



14-DAY NOTICES & LOCKOUTS

KNOW YOUR RIGHTS

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A 14-day notice is served upon tenants by the county sheriff, city marshal or constable and 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, which can only happen if a landlord properly petitions 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 - and see the EVICTION - COURT PROCESS handout for information about this process.

Once a judgment for eviction is entered in court, it may be tied to a specific date. For example, the warrant of eviction may be "stayed" to November 30th. This means that if a tenant continues to occupy the residence even the very next day, in this example December 1st, the landlord can execute the warrant of eviction. Or, if a tenant misses a payment in a court ordered payment arrangement, 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 then serve the 14-day notice to the tenants. Usually this is completed by mail, by a posted notice, and by personal delivery. At the time of service the 14-day timeframe begins, and the notice must state the earliest date that the lockout could occur. Weekends and holidays are counted in the 14-days, and the lockout **can only occur** on a business day between the hours of sunrise and sunset.

****Only the tenants who are named in the proceeding (and named on the 14-day notice) can be removed by the sheriff or marshal.****

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

*****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.

****SEE BACK****

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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. In Albany County, the belongings should be kept safe and dry for around 30 days & the owner must agree to give the tenant access to the belongings, at a reasonable time that is agreed upon between the landlord and tenant. In other areas, the "reasonable time-frame" might be different and tenants should check with the court, sheriff department or city marshal.

There is no "landlord lien law" in NYS. It is illegal for landlords to hold tenants belongings ransom either for money owed. 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.

****IMPORTANT!****

If you have received a 14-day notice from the sheriff or marshal but you were NEVER petitioned to appear in court, call your local legal service providers like Legal Aid and/or go to your local city or town court immediately to inquire about applying for an **order to show cause**

If you have received a 14-day notice from the sheriff or marshal after a court appearance where you entered into a court ordered agreement that you have FULLY COMPLIED WITH, go to your local city or town court immediately to ask about applying for an **order to show cause**

****ILLEGAL LOCKOUTS!****

If the locks at your apartment have been changed without sheriff/marshal involvement and without your receiving a petition to court or a 14-day notice, it could be an illegal lockout. Call the non-emergency police department in your area (Albany: (518)438-4000) right away to request assistance with getting back into your home.

A police officer should respond to your call/meet you at the apartment, and attempt to reach your landlord to facilitate you being let back into your home. If the landlord is not responsive, the officer should watch you safely remove any locks or barriers and re-gain access to your home. ASK THE OFFICER FOR AN INCIDENT REPORT and be sure to obtain their name and badge number for your records.

New section of law (RPAPL Section 768) clarifies and defines unlawful evictions as (including, but not limited to):

- Landlord/landlord agent use or threatened use of force
- Landlord/landlord agent interfering with quiet enjoyment
- Landlord/landlord agent removing tenant possessions from the unit
- Landlord/landlord agent removing the doors, changing the locks, or otherwise preventing access

****If you have been illegally locked out of your home, you may choose to tell the police that you want to press charges for an illegal lockout.****

Violations are classified as a Class A Misdemeanor

Violators subject to civil penalties of no less than \$1,000 and no more than \$10,000 for each violation