

# STATE OF NEW YORK

10121

## IN ASSEMBLY

February 2, 2026

Introduced by M. of A. KELLES -- read once and referred to the Committee on Housing

AN ACT to amend the real property actions and proceedings law and the real property law, in relation to prohibiting residential evictions during the winter months

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "winter moratorium on evictions act".

3 § 2. Legislative findings and declaration of emergency. The legisla-  
4 ture hereby finds and declares all of the following:

5 The serious public emergency regarding the scarcity of affordable  
6 housing across New York State continues to exist, and such emergency  
7 puts families and individuals at a heightened risk of eviction,  
8 displacement, and homelessness.

9 The legislature recognizes that evictions trigger long-lasting and  
10 irreparable harm to public health and safety. Evictions are linked to  
11 all-cause mortality and lead to an array of negative mental and physical  
12 health outcomes including higher rates of emergency room utilization,  
13 mental health hospitalizations, suicide, children's hospitalization, and  
14 depression. Evictions directly result in job loss and disruption to a  
15 child's education. Those who have experienced an eviction are more like-  
16 ly to live in substandard housing and have greater residential precarity  
17 and are less likely to secure safe and affordable housing in the long  
18 term. These consequences are disproportionately felt by Black and Latinx  
19 households, who face the highest rates of eviction.

20 Evictions are a significant cause of homelessness, both directly and  
21 indirectly. In New York City, 25 percent of shelter residents and 12  
22 percent of unsheltered individuals are homeless due to an eviction. The  
23 Department of Housing and Urban Development identified at least 91,271  
24 homeless individuals throughout New York State as of January 2020,  
25 including 77,943 individuals in New York City and 13,328 individuals  
26 throughout the rest of the State.

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

LBD14667-01-6

1 The well-documented and devastating consequences of homelessness are  
2 exacerbated by cold weather. Unsheltered individuals have an increased  
3 risk of developing exposure-related health problems, particularly in  
4 cold weather. NYC Department of Homeless Services reported that 613  
5 homeless individuals died between July 2019 and June 2020 in New York  
6 City. Individuals experiencing homelessness accounted for at least 25  
7 percent of all cold-related hospitalizations between 2003 and 2015.

8 The legislature further recognizes that the statewide stock of shelter  
9 accommodations fails to ameliorate the threat to public health and safe-  
10 ty posed by eviction and homelessness. A 2020 audit by the New York  
11 State Comptroller found unsafe conditions, including structural damage,  
12 vermin infestations, and mold, in 60 percent of shelters. In 2020, the  
13 New York City Comptroller found widespread hazardous conditions jeopard-  
14 izing infants' health and safety in City shelters. Incidents of  
15 violence, theft, and police presence are pervasive in City shelters; 38  
16 percent of New York City residents experiencing street homelessness  
17 choose not to return to the shelter system and become street-homeless  
18 because of personal safety concerns. Convoluted and punitive rules and  
19 procedures, loss of personal agency, inadequate resources and staff  
20 training, and a systemic failure to accommodate disabilities are further  
21 deterrents.

22 The legislature further recognizes that, pursuant to Article XVII of  
23 the New York State Constitution, the "aid, care, and support of the  
24 needy are public concerns and shall be provided by the state." Such  
25 obligation extends to the State's homeless population, whose needs are  
26 heightened during winter months. The Executive Department has found that  
27 inclement winter weather presents a threat to the life, health, and  
28 safety of the State's homeless citizens in particular, and defines  
29 "inclement winter weather" as air temperatures at or below 32 degrees  
30 Fahrenheit, including National Weather Service calculations for wind  
31 chill. According to National Weather Service data, inclement winter  
32 weather falls within the normal temperature ranges in all or parts of  
33 New York State from November through April.

34 The legislature therefore finds and declares that in order to prevent  
35 death, hardship, and other negative health outcomes to New York State  
36 residents, the provisions of this act are necessary to protect public  
37 health, safety, and general welfare. The necessity in the public inter-  
38 est for the provisions hereinafter enacted is hereby declared as a  
39 matter of legislative determination.

40 § 3. Subdivision 2 of section 711 of the real property actions and  
41 proceedings law, as amended by section 4 of part HH of chapter 56 of the  
42 laws of 2024, is amended to read as follows:

43 2. [The] Except as provided in section seven hundred forty-seven of  
44 this article, the tenant has defaulted in the payment of rent, pursuant  
45 to the agreement under which the premises are held, and a written demand  
46 of the rent has been made with at least fourteen days' notice requiring,  
47 in the alternative, the payment of the rent, or the possession of the  
48 premises, has been served upon the tenant as prescribed in section seven  
49 hundred thirty-five of this article. The fourteen-day notice shall  
50 append or contain the notice required pursuant to section two hundred  
51 thirty-one-c of the real property law, which shall state the following:  
52 (i) if the premises are or are not subject to article six-A of the real  
53 property law, the "good cause eviction law", and if the premises are  
54 exempt, such notice shall state why the premises are exempt from such  
55 law; (ii) if the landlord is not renewing the lease for a unit subject  
56 to article six-A of the real property law, the lawful basis for such

