

STATE OF NEW YORK

5819

2025-2026 Regular Sessions

IN SENATE

March 3, 2025

Introduced by Sens. SEPULVEDA, CANZONERI-FITZPATRICK, RHOADS -- 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 clarifying the definition of "tenant" and makes provisions relating to recovery proceedings

The People of the State of New York, represented in Senate and Assembly, 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~~ **ninety** consec-
7 utive days or longer. A tenant shall not include a squatter. For the
8 purposes of this section, a squatter is a person who enters onto or
9 intrudes upon real property without the permission of the person enti-
10 tled to possession, and continues to occupy the property without title,
11 right or permission of the owner or owner's agent or a person entitled
12 to possession. In the event of a conflict between the provisions regard-
13 ing squatters of this section and the provisions of subdivision three of
14 section seven hundred thirteen of this article, the provisions of
15 section seven hundred thirteen of this article shall be controlling. No
16 tenant or lawful occupant of a dwelling or housing accommodation shall
17 be removed from possession except in a special proceeding. A special
18 proceeding may be maintained under this article upon the following
19 grounds:

20 § 2. Subdivision 1 of section 711 of the real property actions and
21 proceedings law, as amended by chapter 305 of the laws of 1963, is
22 amended to read as follows:

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

LBD10472-01-5

1 1. The tenant continues in possession of any portion of the premises
2 after the expiration of [~~his~~] such tenant's term, without the permission
3 of the landlord or, in a case where a new lessee is entitled to
4 possession, without the permission of the new lessee. Acceptance of rent
5 after commencement of the special proceeding upon this ground shall not
6 terminate such proceeding nor effect any award of possession to the
7 landlord or to the new lessee, as the case may be. A proceeding seeking
8 to recover possession of real property by reason of the termination of
9 the term fixed in the lease pursuant to a provision contained therein
10 giving the landlord the right to terminate the time fixed for occupancy
11 under such agreement if [~~he deem~~] such landlord deems the tenant objec-
12 tionable, shall not be maintainable unless the landlord shall by compe-
13 tent evidence establish to the satisfaction of the court that the tenant
14 is objectionable. Notwithstanding any provision of law or regulation to
15 the contrary, a court of competent jurisdiction shall adjudicate any
16 proceeding related to this subdivision within thirty days of the filing
17 of a petition.
18 § 3. This act shall take effect immediately.