STATE OF NEW YORK

11492

IN ASSEMBLY

May 28, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Shimsky) -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to providing criteria for determining whether an individual is a transient occupant

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

Section 1. The opening paragraph of section 711 of the real property actions and proceedings law, as amended by section 1 of part II of chapter 56 of the laws of 2024, is amended to read as follows:

A tenant shall include an occupant of one or more rooms in a rooming house or a resident, not including a transient occupant, of one or more rooms in a hotel who has been in possession for thirty consecutive days or longer. **For purposes of this section, in determining whether a person is a transient occupant, a court shall consider the totality of the circumstances, including, but not limited to, the following factors: whether the person maintains a primary residence at another location; whether the person maintains indicia of residence at another location, including, but not limited to, receiving mail or maintaining official records, including identification, voter registration, or tax filings; the location of the person's employment or principal place of business; the purpose of the hotel stay; and any other indicia demonstrating whether the premises are being used for temporary lodging.** A tenant shall not include a squatter. For the purposes of this section, a squatter is a person who enters onto or intrudes upon real property without the permission of the person entitled to possession, and continues to occupy the property without title, right or permission of the owner or owner's agent or a person entitled to possession. In the event of a conflict between the provisions regarding squatters of this section and the provisions of subdivision three of section seven hundred thirteen of this article, the provisions of section seven hundred thirteen of this article shall be controlling. No tenant or lawful occupant of a dwelling or housing accommodation shall be removed from possession except in a special proceeding. A special proceeding may be maintained under this article upon the following grounds:

§ 2. This act shall take effect immediately.

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

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