



FAST FACTS: HOUSING COURT

As a result of the Housing Security and Tenant Protection Act of 2019 (signed into law in June 2019), a few changes took place in Housing Court procedures. Below is a listing of “Housing Court Fast Facts” that tenants and advocates should be aware of when dealing with housing court cases.

NONPAYMENT PROCEEDINGS

- Oral rent demands are now considered insufficient notice to the tenant. Landlords must provide a written rent demand at least 14 days prior to starting a nonpayment case in court.
- If rent payment is not received within 5 days of the due date, landlords must provide tenants with a written notice by certified mail.
 - This notice is different from the 14-day rent demand notice above.
 - In addition, failure to provide this 5-day notice can be used as defense by the tenant in his/her nonpayment case.
- Landlords can no longer seek charges other than rent (such as late and legal fees) in nonpayment proceedings.
- Tenants will now have 10 days, instead of 5 days, to answer a nonpayment petition before being considered in default (failing to answer the petition).
- If a tenant pays all rental arrears in full to the landlord prior to the nonpayment case court date, the nonpayment case shall be dismissed from court.
- If a tenant pays all rental arrears in full to the landlord before the execution of a warrant of eviction, the courts must vacate (cancel) the warrant.

HOLDOVER PROCEEDINGS

- Tenants can answer up to the time the holdover petition is scheduled to be heard in court, that is, tenants are no longer required to answer a holdover petition in advance.
- If a holdover proceeding is based on a lease violation, the courts can postpone the issuance of a warrant by 30 days to allow tenants to correct the violation.

EVICCTIONS AND EVICTION NOTICES

- A Notice of Eviction must be delivered by the Marshal at least 14 days prior to the date of the eviction.
- The eviction notice must include the earliest date that the eviction may be performed.
- Evictions can only take place during a business day (Monday through Friday, excluding legal holidays).
- Courts can stay (postpone) an eviction for up 1 year (instead of 6 months) for good cause shown.



GENERAL

- Upon request, tenants (or landlords) in eviction proceedings in housing court are entitled to an adjournment (extension of time to return to court) of at least 14 days.
- Illegal evictions are now misdemeanors and carry civil penalties if a landlord unlawfully removes a tenant from a dwelling unit.
- Landlords, managing agents, and real estate brokers are prohibited from using any list, court records, or use any knowledge of any prior or pending landlord/tenant proceeding as a basis to refuse to rent or offer a lease to a potential tenant. Violations of this could result in fines.

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