

00:00:02:01 --:--:--:  
(woman)  
It's my pleasure  
to introduce to you today

00:00:04:04 --:--:--:  
the speaker of today's seminar,  
Doug Seidman,

00:00:07:10 --:--:--:  
who is a enthusiastic  
and devoted tenants advocate

00:00:11:21 --:--:--:  
and an attorney  
with the Legal Aid Society.

00:00:14:11 --:--:--:  
Without any further ado,

00:00:16:20 --:--:--:  
Mr. Seidman,  
thank you very much.

00:00:19:01 --:--:--:  
(Seidman)  
Thank you,  
and good afternoon.

00:00:22:22 --:--:--:  
For those of you  
that are here in Manhattan,

00:00:26:03 --:~:~:~:  
you have a handout,

00:00:28:00 --:~:~:~:  
which is a marshal's notice--  
a sample marshal's notice.

00:00:32:18 --:~:~:~:  
For all of you  
in the other boroughs,

00:00:35:01 --:~:~:~:  
you can get a copy  
of this to look at

00:00:37:24 --:~:~:~:  
in the pro se  
attorney's office

00:00:41:12 --:~:~:~:  
or the resource room  
in the borough that you're at.

00:00:44:09 --:--:--:--  
So for the other boroughs,  
forgive me,

00:00:46:04 --:--:--:--  
as I'm going to be going  
through some of the things

00:00:48:15 --:--:--:--  
to see on this notice,

00:00:50:15 --:--:--:--  
but I'm sure you'll  
be able to follow along.

00:00:53:28 --:--:--:--  
The other thing that I wanted  
to say as a starting point

00:00:58:11 --:--:--:--  
is that hopefully none of you

00:01:01:04 --:--:--:--  
will ever find yourself  
in a position

00:01:03:03 --:--:--:--  
where you  
have already been evicted,

00:01:05:29 --:--:--:--  
so this talk today  
is all about what happens

00:01:10:07 --:--:--:--  
when the "worst thing"  
that could happen to a tenant

00:01:13:12 --:--:--:--  
has occurred,  
meaning they've already

00:01:15:01 --:--:--:--  
been put out  
legally by the marshal.

00:01:18:23 --:--:--:--  
And we're going to talk  
about ways

00:01:21:01 --:--:--:--  
that you can get back  
into the apartment

00:01:23:09 --:--:--:--  
and restore your tenancy.

00:01:25:17 --:--:--  
And I'll be happy  
to take your questions.

00:01:27:22 --:--:--  
I want to make sure

00:01:29:02 --:--:--  
that you're able  
to follow what I'm saying,

00:01:31:02 --:--:--  
and hopefully,  
the hour will fly by

00:01:34:25 --:--:--  
and we'll get everybody's  
questions answered.

00:01:38:25 --:--:--  
Okay, so let's start  
with the marshal's notice

00:01:42:10 --:--:--  
that we've handed out.

00:01:46:15 --:--:--  
The first thing to notice  
up in the top portion of it is,

00:01:51:15 --:--:--  
in the top right, you see  
the name of the city marshal

00:01:54:28 --:--:--  
and the phone number.

00:01:56:20 --:--:--  
Okay, everybody find that?

00:01:58:04 --:--:--  
In this case,  
it's Danny Weinheim, right?

00:02:00:21 --:--:--  
Okay.

00:02:01:26 --:--:--  
And then the other thing to see  
is to make sure

00:02:05:00 --:--:--  
this is a marshal's notice  
in your court case,

00:02:07:21 --:--:--  
that this  
involves your apartment.

00:02:09:16 --:--:--  
So in this case,  
the sample we have

00:02:11:26 --:--:--  
says "Welcome Realty  
versus Hopeful Tenant"

00:02:15:23 --:--:--  
and gives the address,  
in this case,

00:02:17:24 --:--:--  
West 139th Street,  
apartment 4B.

00:02:20:28 --:--:--  
Well, if you don't live  
at that address

00:02:23:05 --:--:--  
and your name  
isn't Hopeful Tenant,

00:02:24:29 --:--:--  
this may be not about you.

00:02:27:02 --:--:--  
If you live on Park Place,

00:02:29:05 --:--:--  
this is not  
your marshal's notice.

00:02:31:29 --:--:--  
I would still call the marshal

00:02:33:10 --:--:--  
and find out  
why you possibly got this notice

00:02:37:00 --:--:--  
and whether, by mistake,  
they gave your notice

00:02:39:16 --:--:--  
to Park Place  
and Park Place's notice to you.

00:02:43:02 --:--:--  
But the other important thing  
to see here is,

00:02:46:18 --:--:--:--  
in the bottom left-hand corner,  
there's--it says--

00:02:50:07 --:--:--:--  
there's a little box  
that says "date of notice."

