

Real Property Law §227-c

General Form 38  
(Petition for Order Terminating or Severing Lease or  
Rental Agreement)  
9/2007

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

.....  
In the Matter of a Proceeding Under Article \_\_ of the  
Family Court Act

Petitioner

Docket No.

-against-

Respondent

.....  
In the Matter of a Proceeding under  
Real Property Law §227-c

Docket No.

Petitioner-tenant

PETITION FOR  
 TERMINATION  
 SEVERANCE  
OF LEASE OR RENTAL  
AGREEMENT

against

Respondent(s)-Landlord(s)

Respondent(s)-Co-tenant(s)

.....  
TO THE FAMILY COURT:

The Petitioner respectfully shows that:

1. I make this petition for an order terminating my  
 oral  written lease or rental agreement with [specify landlord(s)]:  
at [specify address of premises, including apartment number, if any]:<sup>1</sup>  
I have a  month-to-month  \_\_ year lease or rental agreement that began on [specify date]:  
and expires on [specify date]:

2. a. I am the  Petitioner  Respondent in the above-named related Family Court proceeding  
[specify Docket #]: . I am a person protected by  an order of protection  a temporary order  
of protection issued by  this Court in that proceeding  [Out-of-state orders only]: the following other  
court of competent jurisdiction [specify court and jurisdiction]:

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<sup>1</sup> NOTE: If an address confidentiality order has been issued, the address of the premises may be redacted from the copy served upon the person against whom the order of protection has been issued.

on [specify date]:

b. The order protects  me  my child(ren)[specify]:  
against [specify name of person against whom order was issued]:  
Among other conditions, it requires him/her to  stay away from  refrain from committing crimes  
against  me  my child(ren).

c. The person against whom the order was issued [check any boxes that apply]:  
 resides in the above-named leasehold premises  resided in the above-named leasehold premises until  
[specify]:  is named as a tenant or co-tenant on the lease or rental agreement  
 is a subtenant of all or part of the leasehold premises. If so, the primary tenant is [specify]:  
 is not named in the lease but may have a right or claim to reside in or occupy the leasehold premises as a  
result of my having occupied the premises  none of the above.

d. The order of protection expires on [specify date]:

3. The lease or rental agreement regarding the above-named premises  is  is not the  
subject of litigation in any housing, matrimonial or any other proceeding in any other court. [If it is,  
describe and specify court, status of case and docket or index number, if available]:

4. Despite the  order of protection  temporary order of protection described in Paragraph 2, I  
believe that if I remain in the premises I and/or my child(ren) will remain at substantial risk of physical or  
emotional harm from [specify person against whom order was issued]: because of the  
following facts and circumstances [specify, including names and ages of children, if any]:

I believe that if I am permitted to terminate my obligations on this lease or rental agreement, this risk will  
be substantially reduced.

5. [Applicable to motions to terminate lease or rental agreement]: On [specify date]:  
, I made  an oral  a written request to the above-named landlord to consent voluntarily to  
terminate my lease or rental agreement, but

the landlord refused  orally  in writing on [specify date]:

OR

the landlord has not responded to my request.

[ADD any additional facts, if any, regarding the request to the landlord and response, if any].

6.  I am the only person named on the lease or rental agreement as tenant or lessee.  
[If so, skip to paragraph 7].

OR

In addition to me, the following person(s) are named as co-tenants or co-lessees on the lease  
or rental agreement [specify]:

a.  The above-named co-tenant(s) or co-lessee(s) have all consented to the termination of  
the lease or rental agreement. I am, therefore, requesting that this Court issue an order terminating the lease  
or rental agreement as of the date specified in the order.

OR

b.  The following co-tenant(s) or co-lessee(s) refused to consent to the termination of the  
lease or rental agreement [specify]:

I am, therefore, requesting that this Court issue an order severing me from the co-tenancy and terminating

my obligation on the lease or rental agreement from the date specified in the order.

OR

c.  The following co-tenant(s) or co-lessee(s) has not responded as to the termination of the lease or rental agreement [specify]:

I am, therefore, requesting that this Court issue an order severing me from the co-tenancy and terminating my obligation on the lease or rental agreement from the date specified in the order.

7. In addition to any persons who may have been named in paragraphs 2 and 6,

there are no other adults 18 or older residing in or occupying the leasehold premises.

the following adults 18 and older reside in or occupy the leasehold premises. [For each person, state whether he or she has consented to vacate the premises and, if so, when]:

8. In addition to any persons who may have been named in paragraphs 2 and 6,

I do not know of any anyone 18 or over who has a right or claim to reside in or occupy the leasehold premises as a result of my having occupied the premises.

The following people 18 or older may have a right or claim a right or claim to reside in or occupy the leasehold premises as a result of my having occupied the premises. [For each person, state whether he or she has consented to the termination or severance of the lease and elimination of those possible rights or claims]:

9.  I have fully met my obligation to pay rent and other payments due on the lease or rental agreement up to [specify date]: and will pay all further rent and other payments due from me up until the date specified by this Court for termination of the lease or rental agreement or severance of my obligation.

OR

I have not paid rent or other payments due on the lease or rental agreement since [specify date]:

. The following amounts are due and owing to date [specify]:

I will pay this amount, as well as rent and other payments due from me up until the date specified by this Court for termination of the lease or rental agreement or severance of my obligation as follows [specify]:

10. a.  [Lease or rental agreement termination only; check box if applicable]: Other than the person against whom the  order of protection  temporary order of protection was issued, the leasehold premises

were delivered to the landlord free of all occupants as of [specify date]:

OR

will be delivered to the landlord free of all occupants as of [specify date]:

b.  [Severance of lease or rental agreement from co-tenants only; check box if applicable]: Other than the person against whom the  order of protection  temporary order of protection was issued, the leasehold premises

were left to the co-tenant free of all other occupants as of [specify date]:

OR

will be left to the co-tenant free of all other occupants as of [specify date]:

11. No prior application has been made for the relief requested in this motion, (except [specify]):

WHEREFORE, for the reasons stated above, I respectfully request this Court to issue an order  
 terminating my lease or rental agreement

OR

severing me from the co-tenancy  
and terminating my obligation to pay any rent or other payments on the lease or rental agreement from the  
date specified by the Court in the order,

and for an order sealing this petition, any orders issued by this Court in connection therewith and  
the record of this proceeding and prohibiting disclosure to anyone not a party to this petition except by  
order of this Court,

and for such other and further relief as the Court may deem just and proper.

Dated: .

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Attorney, if any

\_\_\_\_\_  
Attorney's Name (Print or Type)

\_\_\_\_\_  
Attorney's Address and Telephone Number

VERIFICATION

STATE OF NEW YORK            )  
                                          ):ss:  
COUNTY OF                    )

being duly sworn, says that (s)he is the Petitioner in the above named proceeding and that the foregoing  
petition is true to (his)(her) own knowledge, except as to matters therein stated to be alleged on information  
and belief and as to those matters (s)he believes it to be true.

\_\_\_\_\_  
Petitioner

Sworn to before me this  
day of .

\_\_\_\_\_  
(Deputy) Clerk of the Court  
Notary Public