

I Haven't Paid the Rent

I can't pay my rent. Can my landlord ask me to leave?

If you don't pay your rent, your landlord can ask you to leave. Your landlord must first ask for the rent. If he asks for the rent you owe in writing, he must give you three days to pay it.

If your landlord tells you to pay or move and you don't have the money, **STAY CALM**. Your landlord must still take you to court and have a judge order you to vacate the apartment.

What will happen if I still don't have the money after 3 days?

If you haven't paid your rent or moved from the apartment after the three days, your landlord may take you to court. You will receive court papers called a NOTICE OF PETITION AND PETITION.

What will the court papers tell me?

The Notice of Petition will tell you when to go to court. The Petition will tell you why the landlord is taking you to court. Usually you will get the papers 5 to 12 days before your court date. **NEVER IGNORE COURT PAPERS. TALK TO A LAWYER.**

What should I do after I get court papers?

If you don't have money to pay the rent, you can ask the Erie County Department of Social Services for emergency housing assistance to stop your eviction. To do this, you must go to 478 Main Street in Buffalo. It is best to be there as close to 7:30 a.m. as possible. When you go, be sure to bring your court papers or a letter from your landlord saying exactly how much rent you owe. You also need to bring proof of the identity of your household members and proof of income.

You may also contact the Community Action Organization (CAO) at 881-5150 or the Salvation Army at 883-9800

What else should I do?

Call one of the following organizations for help:

- Neighborhood Legal Services (847-0650)
- Legal Aid Bureau (853-9555)

What will happen when I go to court?

Be sure to get to court on time, and, if you are in Buffalo City Court, ask for the "Attorney of the Morning" before you check in with the court clerk. This attorney can review your court papers, and may be able to represent you.

What will happen next?

When the judge comes out, the court clerk will call your name. You should go up in front of the judge with your landlord. Your landlord will then tell the judge why he or she is there. After your landlord talks you will have a chance to tell the judge your side of the story and perhaps why you shouldn't pay the rent.

What if I have all the rent I owe with me in court?

If you are being evicted for not paying the rent, you may be able to pay the rent you owe in court on the court date. Bring all the rent you owe plus \$45.00 for court costs to the court. Tell the judge you have all the rent you owe with you. Show the judge the money. The judge will probably tell your landlord that he must take the rent. If the judge orders this, your landlord cannot refuse it. Be sure to get a rent receipt if you pay the rent. Sometimes the judge will not make the landlord take the rent. If this happens, call Neighborhood Legal Services.

What happens after I pay the rent to my landlord in court?

If you pay all the rent and court costs you owe in court on the court day, by New York State Law, your eviction should be stopped (stayed) and you should not be evicted.

What happens after my landlord and I tell our sides of the story to the judge?

The judge will make a decision based upon what you and your landlord have said. The judge will decide to grant your landlord a judgment of eviction and order you to move. Or, the judge may dismiss your landlord's case so that you are not evicted.

What if I don't have all the rent with me in court on the court date?

If you don't have all the rent with you on the court date, you should first try to arrange with your landlord to pay the rent later. If you and your landlord agree to work things out with you paying the rent at some other time, you should tell the judge what the agreement is. Make sure you get a receipt when the rent is paid. If your landlord won't agree to wait for the money he can have you evicted.

What happens if the judge tells me I have to move?

After court, a notice usually from the Marshal's or Sheriff's office, telling you to move out of your apartment in 72 hours will be posted on your door. You can call the phone number on that notice to ask exactly how much time you have before you will be put out.

What happens if I'm still in the apartment when the Marshal or Civil Officer comes back?

If you are still in the apartment when the Marshal appears, he will make you leave the apartment. Your landlord then has the right to change the locks on the apartment door. If you still have things in the apartment, you must contact the landlord to arrange to remove them. It is illegal for your landlord to sell or keep any of your property because you owe rent. If this should happen, you should contact a lawyer for further advice and assistance.