00:02:53:13 --:--:--:--  
In this case, it's 12/30/05.

00:02:56:29 --:~:~:~:~:~  
Okay, that's important to know

00:02:58:29 --:~:~:~:~:~  
because, as the notice  
says on here,

00:03:02:17 --:~:~:~:~:~  
"You may be evicted  
without further notice

00:03:06:05 --:~:~:~:~:~  
on the sixth business day  
after the date of this notice."

00:03:10:29 --:~:~:~:~:~  
Now, what is a business day?

00:03:13:28 --:~:~:~:~:~  
A business day--  
oh, go ahead.

00:03:16:20 --:~:~:~:~:~  
(man)  
It's a working day.

00:03:17:22 --:~:~:~:~:~  
(Seidman)  
A working day,

00:03:19:00 --:~:~:~:~:~  
a day, specifically,  
that the courts are open.

00:03:22:05 --:~:~:~:~:~  
So if the court is closed,  
even if you may be working--

00:03:26:12 --:~:~:~:~:~  
for example,  
the court was closed

00:03:27:28 --:~:~:~:~:~  
on January 2nd

to celebrate New Year's.

00:03:31:11 --:--:--:--  
The court will be closed  
on Martin Luther King Day.

00:03:34:03 --:--:--:--  
The court is closed  
on Saturdays and Sundays.

00:03:37:03 --:--:--:--  
So you do not count  
those days, okay?

00:03:41:17 --:--:--:--  
Six business days:  
the whole idea behind this

00:03:44:13 --:--:--:--  
is that you have  
six working days,

00:03:46:10 --:--:--:--  
or six days  
that the court is open,

00:03:48:27 --:--:--:--  
in order to come down  
to housing court

00:03:51:06 --:--:--:--  
to ask the judge  
to put off the eviction.

00:03:55:17 --:--:--:--  
So it's fine  
if you want to panic

00:03:58:11 --:--:--:--  
and come down within six days,

00:04:00:15 --:--:--:--  
but six business days  
means you have at least a week,

00:04:03:21 --:--:--:--  
because we don't count  
every Saturday and Sunday.

00:04:08:18 --:--:--:--  
So again, the key is the date  
of notice in the box down there.

00:04:13:09 --:--:--:--  
And if you're not sure,

00:04:15:06 --:--:--:--  
you're going  
to call the marshal--

00:04:17:14 --:--:--:--  
and the marshal's  
name and phone number

00:04:19:03 --:--:--:--  
is right where we said it is--

00:04:20:26 --:--:--:--  
and you're going  
to call them after 3:00

00:04:24:14 --:--:--:--  
to find out  
whether they have you

00:04:26:22 --:--:--:--  
scheduled for eviction  
for the next day.

00:04:30:09 --:--:--:--  
Okay, and when you call them,  
you would give the index number,

00:04:32:20 --:--:--:--  
which is the case number  
in the top right-hand part.

00:04:36:14 --:--:--:--  
Sometimes they want  
the marshal's docket number,

00:04:38:28 --:--:--:--  
which is right under that.

00:04:40:24 --:--:--:--  
Sometimes they're just going  
to ask you for your address.

00:04:45:03 --:--:--:--  
Okay, so that  
was slightly off-topic

00:04:48:05 --:--:--:--  
but brings us to where we are.

00:04:50:08 --:--:--:--  
Now let's assume, because that's  
what this talk is all about,

00:04:53:22 --:--:--:--  
that you've received  
a marshal's notice

00:04:55:28 --:--:--:--  
and the marshal has come

00:04:57:11 --:--:--:--  
and put you  
out of your apartment.

00:05:00:27 --:--:--:--  
Okay, there's two possible ways  
that the marshal can do that.

00:05:05:25 --:--:--:--  
One is getting what's called  
a partial eviction,

00:05:09:25 --:--:--:--  
where the marshal comes  
to your apartment,

00:05:12:28 --:--:--:--  
takes you, the tenant, out,  
and then changes the locks,

00:05:18:02 --:--:--:--  
leaving all  
of your things inside.

00:05:20:20 --:--:--:--  
Most times,  
the marshal will say to you,

00:05:24:08 --:--:--:--  
"I'm going to give you  
ten minutes

00:05:26:23 --:--:--:--  
to take out anything you want":  
a pet, important papers,

00:05:31:29 --:--:--:--  
jewelry, medications,

00:05:35:23 --:--:--:--  
diapers for the baby,  
clothes for tomorrow.

