



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

HON. JOSEPH A. ZAYAS
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI
COUNSEL

MEMORANDUM

To: All Interested Persons

From: David Nocenti

Re: Request for Public Comment on Proposal to Promulgate Standardized, Plain Language Notice of Petition Forms for Mandatory Use in Housing Matters Outside of New York City

Date: October 18, 2023

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The Administrative Board of the Courts is seeking public comment on a proposal by the Office of Court Administration to amend the Uniform Civil Rules for the City Courts Outside New York City, the Uniform Civil Rules for the District Courts, and the Uniform Rules of the Justice Courts (*see Ex. A*), in order to promulgate standardized, plain language Notice of Petition forms for mandatory use in housing matters outside New York City (*see Ex. B*).

Notice of Petition forms are used in summary proceedings, the expedited process through which a landlord may evict a tenant. The Notice of Petition is served on a tenant to provide notice that a summary nonpayment or holdover proceeding has been started against the tenant. While standard Notice of Petition forms are already in use in New York City Housing Court, standardized Notice of Petition forms have now been developed for the first time for courts outside New York City (*see Ex. B*).

The Notice of Petition form for nonpayment was piloted in various City, Town, Justice, and District Courts in Erie, Monroe, and Suffolk Counties. The form uses a simplified caption, infographics, symbols, and QR codes and other links to online services to help unrepresented landlords and tenants navigate court proceedings. The text is written at a low reading level that makes the form easy to understand and does not require separate instructions to complete. Legal terms are explained on the form for ease of understanding, and there are links to the Spanish and

ASL translations of the form and information regarding ADA accommodations in court. A Notice of Petition form for holdover proceedings was also developed using these same features.

OCA submits that the standardized Notice of Petition forms will simplify processes and reduce confusion for litigants, make court proceedings easier to understand, increase access to online resources, and address and cure roadblocks to the resolution of cases. OCA also proposes that the corresponding rules for the City Courts, District Courts, and Justice Courts be amended so that the new Notice of Petition forms are promulgated for mandatory use in those courts. (*See Ex. A*)

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Persons wishing to comment on the proposal should e-mail their submissions to rulecomments@nycourts.gov or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10th Fl., New York, New York, 10004. Comments must be received no later than December 1, 2023.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

EXHIBIT A

Section 210.42 Proceedings under article 7 of the Real Property Actions and Proceedings Law.

(a) Such proceedings involving residential property shall be commenced in the City Court in which the real property or portion thereof is located. No default shall be noted until at least one hour after the hour when the proceeding is called.

(b) The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form notice of petition for mandatory use in eviction proceedings involving residential property under Article 7 of the Real Property Actions and Proceedings Law (other than in proceedings brought on the ground that the respondent has defaulted in the payment of rent).

Appendix A - Notice of Petition Holdover Form

(c) Real Property Action and Proceedings Law §732 shall be applicable in this court in a proceeding brought on the ground that the respondent has defaulted in the payment of rent. The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form notice of petition for mandatory use in such proceedings.

Appendix B – Notice of Petition Nonpayment Form

~~(b) The following form is set forth as an example of the notice of petition (the provisions relating to the demand for a money judgment should be omitted unless the petition so demands):~~

CITY COURT OF THE CITY OF		
<hr/>		
)	
Petitioner)	NOTICE OF
Address)	PETITION
against)	
)	
Respondent)	
Address)	
)	

~~To the respondents _____ above named and described, in possession of the premises hereinafter described or claiming possession thereof:~~

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the City Court of the City of _____, District, to be held at _____, City of _____, County of _____, on the _____ day of _____, 19____, at _____ am/pm, which prays for a final judgment of eviction, awarding to the petitioner the possession of premises designated and described as follows: the _____ rooms on the _____ floor, Apartment No _____, _____ Street, City of _____ in the County of _____, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for judgment against you, the respondent, for the sum of \$ _____, with interest thereon from _____, 19____

TAKE NOTICE that your answer may set forth any defense or counterclaim you may have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner in the amount demanded in the petition.

Dated: County of _____, the _____ day of _____, 19____

Attorney(s) for Petitioner
Office and Post Office Address
Telephone Number

Clerk

(c) At the option of the petitioner, on condition that he or she serve the notice of petition at least eight days prior to the return day, the following paragraph may be inserted in the foregoing notice of petition immediately after the paragraph which sets forth the amount of money for which demand is made in the petition:

TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition is served upon you on or before the..... day of, 19....., in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the clerk of the court at his or her office or in writing by serving a copy thereof upon the undersigned attorney for the petitioner*, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the court at the time and place hereinabove set forth for the hearing.

~~*If the petitioner appears in person, strike out the words "undersigned attorney for the."~~

~~(d)~~ (c) At the time of the issuance of a notice of petition by a judge or the clerk, or an order to show cause by the judge, in a summary proceeding to recover possession of real property, a copy of such order to show cause or notice of petition shall be filed with the clerk. The original papers with proof of service thereof shall be filed with the clerk within the time specified by statute.

