

# STATE OF NEW YORK

8995

## IN SENATE

April 8, 2024

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Housing,  
Construction and Community Development

AN ACT to amend the real property actions and proceedings law and the  
penal law, in relation to clarifying the definition of "tenant" to  
exclude squatters; and to amend the administrative code of the city of  
New York, in relation to bona fide lease agreements and evictions

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

1 Section 1. The opening paragraph of section 711 of the real property  
2 actions and proceedings law, as amended by section 12 of part M of chap-  
3 ter 36 of the laws of 2019, is amended to read as follows:

4 A tenant shall include an occupant of one or more rooms in a rooming  
5 house or a resident, not including a transient occupant, of one or more  
6 rooms in a hotel who has been in possession for [~~thirty~~ sixty consec-  
7 utive days or longer. No tenant or lawful occupant of a dwelling or  
8 housing accommodation shall be removed from possession except in a  
9 special proceeding. A special proceeding may be maintained under this  
10 article upon the following grounds:

11 § 2. Section 711 of the real property actions and proceedings law is  
12 amended by adding a new subdivision 7 to read as follows:

13 7. Notwithstanding any contrary provision of law, for the purposes of  
14 this article, a tenant shall not include a person who enters onto real  
15 property or enters a building with the intent of squatting therein, or  
16 without title, right, and permission of the rightful owner, or payment  
17 of rent to the rightful owner pursuant to a bona fide lease agreement.

18 § 3. Subdivision (g) of section 140.10 of the penal law, as amended by  
19 chapter 176 of the laws of 2011, is amended to read as follows:

20 (g) where the property consists of a right-of-way or yard of a rail-  
21 road or rapid transit railroad which has been designated and conspicu-  
22 ously posted as a no-trespass railroad zone; or

23 (h) with the intent of squatting in such building or upon such real  
24 property or otherwise occupies such building or real property without  
25 title, right, and permission of the rightful owner, or payment of rent

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

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1 to the rightful owner pursuant to a bona fide lease agreement; provided,  
2 however, that in any prosecution under this subdivision it shall be an  
3 affirmative defense that the defendant is a tenant as defined in section  
4 seven hundred eleven of the real property actions and proceedings law.

5 § 4. The opening paragraph of subdivision a of section 26-521 of the  
6 administrative code of the city of New York is amended to read as  
7 follows:

8 It shall be unlawful for any person to evict or attempt to evict an  
9 occupant of a dwelling unit who has lawfully occupied the dwelling unit  
10 for thirty consecutive days or longer or who has entered into a bona  
11 fide lease agreement with the rightful owner with respect to such dwell-  
12 ing unit or has made a request for a lease for such dwelling unit pursu-  
13 ant to the hotel stabilization provisions of the rent stabilization law  
14 except to the extent permitted by law pursuant to a warrant of eviction  
15 or other order of a court of competent jurisdiction or a governmental  
16 vacate order by:

17 § 5. This act shall take effect immediately.