

## 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*

# Eviction Notices for tenants

## Who can evict me from my apartment?

Only a marshal or sheriff can remove you. It is illegal for your landlord to lock you out. The marshal must serve you a notice before the eviction. He or she will have a badge.

A landlord must have a judgment from the court and contact the marshal to proceed with an eviction.

## When can the marshal evict me?

You should receive a **marshal's notice of eviction**, sometimes called a **6 day notice**. It will include your court index number, the marshal's name, address, and phone number and the date that the notice was served on you.

The notice can be served by the marshal or a process server. It should be given to you by hand. If it is not delivered by hand, then it should be taped to or slid under your door and also mailed to you by certified and regular mail.

If you were served the notice by hand, you have 4 business days before the marshal can evict you. If the notice was taped or put under your door but not handed to you, you have 6 business days before the marshal can evict you.

Marshals set their schedules every day at 3pm for the next day, so you can call the marshal who served your notice to find out if you are scheduled.

## How can I stop an eviction?

Go to court to file an **order to show cause**. You will fill out a form asking the judge to reopen the case. If the judge signs the OSC, you will get a new hearing. To stop the eviction, serve a copy of the OSC on the marshal and

the landlord. If you do not serve the OSC correctly, you could be evicted.

## What happens when the marshal comes?

If you refuse to let the marshal in, he or she can use force to enter the apartment. The marshal will do an eviction or a possession. The landlord will tell the marshal which to do.

A **possession** means the marshal will order you to leave the apartment and then change the lock on the door. It will be up to you to get your things out of the apartment. Your landlord can move everything to storage if you do not make arrangements to remove them.

An **eviction** means that the marshal removes all of your things from the apartment and moves them to storage.

## What if the marshal comes and I don't have time to go to court?

Take what you can carry. Don't forget:

- ID
- legal papers
- medicine
- valuables
- personal items

Go to court right away. File a **post-eviction order to show cause**. It can stop the landlord from removing your things or renting the apartment, and give you time and limited access to the apartment.

If the marshal came while you were not home, you can still file an OSC. Ask the judge for access to the apartment to get some belongings.

## What if someone who lives in my home is sick, disabled or elderly?

If an adult is sick, disabled, older than 62, or at the end of a pregnancy, or if there is an infant living in the home, get proof or a doctor's note and fax it to the marshal. The marshal is required to refer your case to Adult Protective Services (a city agency). APS may come to evaluate you for services. This can delay eviction by 2 weeks while APS evaluates your family.

## Can I get back into the apartment after I have been evicted?

After eviction, there is still a chance that you can get back into the apartment. Go to court right after the eviction and file an order to show cause. The judge may allow you in to get your things. You may be able to move back into the apartment.

Ask the judge to order the landlord to keep the apartment for you and give you a chance to pay what you owe. You may have to pay legal fees or marshal fees.

## If I stopped the marshal's notice, can they still evict me?

After you serve the order to show cause on the marshal, he or she cannot evict you until after the next court date.

The judge will decide how much more time you get at the hearing. The judge will say if the marshal will have to re-serve you the eviction notice or if he or she can still evict you with the previous notice. Sometimes, the judge will order the marshal to re-serve you by mail only.

A marshal's notice is effective for 30 days from the date it was served. That means that a marshal can come back and evict you without re-serving the notice if it has been less than 30 days since it was served and

the judge does not require re-service. If it has been more than 30 days since the last marshal's notice was served, the marshal will have to serve you another notice and wait the 4 or 6 business days before evicting you.

## What is an illegal eviction?

An illegal eviction is when someone other than the marshal or sheriff locks you out AND you were in the apartment for more than 30 days OR you paid rent OR had a lease.

If you have been illegally evicted, you can go to your local police station for help. According to section #214-12 of the **Patrolman's Guide**, a police officer should help you get back in your apartment.

Another option is to go to Housing Court and file an **order to show cause to restore possession**. Tell the clerk you were illegally locked out. You will need to know the landlord's name and address in order to file the papers.

## What is a constructive eviction?

A constructive eviction is when the landlord or management cuts off your heat or water or electricity or does something else to stop you from entering or using your apartment. If your landlord does this, call the police.

The police should force the landlord to restore your services. You can also file an emergency HP Action against your landlord in Housing Court.

## Sample Marshal's Notice

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF

BRONX  
My Landlord LLC

Sally Tenant  
123 Any Street  
New York, NY 10001

against

Petitioner  
Landlord

Respondent  
Tenant

Respondent  
Undertenant

Name of Tenant and/or undertenant being fictitious and unknown, person intended,  
occupying apartment set forth below.

!! IMPORTANT !!

PLEASE BE ADVISED THAT YOUR  
EVICTION MAY BE SCHEDULED ON

Docket # 0001111/2006

8/10/06 OR THEREAFTER

### NOTICE OF EVICTION

Alternative Service / Mailing

### NOTIFICACION DE DESAHUCIO

Notificación Alternativa / Postal

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 (718) 291-1900 for information.

NEW HRA # 877-472-8411  
DATE OF NOTICE<sup>1</sup> FECHADA

08/02/2006

<sup>1</sup>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.

<sup>2</sup>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 fijará el día en que se le envía al apelado o después de ese día.

INDEX NO. LT 0001111/2006



BADGE  
# 009

CITY MARSHAL

THOMAS J. BIA  
181 EAST 161st ST.  
BRONX, NY 10451  
718-681-8878