
Eviction Prevention and Housing Preservation

March 2023

Presented by:
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Senior Staff Attorney



Topics

1. How Housing Court Works
2. What to Do If You're Served with Court Papers
3. Rent Assistance
4. Repairs and Illegal Lockout
5. Q&A

How Housing Court Works



Housing Court

What is it?

Special NYC civil court dedicated to hearing landlord-tenant disputes.
Each borough has its own Housing Court.

What types of cases?

Landlord v. Tenant: nonpayment and holdover eviction cases

Tenant v. Landlord: HPs and 7As (repairs/harassment), Illegal Lockouts

Housing Court by the Numbers

How many eviction cases?

230,071 pending eviction cases.

How many judges?

Approximately 50 appointed Housing Court judges for all of NYC. Each judge presides over their own courtroom (or “Part”).

How long does an eviction case take?

It depends on many factors, including landlord’s claims, tenants defenses, and court’s capacity.

Accessing Housing Court

Is Housing Court open to the public?

Housing Courts are fully operational. Weekdays, 9am - 5pm, except 1 - 2:30pm.

How do I appear for a court date?

Court appearances are generally in-person. Judges may allow video or telephone appearance but you must request ahead of time.

How do I request a reasonable accommodation?

Online [ADA Request for Accommodation form](#), email ADANYCCIV@nycourts.gov, or call 646) 386-5409.

Right to Counsel in Housing Court

What is “Right to Counsel”?

NYC program that provides tenants facing eviction in Housing Court or NYCHA proceedings access to free legal representation and advice if the household income is at or below [200% FPL](#). Legal services are free, available in every ZIP code, and available regardless of immigration status.

How do I get a “Right to Counsel” attorney?

- Ask for a legal services attorney at your court appearance.
- Call 311 and ask for “Right to Counsel”.
- Contacting legal services providers directly.



2022-2023 Federal Income Guidelines

200% of Federal Poverty Guidelines Chart June 1, 2022 through May 31, 2023

Family Size	Monthly Income	Annual Income
1	\$ 2,265	\$ 27,180
2	\$ 3,052	\$ 36,620
3	\$ 3,838	\$ 46,060
4	\$ 4,625	\$ 55,500
5	\$ 5,412	\$ 64,940
6	\$ 6,198	\$ 74,380
7	\$ 6,985	\$ 83,820
8	\$ 7,772	\$ 93,260

For family units with more than eight members, add \$787 monthly or \$9,440 annually for each additional family member.

COVID-19 Tenant Protections

All blanket eviction moratoriums in New York State have expired. However, there are still some COVID-19 Tenant Protections.

- ERAP: NYS program which provides one-time payment of tenants' back rent and/or utilities. Eviction case paused while application is pending. New applications closed as of January 20, 2023.
- Tenant Safe Harbor Act (TSHA): Special COVID-related financial hardship defense to a non-payment case for money owed between March 7, 2020 and January 15, 2022.

What to Do If You're Served with Court Papers



Stages of an Eviction Case

- Predicate Notice(s)
- Notice of Petition and Petition (starts case)
- Answer or Default
- Resolution: Trial or Settlement
- Judgment
- Warrant of Eviction
- Execution of Warrant (eviction)

Nonpayment

Grounds: failure to pay rent under terms of the tenancy (written, oral, or no lease agreement)

Special procedure:

- Tenant must answer in person at the courthouse within 10 days after service of Notice of Petition and Petition to get a court date
- Failure to answer may result in a default judgment

Case is over when rent gets fully paid and petition satisfied

Rent Demand

Nonpayment predicate
notice

Purpose: demand tenant
pay within 14 days or
landlord will start a case.

