**CITY/JUSTICE COURT: CITY/TOWN/VILLAGE OF [1]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

[2]

Petitioner-Tenant,

**PRO SE ORDER TO SHOW CAUSE TO** **RECOVER POSSESSION OF REAL PROPERTY**

***-against-***

**\*Case/Index No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Respondent-Landlord.

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 Upon the annexed petition of [3]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (PETITIONER-TENANT) sworn to on [4] \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_,

 LET the respondent-landlord or attorney show cause before this court located at [5] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, New York on \*\_\_\_\_\_\_\_\_\_, 20\_\_\_ at a.m./ p.m. (or as soon as the clerk calls the matter), why an order should not be made pursuant to RPAPL §721(4) and (10) and RPAPL § 768 (1) (a) or (b) awarding the petitioner possession of premises [6] \_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, New York along with costs and disbursements pursuant to RPAPL 747(3), and it is

 **ORDERED**, that pending a hearing of this matter respondent shall provide petitioner access, re-entry and possession of the premises [6] \_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, New York, including access to essential items, or complete the repairs that are constructively evicting the tenant or severely threatening health and safety, and it is further

 **ORDERED,** that pending the hearing of this matter, respondent is stayed from re-letting, leasing, assigning or permitting occupancy of the premises by persons other than petitioner, and it is further

 **ORDERED,** that pending the hearing of this matter, respondent is stayed from removing, destroying or disposing of the petitioner’s personal property, including all furniture and personal possessions, now in the premises, and it is further

 **ORDERED,** that the tenant may proceed as a poor person pursuant to Article 11 of the CPLR in order to file these papers without charge, and it is further

 **ORDERED,** that the tenant may serve a copy of this order together with a copy of the annexed petition upon respondent, respondent’s agent or attorney via facsimile or via electronic means authorized by the court as follows \_\_\_\_\_\_\_\_\_\_\_\_\_\_ or by  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on or before \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

Dated: \* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **JUDGE/JUSTICE OF THE CITY/JUSTICE COURT**

Numbers 1-6: Read instruction sheet before completing

**\*LEAVE BLANK FOR THE COURT TO COMPLETE**

**Admission of Service: Received by Landlord/Agent/Attorney \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_**

**CITY/JUSTICE COURT: CITY/TOWN/VILLAGE OF [1] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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Petitioner-Tenant,

***-against-* VERIFIED PETITION**

Respondent-Landlord \*Case/Index No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

[2]

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

State of New York, County of ss.:

 **PETITIONER** [3]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,for his/her petition, being sworn says:

1. I am the Tenant and the person entitled to possession of the premises located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, New York, \_\_\_\_\_\_\_\_\_\_\_.
2. This proceeding is brought pursuant to Real Property Actions and Proceedings Law (RPAPL) §721(4) and (10) because I am the person forcibly put out and kept out of or constructively evicted from the premises and RPAPL § 768 (1) because I was unlawfully evicted as described in RPAPL § 768 (1) (a) or RPAPL § 768 (1) because the owner refused to restore me pursuant to RPAPL § 768 (1) (b).
3. Respondent is (the agent of the owner of) (owner of) the premises.
4. I am seeking access, re-entry and possession of my home as well as costs and disbursements pursuant to RPAPL 747.
5. On \_\_\_\_\_\_\_\_\_, 20\_\_, I entered into a (written) (oral) agreement with Respondent to rent the premises as my home. I reside there (alone) (with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_).
6. On \_\_\_\_\_\_\_\_\_\_\_\_, I was in lawful possession of the premises.
7. On \_\_\_\_\_\_\_\_, 20 \_\_

\_\_\_\_\_\_I was constructively evicted because essential utilities (heat) (electric) (gas) (water) were interrupted by the landlord

\_\_\_\_\_\_ the locks to the premises were changed to the premises while I was outside and I was unable to enter

\_\_\_\_\_\_I was forcibly kept or put out

\_\_\_\_\_\_My door was removed or the locks were broken

\_\_\_\_\_\_There was a course of conduct intended to interfere with my use of the premises or to induce me to vacate

