

At a Term of the Supreme Court of the State of New York, held in and for the County of _____, at _____ New York, on _____,

PRESENT:

Hon. _____ Justice

X
Plaintiff

Matrimonial Index No.: _____

-against-

Defendant

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

Petitioner-tenant

against

Respondent(s)-Landlord(s)

Respondent(s)-Co-tenant(s)

ORDER ON PETITION FOR
 TERMINATION
 SEVERANCE
OF LEASE OR RENTAL
AGREEMENT

A petition having been filed with this Court on [specify date]: requesting an order terminating the lease or rental agreement severing the co-tenancy

of [specify Petitioner-tenant]: at [specify address of premises, including apartment number, if any]:¹

And the Petitioner-tenant, having appeared with counsel without counsel;

And notice of the petition having been duly given to the following Respondent(s), who appeared as follows: [specify; check applicable boxes]:

Landlord(s) or owner(s) [specify]:

Name: appeared with counsel appeared without counsel did not appear

Name: appeared with counsel appeared without counsel did not appear

¹ 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.

- Co-tenant(s), co-lessee(s) or other persons named on the lease or rental agreement, if any [specify]:
- Name: appeared with counsel appeared without counsel did not appear
- Name: appeared with counsel appeared without counsel did not appear
- Name: appeared with counsel appeared without counsel did not appear

And the following additional persons, if any, appeared as follows:

- Name: appeared with counsel appeared without counsel did not appear
- Name: appeared with counsel appeared without counsel did not appear
- Name: appeared with counsel appeared without counsel did not appear
- Law guardian, if any [specify]: appeared did not appear

And an order of protection a temporary order of protection having been issued by
 this Court [out-of-state orders only]: the following other court of competent jurisdiction [specify
 court and jurisdiction]:

on [specify date]: on Index # [specify]:

to protect [specify name of tenant/petitioner and/or children, if any]:

against [specify name of person against whom order was issued and indicate whether such person is a
 landlord or co-tenant of the Petitioner]:

The order of protection temporary order of protection expires on [specify date]:

**This Court, [check applicable box(es)]: upon examination of the petition and upon hearing
 proof and testimony finds the following [check any applicable box(es)]:**

- The tenant is acting in good faith;
- The tenant is not acting in good faith;

- Notwithstanding the issuance of the order of protection or temporary order of protection, the
 tenant tenant's child (ren) [specify]:
 remain(s) at substantial risk of physical or emotional harm, a risk that will be substantially reduced
 if the lease or rental agreement is terminated or the co-tenancy is severed;
- The tenant has not established to the satisfaction of the Court that, notwithstanding the
 issuance of the order of protection or temporary order of protection, the tenant
 tenant's child (ren) remain(s) at substantial risk of physical or emotional harm or that the risk, if
 any, would be substantially reduced if the lease or rental agreement is terminated or if the co-
 tenancy is severed;

[Applicable to petitions to terminate lease or rental agreement only]:

- The tenant asked the landlord or owner to voluntarily terminate the lease but was refused;
- The tenant did not ask the landlord or owner to voluntarily terminate the lease;
- The landlord or owner did not respond to the tenant's request to voluntarily terminate the lease;
- The landlord appeared in this proceeding and agreed to voluntarily terminate the lease;

[Applicable to petitions to sever lease or rental agreement obligation from co-tenant(s) only]:

- The following co-tenants or co-lessees have consented to termination of the lease or rental
 agreement [specify]:
- The following co-tenants or co-lessees have refused to consent to termination of the lease or
 rental agreement [specify]:
- The following co-tenants or co-lessees have not responded regarding termination of the lease or
 rental agreement [specify]:
- And the Court further finds that [specify]:

NOW, after examination and inquiry into the facts and circumstances and after hearing the proof and testimony, it is therefore [Check applicable box(es)]:

ORDERED, that the petition is DENIED.

OR

ORDERED, that the petition is GRANTED and it is further

[Applicable to termination of lease or rental agreement only]:

ORDERED that the lease or rental agreement of [specify tenant]:
for premises located at [specify address, including apartment number, if any]:

is terminated as of [specify date]:² and he she shall be released
from rent and other payment obligations accruing on or after that date; and it is further

ORDERED that the tenant shall deliver the leasehold premises to the landlord or owner in accordance with the terms of the lease or rental agreement free of all occupants not later than [specify date]:
provided, however, that the tenant shall not be responsible for ensuring that , the person against whom the order of protection or temporary order of protection has been issued is not present;

OR

[Applicable to severance of lease or rental agreement obligation from co-tenant(s) only]:

ORDERED that the co-tenancy of [specify tenant]:

with [specify co-tenant(s) or co-lessee(s)]:

for premises located at [specify address, including apartment number, if any]:

is severed as of [specify date]:³ and the tenant [specify]:
shall be released from rent and other payment obligations accruing on or after that date
and shall vacate the leasehold premises not later than [specify date]: ;

And it is further

ORDERED that the tenant shall pay all rent and other obligations due and owing as of the date of termination of the lease severance of the co-tenancy on a timely basis not later than [specify date]:

ORDERED that the following credits or other adjustments be made through to the termination date for any rent or other payments made in advance or that have accrued by the terms of the lease or rental agreement [specify]:⁴

And it is further ORDERED that this Order, the petition, supporting documents and record of this proceeding be sealed and not be disclosed to anyone who is not a party to this petition except by order of this Court;

² Specify date not less than 30 nor more than 150 days after the due date of the next rental payment after this Order has been served upon the landlord or owner.

³ Specify date not less than 30 nor more than 150 days after the due date of the next rental payment after this Order has been served upon the landlord or owner.

⁴ Such adjustments may include, among others, credit for or a direction to return a security deposit, if any, made by tenant in accordance with the terms of the lease or agreement.

And it is further ORDERED that this Order shall be served on the following landlord or owner [specify]: _____ as follows [specify service by Court, by law enforcement agency, by city marshal or by other means]:⁵

And it is further ORDERED that this Order shall be served on the following co-tenant(s) or co-lessee(s) [specify]: _____ as follows [specify service by Court, by law enforcement agency, by city marshal or by other means]:⁶

And it is further ORDERED that [specify]: _____

ENTER

Justice of the Supreme Court

Dated: _____, _____

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

⁵ If the landlord or owner is a person against whom the order of protection or temporary order of protection has been issued, the tenant shall not be required to personally serve the Order upon such person.

⁶ If an co-tenant or co-lessee is a person against whom the order of protection or temporary order of protection has been issued, the tenant shall not be required to personally serve the Order upon such person.