

# 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 Assem-  
bly, do enact as follows:

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

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

29 § 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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