

**MEMORANDUM**

**DATE:** May 15, 2017

**TO:** Job Center Directors and Regional Managers  
Fair Hearing Administration Staff

**FROM:** James K. Whelan, Executive Deputy Commissioner  
Office of Policy, Procedures and Training *JKW*

**SUBJECT:** Introduction of New Form **DSS-1** KNOW YOUR RIGHTS: How to Avoid and Fight an Illegal Eviction/Illegal Lockout

The purpose of this memo is to inform Job Center staff of a new form, **DSS-1** KNOW YOUR RIGHTS: How to Avoid and Fight an Illegal Eviction/Illegal Lockout.

**DSS-1** was developed to comply with Local Law 12 which requires City Agencies to inform individuals of their rights under Section 26-521 of the New York City Administrative Code regarding unlawful evictions. This law is effective May 16, 2017.

The Human Resources Administration (HRA) and the Department of Homeless Services (DHS) are required to provide this written notice to each individual who applies for a rental subsidy or rental assistance for housing that is subject to Section 26-521. In addition to the public assistance shelter allowance, it includes, but is not limited to, special housing programs subsidies for LINC, FEPS, CITYFEPS, SEPS, or any other housing programs that may be established in the future.

Whenever a case action results in adding or changing rent to a budget, or any special grant activity involving rent or a shelter allowance, the **DSS-1** must be given to the individual. If a case is re-opened and there is rent on the budget, the **DSS-1** must be given to the individual.

Effective May 16, 2017, staff must manually print, scan and give the individual the **DSS-1** for all activities described above. **DSS-1** is available in eDocs in English and Spanish. Other languages will be available within a week. At a future date, the Paperless Office System (POS) will be programmed to issue and save a copy of the **DSS-1** whenever a case action affects the rent grant. In addition, the **DSS-1** has been added to the automated Cash Assistance Application and Recertification kits. If an individual

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requests a paper application kit, the Job Center must include the **DSS-1** until such time as the prepared kits have the new form. Job Centers must print a supply of the **DSS-1**.

*Effective Immediately*

**Attachment:**

**DSS-1**      **KNOW YOUR RIGHTS: How to Avoid and Fight an Illegal Eviction/Illegal Lockout**

cc: FIA Call Center  
Code X

**KNOW YOUR RIGHTS:**

**HOW TO AVOID AND FIGHT AN ILLEGAL EVICTION / ILLEGAL LOCKOUT**

**You should know the following:**

The Unlawful Eviction Law protects people in certain situations. If you have lived at your address for 30 days or more, with or without a lease, and the Unlawful Eviction Law applies to you, your landlord cannot make you leave without a court order.\*

**It is ILLEGAL for your landlord to try to evict you by:**

- changing / removing the locks or removing the entrance door; or
- throwing away your belongings; or
- using or threatening violence; or
- cutting off heat, hot water, electricity or other essential services.

**How to protect yourself against an illegal eviction:**

- **KEEP PROOF** that you have lived at the address for at least 30 days.  
 Examples of proof include:
  - A copy of your lease; or
  - Electric or telephone bills, or other mail addressed to you at this address; or
  - Receipts or proof of rental payments.
- **TELL THE LANDLORD** that you will not leave without a court order.
- **CALL THE POLICE** if your landlord tries to force you to leave.
  - Tell the police you are being evicted in violation of the Unlawful Eviction Law.
- **GO TO HOUSING COURT** and file an illegal eviction case.
  - If you have been forced out or illegally locked out of your housing, you have the right to have your housing restored through an illegal lockout case. You must go to Housing Court and visit the Clerk's Office to start the case.

**Housing Courts in NYC are located at:**

<p><b>Bronx</b>            1118 Grand Concourse            Bronx, NY 10456</p>	<p><b>Queens</b>            89-17 Sutphin Boulevard            Jamaica, NY 11435</p>
<p><b>Brooklyn</b>            141 Livingston Street            Brooklyn, NY 11201</p>	<p><b>Staten Island</b>            927 Castleton Avenue            Staten Island, NY 10310</p>
<p><b>Manhattan</b>            111 Centre Street            New York, NY 10013</p>	

\*This notice is provided under Local Law 12, which requires the City to inform you of your rights under Section 26-521 of the New York City Administrative Code regarding unlawful evictions. It does not give you any rights you do not already have under Section 26-521. If you reside in housing operated by or on behalf of the City of New York or receive a rental subsidy, you must continue to meet the eligibility criteria of that program. Please call 311 for more information.

## **SEPA SUS DERECHOS:**

### **CÓMO EVITAR Y Oponerse A UN DESAHUCIO ILEGAL / O CIERRE**

#### **Usted debe saber lo siguiente:**

La Ley de Desahucio Ilegal (Unlawful Eviction Law) protege a las personas en ciertas situaciones. Si usted ha residido en su dirección por 30 días o más, con o sin contrato de arrendamiento, y la Ley de Desahucio Ilegal rige su situación, su casero no puede expulsarle de su vivienda sin orden judicial.\*

#### **Es ILEGAL que su casero trate de desahuciarle:**

- cambiando / quitando las cerraduras o la puerta de entrada; o
- botando sus pertenencias; o
- recurriendo a amenazas o violencia; o
- cortando la calefacción, el agua caliente, la electricidad u otros servicios esenciales.

#### **Cómo protegerse de desahucio ilegal:**

- **GUARDE PRUEBA** de que usted ha residido en la dirección por lo menos 30 días.  
Ejemplos de prueba:
  - Copia de su contrato de arrendamiento; o
  - Facturas de electricidad o de teléfono, u otra correspondencia con su dirección; o
  - Recibos o prueba de pagos de alquiler.
- **INFORME A SU CASERO** que usted no se irá sin una orden judicial.
- **LLAME A LA POLICÍA** si su casero trata de expulsarle.
  - Informe a la policía que se le está desahuciendo en contravención de la Ley de Desahucio Ilegal.
- **ACUDA AL TRIBUNAL DE VIVIENDA** y entable caso de desahucio ilegal.
  - Si usted ha sido expulsado de su vivienda o si le han cambiado o quitado ilegalmente las cerraduras, tiene el derecho de recuperar la vivienda mediante un caso de alteración ilegal de cerraduras. Usted debe remitirse a la Oficina del Secretario (Clerk's Office) del Tribunal de Vivienda (Housing Court) para entablar su caso.

#### **Tribunales de Vivienda en la ciudad de Nueva York:**

##### **Bronx**

1118 Grand Concourse  
Bronx, NY 10456

##### **Brooklyn**

141 Livingston Street  
Brooklyn, NY 11201

##### **Manhattan**

111 Centre Street  
New York, NY 10013

##### **Queens**

89-17 Sutphin Boulevard  
Jamaica, NY 11435

##### **Staten Island**

927 Castleton Avenue  
Staten Island, NY 10310

\*Conforme a la Ley Local 12 (Local Law 12), este aviso por parte de la ciudad le informa de sus derechos tal como se dispone en la Sección (Section) 26-521 del Código Administrativo de la Ciudad de Nueva York (New York City) referente a desahucios ilegales. Este aviso no le confiere a usted ningún derecho que usted ya posee conforme a la Sección 26-521. Si usted reside en vivienda administrada por la ciudad de Nueva York o a nombre de la misma, o si recibe un subsidio de alquiler, debe continuar cumpliendo los requisitos de elegibilidad de dicho programa. Favor de llamar al 311 para más información.