

– Avoiding Eviction – 6/1/2020 –

A step-by-step guide to protecting your right to housing

This is for information only, for legal advice contact the legal assistance agencies on the back of this form

Tenant’s Rights

- RIGHT TO HOUSING -

You have a legally protected right to remain in your home until the date on a court ordered Marshal Eviction.

- NO ILLEGAL EVICTIONS -

You should call **9-1-1** to request assistance if you are locked out, your utilities are shut off by your landlord or your belongings are removed before the date on a court ordered Marshal Eviction.

Tenant’s Responsibilities

- PAYING RENT ON TIME -

You are responsible for taking every step you can, as early as you can, to gather the resources to pay your rent on time.

- FOLLOW TERMS OF LEASE -

You are responsible for following the terms on your lease in good faith, including upkeep, noise, and prohibited activities.

Landlord’s Rights

- RIGHT TO RENT -

Your landlord has a right to receive rent each month as agreed in a lease, and to collect back rent owed.

- RIGHT TO EVICT -

Your landlord has a right request a court-ordered eviction of tenants for non-payment or violating a lease agreement, or after the end of a lease.

Landlord’s Responsibilities

- MAINTAIN SAFE HOUSING -

Your landlord has a responsibility to provide safe, well maintained housing.

- OBEY HOUSING LAW -

Your landlord has a responsibility to follow all housing laws in good faith, and honor court ordered stays & arrangements.

Step 1:	Step 2:	Step 3:	Step 4:	Step 5:	Step 6:
Behind on Rent or Struggling to Pay	You receive “Pay or quit Notice” (14 Days)	Eviction is Filed and you have a Court date	Your Day In Court	Court gives “Marshalls Notice” (14 Days)	Day of Court Ordered Eviction

<p>Step 1:</p> <p>Behind on Rent or Struggling to Pay</p>	<p>What it means: If you get behind, your landlord may charge late fees or give a “Pay Or Quit Notice”</p> <p>What you can do: Keep doing these steps throughout the process.</p> <ul style="list-style-type: none"> • Plan – Make a budget and figure out how much you can pay, and when. • Gather resources – Apply for benefits, Seek employment, check on tax return & stimulus check. • Negotiate – Talk to your landlord, explain your plan, ask for time to pay what you owe. • Reach out – Don’t go it alone! Contact a trusted friend, family member, or professional for emotional support. <p>Who can help:</p> <ul style="list-style-type: none"> • Budgeting & Negotiation: <u>Financial Empowerment Center</u> (585) 252-7110 or rochesterfec.org • Housing Questions and Advice: <u>Housing Council</u> - (585) 546-3700 or thehousingcouncil.org • Food/utilities help <u>SNAP/HEAP</u>: Visit ny.gov/services/apply-snap or Call 1-800-342-3009 • Temporary Income Assistance: Call the <u>Department of Human Services</u> (DHS) at 585-753-6960
<p>Step 2:</p> <p>You Receive “Pay or quit Notice” (14 Days)</p> <p><small>*DHS Income Limits: 1 person 2126/month 2 person 2873/month 3 person 3620/month 4 person 4366/month + ~746/month for each extra person</small></p>	<p>What it means: 14 days after the notice, your landlord can file eviction and get a court date.</p> <p>What you can do:</p> <ul style="list-style-type: none"> • <u>Department of Human Services</u> – Unless your income is too high* <i>apply here first</i> for Emergency Assistance 585-753-6960. If you are turned away, <i>request your denial in writing</i>. • Apply for Financial Assistance - To qualify for most one-time financial assistance, you must prove that you can afford your on-going monthly rent after you get assistance. <p>Who can Help: If you are denied by DHS or make too much these agencies may help.</p> <ul style="list-style-type: none"> • <u>Catholic Family Center</u> (CFC) – Call Community Resource Services at 585-232-2050 • <u>Community Place of Greater Rochester</u> (CPGR) at 585-327-7200 Ext. 100 • <u>2-1-1/Lifeline</u> – Call 211 or Text your Zipcode to 898-211 or chat on 211lifeline.org to access other financial assistance resources that may be specific to your area or situation
<p>Step 3:</p> <p>Eviction is Filed, Court date is set.</p>	<p>What it Means: Your Landlord has set a day in court to ask the court to evict you for non-payment.</p> <p>What you can do:</p> <ul style="list-style-type: none"> • Plan, Negotiate, Gather Resources, Apply for Financial assistance • Prepare for court by seeking legal assistance <p>Who can help: Get Legal assistance to prepare for court or answer other legal questions.</p> <ul style="list-style-type: none"> • <u>Law NY</u> Call 585-325-2520 or visit www.lawny.org/node/50/rochester-location • <u>Legal Aid Society</u> Call 585.232.4090 or visit https://www.lasroc.org
<p>Step 4:</p> <p>On the day of court</p>	<p>What It Means: You and your Landlord will have the opportunity to work out a settlement, and a judge will make a decision about if and when your landlord can evict you.</p> <p>What you can do:</p> <ul style="list-style-type: none"> • Ask the court if there is an attorney available to represent you. • Be prepared to present your case and prove it with documentation. <p>Who can Help: There may be attorneys in court but be sure to seek help <i>before your court date</i>.</p>
<p>Step 5:</p> <p>You receive “Marshalls Notice” (14 Days)</p>	<p>What it means: If the judge rules in your landlord’s favor, they will grant a warrant of eviction which allows your landlord to have a marshal serve you a 14-day notice of eviction.</p> <p>What you can do:</p> <ul style="list-style-type: none"> • Apply for financial assistance for back rent or a security deposit for more affordable housing. • Start looking for other affordable housing <p>Who can help:</p> <ul style="list-style-type: none"> • Financial Assistance Agencies listed above. • Contact 2-1-1 for help with problem solving and finding resources for Housing Search, Emergency food, and other resources you may need.
<p>Step 6:</p> <p>Day of court ordered Eviction</p>	<p>What it means: You can no longer stay and an officer will ensure that you leave the property.</p> <p>What you can do:</p> <ul style="list-style-type: none"> • Pack your belongings to prepare & protect them • Contact your support network for help with temporary housing & storage. <p>Who Can help:</p> <ul style="list-style-type: none"> • If needed Contact <u>DHS</u> for emergency shelter - Call 585-753-6044 or 585-442-1742 After Hours