FOURTEEN (14) DAY NOTICE TO TENANT RENT DEMAND

RE: [REDACTED]

September 25, 2020

PLEASE TAKE NOTICE that you are justly indebted to the undersigned Landlord in the sum of \$2,251.00 for rent and additional rent, if any, as set forth below, which you are required to pay on before **OCTOBER 10, 2020** that being not less than fourteen (14) days from the date of service of this Notice upon you, or you must surrender possession of above referenced premises to the Landlord. If you fail to make complete payment of the rent or surrender possession of the premises within said time period, the Landlord will commence summary proceedings to recover possession of the above referenced premises.

SEP 20	\$182.00
AUG 20	\$182.00
JUL 20	\$182.00
JUN 20	\$182.00
MAY 20	\$182.00
APR 20	\$182.00
MAR 20	\$182.00
FEB 20	\$182.00
JAN 20	\$182.00
DEC 19	\$249.00
NOV 19	\$249.00
OCT 19	\$115.00

[REDACTED]

Landlord

Notice of Petition & Petition

Purpose: notify tenant that case was filed.

Nonpay: file answer within 10 days of receiving papers or risk default

Holdover: tenant must appear at court date and will get legal referral.

CIVIL COURT OF CITY OF NEW YORK
COUNTY OF KINGS HOUSING PART

against

Petitioner (Landlord),

Respondent (Tenant)

Address:

Index No. L/T

IMPORTANT TO TENANT

If you are dependent upon a person in the military service of the United States or the State of New York, advise the Clerk immediately, in order to protect your rights.

**NOTICE OF NON-PAYMENT
PETITION DWELLING**

Petitioner's Business Address:
16 COURT STREET - SUITE 800
BROOKLYN, NY 11241

Your landlord is suing you for nonpayment of rent.

1. Your landlord has started an eviction nonpayment case against you for rent the landlord claims you owe. The landlord's reasons are given in the attached Petition.
2. Your landlord is asking this Court for:
 - a money judgment for \$2,236.00, and
 - permission to evict you from your home if you do not pay the money judgment.
3. You have a right to a trial. But first you must answer the Petition by going to the landlord-tenant Clerk's office at:

141 Livingston Street, Brooklyn, NY 11201.

You must do this within **10 days** after the date these papers were given to you or a person who lives or works in your home, or were posted at your home at:

Warning! If you don't answer the Petition within 10 days, a judgment may be entered against you. If that happens, the landlord will have the right to evict you.

4. Your Answer should say the legal reasons that you don't owe all or part of the rent. The legal reasons are called defenses. You can also say any claims you have against the landlord. You will have to prove your defenses and claims in court. To answer the Petition, you must either:

- Go to the landlord-tenant Clerk's office and tell the Clerk your Answer, or
- Give the landlord-tenant Clerk your Answer in writing (Form No. Civ-LT-91a).

Information to help you answer the Petition (Form No. Civ-LT-92) is available at the landlord-tenant's Clerk's Office or online at nycourts.gov/housingnyc.

Important! If you don't tell the Clerk about a defense in your Answer you might not be able to talk about it later in this case or any other case.

5. When you answer the Petition, you will get a date to come back to Court 3 to 8 days later. You have a right to postpone that date for 14 days but you have to come to the courthouse to ask for a postponement. If you pay all the rent due before your court date, the case will be dismissed.

6. If your name is not in this Notice, but you live in the home listed above, you have a right to come to Court and answer the Petition.

ELH -271 -3A

FILE NO: 15271

CIVIL COURT OF CITY OF NEW YORK
COUNTY OF KINGS HOUSING PART

against

Petitioner (Landlord),

Respondent (Tenant)

Address:

Index No. L/T

NON-PAYMENT

PETITION DWELLING

THE PETITION OF _____, the Owner/landlord alleges, upon information and belief:

1. Petitioner(s) is(are) the landlord(s) and owner of the premises.
2. Respondent(s) _____ is(are) tenant(s) in possession of said premises pursuant to a(n) WRITTEN lease agreement wherein respondents promised to pay to landlord or landlord(s) predecessor as rent \$224.00 each month in advance on the 1ST day of each month.
3. Respondent(s) are now in possession of said premises.
4. The premises are the residence of the tenant(s) and the undertenant(s) herein.
5. The premises for which removal is sought was rented for Dwelling purposes and are described as follows: All Rooms, Apartment # 3A in the building known as _____ situated within the territorial jurisdiction of this Court.
6. Pursuant to said agreement there was due from respondent tenant(s), the sum of \$2,236.00 in rent and additional rent as follows:

