

STATE OF NEW YORK

9033--A

2025-2026 Regular Sessions

IN ASSEMBLY

September 5, 2025

Introduced by M. of A. TAPIA, SHIMSKY, SIMON -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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

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

7 § 753-a. Extreme weather condition eviction moratoriums. 1. For the
8 purposes of this section, the term "extreme weather condition" shall
9 mean:

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

14 (ii) any period for which the national weather service has issued an
15 official warning or advisory for excessive cold, defined as a forecasted
16 index or real-feel temperature of thirty-two degrees Fahrenheit or
17 lower; or

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

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

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

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

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

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

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

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

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

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

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

6 6. The office of court administration, in consultation with the divi-
7 sion of housing and community renewal and local governments, shall issue
8 public notice of a suspension of evictions under this section by posting
9 on official websites, notifying legal services organizations, and alert-
10 ing affected communities.

11 § 4. This act shall take effect immediately.