

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:

- 1 Section 1. Short title. This act shall be known and may be cited as
2 the "extreme weather tenant protection act".
- 3 § 2. Legislative findings and intent. The legislature hereby finds and
4 declares that:
- 5 1. Extreme weather conditions, including excessive heat, pose grave
6 risks to the health, safety, and welfare of residents of the state of
7 New York.
- 8 2. Since 2017, more than 7,500 New York city households have been
9 evicted on days when temperatures exceeded ninety (90) degrees Fahren-
10 heit, disproportionately affecting low-income and heat-vulnerable commu-
11 nities.
- 12 3. Medical and public health data show that extreme heat contributes
13 to hundreds of premature deaths annually in New York city, and sudden
14 displacement during such conditions increases the risk of heat illness,
15 dehydration, and death.
- 16 4. Current suspension of evictions by law enforcement agencies during
17 extreme weather has been ad hoc, informal, and unannounced, leaving
18 tenants without clear protections.
- 19 5. Several jurisdictions, including Maryland, Sonoma County (Califor-
20 nia), and Cook County (Illinois), have enacted laws pausing evictions
21 during severe weather, demonstrating the feasibility and necessity of
22 formal statutory protection.
- 23 6. It is therefore the intent of this act to establish a statewide,
24 formal moratorium on residential evictions during periods of extreme
25 weather, including excessive heat, while preserving landlords' rights to
26 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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1 § 3. The real property actions and proceedings law is amended by
2 adding a new section 753-a to read as follows:

3 § 753-a. Extreme weather condition eviction moratoriums. 1. For the
4 purposes of this section, the term "extreme weather condition" shall
5 mean:

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

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

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

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

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

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

41 4. Nothing in this section shall be construed to:

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

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

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

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

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

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

1 on official websites, notifying legal services organizations, and alert-
2 ing affected communities.
3 § 4. This act shall take effect immediately.