Nov 20	\$224.00	Sep20 LEGAL FEES	\$200.00
Jul 20	\$107.00		
Jun 20	\$182.00		
May 20	\$182.00		
Apr 20	\$182.00		
Mar 20	\$182.00		
Feb 20	\$182.00		
Jan 20	\$182.00		
Dec 19	\$249.00		
Nov 19	\$249.00		
Oct 19	\$115.00		

7. THE PREMISES ARE SUBJECT TO THE RENT STABILIZATION LAW OF 1969 AS AMENDED AND HAVE BEEN DULY REGISTERED WITH THE N.Y. STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL -DHCR- AND THE RENT DEMANDED HEREIN DOES NOT EXCEED THE REGISTERED RENT AND DOES NOT EXCEED THE LAWFUL RENT STABILIZED RENT.

8. Said rent has been demanded from the tenant since same became due by a fourteen day written-notice, a copy of which, with proof of service is annexed hereto.

ELH -271 -3A

FILE NO: 15271

Answering a Nonpay

Go to borough housing court with your court papers or postcard. Ask for the clerk. If have a pending ERAP application, tell the clerk your ERAP application number.

Common Defenses:

- Bad service (were papers delivered personally, to a household member, or posted on your door?)
- Rent paid
- Incorrect rent
- Incorrect arrears
- Repairs

First court date will be scheduled after you answer.

Holdovers

Grounds: termination of tenancy for reasons other than simple rent nonpayment.

- Nuisance
- Breach of Lease
- Non-Primary Residence
- Licensee/Squatter
- Illegal Sublet
- Lack of Access
- Illegal Alteration
- No-Cause/Expiration of Lease

Special procedure: first court date appears on notice of petition. Tenant can answer anytime before trial.

Notice of Termination/Notice to Quit

Holdover predicate notice

Purpose: provide tenant notice before starting eviction case.

NOT an eviction notice. If tenant doesn't leave by date demanded, landlord can start a case.

THIRTY (30) DAY NOTICE OF TERMINATION

TO: [REDACTED] Additional Mailing
[REDACTED]
Tenants [REDACTED]
[REDACTED]

RE: Premises: Entire house consisting of all rooms of the building known as and located at [REDACTED] in the Borough of [REDACTED] (the "Premises")

TO TENANTS OF THE ABOVE PREMISES:

PLEASE TAKE NOTICE that, pursuant to Real Property Law Section 232-a, the owner-landlord elects to terminate your tenancy of the above-referenced Premises now held by you under monthly hiring.

PLEASE TAKE FURTHER NOTICE that, unless you remove from the Premises on or before [REDACTED], the day on which your term expires, that being more than thirty (30) days after the service of this Notice upon you, the owner-landlord will commence summary proceedings under the Statute to remove you from the Premises for the holding over after the expiration of your term and will demand the fair market value of your use and occupancy of the Premises during such holding over.

PLEASE TAKE FURTHER NOTICE that any response to this communication is to be directed only to the attorneys for the owner-landlord listed below.

Dated: [REDACTED] Owner-Landlord
[REDACTED]

NOTICE TO QUIT

To: [REDACTED]
New York, N. Y. 10002

PLEASE TAKE NOTICE that the undersigned is the landlord and sole party entitled to possession of Apartment [REDACTED] New York, N. Y. 10002, and that you, and all other persons occupying said premises through you, must quit and surrender possession of said premises on or before April 17, 2017. The reason for your removal is that [REDACTED], the former tenant of the premises, vacated the premises on or about August 31, 2016; any license she granted you heretofore to occupy the premises has expired or has been revoked by operation of law. You remain in occupancy of said premises without the permission of the owner.

