
New York City Housing Court

Service of the Notice of Petition and Petition to Start a Nonpayment or Holdover Proceeding

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The procedure for service of the papers to start a residential landlord-tenant proceeding is set forth below. For further information on service, you may refer to the Real Property Actions and Proceedings Law [section 735](#).

Who May Serve


1. You may NOT serve the papers yourself.
2. Anyone over the age of 18 years, and NOT A PARTY to the action may serve the papers.
3. If you wish, you may hire a Process Server to serve the papers. 

When to Serve

Papers may not be served on Sunday. Papers may be served during three time periods:

Non-working hours: 6:00 a.m. - 7:59 a.m.

Working hours: 8:00 a.m. - 6:00 p.m.

Non-working hours: 6:01 p.m. - 10:30 p.m. 

How to Serve

A copy of the papers shall be served on the [respondent](#) through one of the following methods:

- a. Personal delivery: A copy of the papers may be served by giving it to the respondent in his or her hand. The papers can be handed to the respondent anywhere. If the respondent refuses to take the papers in hand, the papers may be put down on the floor or on a piece of furniture where the respondent can see them.
- b. Substituted delivery: A copy of the papers may be given to any individual who answers the apartment door as long as he or she resides or is employed in the apartment and is of an appropriate age and has appropriate judgment to receive the papers. By the next business day, the server must mail one copy of the papers by regular mail and one copy by certified mail. Keep the certified mail receipts.
- c. Conspicuous Place delivery: If the server is unsuccessful on the first try to serve the papers either by personal delivery or substituted service, then he or she must make a second attempt during a **different time period** (see [time periods](#) above). For example, if no one is home during working hours, the server can return at 7:30 p.m. during non-working hours. After two unsuccessful attempts have been made to serve the

person at home either by personal delivery or substituted service, the server may then use conspicuous place delivery. This is also known as “nail and mail.”

This delivery requires that a copy of the papers be affixed to the door of the actual residence of the respondent or be slipped under the entrance door of the apartment. By the next business day, the server must mail one copy of the papers by regular mail and one copy by certified mail to the respondent. Keep the certified mail receipts.

After the petition and notice of petition are served, the person who served the papers must fill out an [affidavit of service](#) (see below).



Affidavit of Service

1. **After** the COPY of the notice of petition and petition has been served, the person who served it shall fill out an Affidavit of Service. You may download the form now by clicking on [Affidavit of Service](#), or you may obtain a form from the Court Clerk. The Affidavit of Service shall include a description of the color of skin, hair color, approximate age, approximate weight and height, and other identifying features of the person served.

2. After the Affidavit of Service has been filled out the server shall sign it before a Notary Public, and have it notarized.

3. The completed Affidavit of Service, must be returned to the Clerk’s Office within 3 days of the personal delivery or mailing. Make copies of the affidavit of service for your records prior to filing it with the court.

4. You should bring a copy of the papers with you to court on the hearing date.