00:05:40:15 --:--:--:--  
But it's really hard,  
as you can imagine,

00:05:42:21 --:--:--:--  
within ten minutes,  
to figure out what to take

00:05:45:17 --:--:--:--



and to pack it  
and how to pack it

00:05:47:10 --:--:--:--  
and where is it and to--  
you're under a lot of pressure.

00:05:51:18 --:--:--:--  
So that's a partial eviction.

00:05:54:11 --:--:--:--  
There also is  
the full eviction,

00:05:57:03 --:--:--:--  
which, as the name says,  
is when the marshal comes

00:06:00:21 --:--:--:--  
and not only puts you  
out onto the street

00:06:03:15 --:--:--:--  
but comes with movers  
and a storage company,

00:06:07:03 --:--:--:--  
and the movers come  
into your apartment,

00:06:09:21 --:--:--:--  
and they have their boxes  
just like you hired them.

00:06:13:03 --:--:--:--  
But the difference  
is that when they come there,

00:06:16:29 --:--:--:--  
they're basically  
going to open a box--

00:06:20:05 --:--:--:--  
and let's say  
this is your kitchen table

00:06:22:04 --:--:--:--  
with your bowl of cereal  
and your Wheatena

00:06:24:27 --:--:--:--  
and your orange juice  
and your birth certificate

00:06:28:07 --:--:--:--  
that you were just

happening to look at--

00:06:29:29 --:--:--:--  
and they're going  
to go like this.

00:06:31:16 --:--:--:--  
They're going  
to sweep their hand

00:06:33:14 --:--:--:--  
and push everything  
into the box.

00:06:35:14 --:--:--:--  
Not going to be pretty.

00:06:37:01 --:--:--:--  
And they proceed that way  
throughout the apartment.

00:06:40:05 --:--:--:--  
They're going for speed.

00:06:42:17 --:~:~:~:~:~  
They're not trying  
to damage anything

00:06:45:02 --:~:~:~:~:~  
or destroy anything on purpose,

00:06:46:22 --:~:~:~:~:~  
but they're not there, you know,  
wrapping things carefully.

00:06:50:03 --:~:~:~:~:~  
"Oh, this looks  
like an heirloom.

00:06:51:17 --:~:~:~:~:~  
"This looks  
like Grandma's old vase.

00:06:53:03 --:~:~:~:~:~  
I'd better  
be extra careful with that."

00:06:55:03 --:~:~:~:~:~  
They're just hurrying  
and throwing everything--

00:06:58:19 --:~:~:~:~:~  
pushing everything--into boxes,

00:07:01:06 --:~:~:~:~:~  
and then your stuff

will go into a storage company,

00:07:05:08 --:--:--:--  
into a warehouse,

00:07:07:02 --:--:--:--  
and the marshal will leave you  
with a piece of paper

00:07:10:05 --:--:--:--  
that will not be easy to read,  
but which will say, again,

00:07:13:12 --:--:--:--  
the marshal's name  
and phone number,

00:07:15:13 --:--:--:--  
the name and address  
of the storage company

00:07:18:05 --:--:--:--  
or warehouse where your things  
are going to be.

00:07:22:17 --:--:--:--  
It will also check off  
many different items

00:07:25:18 --:--:--:--  
that the marshal  
has put in there.

00:07:27:24 --:--:--:--  
So it might say "couch, used;  
TV, 17-inch, black-and-white,"

00:07:33:20 --:--:--:--  
maybe even a brand name.

00:07:37:05 --:--:--:--  
And it will be specific  
and not specific

00:07:40:07 --:--:--:--  
at the same time.

00:07:44:02 --:--:--:--  
One thing that's important to do

00:07:45:19 --:--:--:--  
is not to lose  
that piece of paper,

00:07:47:24 --:--:--:--  
because you want to know

where your things are.

00:07:49:27 --:--:--:--  
That may not be  
your most important concern,

00:07:52:16 --:--:--:--  
because you want to get back  
into the apartment,

00:07:54:23 --:--:--:--  
but also keeping track  
of your things

00:07:56:22 --:--:--:--  
is very important.

00:07:58:29 --:--:--:--  
Your items will be kept  
in storage for 30 days.

00:08:02:26 --:--:--:--  
After that, you need  
to speak to the storage company

00:08:06:11 --:--:--:--  
to make sure that they're  
not going to sell your things,

00:08:10:01 --:--:--:--  
because if people  
don't pay for storage,

00:08:12:23 --:--:--:--  
even though you personally  
didn't arrange with this company

00:08:15:25 --:--:--:--  
to store your things,

00:08:17:21 --:--:--:--  
you've got to make sure  
that they're taking care of it.

00:08:21:07 --:--:--:--  
They will not let you  
take your things out

00:08:24:02 --:--:--:--  
or let you go there just to look  
through some of the boxes

00:08:26:25 --:--:--:--  
and say, "You know,  
I know just where it is.