PLEASE TAKE FURTHER NOTICE that you and all persons occupying the premises through you are required to vacate the premises on or before April 17, 2017 failing which the landlord will commence summary proceedings under the statute to evict you from the premises.

Dated: New York, N. Y.
April / , 2017

[REDACTED]
Landlord,

BARRY S. SCHWARTZ, ESQ.
Attorney for Landlord
119 West 57th Street
New York, N. Y. 10019
(212) 397-6661

By: [REDACTED] Managing Member

Notice to Cure

Holdover predicate notice

Purpose: demand for tenant to perform, or cease, activity within “cure period”.

Landlord usually must serve a notice of termination stating how tenant has not cured.

TEN (10) DAY NOTICE TO CURE

FROM: [REDACTED] LANDLORD/OWNER

TO: [REDACTED]

TEN DAYS NOTICE is hereby given to you, that the undersigned landlord, [REDACTED], intends to end the term of your Lease on the grounds that you and/or occupants of the aforesaid apartment have violated a substantial obligation of your tenancy, in that you and/or occupants of the aforesaid premises have: **SUBLET, AND/OR ASSIGNED THE APARTMENT TO OTHERS WITHOUT PERMISSION OF THE LANDLORD.**

PLEASE TAKE NOTICE THAT this notice is given pursuant to RSC 2524.2(c) (2) and 2524.3(h) in that you are violating a substantial obligation of your tenancy and RSC 2525.6(f) in that without prior written consent of your Landlord, you have sublet, and/or assigned the above apartment to another or others, to wit: “JOHN DOE” & “JANE DOE”. That the Landlord has attempted to ascertain the true names of occupants “JOHN DOE” & “JANE DOE”, but has been unable to do so.

PLEASE TAKE NOTICE that your Landlord has obtained information that you have illegally sublet and/or assigned said apartment to occupants, “JOHN DOE” & “JANE DOE”, who are not lawfully entitled to reside in said premises.

PLEASE TAKE NOTICE, that your apartment is subject to the Rent Stabilization Law of 1969, as amended pursuant to said law the Landlord has duly registered your apartment with the New York State Division of Housing and Community Renewal (D.H.C.R.).

PLEASE TAKE NOTICE that you must cure this breach of a substantial obligation of your tenancy on or before 4/7/19 that being more than ten (10) days after service of this notice upon you and if you fail to cure said default on or before that date, then your Landlord will elect to terminate your tenancy in accordance with the applicable provisions of your Lease and the Law.

Dated: Brooklyn, New York
March 22, 2019

SLOCHOWSKY & SLOCHOWSKY LLP
Attorneys for Petitioner
26 Court Street
Brooklyn, New York 11242
(718) 625-0987

By: [REDACTED]
Michael Gazal-attorney in fact



Other Important Legal Papers

Notice of Motion

Purpose: written request to the court by either side. Commonly, a landlord is asking the court to move case forward, usually by issuing judgment against tenant or enforce existing warrant.

Make sure you attend the court date listed on the first page.

FILED: NEW YORK CIVIL COURT - L&T 08/17/2021 06:10 PM INDEX NO. [REDACTED]
NYSCEF DOC. NO. 4 RECEIVED NYSCEF: 08/17/2021

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

[REDACTED] X
Index No. L&T [REDACTED] 2021

Petitioner-Landlord,
- against -
[REDACTED]
Premises: [REDACTED]
Respondent-Tenant,

[REDACTED] X
PLEASE TAKE NOTICE that upon the Affidavit of [REDACTED] sworn to the 17th
day of August 2021, the exhibits annexed thereto, and upon all the prior pleadings and
proceedings heretofore had herein, the Petitioner-Landlord [REDACTED]
will move this Court at the Courthouse hereof located at 111 Centre Street, New York, New
York the Civil Court of the City of New York, County of New York, Part __ thereof, to be held
remotely pursuant to the following **REMOTE INVITE INSTRUCTIONS:**
_____ on the __ day of September 2021 at 9:30 a.m. or soon
thereafter as counsel to the parties may be heard for an Order:

