

# Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

[www.lawny.org](http://www.lawny.org)

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## Illegal Evictions

### **What do I need to know about illegal evictions?**

A landlord who tries to illegally evict a tenant may be guilty of a criminal misdemeanor. It is illegal for your landlord 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, they have to take you to court. If the court orders you to move, a law enforcement officer will serve you with a Warrant of Eviction. When the law enforcement officer serves you with the Warrant of Eviction, they will give you at least 14 days to move

### **What are some examples of illegal evictions?**

- Locking or removing a tenant's door
- Shutting off the utilities
- Threatening to forcefully remove a tenant
- Taking the tenant's property out of the apartment

### **What can I do if the police don't help stop the illegal eviction?**

If you are told, "Sorry, that's a civil matter," don't give up! Tell them you read that the law recently changed. It is now a class A misdemeanor for any person to try to illegally evict a tenant (under Real Property Actions and Proceedings Law Section 768). A landlord may also be liable for civil penalties in addition to the criminal charges. Tell them you would like the matter investigated.

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 wish to contact an attorney for help.

### **What else can I do?**

You might be able to get "triple damages" for any losses or costs caused by the illegal eviction. You should keep proof of expenses that you had because of the illegal eviction. If you cannot get a lawyer to help you, you can sue your landlord in Small Claims Court. You should know that the amount you can win there is limited.

Some cities (such as New York City) have other laws that protect tenants. Make sure you know what the law is in your town.

For more information, please see the article titled "General Eviction Information" on our web site.

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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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 [Illegal Evictions Handout \[Updated 3\\_6\].pdf](#)

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