00:08:29:02 --:--:--:--  
"It's in the second drawer  
of my dresser.

00:08:31:20 --:--:--:--  
I kept my \$3,000 lucky money."

00:08:35:20 --:--:--:--  
No, they're not going to let you  
just go and take anything out.

00:08:39:06 --:--:--:--  
Either you're going to pay  
for everything

00:08:41:07 --:--:--:--  
of the storage costs  
and get everything out,

00:08:44:18 --:--:--:--  
or you're not going to be able

00:08:45:26 --:--:--:--  
to get to anything  
that's in storage.

00:08:48:05 --:--:--:--  
It's an all-or-nothing  
type of thing.

00:08:52:11 --:--:--:--  
Okay, now, what do you do

00:08:54:23 --:--:--:--  
to try to get  
your apartment back?

00:08:58:06 --:--:--:--  
The first thing you do  
is to come down to housing court

00:09:01:13 --:--:--:--  
and go to the clerk's office.

00:09:03:08 --:--:--:--  
And you're going to take out

00:09:04:15 --:--:--:--  
what's called  
an order to show cause.

00:09:07:13 --:--:--:--  
Even if you don't remember  
that magic term,

00:09:09:24 --:--:--:--

if you bring in  
the marshal's notice,

00:09:12:21 --:--:--:--  
the one showing that  
you've actually been evicted,

00:09:15:06 --:--:--:--  
and you bring in  
this marshal's notice

00:09:17:05 --:--:--:--  
that has something  
with your case number on it

00:09:19:21 --:--:--:--  
and the name of the court case,  
and you say,

00:09:22:01 --:--:--:--  
"I've been evicted;  
I want to get back in,"

00:09:25:05 --:~:~:~:~:~  
the clerk will know  
how to help you.

00:09:28:22 --:~:~:~:~:~  
Now, housing court cases  
go very quickly

00:09:32:10 --:~:~:~:~:~  
compared to regular court cases.

00:09:34:27 --:~:~:~:~:~  
And when you're unfortunately  
in a position

00:09:37:12 --:~:~:~:~:~  
where you've been evicted,

00:09:38:23 --:~:~:~:~:~  
your court case  
is going to go even faster.

00:09:41:23 --:~:~:~:~:~  
So to take  
a really depressing concept,

00:09:46:01 --:~:~:~:~:~  
if you go home now  
and you find yourself evicted

00:09:49:10 --:~:~:~:~:~  
and say, "Gee, I was  
at that wonderful talk,

00:09:52:10 --:--:--:--  
"but I should have been,  
you know, raising the money

00:09:54:17 --:--:--:--  
"or stopping the marshal

00:09:55:17 --:--:--:--  
or doing  
an order to show cause,"

00:09:57:26 --:--:--:--  
what you will do is, you'll come  
back to the housing court

00:10:02:02 --:--:--:--  
in the borough  
in which you live.

00:10:03:27 --:--:--:--  
You'll go to the clerk's office,

00:10:06:09 --:--:--:--  
and you'll ask them to fill out  
this order to show cause.

00:10:11:01 --:--:--:--  
When the judge signs it,

00:10:13:02 --:--:--:--  
the judge will make the date  
to return to court very quickly,

00:10:17:15 --:--:--:--  
normally the next day.

00:10:20:08 --:--:--:--  
So this is really fast,  
and that's good,

00:10:23:20 --:--:--:--  
because where are you  
going to sleep tonight?

00:10:26:10 --:--:--:--  
You don't want the judge to say,

00:10:28:00 --:--:--:--  
"Okay, I'll decide  
whether you get back

00:10:29:22 --:--:--:--  
"into your apartment,  
but need to tell you

00:10:32:13 --:--:--:--  
to come back to court  
in a week or ten days,"

00:10:34:27 --:--:--:--  
because in the meantime,  
you're nowhere.

00:10:36:25 --:--:--:--  
You're not back in your place.

00:10:40:02 --:--:--:--  
So the judge will usually say

00:10:43:16 --:--:--:--  
that the landlord is stopped  
from re-renting the apartment

00:10:48:27 --:--:--:--  
to somebody new.

00:10:50:21 --:--:--:--  
You don't want the landlord  
renting the apartment out

00:10:53:17 --:--:--:--  
to somebody else,

00:10:55:11 --:--:--:--  
because then those people,  
the new tenants,

00:10:58:09 --:--:--:--  
have a right to come to court  
and tell the judge

00:11:01:14 --:--:--:--  
why they would rather stay  
in the apartment

00:11:04:11 --:--:--:--  
and not let you back  
into your old apartment

00:11:06:24 --:--:--:--  
that you've been evicted from.

