger reside in the same dwelling

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

Section 1. The real property actions and proceedings law is amended by adding a new section 712 to read as follows:

§ 712. Grounds and procedure where a lodger and owner reside in the same single-family dwelling. 1. For the purposes of this section, a "lodger" shall mean an individual who resides in one or more rooms in a single-family residential dwelling, or an attached accessory dwelling unit of a property, in which the owner resides, where such individual has resided for thirty consecutive days or longer, and where a landlord-tenant relationship exists between such individual and such owner.

2. No lodger shall be removed from possession except in a special proceeding. A special proceeding for removal of a lodger may be maintained under this article upon the following grounds:

(a) The lodger continues in possession of any portion of the dwelling after the expiration of their term, without the permission of the landlord, or, in a case where a new lodger is entitled to possession, without the permission of such new lodger. Acceptance of rent after commencement of the special proceeding under this section shall not terminate such proceeding nor affect any award of possession to the owner or to a new lodger;

(b) The lodger has defaulted in the payment of rent, pursuant to the agreement under which such lodger maintains occupancy of such dwelling, and a written demand of such rent has been made; or

(c) The premises, or any part thereof, is used or occupied as a place of assignation for lewd persons, or for the purposes of prostitution, or any illegal trade or manufacture, or other illegal business.

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

LBD14736-01-2

3. A court granting a petition pursuant to this section may, in its discretion, issue an order providing for expeditious review and judgment, forgoing any time requirements established throughout this article. If such order is issued, the court shall reasonably establish new time requirements and provide notice of such time requirements to each involved party.

4. Upon rendering a final judgment for a petitioner under this section, the court shall issue a warrant directed to the sheriff of the county or to any constable or marshal of the city, town, or village in which the property or a portion thereof is situated, including the earliest date upon which execution of such warrant shall occur pursuant to the order of the court, and directing such sheriff to remove all persons named in the proceeding, provided that, upon a showing of good cause, the court may issue a stay of re-letting or renovation of such premises for a reasonable period of time.

(a) If a warrant is issued as a result of a special proceeding pursuant to this section the court shall issue an execution date of such warrant which may be within one week of the notice of judgment.

(b) The officer to whom the warrant is directed and delivered shall provide written notice to the person or persons to be evicted or dispossessed and shall execute such warrant on a business day between the hours of sunrise and sunset.

§ 2. This act shall take effect immediately.