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:

Section 1. Short title. This act shall be known and may be cited as the "deed theft eviction protection act".

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

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

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

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

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

(a) "Owner of record" shall mean a natural person whose name appears as an owner, grantor, grantee, heir, distributee, executor, administrator, trustee, or other person with a recorded or colorable ownership 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.

LBD15801-01-6

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

(b) "Residential real property" shall mean real property improved by a one-family, two-family, three-family, or four-family dwelling, condominium unit, cooperative unit, or other residential dwelling used or occupied, in whole or in part, as a home.

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

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

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

(a) deed theft;

(b) forgery;

(c) fraud;

(d) coercion;

(e) undue influence;

(f) lack of capacity;

(g) improper notarization;

(h) fraudulent inducement;

(i) defective conveyance;

(j) disputed heirship or inheritance;

(k) improper estate transfer;

(l) unlawful transfer of title; or

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

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

(a) an index number;

(b) a petition;

(c) a complaint;

(d) an order to show cause;

(e) a notice of pendency;

(f) a surrogate's court citation;

(g) objections filed in an estate proceeding;

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

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

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

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

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

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

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

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