



NEW YORK CITY HOUSING AUTHORITY

Leased Housing Department

NOTICE TO ALL SECTION 8 LANDLORDS

Judge Ward signed the Second Partial Consent Judgment in Williams v. New York City Housing Authority (NYCHA) on February 14, 1995

Please read over carefully the instructions in the notice regarding Section 8 Eviction Proceedings on the reverse side of this page. Under the terms of this Consent Judgment, when you wish to commence eviction proceedings against a NYCHA Section 8 tenant, you are required to:

- Complete the top part of the two (2) forms enclosed
- Mail to the tenant the form on the bottom half with heading "Notice to Tenant and;
- Mail to the Housing Authority the form that includes on the bottom half with heading "New York City Housing Authority's Reply"

Enclosed with the form sent to the Housing Authority must also be proof that the tenant's copy was mailed or delivered to the Section 8 tenant. The form and proof of mailing must be sent to:

New York City Housing Authority

Leased Housing Department

Landlord Outreach Eviction Review Unit

90 Church Street, 9th Floor

New York, NY 10007

NOTE: Eviction Certifications are now available for online submission via the NYCHA Owner Extranet at <http://on.nyc.gov/ownerextranet>

For Holder Proceedings, only those that are based on termination or suspension of Section 8 subsidy require the use of these forms. If Holdover Proceedings are brought for any other reason, you are merely required to mail to the New York City Housing Authority's Eviction Review Unit a copy of the Notice to Vacate on the same date that it has been served on the tenant. You will then be required to deliver by overnight mail a copy of the Notice of Petition and Petition.

If you have any questions, please call the Customer Contact Center at 718-707-7771.

LANDLORD REQUIREMENTS FOR EVICTION PROCEEDING AGAINST SECTION 8 TENANTS

Reason for Eviction Proceeding	Action Required by Landlord
<ul style="list-style-type: none"> • Non-payment of rent or • Holdover due to termination or suspension of subsidy by NYCHA • Holdover due to any reason other than termination or suspension of Section 8 subsidy by NYCHA 	<ol style="list-style-type: none"> 1. Complete "Certification of Basis for Eviction" form (CBE) 2. Mail form to LHD Eviction Review Unit (ERU) and to tenant. Copy to ERU must include proof of mailing to tenant. 3. Wait 30 days or until ERU response to CBE form is received, whichever comes first 4. Begin eviction proceeding in L&T court. (If ERU objected to proceeding, NYCHA must be named as co-defendant and must be served appropriately if landlord continues action). <ol style="list-style-type: none"> 1. A copy of the Notice to Vacate must be delivered to the ERU on the same day it is served on the tenant 2. Deliver to the ERU a copy of the Notice of Petition and Petition
<p>The ERU will only approve a CBE form if the reason for commencement of an eviction proceeding is non-payment of the tenant portion of rent. If the amount claimed in the CBE is more than the tenant portion of rent or is for any reason other than non-payment of the tenant portion of rent, the form will be returned with the reason(s) for our objection and, if the landlord chooses to continue with an eviction proceeding in L&T court, he must name NYCHA as co-defendant.</p>	

FURTHER INFORMATION REGARDING SECTION 8 EVICTION PROCEEDINGS

The procedures governing eviction proceedings involving tenants in the Section 8 Existing Housing Program are set forth in the Second Partial Consent Judgment in Williams v. New York City Housing Authority, 81 Civ. 1801 (RJW) (1993).

CALL THE HOUSING AUTHORITY AT (212) 306-8500 IF

- You would like a copy of the Second Partial Consent Judgment,
- You have any questions, or
- You want the housing Authority to appear in court or provide additional information.

Before commencing an eviction proceeding based upon non-payment of rent or the termination or suspension of Section 8 assistance, a Section 8 landlord:

- Shall deliver or mail a Certification of Basis for Eviction Proceeding to the tenant and the Housing Authority, (See reverse side),
- Shall wait a minimum of 25 days (30 days if the Certification is mailed) before commencing the proceeding, or until the landlord receives the Authority's reply, whichever is earlier.

Upon receipt of the landlord's Certification, the Authority shall:

- Determine whether it ACCEPTS or OBJECTS TO the Certification, and
- Provide written notice to the landlord and tenant of its determination.



A Section 8 landlord who is required to certify the basis for eviction and who commences an eviction proceeding shall:

- State in the petition, or attach to it, all documents showing:
 1. That the Authority and the tenant were given the landlord's Certifications,
 2. The reason for the eviction proceeding,
 3. The Authority's response,
 4. That the grounds are the same as in the Certifications, and
 5. That the landlord does not seek to recover the subsidy portion of the rent from the tenant.
- Join and serve the Authority, at the commencement of the proceeding, where the Authority OBJECTS or where the landlord seeks the subsidy portion of the rent from the Authority,
- Deliver or mail by overnight mail to the Authority, at the commencement of the proceeding, the petition where no reply was received from the Authority.

