

STATE OF NEW YORK

10293

IN SENATE

May 11, 2026

Introduced by Sen. COMRIE -- 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 prohibiting the eviction, removal, or dispossession of an owner of record from residential real property while title to such property is being actively contested in a court of competent jurisdiction

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 "deed theft eviction protection act".

3 § 2. Legislative intent. The legislature finds that deed theft, frau-
4 dulent conveyances, forged deeds, predatory transfers, coercion, undue
5 influence, and disputed estate or inheritance claims have resulted in
6 the displacement of homeowners, heirs, and families from residential
7 real property before courts have fully determined rightful ownership.

8 The legislature further finds that an owner of record should not be
9 evicted, removed, or dispossessed from their home while the title to
10 that home is actively being challenged in a court of competent jurisdic-
11 tion.

12 The purpose of this act is to preserve possession, prevent irreparable
13 harm, and protect homeowners and families from displacement while a
14 court determines whether a deed, title, transfer, inheritance interest,
15 or ownership claim is valid.

16 § 3. The real property actions and proceedings law is amended by
17 adding a new section 756-b to read as follows:

18 § 756-b. Eviction protection where title is actively contested. 1.
19 Definitions. For the purposes of this section:

20 (a) "Owner of record" shall mean a natural person whose name appears
21 as an owner, grantor, grantee, heir, distributee, executor, administra-
22 tor, trustee, or other person with a recorded or colorable ownership
23 interest in residential real property, including any person claiming an

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

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1 ownership interest through estate, inheritance, deed, judgment, decree,
2 or other legal instrument.

3 (b) "Residential real property" shall mean real property improved by a
4 one-family, two-family, three-family, or four-family dwelling, condomin-
5 ium unit, cooperative unit, or other residential dwelling used or occu-
6 pied, in whole or in part, as a home.

7 (c) "Actively contested" shall mean that a claim, petition, action,
8 motion, order to show cause, notice of pendency, complaint, citation,
9 objection, or other pleading has been filed in supreme court, surro-
10 gate's court, or another court of competent jurisdiction challenging,
11 disputing, or seeking a determination concerning title, ownership, heir-
12 ship, deed validity, conveyance, transfer, inheritance interest, or the
13 right to possess the subject residential real property.

14 2. Stay of eviction, removal, or dispossession. Notwithstanding any
15 inconsistent provision of law, in any action or proceeding to recover
16 possession of residential real property, including a summary proceeding
17 brought pursuant to this article, the court shall stay the issuance or
18 execution of a warrant of eviction or removal where an owner of record
19 demonstrates that title, ownership, deed validity, conveyance, heirship,
20 inheritance interest, or the right to possess the subject property is
21 actively contested in a court of competent jurisdiction.

22 3. Grounds for protection. A stay pursuant to this section may be
23 granted where the pending challenge involves, but is not limited to,
24 allegations or claims of:

25 (a) deed theft;

26 (b) forgery;

27 (c) fraud;

28 (d) coercion;

29 (e) undue influence;

30 (f) lack of capacity;

31 (g) improper notarization;

32 (h) fraudulent inducement;

33 (i) defective conveyance;

34 (j) disputed heirship or inheritance;

35 (k) improper estate transfer;

36 (l) unlawful transfer of title; or

37 (m) any other claim that, if proven, would affect ownership, title, or
38 the right to possession of the residential real property.

39 4. Proof required. An owner of record seeking protection under this
40 section may establish that title is actively contested by submitting
41 proof of a pending court filing, including but not limited to:

42 (a) an index number;

43 (b) a petition;

44 (c) a complaint;

45 (d) an order to show cause;

46 (e) a notice of pendency;

47 (f) a surrogate's court citation;

48 (g) objections filed in an estate proceeding;

49 (h) a motion challenging title, deed validity, ownership, or
50 possession; or

51 (i) any other court filing sufficient to demonstrate that title,
52 ownership, heirship, or the right to possess the property is in dispute.

53 5. Duration of protection. A stay issued pursuant to this section
54 shall remain in effect until the court in which title, ownership, heir-
55 ship, deed validity, conveyance, inheritance interest, or right to
56 possession is actively contested issues a final order, judgment, decree,

1 or other determination resolving such dispute, unless the court issuing
2 such stay finds good cause to modify or lift such stay.

3 6. Emergency relief preserved. Nothing in this section shall prevent a
4 court from issuing orders necessary to address waste, illegal lockouts,
5 harassment, threats to health or safety, dangerous conditions, emergency
6 repairs, or preservation of the property, provided that no such order
7 shall result in the eviction, removal, or dispossession of an owner of
8 record before the contested title, ownership, heirship, deed validity,
9 or possession issue is resolved.

10 7. No waiver of rights. Nothing in this section shall be construed to
11 limit any other right, defense, claim, remedy, or protection available
12 under law to an owner of record, heir, distributee, lawful occupant,
13 tenant, administrator, executor, or other person claiming an ownership
14 or possessory interest in residential real property.

15 8. Liberal construction. This section shall be liberally construed to
16 protect homeowners, heirs, families, and lawful occupants from eviction,
17 removal, or dispossession while ownership or title is actively
18 contested.

19 § 4. This act shall take effect immediately and shall apply to all
20 pending and future actions and proceedings in which a warrant of
21 eviction or removal has not yet been executed.