1 non-renewal; and (iii) if the landlord is increasing the rent upon an  
2 existing lease of a unit subject to article six-A of the real property  
3 law above the applicable local rent standard, as defined in subdivision  
4 eight of section two hundred eleven of the real property law, the justi-  
5 fication for such increase. Any person succeeding to the landlord's  
6 interest in the premises may proceed under this subdivision for rent due  
7 such person's predecessor in interest if such person has a right there-  
8 to. Where a tenant dies during the term of the lease and rent due has  
9 not been paid and the apartment is occupied by a person with a claim to  
10 possession, a proceeding may be commenced naming the occupants of the  
11 apartment seeking a possessory judgment only as against the estate.  
12 Entry of such a judgment shall be without prejudice to the possessory  
13 claims of the occupants, and any warrant issued shall not be effective  
14 as against the occupants.

15 § 4. Subdivision 2 of section 711 of the real property actions and  
16 proceedings law, as amended by section 12 of part M of chapter 36 of the  
17 laws of 2019, is amended to read as follows:

18 2. [The] Except as provided in section seven hundred forty-seven of  
19 this article, the tenant has defaulted in the payment of rent, pursuant  
20 to the agreement under which the premises are held, and a written demand  
21 of the rent has been made with at least fourteen days' notice requiring,  
22 in the alternative, the payment of the rent, or the possession of the  
23 premises, has been served upon [him] the tenant as prescribed in section  
24 seven hundred thirty-five of this article. Any person succeeding to the  
25 landlord's interest in the premises may proceed under this subdivision  
26 for rent due [his] such person's predecessor in interest if [he] such  
27 person has a right thereto. Where a tenant dies during the term of the  
28 lease and rent due has not been paid and the apartment is occupied by a  
29 person with a claim to possession, a proceeding may be commenced naming  
30 the occupants of the apartment seeking a possessory judgment only as  
31 against the estate. Entry of such a judgment shall be without prejudice  
32 to the possessory claims of the occupants, and any warrant issued shall  
33 not be effective as against the occupants.

34 § 5. Section 741 of the real property actions and proceedings law is  
35 amended by adding a new subdivision 10 to read as follows:

36 10. State that a warrant of eviction may only be executed between  
37 April sixteenth and October thirty-first of any calendar year.

38 § 6. Section 747 of the real property actions and proceedings law is  
39 amended by adding two new subdivisions 5 and 6 to read as follows:

40 5. In any case for nonpayment of rent in which a judgment has been  
41 entered, the party maintaining the proceeding, or their heirs or succes-  
42 sor, shall move by order to show cause to vacate such judgment within  
43 thirty days of receiving a payment amount satisfying the judgment.  
44 Unless such judgment has been vacated pursuant to subdivision six of  
45 this section or pursuant to a lawful written agreement between the  
46 parties filed with the court in which the judgment was issued, failure  
47 to comply with this subdivision shall prohibit a party from commencing a  
48 subsequent proceeding for nonpayment of rent against any person covered  
49 by such judgment until such judgment has been vacated.

50 6. In any case for nonpayment of rent in which a judgment has been  
51 entered, any person covered by such judgment may move by order to show  
52 cause at any time to have such judgment vacated. Within sixty days of  
53 the effective date of this subdivision, the office of court adminis-  
54 tration shall promulgate a pro se order to show cause and affidavit to  
55 support the vacatur of such judgment, which shall be provided at the

1 time the judgment is entered to all respondents who are named or  
2 appeared in the proceeding.

3 § 7. Subdivision 1 of section 749 of the real property actions and  
4 proceedings law, as amended by section 19 of part M of chapter 36 of the  
5 laws of 2019, is amended to read as follows:

6 1. Upon rendering a final judgment for petitioner, the court shall  
7 issue a warrant directed to the sheriff of the county or to any constable  
8 or marshal of the city in which the property, or a portion thereof,  
9 is situated, or, if it is not situated in a city, to any constable of  
10 any town in the county, describing the property, stating the earliest  
11 date upon which execution may occur pursuant to the order of the court,  
12 and commanding the officer to remove all persons named in the proceeding,  
13 provided upon a showing of good cause, the court may issue a stay  
14 of re-letting or renovation of the premises for a reasonable period of  
15 time. Pursuant to section seven hundred fifty-four of this article, the  
16 earliest date upon which execution may occur shall fall between April  
17 sixteenth and October thirty-first of any given calendar year.

18 § 8. The real property actions and proceedings law is amended by  
19 adding a new section 754 to read as follows:

20 § 754. Winter eviction moratorium in premises occupied for dwelling  
21 purposes. 1. The winter moratorium period shall commence at 12:00 AM on  
22 November first of a calendar year and end at 11:59 PM on April fifteenth  
23 of the subsequent calendar year.

24 (a) In a proceeding to recover possession of premises occupied for  
25 dwelling purposes, other than a room or rooms in a hotel occupied by a  
26 transient occupant for less than thirty days, the court shall not issue  
27 a warrant pursuant to section seven hundred forty-nine of this article  
28 with an execution date during the winter moratorium period.

