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WARRANTS OF EVICTION

 **LEGAL AID
SOCIETY**
OF MID-NEW YORK, INC.

HOW DOES A LANDLORD GET A WARRANT OF EVICTION?

A landlord must:

- **File eviction papers with the court**
- **Appear in court.**
- **Get a signed Warrant of Eviction from the judge.**

You must be given notice of this eviction proceeding in advance. If you did not get proper notice, you can ask the court to reconsider.

#1: WHO CAN BE EVICTED

The Warrant of Eviction only applies to those named in it.

If you are a tenant, you should only be evicted from your dwelling if your name is on the Warrant of Eviction.

#2: NOTICE

If you are served with a Warrant of Eviction, you have 2 weeks before law enforcement can remove you and change the locks.

Timeline may be different in a mobile home park.

(NY RPAPL § 749)

#3: TIME OF DAY

You may only be evicted during the day, between sunrise and sunset.

(NY RPAPL § 749)

#4: DAYS OF THE WEEK

You may only be evicted on a weekday (Monday - Friday).

You cannot be evicted on the weekend or a legal holiday.

#5: RECALLING WARRANT

If you are being evicted for non-payment of rent, you can have the warrant of eviction cancelled by paying all the rent that was due when the judge signed the warrant.



**Need legal assistance or advice
regarding your rights?**

**Contact our Housing Preservation
Line at (315) 793-7083.***

**PLEASE NOTE that this post is intended
to give general information, not legal
advice. The information posted here
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.**

***Representation is not guaranteed; financial
eligibility standards apply.**