00:11:09:13 --:--:--:--  
Okay?

00:11:11:06 --:--:--:--  
The judge also can give you  
permission that very afternoon,

00:11:17:24 --:--:--:--  
if you ask for it



and explain why,

00:11:20:23 --:--:--:--  
to be allowed  
into your apartment temporarily,

00:11:24:02 --:--:--:--  
like for an hour  
or a half an hour,

00:11:26:11 --:--:--:--  
to get out of the apartment--

00:11:28:24 --:--:--:--  
assuming that it's not been  
a full eviction

00:11:32:14 --:--:--:--  
and your things  
are still there--

00:11:34:03 --:--:--:--  
to get out from the apartment

00:11:35:10 --:--:--:--  
the same items  
that I spoke about before:

00:11:38:14 --:--:--:--  
important medications,  
rent receipts that you need

00:11:42:07 --:--:--:--  
to show the judge that  
you really did pay the rent,

00:11:45:14 --:--:--:--  
birth certificates,  
Medicaid cards,

00:11:47:13 --:--:--:--  
things like that,

00:11:48:28 --:--:--:--  
or, again,  
important items of clothing

00:11:51:10 --:--:--:--  
for your children or yourself  
or things like that.

00:11:55:11 --:--:--:--  
If it's been a partial eviction,

00:11:57:12 --:--:--:--  
the judge may let you

get back in

00:11:59:19 --:--:--:--  
and set up a time  
for the landlord to meet you

00:12:02:24 --:--:--:--  
or the super to meet you  
at the apartment

00:12:04:24 --:--:--:--  
and let you in for that purpose.

00:12:07:21 --:--:--:--  
Okay, now we're at the next day.

00:12:09:29 --:--:--:--  
So it's now tomorrow morning,

00:12:11:20 --:--:--:--  
and the papers have been served  
on the landlord's lawyer,

00:12:15:11 --:--:--:--  
because you have to notify them  
to come to court the next day.

00:12:19:04 --:--:--:--  
Sometimes the judge  
will help you to do that

00:12:22:16 --:--:--:--  
by calling the landlord's lawyer

00:12:25:04 --:--:--:--  
if they're routinely  
in the housing court

00:12:27:07 --:--:--:--  
and asking them to stop by  
and receive the paper.

00:12:29:29 --:--:--:--  
Sometimes you've had to go

00:12:32:04 --:--:--:--  
to the landlord's  
attorney's office

00:12:34:05 --:--:--:--  
to give them a copy of the paper  
so they know to be there.

00:12:38:24 --:--:--:--  
When the--when you show up  
on that time the next day,

00:12:45:18 --:--:--:--  
the landlord's lawyer  
will be there.

00:12:47:11 --:--:--:--  
You'll be there.

00:12:48:15 --:--:--:--  
The judge will be there.

00:12:49:28 --:--:--:--  
And what needs  
to be determined is,

00:12:52:27 --:--:--:--  
what do you need to do  
to get back into the apartment?

00:12:57:26 --:--:--:--  
The cases can go  
one of two ways.

00:13:00:12 --:--:--:--  
The landlord may like you.

00:13:02:16 --:--:--:--  
Didn't want you there  
because you weren't paying--

00:13:04:20 --:--:--:--  
if you're not paying the rent,

00:13:05:27 --:--:--:--  
but doesn't really  
have a problem

00:13:07:23 --:--:--:--  
with letting you back in  
if they get all their money.

00:13:11:00 --:--:--:--  
So in that case, the landlord's  
attorney will be there

00:13:13:26 --:--:--:--  
with a rent breakdown  
showing what they claim you owe

00:13:18:04 --:--:--:--  
and also will add to that  
any legal fees

00:13:21:16 --:--:--:--  
and the fee that the landlord  
had to pay to the marshal

00:13:25:00 --:--:--:--  
to evict you.

00:13:27:04 --:--:--:--  
And in a normal case,  
if the landlord says,

00:13:30:12 --:--:--:--  
or landlord's attorney says,  
"It's fine.

00:13:32:15 --:--:--:--  
"We're happy to let you back in

00:13:35:01 --:--:--:--  
when and if all of these fees  
have been paid,"

00:13:40:00 --:--:--:--  
then it's a question of how fast  
you get the money--

00:13:43:21 --:--:--:--  
and when I say "the money,"

00:13:45:02 --:--:--:--  
I mean all of the money,  
every penny--

00:13:48:14 --:--:--:--  
into the landlord's hands.

00:13:50:15 --:--:--:--  
And it's a race.

