

# STATE OF NEW YORK

8868

## IN SENATE

March 22, 2024

Introduced by Sen. MATTERA -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

16 § 2. This act shall take effect immediately and shall apply to actions  
17 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.

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