



ILLEGAL EVICTIONS IN SUFFOLK COUNTY AND HOW TO STOP THEM

Sometimes, Suffolk County landlords will try to make a tenant move **by doing things that are illegal**. For instance:

1. Throw furniture and belongings in the street
2. Remove the doors
3. Padlock the doors
4. Change the locks
5. Turn off the heat or electricity
6. Turn off the water
7. Keep your belongings
8. Threaten to use, or actually use violence

WHAT TO DO

If the landlord tries to illegally evict you, you must immediately call or go to the police. Hopefully, the police will intervene, as outlined in the “Suffolk County Police Order Number 92-1”. As this order distinguishes between those with “written evidence” of their tenancy and those who do not, we urge tenants who suspect that their landlord will act illegally to keep with them at all times copies of rent receipts and a copy of their lease, the real estate agent’s agreement, or the landlord’s statement from the welfare department.

Unfortunately, there are still police officers who continue to believe that illegal evictions are “civil matters” and refuse to do anything at the scene. If this is the case, you should demand to file a police report, get the name, and badge number of the responding officers, and arrange to go as soon as possible to the local police precinct. You must show them the new section of the law – Real Property Actions and Proceedings Law Sec. 768 (Unlawful Evictions) making an unlawful eviction a potential class-A misdemeanor and the police directive and work up the chain of command there until someone does something.

Naturally, the tenant should also call Legal Services of Long Island if they live west of Route 112 (631-232-2400), or east of 112 (631-369-1112) and arrange for emergency housing and storage through the Department of Social Services.

In the case of a utility shut-off by the landlord, the tenant can also call the Suffolk County Department of Health Services (631-852-5900) or their local town building department and ask them to intervene.

AFTERWARDS

If the landlord pulls off an illegal eviction, the tenant can file an Order to Show Cause in their local court and request to be restored to the property. (RPAPL 713(10).

the tenant can sue for three times the damages he/she suffers (RPAPL 853). Despite the crisis situation he/she is in, the tenant should be careful to keep proof of his/her damages— pictures of the destroyed property; receipts for additional expenses incurred; witnesses; police or health department reports, etc.

If the damages are less than \$5,000, the tenant can sue the former landlord in small claims court. If the damages are more than \$5,000, the tenant will have to get a private attorney to take his/her case on a contingency fee basis. This means that the attorney will require no money down, but will take one-third of what is won. For guidance with your Small Claims Court matter, you can call NYPIRG (516-222-0086).

Furthermore, under the recently enacted Statewide Housing Security and Tenant Protection Act of 2019, RPAPL Sec. 768 provides that you may be able to seek to have your landlord arrested (class A misdemeanor) and/or sue your landlord for damages ranging from \$1,000.00 to \$10,000.00 for the illegal eviction, and an additional \$100.00 a day for damages until your landlord restores you to the premises.

See descriptions of the law outlining illegal evictions on page 2.



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1. REAL PROPERTY ACTIONS AND PROCEEDINGS LAW SEC. 711

This says that as a tenant or lawful occupant (in an apartment, house, or rooming house), you cannot be evicted unless the landlord takes you to court and wins. Even then, only the sheriff is allowed to evict you, not the Landlord or one of the Landlord's friends.

2. REAL PROPERTY LAW SEC. 235

This says that it is a criminal violation for your landlord to evict you in any way: by changing locks, shutting off the utilities, throwing out your furniture, etc. He must take you to landlord/tenant court- and, even then, if you lose only the sheriff can carry out the eviction.

3. REAL PROPERTY ACTIONS AND PROCEEDINGS LAWS SEC. 853

This says that if your landlord *illegally* evicts you, you can sue him for three times the damages you suffer. **BE SURE TO MAKE A POLICE REPORT, TAKE PICTURES OF THE SCENE, AND KEEP RECEIPTS FOR THE EXTRA EXPENSES YOU INCUR.** (Cost of eating out, transportation, value of items damaged or lost, cost of finding a new place to live, etc.) If no heat, document temperatures for inside and outside and keep records for each day of no heat.

4. REAL PROPERTY ACTIONS AND PROCEEDINGS LAW SEC. 768 (New Section added under the Statewide Housing Security and Tenant Protection Act of 2019)

This section provides that it is unlawful to attempt to evict a legal occupant by using or threatening force to induce that occupant to vacate. Makes the proscribed behavior a class-A misdemeanor and provides for civil penalties of \$1,000.00 to \$10,000.00 for each violation, in addition to \$100.00 a day if the landlord fails to restore you to possession.

5. REAL PROPERTY ACTIONS AND PROCEEDINGS LAW SEC. 713 (10)

This section provides that if a tenant is unlawfully evicted, the tenant may bring a petition in court to be restored to the premises. This is generally done by going to the District Court in the town where the property is located and filing an Order to Show Cause to be restored to possession. If the tenant is successful, the court will issue an order directing that the landlord restore the tenant to possession; if the landlord refuses, the order will authorize the Sheriff to restore the tenant to possession.

View the Police Order regarding
Willful Eviction Violations:
<https://tinyurl.com/illegaleviction>



View the Real Property Actions
and Proceedings Law:
<https://tinyurl.com/RPAPLeviction>



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