

My Landlord Wants Me To Move

I don't have a lease and my landlord wants me to move. What should I do?

If you do not have a lease, your landlord must give you a full month's notice if s/he wants you to move. This notice may be verbal or in writing.

What is good notice to move?

The notice to move must be given at least the day before the rent is due. For example, if your rent is due on the first and your landlord wants you to move before March 1st, you must receive the notice BEFORE February 1st. If you receive the notice AFTER February 1st, the notice may not be good.

What will happen if my landlord gives me a notice to move?

Your landlord may try to evict you if you remain in the apartment after the date by which your landlord has asked you to move. If you receive court papers, call the Housing Unit at Neighborhood Legal Services (NLS). It is illegal for a landlord to change the locks, remove the door, or remove your property without serving you with court papers and getting a court order. Call NLS or an attorney if this happens.

Does the landlord have to have a good reason for wanting me to move?

No. If you do not have a lease or rental agreement, your landlord does not have to have or give a reason for wanting you to move. Your landlord cannot evict you for an illegal reason. An illegal reason would be one that is discriminatory or one that is in retaliation for you asserting your rights as a tenant. You should always talk to a lawyer if you think you are being evicted for an illegal reason. You can contact Neighborhood Legal Services for more information.

What happens if I don't move out after I receive a full month's notice from my landlord?

Your landlord may take you to court and ask a judge to order you to move. Legally, your landlord cannot lock you out.

What should I do if my landlord tries to evict me in court?

Call NLS or another attorney for help. NEVER IGNORE LEGAL PAPERS.

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. 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.

Should I tell the judge if I was not given proper notice to move?

Yes. If the notice your landlord gave you was not proper, you should not have to move. If you have a copy of your written notice, show it to the judge. Tell the judge that under Real Property Law §232-b, the eviction case against you should be dismissed if you did not receive proper notice. If the judge does not dismiss the case, you should contact one of the following organizations:

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

What happens after the judge hears both my landlord's and my side of the story?

The judge will make a decision. The judge can order you to move (grant your landlord a judgment of eviction), or the judge could throw out your landlord's case.

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 hour notice 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.