~~(e)~~ (d) Where a part exists to hear proceedings brought pursuant to this section, an action noticed to be heard on a day when a judge is not assigned to the part shall not be accepted for filing. The papers shall be returned to the attorney with a notification as to the days on which a judge is assigned.

Section 212.42 Proceedings under article 7 of the Real Property Actions and Proceedings Law.

(a) Such proceedings involving residential property shall be commenced in the district in which the real property or portion thereof is located. No default shall be noted until at least one hour after the hour when the proceeding is called.

(b) The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form notice of petition for mandatory use in eviction proceedings involving residential property under Article 7 of the Real Property Actions and Proceedings Law (other than in proceedings brought on the ground that the respondent has defaulted in the payment of rent).

Appendix A - Notice of Petition Holdover Form

(c) Real Property Action and Proceedings Law §732 shall be applicable in this court in a proceeding brought on the ground that the respondent has defaulted in the payment of rent. The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form notice of petition for mandatory use in such proceedings.

Appendix B – Notice of Petition Nonpayment Form

(b) The following form is set forth as an example of the notice of petition (the provisions relating to the demand for a money judgment should be omitted unless the petition so demands):

DISTRICT COURT OF _____	
THE COUNTY OF _____	

)	
Petitioner)	NOTICE OF
Address)	PETITION
against)	
Respondent)	
Address)	
Respondent)	
Address)	
<hr/>		
<hr/>		

To the respondents _____ above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the District Court of the County of _____, _____ District, _____ Part, to be held at _____, Town of _____, County of _____, on the _____ day of _____, 19____, at _____ am/pm, which prays for a final judgment of eviction awarding to the petitioner the possession of premises designated and described as follows:

the _____ rooms on the _____ floor, Apartment No. _____, _____ Street, Town of _____ in the County of _____, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for judgment against you, the respondent, for the sum of \$ _____, with interest thereon from _____, 19____.

TAKE NOTICE that your answer may set forth any defense or counterclaim you may have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner in the amount demanded in the petition.

Dated: County of _____, the _____ day of _____, 19____

Attorney(s) for Petitioner
Office and Post Office Address
Telephone Number

-	_____ _____	
-	Clerk	District

(c) At the option of the petitioner, on condition that he serve the notice of petition at least eight days prior to the return day, the following paragraph may be inserted in the foregoing notice of petition immediately after the paragraph which sets forth the amount of money for which demand is made in the petition:

TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition is served upon you on or before the day of, 19....., in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the clerk of the court at his or her office or in writing by serving a copy thereof upon the undersigned attorney for the [FNa1] petitioner, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the court at the time and place hereinabove set forth for the hearing.

[FNa1] If the petitioner appears in person, strike out the t the words "undersigned attorney for the."

(d) (c) At the time of the issuance of a notice of petition by a judge or the clerk, or an order to show cause by the judge, in a summary proceeding to recover possession of real property, a copy of such order to show cause or notice of petition shall be filed with the clerk. The original papers with proof of service thereof shall be filed with the clerk within the time specified by statute.

(e) (d) An action noticed to be heard on a day when a judge is not assigned to the part shall not be accepted for filing. The papers shall be returned to the attorney with a notification as to the days on which a judge is assigned.

Section 214.13 Proceedings Under Article 7 of the Real Property Actions and Proceedings Law

(a) Such proceedings involving residential property shall be commenced in the Town or Village Court in which the real property or portion thereof is located. No default shall be noted until at least one hour after the hour when the proceeding is called.

(b) The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form notice of petition for mandatory use in eviction proceedings involving

residential property under Article 7 of the Real Property Actions and Proceedings Law (other than in proceedings brought on the ground that the respondent has defaulted in the payment of rent).

Appendix A - Notice of Petition Holdover Form

(c) Real Property Action and Proceedings Law §732 shall be applicable in the Justice Courts in a proceeding brought on the ground that the respondent has defaulted in the payment of rent. The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form notice of petition for mandatory use in such proceedings.

Appendix B - Notice of Petition Nonpayment Form

EXHIBIT B



Notice of Court Date: Rent Not Paid

UCS-NPN (1/2023)

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nycourthelp.gov

Landlord: attach this form to your petition. If you are asking for an eviction for a reason other than unpaid rent, this is the wrong form.

County of

City Town Village District Court

Case No.

Name of Court:

Landlord: the name of the court is usually a location, like Buffalo City Court or Concord Town Court. For Suffolk County District Court, write the district number and location, like 2nd District Lindenhurst.

TO: Renter/Tenant

Respondent:

Name of renter the landlord is asking the court to evict. This can be more than 1 renter.

Renter's Address:

FROM: Landlord

Petitioner:

Name of landlord or owner asking the court to evict the renter for not paying rent.

Landlord's Address:

Landlord: write your business address if you have one or your home address if you don't.

Warning! Your landlord claims you owe back rent and is asking the court to evict you if you do not pay. If you do not want to be evicted, you must go to court on the date and time below. If your name is not on this form but you live at this address, you have a right to go to court.

