

Legal Alert: NY Squatter Law Alert

May 20, 2024

In response to the recent and numerous horror stories reported in the media about squatters taking over people's homes, the NYS Legislature enacted a change to the Real Property Actions and Proceeding Law ("RPAPL"), which clearly defines squatters.

The amendment to Section 711 of the RPAPL excludes squatters, stating, in pertinent part:

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.

The next to last sentence of this opening paragraph - "No tenant or lawful occupant of a dwelling or housing accommodation shall be removed from possession except in a special proceeding" (a/k/a an eviction proceeding) – remains unchanged. Since a squatter is not a tenant or lawful occupant, a squatter could be removed without an eviction proceeding.

If you believe an occupant is a squatter, law enforcement should be called to remove the persons who are indisputably squatters, provided the owner can establish its ownership and the squatter is unable to provide a lease or rent payment or other proof that they are not a squatter. We do not recommend using "self help" as there are potential civil and even criminal penalties if you are wrong.

A person put into a residence by a lawful tenant or an agent of the landlord, even if they do not have a lease, is not a squatter. In such a case, a 10 day notice to quit, followed by an eviction proceeding, is required to remove the occupant from the residence.

If you have any questions about a squatter, please call the office for a consultation with one of our attorneys.

We will continue to update you as cases and the law evolves.