

FACT SHEET



George E. Pataki, Governor
Joseph H. Holland, Commissioner

A PUBLICATION OF NEW YORK STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION

#10 Eviction from an Apartment Based on Owner Occupancy

An owner may refuse to renew a rent stabilized tenant's lease in NYC because the owner wants the apartment for personal use and occupancy as a primary residence for the owner or a member of the owner's immediate family. Under the Rent Stabilization Law, an owner may begin an eviction proceeding when the current lease expires, but only after the tenant is given written notice that the lease will not be renewed. This notice must be served at least 120 and not more than 150 days before the current lease term expires.

According to the Rent Stabilization Law, only one of the individual owners of a building can take possession of one or more dwelling units for personal or immediate family use and occupancy, even if the building has joint or multiple ownership.

If after an owner recovers possession of the apartment, the owner does not use the apartment(s) as the owner's or an immediate family member's primary residence for three years, the owner may lose the right to any rent increases for other apartments in that building for three years.

For rent stabilized apartments outside NYC and for rent controlled apartments statewide, the owner must apply to DHCR for an order granting a certificate of eviction by filing an *"Owner's Application for Order Granting Approval to Refuse Renewal of Lease and/or to Proceed for Eviction for Owner Occupancy"* (DHCR Form RA-54). An owner must establish an immediate and compelling need for the apartment. If DHCR grants this certificate, the owner may then proceed in court to evict the tenant.

Additional rules apply to senior citizens and disabled persons concerning evictions based on owner occupancy:

1. An owner cannot evict a tenant from a rent stabilized apartment in NYC if the tenant or the spouse of the tenant is a senior citizen, 62 years or older, or is a disabled person unless the owner provides an equivalent or superior apartment at the same or lower rent in a nearby area.

2. An owner cannot evict a tenant from a rent stabilized apartment outside of NYC or a rent controlled apartment statewide when a member of the household lawfully occupying the apartment is a senior citizen, 62 years or older; or, is a disabled person, or is any person who has been a tenant in the building for 20 years or more.

For more information or assistance, call the DHCR Rent InfoLine, or visit your Borough or County Rent Office.

Central
92-31 Union Hall Street
4th Floor
Jamaica, NY 11433
(718) 739-6400

Brooklyn
250 Schermerhorn Street
3rd Floor
Brooklyn, NY 11201

Upper Manhattan
163 W. 125th Street
5th Floor
New York, NY 10027
North side of 110th St. and above

Nassau County
50 Clinton Street
6th Floor
Hempstead, NY 11550

Westchester County
55 Church Street
White Plains, NY 10601

Lower Manhattan
156 William Street
9th Floor
New York, NY 10038
South side of 110th St. and below

Bronx
1 Fordham Plaza
2nd Floor
Bronx, NY 10458

Staten Island
60 Bay Street
7th Floor
Staten Island, NY 10301

Rockland County
94-96 North Main Street
Spring Valley, NY 10977