



The Only Person Who Can Evict You From an Adult Home is a Judge

Questions? Call Mobilization for Justice (MFJ) toll-free at (877) 417-2427

Do I have to move out if the home tells me to leave or gives me a thirty-day notice?

No! The only person who can make you move out of an adult home is a judge. In order to make you move out, the adult home has to go through the eviction process in court. The home cannot make you leave unless it gets a court order from a judge.

What should I do if I am being evicted?

Call MFJ or an attorney of your choice as soon as possible for help. An attorney can look at your 30-day notice or court papers and give you legal advice.

The Eviction Process:

1. The adult home gives you a **30-day notice** that says why they want you to leave and when. If you receive a 30-day notice and you do not want to leave, you should tell the home that you want to stay and call MFJ or an attorney of your choice for advice.
2. After 30 days, the adult home must give you court papers called a **Notice of Petition** and **Petition**. The Notice of Petition should tell you the time and place of your first court date. If you receive these papers, you should call MFJ or another attorney for advice.
3. Your case will go to court before a **judge**. The judge will decide if there is a legal reason why you should be evicted. You have the right to go to court and tell the judge why you should be able to stay at the home.
4. If the judge orders you to leave, he or she might give you some time to find another place to live. If the judge decides you can stay, the home cannot make you leave.

What are my rights?

You have the right to receive notice about any eviction proceeding brought against you in court. You have the right to know why the adult home is trying to evict you. You have the right to raise legal defenses and to tell the judge why you do not think you should be evicted. You can also have an attorney represent you in court.

What if I don't have time to call an attorney before court?

You can tell the judge you need more time to call an attorney and ask the judge to give you another date to come back to court. This is called an adjournment.

If the adult home takes me to court, do I have to leave?

The home has to prove that there is a legal reason why you should be evicted. If the judge disagrees with the home, you will be able to stay.

What are reasons that an adult home can evict me?

- You have not paid your monthly rent;
- Your behavior is dangerous to yourself or others;
- Your behavior is repeatedly disruptive;
- The home is being closed; or
- You become so sick that you can't get necessary care in the home.

An adult home can NOT evict you for any of the following reasons:

- You are temporarily hospitalized;
- Your income is reduced because of an overpayment;
- You make a complaint about the home;
- You stand up for your rights; or
- You contact a lawyer.

Can I stay if I owe the adult home money?

Maybe. If you owe money and want to stay, you should still pay your ongoing monthly rent if you can. The home must help you apply for public benefits to cover what you owe. This is part of the home's case management duties. Even when the home brings an eviction proceeding against you in court, the judge should give you time to apply for public benefits. If you pay back the money you owe, you can stop the eviction.

If I am hospitalized, can I go back to the adult home?

Yes. If you need medical hospitalization or become a danger to yourself or others, the home might be able to make you leave for a temporary hospitalization. However, you have the right to go back to the home when the doctors say you are ready.

If I am sent to a nursing home or rehab facility, can I go back to the adult home?

Yes. You have the right to return to the adult home when the doctors say you are ready.

**DISCLAIMER: This fact sheet gives general information
for NYC residents; it is NOT legal advice.**

REMEMBER: The only person who can evict you from an adult home is a judge. If the adult home is trying to make you leave, call the Adult Home Advocacy Project of Mobilization for Justice at (877) 417-2427.