(a) Pursuant to section 1 of Administrative Order 245/21 resuming the within
proceedings;

(b) Pursuant to section 7 of the COVID-19 Emergency Eviction and Foreclosure
Prevention Act of 2020 scheduling a hearing to determine that the Petitioner-Landlord
may obtain a judgment by default and the issuance of the warrant thereupon; and

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Notice of Eviction

“Marshal’s Notice”

Purpose: notify tenant of imminent eviction by city marshals.

Eviction can occur **14 business days** from date of the notice.

To prevent imminent eviction, you must go to Housing Court clerk’s office and file an “Order to Show Cause”.

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF _____

INDEX NO. LT
MARSHAL'S DOCKET NO. _____

Landlord }
Respondent Tenant }
Respondent Undertenant }

City Marshal
[Signature]

“John and Jane Doe”
Name of Tenant and/or undertenant being evicted and unknown person interested, occupying apartment set forth below.

NOTICE OF EVICTION
Alternative Service / Notificación

To the above named tenants and undertenants:

Please take notice that the Court has issued a warrant for your eviction. If you fail to vacate the described premises, **YOU MAY BE EVICTED, WITHOUT FURTHER NOTICE, ON THE SIXTH BUSINESS DAY AFTER THE DATE OF THIS NOTICE** or on any business day thereafter. “Business days” are Monday through Friday except legal holidays.

The **ONLY** way you can stop this eviction is if a Court issues an order to show cause that stays your eviction. You may apply for such an order at the Civil Court, Landlord - Tenant part, in your borough.

If a Court stay of your eviction is in effect, you will be evicted only if the stay ends or is vacated by the Court. If the Court has already ordered that you may be evicted if you fail to make a payment or comply with the Court’s order by a certain date, your failure to pay or comply with the Court’s order by that date may result in your eviction without further notice.

If you are dependent upon a person in the military service of the United States, advise the clerk of the Court immediately in order to protect your rights.

If you need legal assistance, the Legal Aid Society may be able to assist you (check telephone listing in your borough). A senior citizen who needs legal assistance may contact the New York City Department for the Aging, 2 Lafayette Street, New York, New York 10007, (212) 442-1000.

If you receive public assistance, notify your caseworker immediately. The Human Resources Administration may be able to help you with back payments whether or not you receive public assistance. Call (877) 472-8411 for information.

DATE OF NOTICE: _____

FECHADA: _____

Formerly known as “72-hour notice.” Additional time has been allowed for mailing.
Anteriormente conocido como “Aviso de Desahucio de 72 Horas.” Se ha concedido tiempo adicional para enviar por correo.
The date of this notice shall be on or after the date the notice is mailed to the respondent.
La fecha de esta notificación se hace el día en que se le envía al respondido o después de ese día.

NOTIFICACION DE DESAHUCIO
Notificación Alternativa / Por correo

A los señores inquilinos y sub-inquilinos:

Tenga a bien saber que la Corte ha emitido una orden de desahucio en contra de usted. Si no desahucia el local dentro, **USTED PUEDE SER DESAHUCIADO, SIN NOTIFICACION ADICIONAL, EL SEXTO DIA HABIL, A PARTIR DE LA FECHA DE ESTA NOTIFICACION** o en cualquier día hábil de ahí en adelante. Los “días hábiles” son Lunes a Viernes, excepto los días de festividad legal.

Usted puede detener este desahucio **SOLAMENTE** si una Corte emite una orden judicial instruyéndole a usted a mostrar motivos justificables para suspender su desahucio. Usted puede solicitar esa orden (Order to Show Cause) en la Corte Civil, Sección del Propietario - Inquilino (Civil Court, Landlord - Tenant part) en su condado.