00:13:51:23 --:--:--:--  
The judge may say to you,

00:13:53:02 --:--:--:--  
or the landlord's attorney  
may say to you,

00:13:55:00 --:--:--:--  
"Okay, we're going to give you  
one week to pay this money."

00:13:59:03 --:--:--:--  
If you pay it  
in two days in full,

00:14:01:27 --:--:--:--  
you get back in in two days.

00:14:04:13 --:--:--:--  
If you pay it in four days--

you get the idea--

00:14:06:12 --:--:--:--  
you'll be back in four days.

00:14:08:08 --:--:--:--  
If you don't pay it  
within the period of time

00:14:10:18 --:--:--:--  
that the judge tells you

00:14:12:09 --:--:--:--  
or that the landlord's  
attorney and you agrees

00:14:14:21 --:--:--:--  
that it will be paid,

00:14:16:11 --:--:--:--  
the landlord has the right  
to re-rent the apartment,

00:14:20:06 --:--:--:--  
and your rights  
as a tenant will end.

00:14:23:20 --:--:--:--  
So again,  
if you're in a situation

00:14:26:14 --:--:--:--  
where you're close  
to the deadline

00:14:28:18 --:--:--:--  
and you don't have  
all the money--

00:14:30:22 --:--:--:--  
let's say you're \$100 short  
or \$500 short--

00:14:34:22 --:--:--:--  
you should come back  
to the court,

00:14:36:21 --:--:--:--  
do another order to show cause,

00:14:38:20 --:--:--:--  
attach proof of the payments  
that you do have,

00:14:41:25 --:--:--:--  
and explain

what you're waiting for

00:14:43:19 --:--:--:--  
to get the rest of the money:

00:14:45:29 --:--:--:--  
waiting for Western Union,

00:14:47:10 --:--:--:--  
my cousin promised  
to drive his truck up

00:14:49:28 --:--:--:--  
from Atlanta  
with a \$500 money order,

00:14:53:08 --:--:--:--  
whatever it might be,

00:14:55:18 --:--:--:--  
because, again, you don't want  
to be in a position

00:14:57:29 --:--:--:--  
where you miss the deadline

00:15:00:17 --:--:--:--  
under which you promised  
to make the payment.

00:15:06:00 --:--:--:--  
You cannot get back in

00:15:08:15 --:--:--:--  
without paying  
all of the expenses,

00:15:11:10 --:--:--:--  
unless the landlord  
or the landlord's attorney

00:15:14:14 --:--:--:--  
is feeling very generous  
and just says,

00:15:16:25 --:~:~:~:~:  
"Okay, we're going  
to let you back in."

00:15:20:10 --:~:~:~:~:  
Those cases are only  
the most sad cases,

00:15:24:17 --:~:~:~:~:  
like you have a child  
in a wheelchair

00:15:27:01 --:--:--:--  
or somebody who is HIV-positive

00:15:29:02 --:--:--:--  
or has horrible cancer,  
et cetera, et cetera.

00:15:31:23 --:--:--:--  
So if you're healthy  
and there's no special reason,

00:15:35:27 --:--:--:--  
the normal rules apply  
that I'm talking about.

00:15:40:19 --:--:--:--  
Now, let's say the landlord's  
attorney or the landlord

00:15:43:19 --:--:--:--  
do not want to let you back in.

00:15:45:21 --:--:--:--  
They think they can get  
more money for this apartment,

00:15:48:21 --:--:--:--  
or they have in mind

00:15:50:07 --:--:--:--  
to let their cousin  
live in this apartment,

00:15:52:23 --:--:--:--  
or they don't think  
you've been a great tenant,

00:15:57:27 --:--:--:--  
then it's up  
to the judge to decide.

00:16:00:24 --:--:--:--  
Now, in order to win a decision  
from the judge to have your--

00:16:08:12 --:--:--:--  
to allow you to have time  
to get back in the apartment

00:16:14:17 --:--:--:--  
and stop them from renting it  
to someone else,

00:16:17:19 --:--:--:--  
you would need

to show two things,

00:16:21:18 --:--:--:--  
and this is true  
for many motions

00:16:23:16 --:--:--:--  
that we make in the court,

00:16:25:14 --:~:~:~:~:  
whether you're a tenant  
or a landlord.

00:16:27:17 --:~:~:~:~:  
If you want to show  
that you made a mistake

00:16:30:18 --:~:~:~:~:  
and you want the mistake undone,

00:16:32:26 --:~:~:~:~:  
you need to show  
what's called excusable default,

00:16:36:17 --:~:~:~:~:  
or a good reason  
why you didn't do

00:16:38:27 --:~:~:~:~:  
what you were supposed to do  
or had promised to do.

