STATE OF NEW YORK

9098

IN SENATE

April 22, 2024

Introduced by Sens. SEPULVEDA, 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, in relation to clarifying the definition of "tenant" to exclude squatters and makes provisions relating to recovery proceedings

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~~] ninety consecutive days or longer. Notwithstanding any provision of law or regulation to the contrary, 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. 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. Subdivision 1 of section 711 of the real property actions and proceedings law, as amended by chapter 305 of the laws of 1963, is amended to read as follows:

1. The tenant continues in possession of any portion of the premises after the expiration of his term, without the permission of the landlord or, in a case where a new lessee is entitled to possession, without the permission of the new lessee. Acceptance of rent after commencement of the special proceeding upon this ground shall not terminate such proceeding nor effect any award of possession to the landlord or to the new lessee, as the case may be. A proceeding seeking to recover possession of real property by reason of the termination of the term

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

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fixed in the lease pursuant to a provision contained therein giving the landlord the right to terminate the time fixed for occupancy under such agreement if [~~he deem~~] **such landlord deems** the tenant objectionable, shall not be maintainable unless the landlord shall by competent evidence establish to the satisfaction of the court that the tenant is objectionable. **Notwithstanding any provision of law or regulation to the contrary, a court of competent jurisdiction shall adjudicate any proceeding related to this subdivision within thirty days of the filing of a petition.**

§ 3. This act shall take effect immediately.