

Housing Court Locations

Bronx

1118 Grand Concourse
Bronx, NY 10451

718-466-3025

Bronx NYCHA

851 Grand Concourse
Bronx, NY 10451

718-618-3566

Brooklyn

141 Livingston Street
Brooklyn, NY 11201

347-404-9201

Harlem Community Justice Center

170 East 121 Street
New York, NY 10035

212-360-4113

Manhattan

111 Centre Street
New York, NY 10013

646-386-5500

Queens

89-17 Sutphin Boulevard
Jamaica, NY 11435

718-262-7145

Red Hook Community Justice Center

88-94 Visitation Place
Brooklyn, NY 11231

718-923-8200

Staten Island

927 Castleton Avenue
Staten Island, NY 10310

718-675-8452

Hotline for Housing Help

We can answer questions about:

housing court

eviction

tenants' rights

NYCHA

getting repairs

We can screen you for referral to:

charity assistance

legal clinics

FEPS providers

HomeBase and HRA

call us
212-962-4795

Tuesday, Wednesday and Thursday
9am to 5pm

housingcourtanswers.org

Housing Court Answers does not provide rental assistance, but provides referrals.

This information sheet was prepared by Housing Court Answers.

This information is not to be considered legal advice.

If possible, consult a lawyer.

HOUSING COURT ANSWERS 
Fighting for Justice

Holdover Cases for tenants

An eviction case started by your landlord to remove you from the apartment for some reason, not for back rent.

The papers

You should first get a warning that the landlord wants you to leave. It might be a **notice to quit** or a **notice of termination**.

Next you should get a **petition and notice of petition**. It has the reason why your landlord wants to evict you. It will have the time, date and room number for your hearing. The landlord cannot serve the papers himself. He must use a process server or someone not connected to the case.

The hearing

You will first try to settle your case. You will talk to the landlord or his lawyer and try to make an agreement. The court attorney can help if you cannot come to an agreement.

If you cannot settle the case, you can ask for a trial. In a trial, the judge will listen to the arguments of both sides and decide if you have the right to keep living in the apartment or if the landlord can have you evicted. **Talk to a lawyer before asking for a trial.**

Unregulated Apartments

If you live in a private house, a rented room, or other unregulated housing, and you don't have a lease or the lease has expired, **the landlord does not need to have a good reason** to start a holdover case. You and the landlord will try to come to an agreement about how much time you get to move out and if you have to pay for ongoing or back rent.

How much time will I get to move?

You will negotiate time to move out. The date will be written in the stipulation.

The maximum time the court can give is 6 months from the date of the judgment. You may or may not get the full 6 months. Tenants rarely get more.

What if I can't move out by the deadline?

Go back to court and file an order to show cause (OSC). Show the judge proof that you are looking for a new apartment and ask for more time. If you had to make payments, show proof that you did.

Do I have to pay rent while I'm preparing to move?

If you settle the case, the landlord may agree not to ask for payments (waive rent or use and occupancy) if you agree to move out quickly. If you do not move out by the agreed date, the landlord may be able to collect waived rent.

If you miss a rent payment the landlord may be able to get you out before your deadline. In a legal apartment, the court cannot allow you to stay in the apartment without paying rent.

Rent Regulated Housing

Rent stabilized and rent controlled tenants have many rights that protect their tenancy. The landlord must have a good reason to bring a holdover case. Before starting the case, the landlord must serve you a notice warning that a case will be started and why.

What are some reasons the landlord might start a holdover case?

- violating the lease or the law
- damaging the apartment or other tenants
- regularly falling behind on the rent
- keeping clutter in the apartment
- having a pet or a washing machine
- using the apartment for illegal activity
- not using the apartment as your primary residence
- subletting without permission
- Rarely, landlords want the apartment for a relative, or want to demolish the building or remove it from residential use

Try to get a lawyer to represent you. There are defenses that can get your case dismissed.

Be very careful what you admit to the landlord and his attorney. This information may be used against you.

What is a probationary stipulation?

Many holdover cases are settled, instead of going to trial. The written agreement, with the details of the settlement, is called a stipulation. A settlement might include agreeing to go six months, or a year or more, without repeating the behavior.

You do not have to admit that you did what they are saying.

Probationary stipulations often include a judgment and a warrant but allow you to stay in your apartment as long as you do not violate the agreement. For example, you might have a probationary stipulation saying that you will not be evicted if you pay the rent on time every month for a year.

Get legal advice before deciding if you will sign a stipulation with probation.

By settling the case, the landlord does not have to prove his case against you and you will not have an opportunity to present evidence that you did not do the alleged behavior.

If you violate a probationary stipulation, even once, a judgment allows the landlord to move forward on the eviction process.

New York City Housing Authority

The first step in a NYCHA eviction is a termination of tenancy. After NYCHA decides to terminate your tenancy, they will start a Holdover case in Housing Court.

What happens in a Termination of Tenancy Hearing?

You will receive a notice of the charges against you. It will have a date for a hearing at 250 Broadway in Manhattan.

The case may be settled by agreement.

The agreement can:

- dismiss the case
- have a probationary period

If you do not settle the case, NYCHA will have a hearing. The case will be decided by a hearing officer.

You can appeal the decision by filing an **Article 78 Proceeding**, in State Supreme Court. You must file this within 4 months of the termination decision.

What are some reasons NYCHA might start a Termination of Tenancy?

- **Chronic Rent Delinquency**
late payment 3 or more times in a year
- **Unreported Income**
- **Unauthorized Occupant**
someone living in the apartment is not on the lease
- **Criminal Activity**
- **Breaking NYCHAs Rules**
- **Violating Probation**

What happens in Housing Court?

The judge in Housing Court does not have the power to overturn NYCHAs decision.

The judge does have the power to give you time to move or to appeal the decision.

Some cases start in Housing Court without having a termination hearing. This can happen when the head of household is not living in the apartment or for serious criminal behavior.

If you get Housing Court papers, talk to a lawyer.