00:16:42:16 --:~:~:~:~:  
And you also have to show

00:16:44:00 --:~:~:~:~:  
what's called  
meritorious defense,

00:16:46:08 --:~:~:~:~:  
or a good defense.

00:16:48:24 --:~:~:~:~:  
So examples of whether or not  
you show a good reason

00:16:53:29 --:~:~:~:~:  
for not doing  
what you were supposed to

00:16:56:15 --:~:~:~:~:  
would be if you say,  
"I never got served

00:16:59:06 --:~:~:~:~:  
"with the court papers



correctly the first time.

00:17:02:11 --:--:--:--  
"That's why  
I never came to court.

00:17:04:12 --:--:--:--  
"That's why the marshal  
came to my house.

00:17:07:01 --:--:--:--  
I never knew I was being sued."

00:17:09:01 --:--:--:--  
That would be one example.

00:17:11:24 --:--:--:--  
Another example would be

00:17:13:16 --:--:--:--  
that you did get  
the court papers,

00:17:15:25 --:--:--:--  
you answered them,  
you had a court appointment,

00:17:19:00 --:--:--:--  
but your child was sick that day  
in the emergency room,

00:17:22:08 --:--:--:--  
so you couldn't leave  
to come to court on time.

00:17:26:05 --:--:--:--  
Similarly, you could be sick,  
and you have a doctor's note

00:17:29:20 --:--:--:--  
or proof that you were  
in the clinic.

00:17:33:06 --:--:--:--  
But again, it has to be  
something serious

00:17:35:25 --:--:--:--  
that you can document  
and that you can show.

00:17:38:15 --:--:--:--  
Simply saying, "I didn't feel  
like coming to court"

00:17:41:05 --:--:--:--

is not going to be sufficient.

00:17:43:05 --:--:--:--  
Yes?

00:17:44:22 --:--:--:--  
(man)  
There have been excuses  
that judges have allowed.

00:17:47:29 --:--:--:--  
For example,  
sometimes a tenant,

00:17:50:08 --:--:--:--  
after receiving the petition  
or notice of petition,

00:17:53:11 --:--:--:--  
tries to work out something  
with the landlord.

00:17:55:25 --:--:--:--  
If they say,  
"I contacted the landlord.

00:17:58:09 --:--:--:--  
"We worked out  
some kind of plan,

00:18:00:09 --:--:--:--  
and therefore,  
I didn't appear in court,"

00:18:02:01 --:--:--:--  
that would be  
a reasonable excuse.

00:18:03:15 --:--:--:--  
(Sideman)  
Okay, so let me repeat  
what was just said.

00:18:07:12 --:--:--:--  
The comment,  
which was very helpful,

00:18:09:16 --:--:--:--  
is that another situation

00:18:11:05 --:~:~:~:~  
where you could--a tenant  
could have a good reason

00:18:13:23 --:~:~:~:~  
or a good excuse

00:18:15:07 --:--:--:--  
would be if they met  
with the landlord

00:18:17:20 --:--:--:--  
outside of court,

00:18:19:01 --:--:--:--  
and the landlord and tenant  
worked out an agreement

00:18:22:00 --:--:--:--  
to make certain payments  
by certain dates,

00:18:25:02 --:--:--:--  
and the landlord said,  
"Don't worry.

00:18:26:21 --:--:--:--  
"You don't have to go to court.

00:18:27:29 --:--:--:--  
"I'll tell my attorney,

00:18:29:18 --:--:--:--  
and what we've agreed to  
is going to be what happens,"

00:18:33:13 --:--:--:--  
and either the landlord forgets  
to tell the attorney

00:18:36:07 --:--:--:--  
or the attorney  
forgets to tell the judge,

00:18:38:29 --:--:--:--  
and the judge  
obviously doesn't know

00:18:40:24 --:--:--:--  
about this side agreement,  
so there's a final judgment

00:18:44:04 --:--:--:--  
and then the marshal's notice  
that we started with.

00:18:46:29 --:--:--:--  
So we can think  
of lots of situations

00:18:49:08 --:--:--:--  
where you may have a good reason

00:18:50:23 --:--:--:--  
why you got in the situation  
that you were evicted.

00:18:54:23 --:--:--:--  
There may not be--  
there may be cases

00:18:56:08 --:--:--:--  
where you don't have  
a good reason,

00:18:57:22 --:--:--:--  
but you need to have one

00:18:59:10 --:--:--:--  
if the landlord's not going  
to voluntarily let you in.

00:19:02:17 --:--:--:--  
And then the second thing  
you have to have

00:19:04:17 --:--:--:--  
besides this good excuse is,

00:19:07:08 --:--:--:--  
you have to have what's called  
a meritorious defense,

00:19:09:29 --:--:--:--  
or something to show

00:19:12:06 --:--:--:--  
that you're likely  
to win the case

00:19:14:05 --:--:--:--  
and have a right  
to stay in your apartment.