The Authority will appear in court:

- As a necessary party if the Authority OBJECTS TO the Certifications, if the landlord is seeking the subsidy portion of rent from the Authority, if the landlord has certified grounds for a holdover proceeding, or if the landlord fails to comply with these procedures,
- As a witness or party where the tenant previously requested that the Authority recalculate the rent but the Authority has not done so, or
- In any other eviction proceeding, if subpoenaed either as a witness or to provide further information or at the Court's request.

ADDITIONAL NOTICES TO THE TENANT

CALL THE HOUSING AUTHORITY AT (212) 306-8500 if you have any questions or if you would like additional information or if you want the Authority to appear in Court as a witness or a party, or if you previously requested that the Authority recalculate the rent but the Authority has not done so.

YOU MUST ANSWER ALL COURT PAPERS AND APPEAR IN COURT ON ALL DATES.

YOU MAY WISH TO OBTAIN LEGAL REPRESENTATION OR ADVICE FROM A LAWYER.

WHEN YOU APPEAR IN COURT, TAKE THIS LETTER WITH YOU AND SHOW IT TO THE JUDGE.

Unless the Housing Authority terminates you from the Section 8 program, YOU MAY REMAIN IN THE PROGRAM EVEN IF YOU ARE EVICTED.



**CERTIFICATION OF BASIS FOR EVICTION PROCEEDING
AGAINST TENANT PARTICIPATING IN THE SECTION 8
HOUSING CHOICE VOUCHER PROGRAM**

Date: _____

Tenant's Name: _____

Voucher #: _____

Tenant's Address: _____

Apt. #: _____

City/Zip Code: _____

- I. The undersigned landlord intends to commence an eviction proceeding against you on the following grounds and certifies that the grounds constitute a lawful basis for eviction of a tenant participant in the Section 8 Program.

☐ Non-payment of the tenant's share of rent, at \$ _____ per month, for the months of _____ for a total of \$ _____, plus additional charges (if any) in the amount of \$ _____. The landlord does not seek to recover from the tenants the subsidy portion of the rent. (Total Contract Rent for apartment is \$ _____)
Explanation and itemization of rent demand and any additional charges (if necessary): _____

☐ Holdover proceedings related to termination or suspension of Section 8 assistance, as follows: _____

- II. FILL OUT THIS SECTION ONLY IF YOU HAVE A CLAIM AGAINST THE TENANT FOR THE TENANT'S SHARE OF THE RENT AND IF YOU ALSO INTEND TO SUE THE AUTHORITY FOR THE SUBSIDY PORTION OF THE CONTRACT RENT. The undersigned intends to include in the eviction proceeding a claim against the Housing Authority for non-payment of the subsidy portion of the contract rent, at \$ _____ per month, for the month(s) of _____ for a total of \$ _____. The landlord will not seek recovery of this amount from the tenant.

SIGNED: _____
Print Landlord's Name :

Landlord's Attorney: _____
Attorney's Address: _____

Landlord's Vendor #: _____ (required) Attorney's Phone #: _____

THE CERTIFICATION MUST BE EXECUTED BY SOMEONE WITH PERSONAL KNOWLEDGE OF THE RELEVANT FACTS, WHICH MAY BE BASED ON THE LANDLORD'S BOOKS AND RECORDS.

Please indicate where form is to be returned to: ☐ Landlord ☐ Attorney ☐ Both

**NEW YORK CITY HOUSING AUTHORITY'S REPLY TO
CERTIFICATION OF BASIS FOR EVICTION PROCEEDING**

Tenant's Name: _____

Voucher #: _____

TO THE ABOVE NAMED LANDLORD AND TENANT:

- ☐ The Housing Authority ACCEPTS the Landlord's Certification on the grounds stated above.
- ☐ A. The Housing Authority intends to participate in the eviction proceeding. Please advise the Housing Authority of the date, time and location of the hearing by telephoning (212) 306-8500.
- ☐ B. The tenant has requested a rent determination hearing and the hearing is being expedited by the Housing Authority.
- ☐ The Housing Authority OBJECTS TO the Certification for the reason(s) checked below:
- ☐ A. The Certification fails to state specific factual allegations regarding the basis for the proceeding.
- ☐ B. Failure to allege facts which, if proven, would establish good cause to evict.
- ☐ C. The proposed non-payment proceeding seeks to recover from the tenant more than the share of rent for which the tenant is responsible. The correct tenant's share of rent per month is \$ _____. Explanation (if any): _____
- ☐ D. The landlord has failed to comply with Section 8 procedures applicable to the tenant and unit at issue, as follows:
- ☐ 1. Failure to include proof of mailing of Certification to tenant.
- ☐ 2. Other violation(s): _____
- ☐ E. The landlord is seeking to withdraw the tenant's unit from the Section 8 Program, in violation of the following applicable law: _____
- ☐ This Certification is not required for the Hold-over proceeding you seek to bring against this tenant.
- ☐ Our records indicate that the above-named tenant is not a NYCHA Section 8 voucher holder.