Si una suspensión de su desahucio por orden de la Corte está en efecto, usted será desahuciado solo si la suspensión caduca o la Corte la anula. Si la Corte ha ordenado ya que usted puede ser desahuciado si no cumple con hacer un pago o con la orden de la Corte a partir de una fecha de vencimiento, su incumplimiento con el pago o con la orden de la Corte al llegar esa fecha puede resultar en su desahucio sin notificación adicional.

Si usted depende de una persona que pertenece al Servicio Militar de los Estados Unidos, notifíquelo inmediatamente al Secretario de la Corte (Court Clerk) para así proteger sus derechos legales.

Si usted necesita ayuda legal, la Legal Aid Society tal vez puede ayudarle (consulte la guía telefónica de su condado). Una persona de edad avanzada que necesita ayuda legal puede comunicarse con el Departamento para Personas Mayores de la Ciudad de Nueva York, 2 Lafayette Street, New York, New York 10007, (212) 442-1000.

Si usted recibe asistencia pública, notifíquelo a su trabajador social (caseworker) inmediatamente. La Administración de Recursos Humanos tal vez puede ayudarle con los pagos atrasados, reciba usted o no asistencia pública. Llame al (877) 472-8411 para información.

Rent Assistance





Types of Rent Assistance

One-time payment

- ERAP
- HRA One-Shot Deal
- Private charities

Ongoing rent subsidies

- Section 8
- HRA Subsidies

Agencies

- HRA
- Homebase
- Coalition for the Homeless
- Catholic Charities

HRA Rent Subsidies and Eligibility

FHEPS: families with minor children

CityFHEPS: single adults/families w/o children with recent shelter history OR veterans
Or APS case OR rent-controlled

HASA: individuals diagnosed with HIV/AIDS

SOTA: 1 year rent for shelter residents to move into permanent housing (inside or outside NY)

Pathway Home: up to 1 year rent for shelter residents to move in with friends or family

Foster Care Housing Subsidy: reunite children in foster care w/ families or prevent entry into foster care where housing instability is primary reason (administered by ACS).

Rent Freeze (Rent Regulated Tenants)

Senior Citizen Rent Increase Exemption (SCRIE)

- Head of Household is least 62 years old
- Income of \$50,000 or less
- Spend more than a third of monthly household income on rent

Disability Rent Increase Exemption (DRIE)

- At least 18 years old
- Income of \$50,000 or less
- Spend more than a third of monthly household income on rent
- Receive: SSI; SSDI; VA disability pension or compensation; or disability-related Medicaid (if received SSI or SSDI in the past)

Repairs and Illegal Lockout



Repairs

1. Written notice to landlord
2. Call 311 (caveat: illegal units)
3. Start an HP or 7A in housing court
 - a. Individual or group
 - b. Repairs and/or landlord harassment
 - c. Don't need an attorney to file; low filing fees (usually waived)
 - d. Tenant must serve papers upon landlord and any other named parties.
4. Rent stabilized/rent controlled tenants: DCHR reduction in services complaint

Illegal Lockout

No “self-help” evictions in New York

Tenants, subtenants, lawful occupants, or any occupant residing continually for 30+ days can start a case in housing court

Emergency hearing

Judge can order restoration, access, and order damages paid by landlord

Exceptions: nursing homes, shelters, and other “temporary” or “transitional” housing

Takeaways

- ❖ Don't self-evict!
- ❖ Show up to court and ask for an attorney.
- ❖ Consult an attorney before signing any papers in court.

Call 311 to:

- Ask for Right to Counsel referral
- Connect with HRA
- Report bad conditions in your apartment or building

Questions?

Manhattan and Brooklyn Tenants Hotline

Tuesdays: 9:00 am – 1:00 pm

212-417-3888

Other MFJ Projects: mobilizationforjustice.org/get-help

Government benefits, foreclosure, immigration, consumer rights, workplace justice, nursing home residents, special education student rights.