

Illegal Evictions

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What do I need to know about illegal evictions?

A landlord who attempts to evict a tenant illegally may be guilty of a criminal misdemeanor. It is illegal for someone to try to evict you by changing the locks, turning off your utilities, or removing your things from the apartment. If your landlord wants to evict you for any reason, they have to take you to court. You are only required to leave the property after the court has issued a Warrant of Eviction. You will have a minimum of 14 days after the Warrant of Eviction is served on you by a sheriff to leave the property. Law enforcement will be able to execute the Warrant of Eviction on the 14th day and remove individuals from the property.

Some examples of illegal eviction tactics are:

- Changing the locks on the tenant's door
- Removing a tenant's door
- Shutting off the utilities
- Threatening to remove a tenant forcefully
- Taking the tenant's property out of the apartment

What should I do if someone is trying to evict me illegally?

Call the police. If you are told, "Sorry, that's a civil matter," don't give up! Inform them that the law changed in 2019, and it is now a class A misdemeanor for any person to attempt to illegally evict a tenant (under Real Property Actions and Proceedings Law Section 768). A person may also be liable for civil penalties in addition to the criminal charges. Ask the officer to create a police report to document the incident. Inform them that you would like the matter to be investigated.

What if the law enforcement officer won't help me?

If the officer refuses to pursue the matter, ask for their name and badge number. Then ask to speak to the officer's supervisor. If the police still will not help, you can also call the Sheriff's Office and ask for assistance with a "lockout" or "shutoff". If no law enforcement office will accept your criminal complaint, you may want to contact an attorney for help.

What can I do if I am forced to leave the property or can no longer access it?

If someone has taken one or more of the above illegal eviction actions and you were forced to leave, were removed, or cannot gain entry to the property, notify your landlord and request that your occupancy be restored. Your landlord is required to take all reasonable and necessary action to restore your ability to occupy the

property. If your landlord fails to restore your access to the property after you have made a request, the landlord may be subject to additional criminal charges and civil penalties. If your landlord refuses to restore your ability to occupy the property, you may contact the police or consider consulting an attorney for assistance.

What else can I do?

You may be able to claim "triple damages" for any losses or costs incurred as a result of an illegal eviction. You should keep proof of expenses you paid due to the illegal eviction. You should keep evidence of the unlawful eviction, including police reports, text messages, and photos. If you cannot retain an attorney to help you, you can sue your landlord in Small Claims Court. Small Claims Court is designed to be a simple, inexpensive, and informal court where individuals can sue for money without the need for a lawyer. Small Claims Courts based in cities can award up to \$5,000, while Small Claims Courts in towns and villages can award up to \$3,000.

Some cities (such as New York City) have other laws that protect tenants. Make sure you are familiar with the laws in your city, town, or village.

For more information, please see the article titled "[General Eviction Information](#)" on our website.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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