

## REAL PROPERTY ACTIONS AND PROCEEDINGS LAW

### **§768 Unlawful eviction**

1.(a) It shall be unlawful for any person to evict or attempt to evict an occupant of a dwelling unit who has lawfully occupied the dwelling unit for thirty consecutive days or longer or who has entered into a lease with respect to such dwelling except to the extent permitted by law pursuant to a warrant of eviction or other order of a court of competent jurisdiction or a governmental vacate order by:

(i) using or threatening the use of force to induce the occupant to vacate the dwelling unit;

or

(ii) engaging in a course of conduct which interferes with or is intended to interfere with or disturb the comfort, repose, peace or quiet of such occupant in the use or occupancy of the dwelling unit, to induce the occupant to vacate the dwelling unit including, but not limited to, the interruption or discontinuance of essential services; or

(iii) engaging or threatening to engage in any other conduct which prevents or is intended to prevent such occupant from the lawful occupancy of such dwelling unit or to induce the occupant to vacate the dwelling unit including, but not limited to, removing the occupant's possessions from the dwelling unit, removing the door at the entrance to the dwelling unit; removing, plugging or otherwise rendering the lock on such entrance door inoperable, or changing the lock on such entrance door without supplying the occupant with a key.

(b) It shall be unlawful for any owner of a dwelling unit to fail to take all reasonable and necessary action to restore to occupancy an occupant of a dwelling unit who either vacates, has been removed from or is otherwise prevented from occupying a dwelling unit as the result of any of the acts or omissions prescribed in paragraph (a) of this subdivision and to provide to such occupant a dwelling unit within such dwelling suitable for occupancy, after being requested to do so by such occupant or the representative of such occupant, if such owner either committed such unlawful acts or omissions or knew or had reason to know of such unlawful acts or omissions, or if such acts or omissions occurred within seven days prior to such request.

2. Criminal and civil penalties. (a) Any person who intentionally violates or assists in the violation of any of the provisions of this section shall be guilty of a class A misdemeanor. Each such violation shall be a separate and distinct offense.

(b) Such person shall also be subject to a civil penalty of not less than one thousand nor more than ten thousand dollars for each violation. Each such violation shall be a separate and distinct offense. In the case of a failure to take all reasonable and necessary action to restore an occupant pursuant to paragraph (b) of subdivision one of this section, such person shall be subject to an additional civil penalty of not more than one hundred dollars per day from the date on which restoration to occupancy is requested until the date on which restoration occurs, provided, however, that such period shall not exceed six months.

Added under the Statewide Housing Security and Tenant Protection Act of 2019, eff June 14, 2019.

**NOTE: This says that if your landlord behaves in a way that threatens or actually illegal evicts you from your lawful occupancy of the premises the police may arrest the landlord and charge him/her with a class A misdemeanor, and you can sue the landlord in a civil action for damages ranging from \$1,000.00 to \$10,000.00 for each violation. Additionally, if the landlord does not then take reasonable and necessary steps to restore you to the premises after such illegal eviction, you may be able to sue in a civil action for damages of \$100.00 per day from the date you requested to be restored until the date that you are restored.**

**§853. Action for forcible or unlawful entry or detainer; treble damages**

If a person is disseized, ejected, or put out of real property in a forcible or unlawful manner, or, after he has been put out, is held and kept out by force or by putting him in fear of personal violence or by unlawful means, he is entitled to recover treble damages in an action therefor against the wrong-doer.

Added from Real Property Law §835: amended by Laws 1981, Ch. 467, eff July 7, 1981, adding references to unlawful entry, Detainer or means.

**NOTE: This says that if your landlord does manage to illegally evict you, you can sue him for three times the damages you suffer. BE SURE TO MAKE A POLICE REPORT AND KEEP RECEIPTS FOR THE EXTRA EXPENSES YOU INCUR. YOU CAN ALSO TAKE PICTURES.**

**REAL PROPERTY LAW**

**§235. Willful violations.**

1. Any lessor, agent, manager, superintendent or janitor of any building, or part thereof, the lease or rental agreement whereof by its terms, expressed or implied, requires the furnishing of hot or cold water, heat, light, power, elevator service, telephone service or any other service or facility to any occupant of said building, who willfully or intentionally fails to furnish such water, heat, light, power, elevator service, telephone service or other service or facility at any time when the same are necessary to the proper or customary use of such building, or part thereof, or any lessor, agent, manager, superintendent or janitor who willfully and intentionally interferes with the quiet enjoyment of the leased premises by such occupant, is guilty of a violation.

2. Any lessor, agent, manager, superintendent or janitor of any building, or part thereof, who willfully or intentionally acts to prevent or obstruct the delivery of fuel oil ordered in compliance with either section three hundred two-c of the multiple dwelling law or section three hundred five-c of the multiple residence law or the refiring of an oil burner after such a delivery shall be guilty of a violation.

Added by Laws 1965. Ch. 1030 and Laws 1967. Ch. 680. eff. Sept. 1967; Amended by Laws 1980 Ch. 85. eff April 28, 1980. By adding section 2.

**NOTE:** This says it is a criminal violation for your landlord to evict you in any way: by changing the locks, shutting off the utilities, throwing out furniture, etc. He must take you to district court – and even then, if you lose, only the sheriff actually does the evicting.

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### **§ 711. Grounds where landlord-tenant relationship exists**

A tenant shall include an occupant of one or more rooms in a rooming house or a resident, not including a transient occupant, of one or more rooms in a hotel who has been in possession for thirty consecutive days or longer; No tenant or lawful occupant of a dwelling or housing accommodation shall be removed from possession except in a special proceeding. A special proceeding may be maintained under this article upon the following grounds:

1. The tenant continues in possession of any portion of the premises after the expiration of his term, without the permission of the landlord or, in a case where a new lessee is entitled to possession, without the permission of the new lessee. Acceptance of rent after commencement of the special proceeding upon this ground shall not terminate such proceeding nor effect any award of possession to the landlord or to the new lessee, as the case may be. A proceeding seeking to recover possession of real property by reason of the termination of the term fixed in the lease pursuant to a provision contained therein giving the landlord the right to terminate the time fixed for occupancy under such agreement if he deem the tenant objectionable, shall not be maintainable unless the landlord shall by competent evidence establish to the satisfaction of the court that the tenant is objectionable.
2. The tenant has defaulted in the payment of rent, pursuant to the agreement under which the premises are held, and a written demand of the rent has been made, with at least fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, has been served upon him as prescribed in section seven hundred thirty-five of this article. Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due his predecessor in interest if he has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and the apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective as against the occupants.
5. The premises, or any part thereof, are used or occupied as a bawdy-house, or house or place of assignation for lewd persons, or for purposes of prostitution, or for any illegal trade or manufacture, or other illegal business.

**NOTE:** This law says, that as a tenant (in an apartment, house or rooming house) you cannot be evicted unless the landlord takes you to court and wins. Even then, it is only the sheriff who actually evicts you.