

## **Warrants, 72 Hour Notices, and Money Judgments**

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### **What must a landlord do to have me evicted from my apartment?**

In order to be legally evicted from an apartment, your landlord must first ask you to move. If you do not move voluntarily, your landlord must start an eviction action against you and be awarded a warrant of eviction by a judge. A warrant of eviction is a piece of paper from the court that says your landlord can put you out of your apartment. Only a civil officer can “execute” the warrant - or make you leave your apartment. You can be put out of your apartment in as few as three days after the court appearance in which the landlord is awarded the warrant of eviction.

### **How will I know that my landlord has started an eviction case against me?**

You should receive court papers telling you to go to court for an eviction case.

### **Does it matter if I receive the court papers personally or in the mail?**

If you receive the court papers personally and your landlord demanded a money judgment in the court papers, your landlord may get a money judgment along with possession of the apartment. If you disagree with the amount of rent asked for in the court papers, or if you want to stay in your apartment, you should go to court.

If you did not receive the court papers personally, i.e., if you got them through the mail or attached to your door, and you do not appear in court, your landlord will probably not get a money judgment. Your landlord will most likely get a warrant of eviction which can be used to put you out of your apartment. If you want to stay in your apartment, you should go to court. However, if you go to court, your landlord may get a money judgment against you.

### **What should I do if I receive court papers?**

You may wish to contact Neighborhood Legal Services if you get court papers.

If you live in Buffalo, you can also go to Buffalo City Court on the day of your eviction case and speak with a representative from the Lawyer in the Morning Program. The court clerk can direct you to the Lawyer in the Morning Program.

### **How can I find out if my landlord has been awarded a money judgment against me?**

If you did not go to court on your court date, or if you are not sure what happened when you did go to court, you can find out whether the landlord was awarded a money judgment against you by calling the court and asking the clerk.

### **How much time will I have to move if my landlord was awarded a warrant of eviction?**

If your landlord was awarded a warrant of eviction, the landlord must take the papers to a civil officer (usually a Marshal or a Sheriff). The civil officer will go to your apartment or home within the next day or so and place a notice on your door that says that you have been evicted and that you have 72 hours to move out of your home or apartment. Then, approximately three to five days later, the civil officer will return. If you have not moved by then, you will be put out of your home, and your landlord will be allowed to change the locks on the doors. Outside of the City of Buffalo, evictions may take place exactly 72 hours from the time that the 72-hour notice is posted on the door. You can contact the local Marshals or Sheriff’s Office to find out when they plan to come to evict you.

### **What will happen to my belongings if I have to leave them?**

Legally a landlord is not allowed to keep a tenant's personal possessions. However, you should remove all your possessions, especially your valuable ones, before you are evicted.

### **What are my rights if I am properly evicted and my belongings are still in the apartment?**

You are not allowed to go back to your apartment to get your possessions without the landlord's permission after you are evicted. However, it is also unlawful for your landlord to legally evict you and then refuse to give you back your possessions. You should contact the police and Neighborhood Legal Services if your landlord refuses to return your possessions to you.

### **Is my landlord responsible for my personal possessions if I move or I am evicted and my possessions get left behind?**

Your landlord may not intentionally damage or destroy your possessions. However, you should remove all your possessions before you are evicted. If that is not possible, you should contact your landlord as soon after your eviction as possible to make arrangements to move your things.

Your landlord may decide to put your possessions in storage if they are still there after you are evicted, and you may have to pay the storage fee before the storage company will release them to you.

### **What can I do if my landlord refuses to return my possessions or loses, damages, or destroys my belongings?**

You could start a court case against your landlord and ask the court to order your former landlord to return your belongings. You could also sue your former landlord in Small Claims Court for the value of your belongings. Unfortunately, Neighborhood Legal Services does not usually handle this type of case. However, for more information on how to sue someone in Small Claims Court, you may contact the Housing Unit of Neighborhood Legal Services at 847-0650. The Housing Unit accepts a limited number of calls each day, Monday through Thursday between the hours of 9:00 a.m. and 2:30 p.m.