

# Know Your Rights: Tenants

## Presentation by Nassau Suffolk Law Services

**Nassau Suffolk Law Services (NSLS)** is committed to helping people in need assert and secure their rights under the law. Established in 1966, NSLS was one of the first Legal Services Corporation programs in New York State. We provide free legal services in thousands of civil (non-criminal) cases each year, as well as legal support to community advocates to ensure that people with low incomes and disabilities have equal access to the civil justice system on Long Island.

### Types of Landlord/ Tenant Cases

- **Non-Payment** - This type of case is initiated by a landlord to collect unpaid rent.
- **Holdover** - This case is seen when the tenant remains in the property after the expiration of the lease.
- **Post Foreclosure Holdover** - This refers to a situation in which a tenant remains in a property after it has been foreclosed upon and transferred to a new owner.

### Notices you may Receive Before a Case is Scheduled for Court

In a non-payment eviction case, the landlord must send 2 late rent notices before taking the tenant to court. The first notice is a **5-day late rent notice**, if the tenant doesn't pay rent after the first notice, they will receive a **14-day rent demand**, after which the court case begins, and the **notice of petition** is served. The Holdover eviction process is different as it depends on how long a tenant has lived in the home or the length of the lease. If a tenant has lived in the home less than a year OR leased for less than 1 year, the **30 days' written notice** is given; if a tenant has lived in the home between 1 and 2 years OR leased for 1 year, the **60 days' written notice** is given; If a tenant has lived in the home 2 or more years OR leased for 2 years, the **90 days' written notice** is given. In this case, after the tenant remains in the property after the end of the notice period, the **notice of petition** is served.

### Documents to Bring to Court

- Notice of Petition/ Petition
- Receipts of Rent Paid
- Pictures of Habitability Issues
- Lease



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## Outcomes of a Typical Landlord Tenant Case

The most common outcomes for a landlord tenant case include settlement, dismissal, decision after trial, default or discontinued. A Stipulation of Settlement is the typical plan used to reach an agreement. Once a Stipulation of Settlement is signed, the tenant is making a legal agreement with the landlord. This agreement includes a payment plan, stay of vacate plan, and indicates the amount of extra money owed (key money, repairs by landlord...).

## What Happens if a Warrant of Eviction is Entered Against You?

After a Warrant of Eviction is entered against a tenant, a sheriff will serve a 14-day notice. If the tenant is unwilling to leave the premises, a sheriff will remove them from the property. It is very important to pay the amount due any time before this to avoid physical eviction.

## Resources

- **DSS One Shot** - This deal provides rental assistance that can help prevent or forestall eviction. Individuals must meet eligibility guidelines and are subject to investigative review.
- **Salvation Army**- Provides financial assistance as well as free items to low income or working poor families.
- **Senior Housing** - Individuals who are at least 65 years old can check eligibility for senior housing.
- **Section 8** - The Housing Choice Voucher Program provides assistance to eligible low and moderate income families to rent housing in private markets.

