

Legal Assistance of Western New York, Inc. ®

Illegal Evictions unkn

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

www.lawny.org

Illegal Evictions

What do I need to know about illegal evictions?

It is illegal for your landlord to evict you by changing the locks or turning off your utilities. Your landlord also cannot stop you from getting into the apartment. The landlord must first get a court order. This is usually called a Warrant of Eviction. Then, your landlord must ask a law enforcement officer to serve the order on you.

What are some examples of illegal evictions?

- locking or removing a tenant's door
- shutting off the utilities
- 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 a police officer can give a ticket to a landlord who shuts off utilities or locks out a tenant under Real Property Law Section 235 and that you would like the matter investigated. Depending on the circumstances, they may be able to pursue other charges as well.

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 the Civil Division for assistance with a lockout or shutoff.

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 yourself 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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