

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend section 208.42 of the uniform rules for the New York City Civil Court (22 NYCRR § 208.42), relating to the form notice of petition for use in certain proceedings under article 7 of the Real Property Actions and Proceeding Law, to read as follows (new material underlined, deleted material stricken), effective September 16, 2019:

Section 208.42 Proceedings under article 7 of the Real Property Actions and Proceedings Law.

(a) Such proceedings involving residential property shall be commenced in the housing part.

(b) The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form notice of petition for mandatory use in eviction proceedings involving residential property under Article 7 of the Real Property Actions and Proceedings Law (other than in proceedings brought on the ground that the respondent has defaulted in the payment of rent).

(c) Real Property Action and Proceedings Law §732 shall be applicable in this court in a proceeding brought on the ground that the respondent has defaulted in the payment of rent. The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form notice of petition for mandatory use in such proceedings.

~~(b) Except as provided in subdivision (d) of this section, relative to proceedings for nonpayment of rent, the following form is set forth as an example of the notice of petition (the provisions relating to the demand for a money judgment should be omitted unless the petition so demands):~~

~~CIVIL COURT OF THE CITY OF NEW
YORK~~

Index No.

==

~~COUNTY OF~~

-

-

-

Petitioner) -

Address) **NOTICE OF
PETITION**

-)
- ~~against~~) -
-) -

Respondent) -

Address)

Respondent) -

Address) -

To the respondents _____ above named and described, in possession of the premises hereinafter described or claiming possession thereof:

~~PLEASE TAKE NOTICE~~ that a hearing at which you must appear will be held at the Civil Court of the City of New York, _____ Part, to be held at _____, County of _____, on the _____ day of _____, 19_____, at _____ am/pm, which prays for a final judgment of eviction awarding to the petitioner the possession of premises designated and described as follows:

the _____ rooms on the _____ floor, Apartment No. _____, _____ Street, City of New York, County of _____, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

~~TAKE NOTICE~~ also that demand is made in the petition herein for judgment against you, the respondent, for the sum of \$ _____, with interest thereon from _____, 19_____

~~TAKE NOTICE~~ that your answer may set forth any defense or counterclaim you may have against the petitioner.

~~TAKE NOTICE~~ also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner in the amount demanded in the petition.

TAKE NOTICE that under section 745 of the Real Property Actions and Proceedings Law, you may be required by the Court to make a deposit of use and occupancy, or a payment of use and occupancy to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within 30 days of the first court appearance. Failure to comply with an initial deposit or payment order may result in the entry of a final judgment against you without a trial. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

Dated: County of _____, the _____ day of _____, 19_____

Attorney(s) for Petitioner
Office and Post Office Address
Telephone Number

Clerk

(e) At the option of the petitioner, on condition that he or she serves the notice of petition at least eight days prior to the return day, the following paragraph may be inserted in the foregoing notice of petition immediately after the paragraph which sets forth the amount of money for which demand is made in the petition:

TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition is served upon you on or before the..... day of, 19....., in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the clerk of the court at his or her office, or in writing by serving a copy thereof upon the undersigned attorney for the [FN1] petitioner, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the court at the time and place hereinabove set forth for the hearing.

[FN1] If the petitioner appears in person, strike out the words "undersigned attorney for the."

(d) Real Property Action and Proceedings Law §732 shall be applicable in this court in a proceeding brought on the ground that the respondent has defaulted in the payment of rent. The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form as an example of the notice of petition for use in such proceedings.

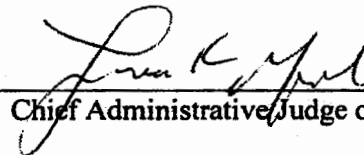
Exhibit A

Section 208.42(d):

~~Real Property Action and Proceedings Law §732 shall be applicable in this court in a proceeding brought on the ground that the respondent has defaulted in the payment of rent. The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form as an example of the notice of petition for mandatory use in such proceedings.~~

* * *

Further by the power vested in me, I hereby promulgate form notices of petition pursuant to section 208.42(b) and (c) of the uniform rules for New York City Civil Court (22 NYCRR §208.42(b), (c)), for use in proceedings under article 7 of the Real Property Actions and Proceedings Law (Exh. A), effective immediately. Use of these forms shall be optional up to and including September 30, 2019, and mandatory thereafter. I further repeal all former versions of the form notice of petition in nonpayment and in holdover proceedings.


Chief Administrative Judge of the Courts

Dated: August 7, 2019

AO/163/19

EXHIBIT A

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF _____

Petitioner (Landlord),

Index No. L&T _____

-against-

**Notice of Nonpayment
Petition**

Respondent (Tenant),
Address:

Petitioner Business Address:

Respondent (Undertenant).
Address:

Your landlord is suing you for nonpayment of rent.

1. Your landlord has started an eviction nonpayment case against you for rent the landlord claims you owe. The landlord's reasons are given in the attached Petition.
2. Your landlord is asking this Court for:
 - a money judgment for \$_____, plus interest from _____, 20___, and
 - permission to evict you from your home if you do not pay the money judgment.
3. You have a right to a trial. But first you must Answer the Petition by going to the landlord-tenant Clerk's Office at: _____, _____, New York. You must do this within **10 days** after the date these papers were given to you or a person who lives or works in your home, or were posted at your home at:

Address or description of the premises

Warning! If you don't Answer the Petition within 10 days, a judgment may be entered against you. If that happens, the landlord will have the right to evict you.