Go to Court on

Acuda al tribunal

Date: (mm/dd/yyyy)

Fecha

Time: AM PM

Hora

Court address:

Dirección del tribunal

Courtroom #:

de sala



Landlord's Reason to Ask for Eviction

- 1. Your landlord says you owe back rent and interest on the back rent. Look at the Petition that came with this Notice for how much the landlord thinks you owe.
2. Your landlord wants the court to make a judgment to order you to pay back rent and interest. If you agree with the amount the landlord thinks you owe and you pay the landlord, the court will dismiss the case. Take your payment or proof of payment to court.

Your Answer

1. Your response to the Petition is called an Answer. You can speak your Answer in court. Or you can write your Answer and take it with you to court.
2. Your Answer tells your side of the case and the reasons the landlord should not win. The reasons are called defenses. You can also talk about money that the landlord owes you. If you do not tell the court about a defense, you might not be able to use it to support your case or any other case. Learn more about *Answers* at: nycourts.gov/forms/landlordtenant/.

Need more time to get ready for court?

Go to court on your court date and ask for a 14-day postponement. (RPAPL 745)

Landlord's Lawyer's Information (If landlord does not have a lawyer, skip to Landlord's Information below.)

Lawyer's Name (print)	Lawyer's Signature
Business Address	
Date	Phone


Landlord's Information (Complete only if the landlord does not have a lawyer.)

Landlord's Name (print)	Landlord's Signature	
Address Landlord: write your business address if you have one or your home address if you don't.		
Date	Phone	Signature of <input type="checkbox"/> Court Clerk <input type="checkbox"/> Judge

Resources for Landlords and Renters

Written Translation of this Form

nycourts.gov/forms/landlordtenant/

- Spanish | español
- ASL | 



Free Interpreters

Spoken & Sign Language
 1-800-COURT-NY (1-800-268-7869)
nycourts.gov/courtinterpreter
courtinterpreter@nycourts.gov



Find a Lawyer, Legal Help & Information

- nycourts.gov/courthelp/Homes/evictions.shtml
- lawhelpny.org
- tenanthelpny.org
- NYS Bar Association Lawyer Referral Service (low cost), findalawyernys.org



ADA Accommodations

1-800-COURT-NY (1-800-268-7869)
nycourts.gov/accessibility
ada@nycourts.gov

Financial Help from 2-1-1

- Call 211
- Go to www.211.org
- Get 211 help at some courthouses





Notice of Court Date: Eviction Case

(Landlords: attach this form to your petition. If you are only asking for unpaid rent, use form: UCS-NPN)

UCS-NPH (1/2023)

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nycourthelp.gov

County of _____

City Town Village District Court

Case No. _____

Name of Court: _____

Landlord: the name of the court is usually a location, like Buffalo City Court or Concord Town Court. For Suffolk County District Court, write the district number and location, like 2nd District Lindenhurst.

TO: Occupant/Respondent (Name of person or people the landlord is asking the court to evict):

Property Address _____

FROM: Landlord/Petitioner (Name of landlord or owner of the property who is starting this case):

Landlord's Address: _____

Landlord: write your business address if you have one or your home address if you don't.

ABOUT: Your landlord wants to evict you. The landlord's reasons are given in the attached Petition.

Your landlord is also asking for a money judgment plus interest.



Go to Court on

Date: _____ (mm/dd/yyyy)

Time: _____ AM PM

Court address: _____

Courtroom #: _____

Acuda al tribunal

Fecha

Hora

Dirección del tribunal

de sala

How to Respond to the Petition

1. Your response to the Petition is called an Answer. You can speak your Answer in court. Before court, you can write your Answer and take it with you to court.
2. Your Answer tells your side of the case and the legal reasons that you should be allowed to stay. The legal reasons are called defenses. You can also talk about money that the landlord should pay. These are called counterclaims. If you do not tell the court about a defense, you might not be able to use it to support your case or any other case. Learn more about Answers at: nycourts.gov/forms/landlordtenant/.

Need more time to get ready for court?

Go to court on your court date and ask for a 14-day postponement. (RPAPL 745)

Landlord's Lawyer's Information (If landlord does *not* have a lawyer, skip to *Landlord's Information* below.)

Lawyer's Name (print)

Lawyer's Signature

Business Address

Date

Phone

Landlord's Information (Complete only if the landlord does *not* have a lawyer.)

Landlord's Name (print)

Landlord's Signature

Address Landlord: write your business address if you have one or your home address if you don't.

Date


Phone

Signature of Court Clerk Judge

Resources for Landlords and Renters

Written Translation of this Form

nycourts.gov/forms/landlordtenant/

- Spanish | español
- ASL | 



Free Interpreters

Spoken & Sign Language
1-800-COURT-NY (1-800-268-7869)
nycourts.gov/courtinterpreter
courtinterpreter@nycourts.gov



Find a Lawyer, Legal Help & Information

- nycourts.gov/courthelp/Homes/evictions.shtml
- lawhelpny.org
- tenanthelpny.org
- NYS Bar Association Lawyer Referral Service (low cost), findalawvernys.org



ADA Accommodations

1-800-COURT-NY (1-800-268-7869)
nycourts.gov/accessibility
ada@nycourts.gov

Financial Help from 2-1-1

- Call 211
- Go to www.211.org
- Get 211 help at some courthouses

