

# EVICTION COURTS ARE CLOSED AND EVICTIONS ARE SUSPENDED IN NEW YORK STATE!

## FREQUENTLY ASKED QUESTIONS AND ANSWERS

*Because the nature of the implementation is evolving, please keep checking back for updates.  
Last updated, 3/18/20*

### **What does the eviction moratorium mean?**

The Chief Administrative Judge of New York State [issued a memo](#) on Sunday, March 15, **effective 5pm on Monday March 16**, which states: "All eviction proceedings and pending eviction orders shall be suspended statewide until further notice."

**This means that during this health crisis, no eviction cases can move forward, there will be no evictions and all courts that hear eviction cases are closed. The moratorium applies to both residential tenants (in all types of housing) and commercial tenants. There will be no evictions of any kind, for anyone, as long as the moratorium is in place.**

In NYC, there are exceptions for illegal lockouts, serious housing code violations, post-eviction cases, vacate orders and repair orders. Emergency courtrooms in every borough's Housing Court will be open to deal with these cases.

### **Are there any exceptions to the moratorium?**

No, there are no exceptions. You can't be evicted for anything right now.

### **What if a sheriff's or marshal's lockout notice or warrant has already been issued?**

The moratorium applies to all pre-existing orders. **They have been suspended and you cannot be evicted.**

In NYC, all city marshals have been [notified](#) that they can not execute any pre-existing warrants. If they attempt to violate this, please report this activity by calling the City's Department of Investigation (DOI) Bureau of City Marshals at (212) 825-5953.

Outside of NYC, law enforcement entities should have been notified by the local courts. If you have a pending eviction notice, please call the agency listed on the warrant (i.e., County Sheriffs) to make sure they know the moratorium is in effect and that eviction has been suspended. Housing advocates across the state are making every effort to communicate with as many counties as possible to ensure full compliance with the moratorium.

## **I have an upcoming court date for my eviction case, what should I do?**

Any court dates for eviction cases will be postponed, and the court will mail you a notice with your new court date. If you have a lawyer, you should be hearing from them soon. Currently, cases are being adjourned for a minimum of 45 days. We expect cases to be adjourned multiple times during the length of the crisis.

In areas outside of NYC, especially in areas without separate courts for housing, you should call the court to confirm that your date has been adjourned. *You do NOT have to appear for a court date while the moratorium remains in effect, and you can't be penalized for not showing up.* If anyone tells you otherwise, immediately call your local tenant organization or 833-503-0447 for assistance.

## **I am an NYC tenant and I have an upcoming court date for emergency repairs, what should I do?**

Your court date stands, and you will have a hearing.

## **What if my landlord sues me anyway?**

Unfortunately, the terms of the moratorium do not make it clear that landlords can't bring new cases against tenants, and some courts are allowing them to do so. But new cases can't move forward, and you can't be evicted for the duration of the moratorium. We are working hard to prevent courts from accepting new case filings from landlords.

In the meantime, if you do get court papers, please **call 883-503-0447 if you're upstate and 212-962-4795 if you're in NYC.** If you're in NYC, you may be able to get support from a legal services organization.

**As long as the moratorium is in place and the courts are closed, there will be no evictions, no cases will move forward, and no one will be penalized for not responding to court papers during this time.**

Tenants should also let their local organizing group know if their landlord is harassing them with new cases.

Please know that the order does not apply to rent demands. Landlords can still send you letters and rent demands for any rent they claim you owe during this time.

## **What if I can't pay my rent?**

Right now, you are still obligated to pay rent. The moratorium just means that your landlord can't sue you for nonpayment right now, but once the moratorium is lifted, they will be allowed to. We are working to push demands for a rent freeze and rent suspension, but we have not won them yet. To join that fight, learn more [here](#).

If you entered into an agreement in court prior to the moratorium that required you to pay rent by a certain date and you can no longer make that payment, your landlord **cannot call the marshal/sheriff/law enforcement agency to evict you** as long as the moratorium is in effect. Once the moratorium is lifted, they will be able to move forward with eviction.

### **What if my landlord locks me out illegally?**

If you are a NYC tenant, you can file a case at an emergency courtroom to be let back into your unit. The courts and the City are referring all post-eviction and illegal lockout cases to the Right to Counsel legal services organizations, regardless of where you live or your income.

If you are a tenant outside of NYC, please call your local Legal Services offices and active tenants unions/tenant organizations as soon as possible after the lockout.

### **Can my landlord try to vacate my unit?**

All tenants are entitled to due process; only a judge can evict you. Because courts are closed and all evictions are suspended during this moratorium, **your landlord cannot evict you.**

Vacate orders are issued when an apartment is dangerous or illegal, and only city agencies can issue them. Landlords are not legally empowered to directly issue vacate orders. During this crisis, we would expect vacate orders to be rare -- in response to truly dangerous situations or as the result of a fire. Once a vacate order is issued, tenants have the right to access relocation services provided by City agencies. Relocation services remain open during the crisis.

### **How do I get needed repairs from my landlord if courts are closed?**

In NYC, you can still go to housing court for emergency repairs. All other options to get repairs are still available, for instance by calling 311, applying to DHCR for a rent reduction, etc. However, please keep in mind that with closures increasing throughout the City and State, enforcement agencies may be working with limited staff, and it may take longer to get repairs or inspections.

Emergency repairs for NYC tenants include heat and hot water cases, vacates, access for heat and hot water, and other major emergencies, lead cases with the Department of Health and Mental Hygiene and/or violations for lead remediation. Outside of NYC, courts are not open for emergency repairs. Please call your local Legal Services office or organizing group for support!

### **How long will the eviction moratorium last?**

It's an indefinite moratorium, so we aren't sure exactly how long it will last. We will be organizing for it to last as long as possible. Our best guess is that the moratorium will last as long as the Centers for Disease Control (CDC) guidance prohibits large gatherings. Right now that prohibition is in effect for eight weeks, until mid-May.

## What happens when the moratorium ends?

If we don't win additional demands (such as a rent freeze and suspension of rent payments) before the end of the moratorium, then cases will restart, evictions will be scheduled and new cases will be filed. We are working hard to push for an immediate rent freeze and rent suspension, among other demands. **This is the time to organize!** [Sign our petition](#) to join our to join the movement and to sign up to get involved!

## How can I get more information?

- **Statewide hotline: 883-503-0447, open 24/7, will soon be able to answer your questions, and we are currently adding interpreters in all languages.** This is a referral line only -- hotline workers aren't able to answer specific legal questions, but they will be able to direct you to the courts, clerks offices and other resources in your region. If you don't get through the first time, keep trying!
- **In NYC, you can also call Housing Court Answers, 9am-5pm, Monday-Friday: 212-962-4795 or 718-557-1379.** Calls are answered directly in Spanish, English and French, and interpreters are used for all other languages through the LanguageLine translation service.
- **In the Capital District and in Upstate NY, you can call United Tenants of Albany's Housing Hotline, 9am-5pm Monday-Friday at (518)436-8997, ext. 3 for referrals and guidance about your housing questions.** For speakers of languages other than English, interpreting services are available through LanguageLine.



For more information visit:

[housingjusticeforall.org/covid19](https://housingjusticeforall.org/covid19)

[righttocounselnyc.org/eviction\\_free\\_covid19](https://righttocounselnyc.org/eviction_free_covid19)