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KNOW YOUR RIGHTS

A 14-day notice is a notice served upon tenants by the county sheriff, city marshal or constable. It is one of the final steps of the eviction process. A 14-day notice must be triggered by a signed warrant of eviction from a judge, & this only takes place through a landlord properly petitioning the tenants to court. **Tenants have the right to answer and appear for these proceedings to defend themselves against eviction.** An eviction cannot take place without a court process. If you've been petitioned to court for eviction, call UTA's Housing Hotline for guidance & reach out to your local legal service providers for help.

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Once the judgment for eviction is entered in court, it may be tied to a specific day if an agreement was reached or the judge gave discretion. For example, the warrant of eviction may be issued and "stayed" to November 30th. This means that if a tenant continues to occupy the residence even the very next day following the date the warrant is stayed to, in this example December 1st, the landlord can execute the warrant of eviction. The landlord does this by bringing the warrant to the sheriff or city marshal.

The sheriff or city marshal will serve the 72-hour notice to the tenants. Usually this is completed by mail, by a posted notice, and by personal service where the sheriff, city marshal or constable will hand deliver a notice to the tenants. At the time of service the 72-hour timeframe begins. Weekends and holidays are not counted in the 72-hours, it is only business days that are included. In smaller towns with local marshals or constables, the timeframe for a lockout will be very close to an actual 72-hours. In counties where one sheriff department is responsible for completing evictions, it may be slightly longer. It is important to gather your most important belongings and make plans for relocation as soon as possible & to prepare to vacate quickly.

After the notice expires, the sheriff, city marshal or constable will be present with the landlord to change the locks on the apartment. At that point, the tenants will no longer be in possession of the apartment and will have to make alternate housing arrangements.

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14-DAY NOTICES & LOCKOUTS

KNOW YOUR RIGHTS

If you have been locked out of your apartment *legally*, New York State is a “right to shelter state”, which means after an eviction is completed and tenants can no longer access their home, they have the legal right to access emergency shelter.

ANYONE WHO IS HOMELESS IN ALBANY:

BEFORE 4:30PM weekdays, anyone who is homeless in Albany should go to Albany County DSS at 162 Washington Ave to access emergency shelter.

AFTER 4:30PM weekdays, anytime on weekends or anytime on holidays, HATAS at 138 Central Ave provides “after hours” homeless shelter access in Albany. HATAS can be reached 24 hours to assess homeless situations at (518)463-2124.

Remember that emergency shelter usually cannot be accessed until the 14-DAY notice expires and the locks to the apartment have been changed in the legal course.

AFTER A LEGAL LOCKOUT:

The owner of the property/landlord is responsible for keeping the tenants' belongings safe and dry for a “reasonable time” after the locks have been changed to the apartment. Safe and dry does not mean that they must be left in place in the home, and the items can be moved to a safe and dry location like a storage unit or a garage. "Reasonable time" is sometimes interpreted differently depending on the location. In Albany County, for the most part, the belongings should be kept safe and dry for around 30 days & the owner must agree to give the tenant access to the belongings within reason after the eviction is completed, at a reasonable time that is agreed upon between the landlord and tenant. In other areas, the "reasonable time-frame" might be different. Check in with the local court, sheriff department or city marshal if you're not sure how long your landlord is supposed to hold your belongings.

There is no "landlord lien law" in NYS, meaning that it is illegal for landlords to hold tenants belongings ransom both for money they were awarded in court or money they feel they may be owed because of the eviction. They can only pursue money they feel they are owed through the court process. However, if the landlord puts the belongings in a storage unit & pays for one month, this is legal. After that timeframe expires, the storage provider may have policies about releasing belongings that could be lawful.