

# FACT SHEET



Andrew M. Cuomo, Governor

A PUBLICATION OF NEW YORK STATE  
DIVISION OF HOUSING AND COMMUNITY RENEWAL  
OFFICE OF RENT ADMINISTRATION

## #10 Eviction from an Apartment Based on Owner Occupancy

An owner may refuse to renew a rent stabilized tenant's lease in NYC because the owner wants the apartment for personal use and occupancy as a primary residence for the owner or a member of the owner's immediate family. Under the Rent Stabilization Law, an owner may begin an eviction proceeding when the current lease expires, but only after the tenant is given written notice that the lease will not be renewed. This notice must be served at least 90 and not more than 150 days before the current lease term expires.

According to the Rent Stabilization Law, only one of the individual owners of a building can take possession of one or more dwelling units for personal or immediate family use and occupancy, even if the building has joint or multiple ownership.

If after an owner recovers possession of the apartment, the owner does not use the apartment(s) as the owner's or an immediate family member's primary residence for three years, the owner may lose the right to any rent increases for other apartments in that building for three years.

For rent stabilized apartments outside NYC and for rent controlled apartments statewide, the owner must apply to DHCR for an order granting a certificate of eviction by filing an *"Owner's Application for Order Granting Approval to Refuse Renewal of Lease and/or to Proceed for Eviction for Owner Occupancy"* (DHCR Form RA-54). An owner must establish an immediate and compelling need for the apartment. If DHCR grants this certificate, the owner may then proceed in court to evict the tenant.

Additional rules apply concerning evictions based on owner occupancy:

1. An owner cannot evict a tenant from a rent stabilized apartment in NYC if the tenant or the spouse of the tenant is a senior citizen, 62 years or older, or is a disabled person unless the owner provides an equivalent or superior apartment at the same or lower rent in a nearby area.
2. An owner cannot evict a tenant from a rent stabilized apartment outside of NYC or a rent controlled apartment statewide when a member of the household lawfully occupying the apartment is a senior citizen, 62 years or older; or, is a disabled person, or is any person who has been a tenant in the building for 20 years or more.
3. An owner of an apartment or the shares allocated to it cannot evict a rent stabilized or rent controlled tenant statewide, for personal or immediate family use and occupancy, in buildings converted to a non-eviction cooperative.

For more information or assistance, call the DHCR Rent InfoLine, or visit your Borough or County Rent Office.

### Queens

92-31 Union Hall Street  
6th Floor  
Jamaica, NY 11433  
(718) 739-6400

### Lower Manhattan

25 Beaver Street  
5th Floor  
New York, NY 10004

### Brooklyn

55 Hanson Place  
7th Floor  
Brooklyn, NY 11217

### Bronx

1 Fordham Plaza  
4th Floor  
Bronx, NY 10458

### Upper Manhattan

163 W. 125th Street  
5th Floor  
New York, NY 10027

### Westchester County

75 South Broadway  
3rd Floor  
White Plains, NY 10601