



DATE: 08/23/2014
TIME: 08:11:40
SER#: 10249528

FINEST MESSAGE

General Administrative Information

TO: ALL COMMANDS

RE: ENFORCEMENT OF UNLAWFUL EVICTIONS (SECTION 26-521 OF THE NYC ADMINISTRATIVE CODE) AT THREE-QUARTER HOUSES

TO ENSURE ENFORCEMENT OF THE UNLAWFUL EVICTION LAW AT THREE QUARTER HOUSES, THE FOLLOWING WILL BE ADHERED TO EFFECTIVE IMMEDIATELY:

THREE-QUARTER HOUSES ARE SOMETIMES KNOWN AS 'SOBER HOUSES' OR 'TRANSITIONAL HOUSES.' MANAGERS OF THREE-QUARTER HOUSES OFTEN ASSERT THAT RESIDENTS HAVE WAIVED THEIR RIGHTS, EVEN THOUGH THESE RIGHTS CANNOT BE WAIVED. THESE DWELLINGS ARE COVERED BY THE UNLAWFUL EVICTION LAW ONCE AN ADULT HAS RESIDED IN A THREE-QUARTER HOUSE FOR 30 CONSECUTIVE DAYS OR LONGER, OR PURSUANT TO A LEASE. THE UNLAWFUL EVICTION LAW PROTECTS OCCUPANTS OF ALL SUCH DWELLINGS FROM EVICTIONS WITHOUT COURT PROCESS, EVEN THOSE WHO HAVE SIGNED WAIVERS.

OFFICERS WILL ENFORCE THE UNLAWFUL EVICTION LAW, EVEN IF THE LANDLORD SHOWS DOCUMENTS SIGNED BY AN OCCUPANT STATING THAT THE INDIVIDUAL WAIVED HIS OR HER RIGHTS AS A TENANT. OFFICERS WILL NOT ATTEMPT TO DETERMINE THE VALIDITY OF SUCH WAIVERS. OFFICERS WILL ENFORCE THE UNLAWFUL EVICTION LAW EVEN WHERE THE LANDLORD ALLEGES THAT THE OCCUPANT HAS VIOLATED THEIR LEASE PROGRAM, OR HOUSE RULES. LANDLORDS, BUILDING MANAGEMENT, OR SUBLESSORS MAY CLAIM TO OPERATE REHABILITATION OR TRANSITIONAL HOUSING PROGRAMS WITH TIME LIMITS. HOWEVER, SUCH DWELLINGS AND PROGRAMS ARE NOT EXEMPT FROM THE UNLAWFUL EVICTION LAW. THEREFORE, OCCUPANTS OF DWELLINGS WHO HAVE "GRADUATED" OR COMPLETED OUTPATIENT TREATMENT CANNOT BE "DISCHARGED," OR "TRANSFERRED," OR OTHERWISE REMOVED FROM THE PREMISES WITHOUT A COURT ORDER. THIS IS TRUE EVEN IF THE OCCUPANT IS OFFERED A PLACE TO STAY IN ANOTHER DWELLING.

WHEN A UNIFORMED MEMBER OF THE SERVICE HAS PROBABLE CAUSE TO BELIEVE THAT A PERSON HAS BEEN UNLAWFULLY EVICTED FROM A DWELLING UNIT, MEMBERS OF THE SERVICE SHOULD REFER TO PATROL GUIDE 214-12 AND LEGAL BUREAU BULLETIN VOLUME 23, NO. 1 MARCH, 1993.

TO BE READ AT TEN (10) CONSECUTIVE ROLL CALLS.

ADMN - SER#: 10249528

POST IN MUSTER ROOM OR OTHER CONSPICUOUS LOCATION IN THE COMMAND.

AUTHORITY: DEPUTY COMMISSIONER, COLLABORATIVE POLICING

OPER: LT. CORBETT