By: _____ Date: _____

**CERTIFICATION OF BASIS FOR EVICTION PROCEEDING
AGAINST TENANT PARTICIPATING IN THE SECTION 8
HOUSING CHOICE VOUCHER PROGRAM**

Date: _____

Tenant's Name: _____ Voucher #: _____

Tenant's Address: _____ Apt. #: _____

City/Zip Code: _____

- I. The undersigned landlord intends to commence an eviction proceeding against you on the following grounds and certifies that the grounds constitute a lawful basis for eviction of a tenant participant in the Section 8 Program.

☐ Non-payment of the tenant's share of rent, at \$ _____ per month, for the months of _____
_____ for a total of \$ _____, plus additional charges (if any) in the amount of \$ _____.
The landlord does not seek to recover from the tenants the subsidy portion of the rent. (Total
Contract Rent for apartment is \$ _____)

Explanation and itemization of rent demand and any additional charges (if necessary): _____

☐ Holdover proceedings related to termination or suspension of Section 8 assistance, as follows: _____

- II. FILL OUT THIS SECTION ONLY IF YOU HAVE A CLAIM AGAINST THE TENANT FOR THE TENANT'S SHARE OF THE RENT AND IF YOU ALSO INTEND TO SUE THE AUTHORITY FOR THE SUBSIDY PORTION OF THE CONTRACT RENT. The undersigned intends to include in the eviction proceeding a claim against the Housing Authority for non-payment of the subsidy portion of the contract rent, at \$ _____ per month, for the month(s) of _____ for a total of \$ _____. The landlord will not seek recovery of this amount from the tenant.

SIGNED: _____
Print Landlord's Name :

Landlord's Attorney: _____
Attorney's Address: _____

Landlord's Vendor #: _____ (required) Attorney's Phone #: _____

THE CERTIFICATION MUST BE EXECUTED BY SOMEONE WITH PERSONAL KNOWLEDGE OF THE RELEVANT FACTS, WHICH MAY BE BASED ON THE LANDLORD'S BOOKS AND RECORDS.

Please indicate where form is to be returned to: ☐ Landlord ☐ Attorney ☐ Both

NOTICE TO TENANT

PLEASE ADVISE THE HOUSING AUTHORITY WITHIN 10 DAYS OF THE DATE THIS CERTIFICATION IS MAILED OR DELIVERED OF ANY REASON WHY EVICTION PROCEEDINGS SHOULD NOT BE BROUGHT AGAINST YOU. You may respond or object by calling (212) 306-8500 or by writing to:

**NEW YORK CITY HOUSING AUTHORITY
LEASED HOUSING DEPARTMENT
EVICTION REVIEW UNIT
90 CHURCH STREET, 9TH FLOOR
NEW YORK, NY 10007**

In approximately 20 days, the Housing Authority will send you a copy of its reply.

- Your landlord must have good cause to evict you.
- Your landlord may not sue you for the subsidy portion of the rent.

IF YOUR LANDLORD TAKES YOU TO COURT, YOU MUST ANSWER ALL COURT PAPERS AND APPEAR IN COURT ON ALL DATES. YOU MAY RAISE IN COURT ANY DEFENSES THAT YOU HAVE.

- Your landlord must prove in court that there is good cause to evict you.
- Your landlord may not sue you based on any grounds other than those stated above in this letter.

YOU MAY WISH TO OBTAIN LEGAL REPRESENTATION OR ADVICE FROM A LAWYER. WHEN YOU APPEAR IN COURT, TAKE THIS LETTER WITH YOU AND SHOW IT TO THE JUDGE. CALL THE HOUSING AUTHORITY AT (212) 306-8500 IF YOU HAVE ANY QUESTIONS.

(SEE REVERSE SIDE FOR ADDITIONAL INFORMATION)

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Upon receipt of the landlord's Certification, the Authority shall:

- Determine whether it ACCEPTS or OBJECTS TO the Certification, and
- Provide written notice to the landlord and tenant of its determination.

A Section 8 landlord shall NOT maintain a proceeding where:

- The grounds are different from those in the Certification,
- The proceeding seeks a judgment against the tenant for the subsidy portion of the rent, or
- The landlord has not waited 25 days (30 days if the Certification was mailed to the Authority), unless the landlord has already received the response from the Authority.

A Section 8 landlord who is required to certify the basis for eviction and who commences an eviction proceeding shall:

- State in the petition, or attach to it, all documents showing:
 1. That the Authority and the tenant were given the landlord's Certifications,
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