


**TENANTS GUIDE TO
LANDLORD TENANT
PROCEEDINGS**

Presented by
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LEGAL SERVICES
OF LONG ISLAND

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Nassau County Courts

Hempstead
Glenn Cove
Long Beach

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Suffolk County District and Justice Courts

In Suffolk County, summary eviction proceedings are heard in the District Courts in western Suffolk and in the Justice Courts on the East End.

District Courts:

2nd District Court (Town of Babylon) - Tuesdays

3rd District Court (Town of Huntington) - Thursdays

4th District Court (Town of Smithtown) - Tuesdays

5th District Court (Town of Islip)- Thursdays

6th District Court (Town of Brookhaven)- Mondays and Wednesdays



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Suffolk County District and Justice Courts ctd.

The Justice Courts:

Riverhead Justice Court

- Wednesday 2pm to 5pm

Southold Justice Court

- Friday at 10:30am

East Hampton Justice Court

- Monday mornings at 9:30am and occasionally on Tuesday mornings for trials

Southampton Justice Court

- Wednesday and Friday 9:00am



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Types of Landlord Tenant Cases

- Non Payment
- Holdover
- Post-Foreclosure Holdover
 1. Prior owner
 2. Tenant of prior owner



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Notices a tenant may receive before a case is scheduled for court

- 5 day notice of non payment
- 14 day notice of non payment
- Notice to terminate tenancy – 30/60/90
 - Depends upon how long the tenant has lived at the property?



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How do you know when and where to go to court



Notice of Petition – Will have date to go to court and which court the proceeding will be held

Petition – States the facts of the case

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What to expect on your first day in court

- Legal Services
- Go to room 277 (Hempstead) or ask the court officer where to find Legal Services of Long Island
- Adjournment
- Negotiations
- Settlement/Stipulation of settlement
- Timeline of proceedings
- The court calendar and your case



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Documents the tenant should bring to court

- Notice of Petition/Petition
- Receipts of rent paid
- Pictures of habitability issues
- Lease



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Common Defenses

NONPAYMENT

- Paid rent
- Breach of warranty of habitability

HOLDOVER

- Retaliatory eviction
- Not properly served
- Bona fide tenant (Post-foreclosure)
- Petitioner lacks standing/isn't the owner



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What to do in between court dates

- Gather necessary documents for the case (lease, receipts, pictures)
- Apprise attorney of changed circumstances
- Save money
- Look for new housing if vacatur is the ultimate goal.



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Outcomes of a typical Landlord-Tenant case

1. Settlement
2. Dismissal
3. Decision after trial
4. Default
5. Discontinued



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Stipulation of settlement

1. Payment plan
2. Stay of vacate date
3. Key money
4. Do you owe any money?
5. Repairs by landlord



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Post stipulation Issues

1. Can't make payments on agreed upon payment plan
2. Cannot vacate on or before agreed upon vacate date
3. Landlord not complying with stipulation



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What happens if the case is dismissed/discontinued?

- Petitioner brings back an action after a technical defect
- If non-payment is satisfied, then it is unlikely you will be back in court



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Decision after trial

Typical decisions after trial

1. Dismissal of petitioner's case
2. Warrant of eviction stayed until a date in the future
3. A money judgement is/isnt entered against the respondent



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Case is discontinued by Petitioner

- Many times, a result of vacatur or satisfaction of a non-payment



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What happens if a warrant of eviction is entered against you

14-day notice
Order to show cause



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Resources

- DSS one shot
- Salvation Army
- Senior Housing
- Options for Community Living
- Section 8
- Town Programs (Babylon and Brookhaven)



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Thank you for attending!

If you have any questions, please contact
(631)232-2400.

Check out our website at
www.legalservicesli.org



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