1. Upon information and belief, respondent and/or its agents or employees caused the eviction or constructive eviction without due process of law.
2. I have not been able to gain possession or access to the premises or safely reside in the premises from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_ to the present because respondent has refused.
3. I urgently need: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_as well as access to my other belongings.
4. My tenancy and right to occupy the subject premises have not been lawfully terminated by respondent. I have not received a notice of petition and petition to appear in court. Upon information and belief, there is no summary proceeding now pending against me in this court for non-payment or for holding over after notice to terminate. I have sought information from the court, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. I am proceeding by order to show cause because I have no other place to live and I am in immediate need of suitable housing.
2. I am unable to pay the filing fee for this petition and ask this court to waive the fee. My income comes from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. My valuables are: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. No previous application of this relief has been made.
2. [If you are not able to access a notary] I am unable to have my petition notarized. I cannot physically go to a Notary due to New York State’s PAUSE order. I do not have the capability to use a video Notary.

**WHEREFORE**, petitioner respectfully asks this court to grant a judgment:

1. Awarding petitioner re-entry, access to and possession of said premises or restoration of essential services;
2. Awarding petitioner costs and disbursements pursuant to RPAPL §747(3);
3. Awarding petitioner a judgment for the amount of rent paid during the period of wrongful lockout;
4. Awarding petitioner, if applicable, damages, including punitive or treble damages, to be determined by the court after a hearing; and
5. Granting such other and further relief.

 (Signature) Petitioner-Tenant

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sworn to before me on

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_

**NOTARY PUBLIC**

**INSTRUCTIONS FOR FILLING OUT THE ORDER TO SHOW CAUSE**

The numbers below match the numbers on the ORDER TO SHOW CAUSE. Fill in each blank according to the matching instructions.

[1] Write the name of the City/Town/Village and County where the court is located and the name of the county in which you live.

[2] Write your name (Petitioner-Tenant) and the name of your landlord and/or the name of the person who locked you out (Respondent-Landlord).

[3] Print your name.

[4] Write the date your signed Verified Petition was notarized before a Notary Public.

[5]Leave this blank for the court to fill in.

[6] Write your address, including apartment or room number/location if applicable.

\*The court will provide you a case/index number. The judge will fill in the date you and your landlord are to appear in court. The judge will also write the date by which you are to serve the papers upon the landlord and how you can serve them.

**INSTRUCTIONS FOR FILLING OUT THE VERIFIED PETITION**

The numbers [in brackets] below match the numbers on the PETITION.

[1] Write the name of the City/Town/Village and County where the court is located and the name of the county in which you live.

[2] Write your name (Petitioner-Tenant) and the name of your landlord and/or the name of the person who is keeping you from living in your home (Respondent-Landlord).

[3] Print your name.

Fill in all of the blanks. Where there is a choice to complete the sentence, cross out the part that does not apply. For example, in number 5, if you have an oral lease agreement, cross out the word “written” and underline the word “oral,” if you live alone, underline the word “alone” and cross out the word “with.”

For number 7, there are blanks next to three options. Initial in the blank next to any options that apply to your situation.

Sign the Petition in front of a Notary Public. (Notary by video is available during the Covid crisis). Do not sign until you are before the notary and have completed the form. Number 15 contains a statement for those unable to notarize. If you are not able to notarize, leave this in. If you are able to notarize, cross it out.

**INSTRUCTIONS FOR OBTAINING AND SERVING THE ORDER TO SHOW CAUSE**

1. After you complete the Order to Show Cause and Affidavit, call the court in your county to confirm the email address to use to email your papers. See email addresses and phone numbers below. There is one designated emergency court for each county – Dutchess, 50 Market Street, Poughkeepsie; Orange, 285 Main Street, Goshen; Putnam, 20 County Center, Carmel; Rockland, 1 South Main St New City; Sullivan, 414 Broadway Monticello; Ulster, 285 Wall Street, Kingston; Westchester, 111 Martin Luther King Blvd White Plains.