4. Your Answer should say the legal reasons that you don't owe all or part of the rent. The legal reasons are called defenses. You can also say any claims you have against the landlord. You will have to prove your defenses and claims in court. To Answer the Petition you must either:
 - Go to the landlord-tenant Clerk's Office and tell the Clerk your Answer, or
 - Give the landlord-tenant Clerk your Answer in writing (Form No. Civ-LT-91a).

Information to help you Answer the Petition (Form No. Civ-LT-92) is available at the landlord-tenant's Clerk's Office or online at nycourts.gov/housingnyc.

Important! If you don't tell the Clerk about a defense in your Answer you might not be able to talk about it later in this case or any other case.

5. When you Answer the Petition, you will get a date to come back to Court 3 to 8 days later. You have a right to postpone that date for 14 days but you have to come to the courthouse to ask for a postponement. If you pay all the rent due before your court date, the case will be dismissed.
6. If your name is not on this Notice but you live in the home listed above, you have a right to come to Court and Answer the Petition.

7. Available Resources:

- **Legal Help:** Under New York City law, you may be able to get a free lawyer to represent you in this case. Call 718-557-1379 or go to nycourts.gov/nyc-freelawyer for information about getting free legal help. If you have money to hire a lawyer, you can contact the New York City Bar Legal Referral Service at 212-626-7373.
- **Language Help:** If you don't speak English well or are deaf or hard of hearing, you have a right to a free interpreter. Tell the Court Clerk you need an interpreter or call 646-386-5670. To read a translation of this Notice in another language visit: nycourts.gov/housingnyc. For information on evictions:

646-386-5750: Informations concernant les expulsions • বেদখলের তথ্য • 驱离租屋相关信息
 迫遷相關資訊 • Информация о выселении • معلومات بشأن حالات الطرد
 بے دخلیوں کی معلومات • Enfòmasyon Konsènan Degèpisman • información sobre desalojos

- **ADA Help:** If you need a special accommodation to use the court because of a disability, call 646-386-5300 or 711 (TTY) or tell a Court Clerk.
- **Financial Help:** If you owe the rent and don't have the money, contact HRA's Infoline at 718-557-1399 for more information about getting help to pay the rent.
- **Help at the Courthouse:** There is a Help Center in the courthouse where you can speak to a Court Attorney or a Volunteer Lawyer.
- **Online Help:** Visit the Housing Court's website at: nycourts.gov/housingnyc (also available in Spanish and Chinese) or visit LawHelpNY at lawhelpny.org.

Postponements and Rent Deposits. In court, you can ask to postpone your case. You have a right to postpone the case for at least 14 days. If your case is not finished in 60 days or you ask to postpone the case again, the court can order you to deposit money in court or make a rent payment to the landlord. If you don't do this, your case may go to trial right away. RPAPL Sec. 745.

After Judgment. If the court orders a judgment against you after a trial, the court may give you time to pay the judgment and not be evicted. After that time is up, you will get a Notice of Eviction from a Marshal giving you at least 14 days to pay all the rent due or move. If you don't pay or move, you will be evicted by the Marshal. RPAPL Sec. 749(2).

City of New York, County of _____

Dated: _____, 20____

Clerk of the Civil Court of the City of New York: _____

Petitioner or Attorney for Petitioner: _____

Address: _____

Telephone No. _____

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF _____

Petitioner (Landlord),

Index No. L&T _____

-against-

**Notice of Holdover
Petition**

Respondent (Tenant),
Address:

Petitioner Business Address:

Respondent (Undertenant).
Address:

Your landlord is suing you for eviction.

1. Your landlord has started a holdover eviction case against you. That means the landlord says you should be evicted for a reason other than not paying your rent. The landlord's reasons are given in the attached Petition.
2. Your landlord is asking this Court for:
 - permission to evict you from your home at

Address or description of the premises

- and a money judgment for \$ _____ plus interest from _____, 20__.

3. You must come to the Civil Court:

Date: _____ Time: _____

Address: _____

_____, New York

Room/Part: _____

Warning! If you don't come to court at this date and time, a judgment may be entered against you. If that happens, the landlord will have the right to evict you. You have a right to postpone the case for 14 days, but you have to come to court to ask for that.

4. In court, you may tell the judge the legal reasons that you should be allowed to stay in your home. The legal reasons are called defenses. You can also say any claims you have against the landlord. You will have to prove your defenses and claims in court. You can also give your Answer in writing.

Information to help you Answer the Petition is available online at nycourts.gov/housingnyc. **Important!** If you don't tell the Clerk about a defense in your Answer you might not be able to talk about it later in this case or any other case.

5. If your name is not on this Notice but you live in the home listed above, you have a right to come to Court on the court date and tell the judge the legal reasons that you should be allowed to stay in the home.

6. **Available Resources:**

- **Legal Help:** Under New York City law, you may be able to get a free lawyer to represent you in this case. Call 718-557-1379 or go to nycourts.gov/nyc-freelawyer for information about getting free legal help. If you have money to hire a lawyer, you can contact the New York City Bar Legal Referral Service at 212-626-7373.
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After Judgment. If the court orders a judgment against you after a trial, the court may give you time to move. After that time is up, you will get a Notice of Eviction from a Marshal giving you at least 14 days to leave. If you don't leave, you will be evicted by the Marshal. RPAPL Sec. 749(2).

City of New York, County of _____

Dated: _____, 20__

Clerk of the Civil Court of the City of New York: _____

Petitioner or Attorney for Petitioner: _____

Address: _____

Telephone No. _____