00:19:17:20 --:--:--:--  
For example, one possible excuse

00:19:20:27 --:--:--:--  
that basically  
serves both purposes

00:19:23:04 --:--:--:--  
is if, again, you can show

00:19:24:22 --:--:--:--  
that you were never served  
with the court papers.

00:19:27:01 --:--:--:--  
It's a good excuse  
why you didn't come,

00:19:29:03 --:--:--:--  
and it's also a good excuse  
why you--

00:19:31:06 --:--:--:--  
the case should be dismissed.

00:19:32:16 --:--:--:--  
You weren't served correctly  
with the papers.

00:19:35:07 --:--:--:--  
Another example would be  
if you made the payments

00:19:37:25 --:--:--:--  
that you were supposed to make.

00:19:40:03 --:--:--:--  
Either they got  
held up in the mail,

00:19:42:08 --:--:--:--  
or there was some delay  
in having them come through,

00:19:45:16 --:--:--:--  
or you need  
to trace a money order.

00:19:47:29 --:--:--:--  
You know,  
you have your receipt,

00:19:50:15 --:--:--:--  
but the landlord's records say  
they never got that payment.

00:19:53:21 --:--:--:--  
What's not helpful is the old,  
"Oh, I paid in cash,"

00:19:57:03 --:--:--:--  
or, "I paid, and I don't have  
those money orders."

00:20:00:28 --:--:--:--  
Often when you're evicted,

00:20:02:14 --:--:--:--  
guess where your copy  
of the money orders are:

00:20:06:15 --:--:--:--  
inside the apartment  
or now in storage,

00:20:10:00 --:--:--:--  
where you can't  
get to them, right?

00:20:12:14 --:--:--:--  
So anytime you get close to--

00:20:16:12 --:--:--:--  
your court case  
gets close to the end,

00:20:18:19 --:--:--:--  
where you may be evicted,

00:20:20:00 --:--:--:--  
take those money orders  
and either carry them with you

00:20:23:20 --:~:~:~:~:~  
or make a copy of them  
and leave it with a neighbor

00:20:27:18 --:~:~:~:~:~  
or a relative that you trust

00:20:29:19 --:~:~:~:~:~  
so that you'll  
have access to that

00:20:31:26 --:~:~:~:~:~  
so you'll be able  
to show your records.

00:20:36:22 --:~:~:~:~:~  
Other defenses  
that you could have

00:20:38:17 --:~:~:~:~:~  
that show you had good merits  
and a reason to get back in

00:20:42:11 --:~:~:~:~:~  
is if the apartment  
was in bad conditions

00:20:45:23 --:~:~:~:~:~  
so you weren't getting  
the value for your money.

00:20:49:12 --:~:~:~:~:~  
If your rent is \$700

but the apartment has no water,

00:20:53:02 --:--:--:--  
no heat, no walls, no windows,  
it may not be worth \$700.

00:20:57:29 --:--:--:--  
It might be worth \$5.

00:21:00:06 --:--:--:--  
Might be worth \$200.

00:21:01:29 --:--:--:--  
So that might be  
a good defense.

00:21:04:29 --:--:--:--  
If you also can prove

00:21:06:15 --:--:--:--  
that the landlord  
is overcharging you--

00:21:08:27 --:--:--:--  
that the legal rent  
that they can collect is \$500

00:21:13:14 --:--:--:--  
and they're charging you \$700

00:21:15:27 --:--:--:--  
and that you've been  
paying the \$500--

00:21:18:09 --:--:--:--  
that also might be  
a good defense.

00:21:22:16 --:--:--:--  
Okay, the other possibility

00:21:24:25 --:--:--:--  
that I'm not going to assume  
any of you would be able to use

00:21:27:24 --:--:--:--  
because you all look  
pretty lively,

00:21:30:06 --:--:--:--  
as does the people  
in the other boroughs

00:21:31:26 --:--:--:--  
that I'm looking at,

00:21:33:07 --:--:--:--  
is if you can show  
that the tenant is incompetent.

00:21:36:19 --:--:--:--  
So if, for example, you know,  
it's your brother, your sister,

00:21:40:03 --:--:--:--  
your father, and they have  
emotional or mental problems

00:21:43:29 --:--:--:--  
where they don't understand  
what court papers are--

00:21:47:02 --:--:--:--  
they think it's something to,  
you know, take a crayon to--

00:21:50:04 --:--:--:--  
if you can show that  
and convince a judge,

00:21:52:08 00:21:57:11  
that might also be a good reason  
to undo the eviction.