

If You're Facing The Threat of Eviction...

If you rent an apartment, you know the importance of paying your rent on time. Sometimes unexpected events can cause you to be late paying the rent and the threat of eviction looms. Here are steps you can follow if you find yourself in this situation:

- Inform your management office. If you explain your situation to management before the rent is due, they may be able to make some concessions for you. Waiting until after the first of the month may leave you with fewer options or none at all. Maintain communication with your leasing office throughout the entire process.

- Family Eviction Prevention Services (FEPS): If you are on public assistance and have children on a public assistance case, you may be eligible to receive a monthly rental supplement (in addition to your shelter allowance) and have some, or all, of your rental arrears paid. For assistance, visit CAMBA Legal Services 720 Church Avenue, Brooklyn, 718-282-2500 x230 or Legal Services NYC, 180 Livingston St., Brooklyn, 347-592-2100

- The NYC Dept. of Homeless Services Anti-Eviction Legal Services offices provides comprehensive, flexible and individualized legal and

related services to help ensure that families with children avoid becoming homeless. Locations in Brooklyn include: CAMBA Legal Services, 720 Church Avenue, 718-282-2500 x230; South Brooklyn Legal Services 105 Court Street, 718-237-5500; and Legal Services NYC, 180 Livingston St., 347-592-2100

- Astella Development Corp. at 1618 Mermaid Ave. (phone: 718-266-4653) assists individuals and families with rent issues, code enforcement, landlord negligence, tenants' rights, emergency services, eviction prevention, information on the NYC shelter system; referral to legal assistance; Housing Authority, HEAP and SCRIE applications; and accompanies tenants to Housing Court



Tenants Rights Regarding Eviction

A tenant with a lease is protected from eviction during the lease period as long as the tenant does not violate any substantial provision of the lease or any local housing laws or codes. Landlords must give formal notice of their intention to obtain legal possession of the apartment.

- Unless the tenant vacates the premises by a specified date, the landlord may commence eviction proceedings through: (a) a summary of non-payment court proceeding to evict a tenant who fails to pay the agreed rent when due and to recover outstanding rent, or (b) a summary holdover proceeding for eviction if a tenant significantly violates a substantial obligation under the lease (such as using the premises for illegal purposes, or committing or permitting a nuisance) or stays beyond the lease term without permission.

- A tenant can be legally evicted only after the landlord has brought a court proceeding and has obtained a judgment of possession. A tenant should never ignore legal papers; an eviction notice can still be sent if a tenant did not appear in court to answer court papers (petition) sent by the landlord.

- Only a sheriff or marshal can carry out a court-ordered warrant to evict a tenant.

Landlords may not take the law into their own hands and evict a tenant by use of force or unlawful means. For example, a landlord cannot use threats of violence, remove a tenant's possessions, lock the tenant out of the apartment, or willfully discontinue essential services such as water or heat.

- When a tenant is evicted, the landlord may not retain the tenant's personal belongings or furniture. The landlord must give the tenant a reasonable amount of time to remove all belongings.

- In New York City, a landlord may not evict a tenant in a rent-stabilized apartment for purposes of owner occupancy if the tenant or the spouse of the tenant is a senior citizen or is disabled, unless the landlord provides an equivalent or superior apartment at the same or lower rent in a nearby area.

- In rent-controlled apartments, a landlord may not evict a senior citizen, a disabled person, or any person who has been living in the apartment for 20 years or more for purposes of owner occupancy.

If your tenant rights are being violated and/or you're facing eviction, contact Astella Development Corp. at 1618 Mermaid Ave. (phone: 718-266-4653).