



WHEN A LEASE ENDS

I have a lease that has ended, can my landlord evict me?



Possibly. **It is important to review the terms of your lease.** Generally, a landlord can evict a tenant when the lease ends if the tenant has not moved.

You should contact Neighborhood Legal Services immediately to have someone review your lease.

Can my landlord evict me for holdover before my lease has expired?

Yes. Even though your lease has not ended, your landlord may try to evict you if you owe rent or have violated the lease.

Am I entitled to a 30 day notice when my lease comes to an end?

Generally, no. Unless your lease states something differently, your landlord is not required to give you a 30 day notice once your lease comes to end. **You should contact Neighborhood Legal Services immediately if you receive court papers.**

What are my rights if my landlord says that my lease has ended because of a lease violation?

You should contact Neighborhood Legal Services **immediately** if you are notified by your landlord that you violated your lease. **Do not wait to receive eviction papers.**

What rights do I have if my lease ends and my landlord accepts rent for the next month?

If you continue to stay in your apartment after your lease ends, and your landlord has accepted rent and has not attempted to evict you, then you may be considered a month-to-month tenant. You may be entitled to a thirty day notice if your landlord attempts to evict you for holding over if your landlord has taken rent money for any month after the lease ends.

What if my lease says that it renews automatically?

If your lease says that it is renewed automatically, your landlord must terminate your lease *before* he can begin an eviction for holdover.

Also, be advised that if your lease automatically renews and you move without giving the notice required by your lease, you could be responsible for the remaining rent owed on the lease.

Does my landlord need a reason to evict me if my lease has expired?

Again, it is important to review your lease. Your landlord can not evict you for a discriminatory reason. Generally, if your lease has expired, your landlord does not need a reason to evict you.

What if my lease doesn't say anything about renewal?

You should read your lease and look for a section about "lease renewal." If there isn't anything about renewal, your landlord could evict you for holding over if you remain in the apartment after the lease expiration date.

If my lease has expired and I live in federally subsidized housing, does my landlord need a reason to evict me?

Depending on the type of subsidized housing that you live in, your landlord may need "good cause" or another reason besides the fact that your lease has ended to evict you.

What will happen when I go to court?

Be sure to get to court on time. If you are in Buffalo City Court, ask for the "Attorney of the Morning" before you check in.

This attorney can review your court papers, and may be able to represent you. Your name and your landlord's name will be called out by the court clerk.

After the court clerk calls out your name, both you and your landlord will go up to the front of the courtroom and stand in front of the judge.



What will the judge do?

The judge will ask your landlord why he is in court. After your landlord tells the judge his side of the story and why he wants you to move, you will have a chance to tell the judge your side of the story.

What happens if the judge orders me to move?

You will receive a notice from a civil officer (usually from the Marshal or the Erie County Sheriff's office) telling you to move in 72 hours.

The notice should have a telephone number on it. The 72 hours is counted differently in different towns and cities.

You should call the number on the notice to find out exactly how much time you have.

If you are still in the apartment after the 72 hours are up, the civil officer will make you leave the apartment and will allow your landlord to change the locks. You will have to arrange a time with your landlord to pick up those things you left behind. To protect your possessions, you should try to have everything moved out of the apartment before the civil officer comes to put you out.

If I win in court and have my eviction stopped, what can my landlord do?

Your landlord can try to evict you again. However, if the judge threw the case out because the notice to move was not proper, your landlord will probably have to serve you with a new notice before a new eviction case is brought against you.

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