29 (b) At the commencement of the winter moratorium period, all pending  
30 unexecuted judgments and warrants shall automatically be stayed through  
31 the end of the winter moratorium period.

32 2. (a) During the winter moratorium period, a person maintaining a  
33 proceeding shall maintain the same legal rights and obligations with  
34 respect to the tenant that were held prior to the issuance of the judgment  
35 and warrant including, but not limited to, the obligations to keep  
36 the premises in livable, safe, and sanitary condition, to not discriminate,  
37 harass, or retaliate, and to keep the premises in good repair  
38 pursuant to federal, state, and local housing maintenance standards.  
39 Such person shall maintain the right to collect rent for use and occupancy  
40 during the winter moratorium period without prejudice to the judgment  
41 stayed except as provided in subdivision four of this section. For  
42 the purposes of this section, "person maintaining a proceeding" shall  
43 mean a person who may maintain proceeding pursuant to section seven  
44 hundred twenty-one of this article.

45 (b) During the winter moratorium period, a tenant against whom a judgment  
46 and warrant have been issued shall maintain the same rights and  
47 obligations as were held prior to the issuance of the judgment and  
48 warrant. Such obligations shall include the obligation to tender rent  
49 for use and occupancy at the last lawful rate previously agreed to by  
50 the parties or set by the court, subject to any abatement, offset, or  
51 reduction to which the tenant is lawfully entitled. Such rights shall  
52 include, but are not limited to, the right to livable, safe, and sanitary  
53 premises, the right to be free from discrimination, harassment, and  
54 retaliation, the right to bring legal action in any appropriate forum  
55 with respect to the violation of such rights, and all other rights and  
56 protections afforded to tenants and occupants by local, state, and

1 federal law. For the purposes of this section, "tenant" shall have the  
2 same meaning as provided in section seven hundred eleven of this arti-  
3 cle.

4 3. (a) During the winter moratorium period, any proceeding, judgment,  
5 and warrant, stayed pursuant to this section shall be sufficient for the  
6 purposes of establishing an "emergency" under 18 NYCRR 397.1(b), 18  
7 NYCRR 372.4, and/or section three hundred fifty-j of the social services  
8 law.

9 (b) A person against whom a judgment and warrant have been issued  
10 remains the "subject of an eviction proceeding" during the winter mora-  
11 torium period for the purposes of 68 RCNY 10-03(B). Such a person shall  
12 be considered "facing eviction" for the purposes of 18 NYCRR  
13 352.3(a)(ii) and (iii).

14 4. During the winter moratorium period, all monies tendered to a  
15 person maintaining a proceeding shall be presumed to apply to the earli-  
16 est period for which rent for use and occupancy is owed pursuant to the  
17 judgment, unless such payment is earmarked by the payer as being for a  
18 specific purpose. Any agreement to the contrary shall be deemed null and  
19 void.

20 § 9. Paragraph (b) of subdivision 2 of section 768 of the real proper-  
21 ty actions and proceedings law, as added by section 24 of part M of  
22 chapter 36 of the laws of 2019, is amended to read as follows:

23 (b) [~~Such~~] For each violation of this section occurring between April  
24 sixteenth and October thirty-first of any calendar year, such person  
25 shall also be subject to a civil penalty of not less than one thousand  
26 nor more than ten thousand dollars for each violation. For each  
27 violation of this section occurring between January first and April  
28 fifteenth, or from November first to December thirty-first of any calen-  
29 dar year, such person shall also be subject to a civil penalty of not  
30 less than five thousand dollars nor more than fifty thousand dollars for  
31 each violation. Each such violation shall be a separate and distinct  
32 offense. In the case of a failure to take all reasonable and necessary  
33 action to restore an occupant pursuant to paragraph (b) of subdivision  
34 one of this section, such person shall be subject to an additional civil  
35 penalty of not more than one hundred dollars per day from the date on  
36 which restoration to occupancy is requested until the date on which  
37 restoration occurs, provided, however, that such period shall not exceed  
38 [~~six~~] twelve months.

39 § 10. The real property law is amended by adding a new section 235-k  
40 to read as follows:

41 § 235-k. Credit of payment of rent. Upon the receipt of the payment of  
42 rent for residential premises, it shall be the duty of the lessor, or  
43 any agent of the lessor, to immediately credit such payment to the  
44 rental account of the tenant, which shall be reflected on any rent  
45 statement, ledger, or bill provided to the tenant.

46 § 11. This act shall take effect on the sixtieth day after it shall  
47 have become a law and shall apply to all proceedings commenced on or  
48 after such date; provided, however that the amendments to subdivision 2  
49 of section 711 of the real property actions and proceedings law made by  
50 section three of this act shall be subject to the expiration and rever-  
51 sion of such subdivision pursuant to section 7 of part HH of chapter 56  
52 of the laws of 2024, as amended, when upon such date the provisions of  
53 section four of this act shall take effect.