**32 Eviction [Rider]**

*This section describes the situations in which the owner can attempt to evict the tenant.*

A tenant eviction in the State of New York is only considered legal when the landlord has filed charges to evict a tenant and the court has sided with the landlord. The eviction is generally carried out by a sheriff or a marshal. The landlord cannot evict a tenant without going through the legal process. If the landlord evicts the tenant themselves, the landlord may be liable to the tenant for 3 times the tenants' damages. Tenants who think that they might be evicted are encouraged to seek legal aid.

In some unusual cases, the landlord must notify DHCR of their intent to evict a tenant before they can legally begin the court proceedings. If the landlord wants to demolish a building, for example. However, in most cases, the landlord does not have to get approval from DHCR, like if the tenant is not paying rent.

Not paying rent on time is the only instance in which the landlord does not have to provide the tenant with a termination notice. However, before beginning a case for non-payment for rent, the landlord must ask for the rent owed from the tenant. This can be done in writing or orally depending on whether the tenant’s lease requires notices to be in writing. Generally, for these other examples, the landlord provides the tenant with notice:

Does not need approval from DHCR *and does not need to* notify tenant with termination notice

* Not paying rent

Does not need approval from DHCR, *but* *usually notifies* tenant with termination notice

* Failing to meet an obligation cited in the lease
* Damaging the housing unit
* Refusing the owner access to make needed repairs
* If the landlord or a member of their immediate family need to move in
* In New York City, the tenant is not using the unit as a primary residence
* It will be withdrawn from the rental market

Needs approval from DHCR, and *usually notifies* tenant with termination notice

* It will be demolished

**Not paying rent**

If the tenant fails to pay their rent on time, the landlord can move to evict a tenant and does not have to give the tenant a termination notice; however, they do need to ask for rent owed.

**35 High-Rent High-Income Deregulation [Rider]**

The High-Rent High-Income Deregulation Process.

This is somewhat more of a complicated process then the High-Rent Vacancy process, specifically, there are important dates before which paperwork must be filed.

**On or before May 1** of each year, the landlord can file an Income Certification Form (ICF) if and only if the apartment has reached the DRT. Tenants are required to certify whether the household’s total annual income was in excess of $200,000—considering only the individuals referenced in the ICF—for each of the two preceding calendar years. The ICF does not require disclosure of any income information other than whether the threshold for each of the two preceding years has been met. It must notify tenants of their protection against harassment and must be delivered either by certified or first class mail or in person. The tenant(s) must return the ICF to the owner within 30 days after service.

If the tenant has certified that their incomes exceeded $200,000 for the two previous calendar years, the landlord must file an Owner’s Petition for Deregulation (OPD) with DHCR no later than June 30, which will request that no longer be subject to rent regulation upon expiration of the existing lease (rent-stabilized apartment), or as of March 1 in the year next succeeding the filing of the OPD (rent-controlled apartment).

If the tenant fails to return the ICF with 30 days after they have received it, or if the landlords disputes it, the landlord can file an OPD no later than June 30. The tenant will then have 60 days to submit the required information to the Department of Taxation and Finance (DTF) and DHCR, failure to do so could result in an order to deregulate the unit. If DTF notifies DHCR that it has determined that the total annual income was in excess of the threshold amount for each of the two preceding years, then DHCR will notify the owner and tenants of the results of such determination, and both parties will have 30 days to comment. When the comment period expires, DHCR will issue their order, which will be that the apartment is (1) still subject to rent regulation, (2) will be deregulated when the current lease expires, (3) will be deregulated as of March 1 in the year next succeeding the filing of the OPD for rent-controlled apartments.