

WHAT IS DOMESTIC VIOLENCE?

Domestic violence (DV), also called "intimate partner violence," is defined as a pattern of behavior in a relationship that is used to gain or maintain power and control over an intimate partner.

Abuse may be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Abuse includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, or injure someone.

Domestic abuse can happen to anyone of any race, age, sexual orientation, religion, or gender. It can include any form of coercive control, including emotional, sexual, financial, threats of immigration consequences, and more.

WHO CAN BE A VICTIM OF DOMESTIC VIOLENCE?

Domestic violence can occur within a range of relationships including couples who are married, living together or dating. Domestic violence affects people of all socioeconomic backgrounds and education levels.

OUR LOCATIONS

Main Office - Utica
120 Bleecker Street
Utica, New York 13501

Syracuse
221 South Warren Street
Suite 310
Syracuse, NY 13202

Binghamton
105 Court Street, 3rd Fl.
Binghamton, NY 13901

Watertown
215 Washington Street
Suite 202
Watertown, NY 13601

Oswego
335 West First Street
Suite 2
Oswego, NY 13126

Oneonta
189 Main Street, #3
Oneonta, NY 13820-3510

Farmworker Law Project (statewide)
P.O. Box 282
Wappingers Falls, NY 12590



Domestic Violence and Evictions

Legal Aid Society of Mid-New York, Inc.

Housing Preservation Line: (315) 793-7083

Helpline: (877) 777-6152

www.lasmny.org

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CAN A LANDLORD EVICT ME FOR CALLING EMERGENCY SERVICES?

No, under Civil Rights Law § 91, a landlord can't penalize you for seeking emergency assistance.

Termination of your lease, refusing to renew your lease, or eviction action in response to seeking emergency assistance are all unlawful penalties.

DEFENSE TO A DV EVICTION

Under RPAPL § 744(1), it's a defense to an eviction action that the landlord is evicting because of a person's domestic violence victim status, and that, "but for such status, the landlord would not seek to recover possession."

The landlord can rebut this defense by showing that he or she filed the eviction action for a lawful reason.

WARNING!

This statute doesn't apply in owner-occupied, 2-family buildings. RPAPL § 744(4).

This brochure is intended to give general information, not legal advice. The information in this brochure may not apply to your particular situation. The law could change in the future. Whenever possible, please speak to a lawyer for advice and representation.

BREAKING A LEASE AS A DV SURVIVOR

Can you break your lease if you fear your safety and feel you need to leave?

Yes, if you're a survivor of DV and have reasonable fears about remaining in the leased premises because of potential further DV, you can break your lease per RPL 227-c.

What steps do you need to take to break your lease as a DV survivor?

You must do the following:

1. Give a 30-day written notice to the landlord and any co-tenants other than the abuser;
2. Provide a statement, within 25 days of sending the notice, regarding the DV and reasonable fear of further DV;
3. Provide documentation that you're a survivor of DV such as an order of protection; record or complaint from a law enforcement agency; or statement from a medical professional, religious member, or another professional to whom you disclosed about the DV.

WARNING!

RPL § 227-c does not provide a defense to an action for rent for the period *before* the tenant gave notice and vacated the premises. In other words, it only allows you to break the lease when you have taken all the necessary steps, but you're still responsible for rent *before* you told your landlord about the DV.

WHAT IF YOU BREAK THE LEASE, BUT YOUR ABUSER STAYS?

When you leave, if you were the sole leaseholder, all tenants and occupants must have vacated. But you're not responsible for ensuring that the abuser has vacated.

NEED MORE ADVICE ON THIS ISSUE?

Call us at (315) 793-7083 or (877) 777-6152.



Get Help. Apply Online.