STATE OF NEW YORK

8960

IN SENATE

January 21, 2026

Introduced by Sen. BAILEY -- 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 enacting the "extreme weather tenant protection act"

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 "extreme weather tenant protection act".

§ 2. Legislative findings and intent. The legislature hereby finds and declares that:

1. Extreme weather conditions, including excessive heat, pose grave risks to the health, safety, and welfare of residents of the state of New York.

2. Since 2017, more than 7,500 New York city households have been evicted on days when temperatures exceeded ninety (90) degrees Fahrenheit, disproportionately affecting low-income and heat-vulnerable communities.

3. Medical and public health data show that extreme heat contributes to hundreds of premature deaths annually in New York city, and sudden displacement during such conditions increases the risk of heat illness, dehydration, and death.

4. Current suspension of evictions by law enforcement agencies during extreme weather has been ad hoc, informal, and unannounced, leaving tenants without clear protections.

5. Several jurisdictions, including Maryland, Sonoma County (California), and Cook County (Illinois), have enacted laws pausing evictions during severe weather, demonstrating the feasibility and necessity of formal statutory protection.

6. It is therefore the intent of this act to establish a statewide, formal moratorium on residential evictions during periods of extreme weather, including excessive heat, while preserving landlords' rights to pursue lawful remedies once such conditions have subsided.

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

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§ 3. The real property actions and proceedings law is amended by adding a new section 753-a to read as follows:

§ 753-a. Extreme weather condition eviction moratoriums. 1. For the purposes of this section, the term "extreme weather condition" shall mean:

(a) (i) any period for which the national weather service has issued an official warning or advisory for excessive heat, defined as a forecasted heat index or real-feel temperature of ninety degrees Fahrenheit or higher; or

(ii) any period for which the governor has declared a state of emergency under section twenty-eight of the executive law related to extreme cold, storm, flood, wildfire smoke, or other severe weather event; and

(b) the seventy-two hour period following a period under paragraph (a) of this subdivision.

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

(b) At the commencement of an extreme weather condition, all pending unexecuted judgments and warrants issued under this article shall automatically be stayed through the end of such extreme weather condition. No officer of the court, sheriff, marshal, or city constable shall execute or enforce a warrant of eviction or writ of possession upon a residential tenant during an extreme weather condition.

3. During an extreme weather condition, a tenant against whom a judgment and warrant have been issued shall maintain the same rights and obligations as were held prior to the issuance of such judgment and warrant. Such obligations shall include the obligation to tender rent for use and occupancy at the last lawful rate previously agreed to by the parties or set by the court, subject to any abatement, offset, or reduction to which the tenant is lawfully entitled. Such rights shall include, but are not limited to, the right to livable, safe, and sanitary premises, the right to be free from discrimination, harassment, and retaliation, the right to bring legal action in any appropriate forum with respect to the violation of such rights, and all other rights and protections afforded to tenants and occupants by local, state, and federal law. For the purposes of this section, "tenant" shall have the same meaning as provided in section seven hundred eleven of this article.

4. Nothing in this section shall be construed to:

(a) cancel, forgive, or permanently stay any lawful judgment of eviction;

(b) prohibit a landlord from initiating or continuing eviction proceedings, provided that no physical removal of a tenant shall occur during the moratorium period established under this section.

5. (a) Any eviction carried out in violation of this section shall be deemed void and unenforceable.

(b) A tenant unlawfully removed during an extreme weather condition shall have a private right of action for damages, costs, and reasonable attorney's fees.

(c) The attorney general shall have concurrent authority to bring an action to enforce compliance with this section.

6. The office of court administration, in consultation with the division of housing and community renewal and local governments, shall issue public notice of a suspension of evictions under this section by posting

on official websites, notifying legal services organizations, and alerting affected communities.

§ 4. This act shall take effect immediately.