**Dutchess County City Court Matters:**
VirtualDutchessCountyCityCourt@nycourts.gov
**Dutchess County Beacon City Court Matters:**
VirtualBeaconCityCourt@nycourts.gov
**Dutchess County Poughkeepsie City Court Matters:**
VirtualPoughkeepsieCityCourt@nycourts.gov

**Orange County City Court Matters:**
VirtualOrangeCountyCityCourt@nycourts.gov
**Orange County Middletown City Court Matters:**
VirtualMiddletownCityCourt@nycourts.gov
**Orange County Newburgh City Court Matters:**
VirtualNewburghCityCourt@nycourts.gov
**Orange County Port Jervis City Court Matters:**
VirtualPortJervisCityCourt@nycourts.gov

**Putnam Supreme, County, and Family Court Matters:**
VirtualPutnamMultiCourt@nycourts.gov

**Rockland Supreme Court Matters:**
VirtualRocklandSupremeCourt@nycourts.gov
**Rockland County Court Matters:**
VirtualRocklandCountyCourt@nycourts.gov

Sullivan

SullivanSupremeCourt@nycourts.gov

Ulster

KingstonCityCourt@nycourts.gov

**Westchester County City Court Matters:**
VirtualWestchesterCountyCityCourt@nycourts.gov
**Westchester County Mt Vernon City Court Matters:**
VirtualMtVernonCityCourt@nycourts.gov
**Westchester County New Rochelle City Court Matters:**
VirtualNewRochelleCityCourt@nycourts.gov
**Westchester County Peekskill City Court Matters:**
VirtualPeekskillCityCourt@nycourts.gov
**Westchester County Rye City Court Matters:**
VirtualRyeCityCourt@nycourts.gov
**Westchester County White Plains City Court Matters:**
VirtualWhitePlainsCityCourt@nycourts.gov
**Westchester County Yonkers City Court Matters:**
VirtualYonkersCityCourt@nycourts.gov

Before and after you email your papers, call the clerk:

914-824-5400 Westchester
845-431-1720 Dutchess
845 476 3430 Orange
845-208-7805 Putnam
845-483-8337 Rockland

845-791-3540 Sullivan

845-481-9350 Ulster

2. Find out from the court clerk when it will be signed and how they will get it to you to serve upon the respondent-landlord you named in the Order to Show Cause.

3. When the court clerk gives you the signed Order to Show Cause, note carefully the date you are to have a video or phone hearing or return to court, and the date by which you must serve this Order to Show Cause upon the other party. The judge filled in these dates. You must serve both a copy of the signed Order to Show Cause and your Verified Petition.

4. If the Judge will not sign the order to show cause, you can present it to another court. Call LSHV at 877-574-8529 for more information.

5. The court decides how you have to serve the papers. **Follow carefully any instructions from the court for procedures they are using during this emergency.** The form says “via facsimile or via electronic means authorized by the court as follows \_\_\_\_\_\_\_\_\_\_\_\_\_\_ .” Via facsimile means by fax. If you do not have access to a fax machine, tell the clerk. If you do not have access to email or to a computer, tell the clerk. If the judge does not change anything, you can fax or email the papers. Make sure to keep the confirmation pages. If the judge writes anything (such as “personally”), that is how you have to serve the papers.

6. If you serve the Order to Show Cause personally, ask each person served to sign their name and the date on the original order. If anyone refuses to sign, complete the affidavit of service and have it notarized if you can. Return the original order to show cause an affidavit of service to the court. **The court cannot grant relief unless the tenant can show that she followed the court’s instructions to serve the landlord.**

**INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF SERVICE OF THE ORDER**

If you did not serve the papers personally or if any of the persons you served personally refused to admit receipt of a copy of the order by signing their name on the original Order to Show Cause, you must complete the below affidavit of service to indicate who was served and where and when. This affidavit **must** be notarized by a notary public.

**AFFIDAVIT OF SERVICE OF ORDER TO SHOW CAUSE**

State of New York, County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ss.:

 [3] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being sworn says:

I am the tenant in this proceeding and am over 18 years of age and reside at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

On \_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (address) I served a copy of this Order and Verified Petition by: (check applicable box and write name of person served)

[ ] PERSONAL SERVICE ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Respondent by delivering a true copy to Respondent personally. I know the person served is Respondent.

[ ] PERSONAL SERVICE ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Respondent’s agent by delivering a true copy personally. I know that the person served is Respondent’s agent.

[ ] PERSONAL SERVICE ON Respondent, a Corporation/Partnership by delivering a true copy to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ personally at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I know that this person is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (position) of the Corporation/Partnership.

\_\_\_\_\_\_ CERTIFIED MAIL, RETURN RECEIPT REQUESTED, ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] By Fax at #\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the number designated by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for receipt of papers.

[ ] other service ordered by the court \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (SIGNATURE OF TENANT)

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Notary Public**