STATE OF NEW YORK

5979

2023-2024 Regular Sessions

IN SENATE

March 24, 2023

Introduced by Sen. CANZONERI-FITZPATRICK -- 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

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

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

A tenant shall include an occupant of one or more rooms in a rooming house or a resident, not including a transient occupant, of one or more rooms in a hotel who has been in possession for [~~thirty~~] **forty-five** consecutive days or longer. No tenant or lawful occupant of a dwelling or housing accommodation shall be removed from possession except in a special proceeding. A special proceeding may be maintained under this article upon the following grounds:

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

7. Notwithstanding any contrary provision of law, for the purposes of this article, a tenant shall not include a person who enters onto property with the intent of squatting on such property or who otherwise settles on land or occupies property without title, right, permission of the rightful owner, or payment of rent.

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

(g) where the property consists of a right-of-way or yard of a railroad or rapid transit railroad which has been designated and conspicuously posted as a no-trespass railroad zone**; or**

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

LBD09157-01-3

(h) with the intent of squatting in such building or upon such real property or otherwise occupies such building or real property without title, right, permission of the rightful owner, or payment of rent; provided, however, that in any prosecution under this subdivision it shall be an affirmative defense that the defendant is a tenant as defined in section seven hundred eleven of the real property actions and proceedings law.

§ 4. This act shall take effect immediately.