STATE OF NEW YORK
CITY/DISTRICT/TOWN/VILLAGE COURT (1) _____
COUNTY OF (2) _____

(4) _____

_____

_____ (3) Index/Docket No._____

Petitioner(s)/Landlord(s)

-against-

HOLDOVER PETITION TO RECOVER POSSESSION OF REAL PROPERTY

(5) _____

_____

_____

Respondent(s)/Tenant(s)

THE PETITION OF (6)_____ owner and landlord of the premises allege that:

1. The undersigned is the owner/landlord of the premises claimed herein and the petitioner in this action.

2. Respondent(s) (7) _____ is/are the Tenant(s) of said premises who entered in possession thereof under rental agreement made on or about the (8) _____day of_____,20____ and ending on (9)_____, 20___ at the rental of (10) _____ for each month payable on the (11) _____day of each month. Respondent(s) (12) _____ is/are the Under-tenant(s) of the aforesaid respondent Tenant(s).

3. The premises are described as follows : (13) _____ which is situated within the territorial jurisdiction of this court.

4. The term for which said premises were rented by the respondent(s) expired on (14) _____,20____ as a result of:

(15)

☐ The agreed-upon time period of the verbal/written agreement has ended.

☐ The agreed-upon time period of the lease has ended.

5. The respondent(s) continue in possession of the premises without permission of the landlord/petitioner after the expiration or termination of said term.

6. (16)

☐ The landlord is in full compliance with the Emergency Tenant(s) Protection Act of 1974 (ETPA), as amended, and the rent demanded is not greater than the maximum rent permitted by law.

☐ The premises are subject to rent control and the rent demanded herein does not exceed the maximum rent prescribed by the New York State Division of Housing and Community Renewal (DHCR).

☐ The premises are presently subject to ETPA, as amended, because _____

_____

_____

and the owner of the premises: has registered rents and services with the DHCR pursuant to ETPA and the tenant(s) Protection Regulations promulgated thereunder; is in compliance with ETPA; and the rent demanded herein does not exceed the legal regulated rent permitted the owner under said Law, Regulations, and appropriate Rent Guidelines Board Orders.

(16 continued)

The apartment is not subject to rent control by reason of:

☐ The premises are located in a community which has not adopted ETPA.

☐ The building in which the premises are located was constructed after December 31,1973.

☐ The building in which the premises are located has less than 6 units.

7. **(17)**

☐ Petitioner lacks written information or notice of any address where the respondent/tenant(s) resides, is employed, has a place of business, has its principal office or place of business in New York State, other than the address of the property sought to be recovered.

8. **(18)**

☐ At least one month before the expiration of the term the respondent tenant(s) was served in the manner provided for by law with a notice that the landlord elected to terminate the tenancy and that unless the tenant(s) removed from said premises on the day on which said term expired the landlord would commence summary proceedings under the statute to remove tenant(s) therefrom.

OR

☐ The respondent/tenant(s) was given notice in accordance with the terms of the lease that the landlord elected to terminate said tenancy.

(19)

The property herein sought to be recovered *is* ☐ *is not* ☐ the residence of the tenant(s) and/or under-tenant(s) herein.

Petitioner requests final judgment: awarding possession of the premises to the petitioner/landlord; issuance of a warrant to remove respondents from possession thereof; judgment for rent in arrears against respondent/tenant(s) for **(20) $** _____ fair value of use and occupancy; interest from **(21)**_____; costs and disbursements herein.

Dated: **(22)** _____ , 20 ____

Petitioner: **(23)** _____ / _____

(Signature) (Print or Type Name)

STATE OF NEW YORK, COUNTY OF**(24)** _____ss.: The undersigned

(25)

☐ Petitioner

☐ Attorney for petitioner (petitioner is not within the county in which deponent's office is located).

☐ Agent for petitioner

Being duly sworn states: That deponent has ***read /heard*** the petition, and the contents of the petition are true to deponent's own knowledge except as to those matters which are alleged on information and belief, and as to them deponent believes them to be true.

(26)

_____

(Signature)

_____

(Print or Type Name)

(27)

Sworn to before me this _____ day of _____ , 20 _____

_____

Notary Public