

STATE OF NEW YORK  
CITY/DISTRICT/TOWN/VILLAGE COURT \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Petitioner(s)/Landlord(s) Index/Docket No. \_\_\_\_\_

-against-

**HOLDOVER PETITION  
TO RECOVER POSSESSION  
OF REAL PROPERTY**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Respondent(s)/Tenant(s)

THE PETITION OF \_\_\_\_\_ owner and landlord of the premises alleges that:

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

2. Respondent(s) \_\_\_\_\_ is/are the Tenant(s) of said premises who entered in possession thereof under rental agreement made on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and ending on \_\_\_\_\_, 20\_\_\_\_ at the rental of \_\_\_\_\_ for each month payable on the \_\_\_\_\_ day of each month. Respondent(s) \_\_\_\_\_ is/are the Under-tenant(s) of the aforesaid respondent Tenant(s).

3. The premises are described as follows: \_\_\_\_\_ which is situated in the territorial jurisdiction of this court.

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

[ ] 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.

[ ] 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 subject to ETPA, as amended, because:

\_\_\_\_\_ and the owner of the premises: has registered rents and services with the DHCR pursuant to EPTA and the tenants(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 Guideline Board Orders.

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 the premises are located was constructed after December 31, 1973.

[ ] The building in which the premises are located has less than six units.

7.

[ ] Petitioner lacks written information or notice of any address where the respondent/tenant(s) resides, is employed, has its principal office or place of business in New York

State, other than the address of the property sought to be recovered.

8.

[ ] 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 tenants(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/tenants(s) was given notice in accordance with the of the lease that the landlord elected to terminate said tenancy.

The property herein sought to be recovered [ ] is [ ] is not the residence of the tenant(s) and/or under-tenants 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 \$ \_\_\_\_\_ fair value of use and occupancy; interest from \_\_\_\_\_; costs disbursements herein.

Dated: \_\_\_\_\_.

Petitioner \_\_\_\_\_ / \_\_\_\_\_  
Signature Type or Print Name

STATE OF NEW YORK, COUNTY OF \_\_\_\_\_ as: The undersigned

[ ] Petitioner

- [ ] Attorney for the petitioner (petitioner is not within the county in which deponent's office is located)
- [ ] Agent for petitioner

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

\_\_\_\_\_  
Signature

Sworn to before me on this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Notary Public