



LENOX HILL NEIGHBORHOOD HOUSE
SINCE 1894

The Eviction Process in New York City

WHAT STEPS MUST MY LANDLORD TAKE TO EVICT ME?

- Only a City Marshal or Sheriff can evict you with a court order.
- If you have occupied your apartment for 30 days or longer, your landlord cannot evict you without first obtaining a Court Order or Judgment, after taking the following steps:
 - Before starting a court case, your landlord must give you a Notice. The Notice will usually give you a deadline to pay rent, stop certain behavior, or vacate the premises.
 - **If you do not comply with the Notice, your landlord may seek to evict you by filing a Petition with the Housing Court.**
 - Your landlord must serve the Notice and Petition one of three ways: (1) personal service, where papers are handed to you; (2) substitute service, where papers are handed to an adult living in your home and sent to you by regular and certified mail; and (3) conspicuous place service, where papers are taped to or slid under your door and sent to you by regular and certified mail. If you did not get papers in one of these ways, tell the Judge.
 - If the landlord brought a “Nonpayment” case against you, you must go to court to file an Answer to the Petition within 5 days of receiving it. The Court will tell you when to return.
 - In cases other than Nonpayment Proceedings, the Notice of Petition will include the date and time of your court appearance.
- **You must appear in court to protect your rights!** You may request a new court date, called an adjournment. You may also ask the Court to refer you to an attorney.

Housing Court cases are often resolved by a Stipulation of Settlement, in which one or both sides agree to do something. A tenant might agree to pay rent arrears by a certain date or to stop certain behavior. If you cannot agree, then you can have a trial in front a Judge.

WHEN CAN THE MARSHAL OR SHERIFF EVICT ME?

- If your landlord gets a judgment against you in Housing Court, and you do not comply with your obligations, the Marshal might serve you with a Notice of Eviction.
- You can be evicted starting the sixth business day after the date on the Notice of Eviction.
- If you have been served with a Notice of Eviction, you can file an Order to Show Cause in Housing Court to try to postpone the eviction. If you cannot afford a lawyer, you can call 311 to request legal services assistance.

Legal Disclaimer: The information contained on this flyer does not constitute legal advice and must not be used as a substitute for the advice of a lawyer qualified to give advice on legal issues pertaining to housing.