STATE OF NEW YORK

9734

IN ASSEMBLY

April 3, 2024

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

AN ACT to amend the real property actions and proceedings law, in relation to providing an exclusion for treble damages in actions for forcible or unlawful entry or detainer

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

Section 1. Section 853 of the real property actions and proceedings law, as amended by chapter 467 of the laws of 1981, is amended to read as follows:

§ 853. Action for forcible or unlawful entry or detainer; treble damages. **1.** If a person is disseized, ejected, or put out of real property in a forcible or unlawful manner, or, after [~~he~~] **such person** has been put out, is held and kept out by force or by putting [~~him~~] **such person** in fear of personal violence or by unlawful means, [~~he~~] **such person** is entitled to recover treble damages in an action therefor against the wrong-doer.

2. For the purposes of this section, a "person" shall not include a person who, not having entered a lease or license for such real property with the rightful owner, enters onto real property or otherwise settles on land or occupies real property without title, right, permission of the rightful owner, or payment of rent accepted by the rightful owner.

§ 2. This act shall take effect immediately and shall apply to actions and proceedings commenced on or after such effective date.

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

LBD14649-01-4