

RECEIVERSHIP WEB-PAGE:

OVERVIEW

Properties are placed into receivership when owners are unwilling or unable to make repairs or pay housing court fines on their own. Common situations involve cases where the owners are in nursing homes, incarcerated, out of state, deceased, or simply overwhelmed by the burden of maintaining their rental properties. When this remedy is used, the tenants are provided with an opportunity to have input into the types and sequence of repairs. They are also able to see that the rent they pay is improving their homes.

These receiverships empower the receiver to “stand in the shoes” of property owners. The receiver acts as landlord of the properties and is accountable for all decisions in managing them. If a unit is already occupied, the receiver will cooperate with the existing tenant to ensure that the rent is affordable and that the unit meets the tenant’s need for a safe, well-maintained home.

The receiverships prevent rental income from passing to the homeowners and channel it directly into the properties. The Receivership Program is the most effective tool available to the Court to guarantee that a neglectful landlord can no longer profit from properties that are not up to code.

INFORMATION FOR TENANTS

If your home has been placed into receivership, you should immediately contact the receiver to discuss whether you intend to move or to continue your tenancy. If you would like to move, the receiver may be able to assist you. If you would like to stay in your home, the receiver will work with you to make the necessary repairs. You must advise the receiver of any repairs that need to be made.

Tenant FAQ’s:

1. I RECEIVED A LETTER THAT MY HOME IS IN RECEIVERSHIP. DO I HAVE TO MOVE?

No, you do not have to move. You should call the receiver and discuss the terms of your rental agreement and the repairs that need to be made. If you choose to move, you must notify the receiver prior to ending your tenancy.

2. I CANNOT AFFORD RENT/DO NOT PAY RENT. DO I HAVE TO CONTACT THE RECEIVER?

Yes, you must contact the receiver. The receiver will work with you to set up a fair rental rate and may be able to assist you in obtaining rental assistance.

3. WATER IS SUPPOSED TO BE INCLUDED IN MY RENT, BUT I RECEIVED A SHUT-OFF NOTICE. WHAT DO I DO?

Contact the receiver. The receiver may be able to help you preserve or restore water service.

4. I RECEIVED NOTICE THAT AN INSPECTOR AND/OR THE RECEIVER WILL BE COMING TO INSPECT MY HOME. DO I HAVE TO LET THEM IN?

Yes. The receivership order includes a requirement that you provide access once you have been notified of the pending inspection by the receiver. You must work with the receiver and/or inspector to give access to your home. The purpose of this inspection is to determine whether your home is habitable and what repairs need to be made. Please note that you may select a date and time that is convenient for your schedule.

5. MY LANDLORD TOLD ME THAT HE WILL EVICT ME IF I DO NOT PAY RENT TO HIM OR HER. WHAT DO I DO?

Do NOT pay rent to any person other than the receiver. While your home is in receivership, your landlord cannot evict you without prior court approval. If someone other than the receiver tries to collect rent, refer the person to the court and report it to the receiver as soon as possible. If your landlord attempts to evict you during the receivership, contact the receiver and/or the court (716-845-7409). If your landlord attempts to evict you after the receivership has ended for failure to pay rent during the receivership period, contact the court.

6. I RECEIVED AN ORDER TO VACATE. WHAT DOES THAT MEAN?

An Order to Vacate means that no person will be allowed on the property. You may have received this because the court believed the property was already vacant, rent payments have not been made or because the property was deemed uninhabitable. You should contact the receiver and/or the court.

7. I HAVE A PROBLEM WITH THE RECEIVER OR THE RECEIVERSHIP. WHAT CAN I DO?

You should try to discuss your issue with the receiver. If you are unable to resolve the issue, you may contact the court or come to court on the next receivership day (call court for the next date).

INFORMATION FOR OWNERS

If your property has been placed into receivership, you should immediately contact the receiver to give them your contact information, your homeowner insurance documentation, all pertinent tenant information and to make arrangements to turn over keys. In addition, you should work with the receiver to get all repairs made in a timely fashion. You should be aware that one advantage of having your property in receivership is that it delays sentencing. Furthermore, your cooperation with the receiver can mitigate

your sentence. Please note that if, at any time, the court finds the receivership to be ineffective, the court will rescind the receivership and schedule your case for immediate sentencing.

Owner FAQ's

1. **WHY WAS MY PROPERTY PUT IN RECEIVERSHIP?**

Your property may have been put into receivership because you failed to appear for court, failed to make timely repairs, and/or failed to pay an outstanding fine. For more information or to contest the receivership, you, or your attorney, should appear in court as soon as possible. Housing Court is located in Part 14 on the 6th Floor of the Buffalo City Court (50 Delaware Avenue, Buffalo, New York 14202).

2. **MAY I COLLECT RENT WHILE MY PROPERTY IS IN RECEIVERSHIP?**

No. You are NOT allowed to collect rent while the property is in receivership. If you do collect rent, you may be found to be in contempt of the court's order and sentenced to either jail or a fine.

3. **WILL THE RECEIVER PAY MY MORTGAGE OR TAXES?**

No. The receiver will not pay your mortgage or taxes. You should continue to make these payments yourself.

4. **WILL THE RECEIVER PAY MY HOMEOWNER'S INSURANCE?**

No. The receiver will not pay your homeowner's insurance. You should continue to make these payments yourself.

5. **CAN I PLACE OR REMOVE TENANTS?**

No. You cannot place or remove tenants. If you have a problem with the current tenants or would like to place a new tenant, you should speak with the receiver and seek the approval of the court.

6. **CAN I MAKE REPAIRS OR ASSIST WITH MAKING REPAIRS?**

Yes. You should speak with the receiver about how you can work together to bring your property fully up to code. The more you assist the receiver, the more likely you may receive a reduced sentence at the close of the case.

7. **CAN THE RECEIVER MAKE REPAIRS THAT WERE NOT CITED BY THE BUILDING INSPECTOR?**

Yes. Once a property is placed into receivership, the court orders that the receiver bring the property fully up to code, regardless of the original charges. The receiver may hire contractors to fix interior violations not initially witnessed by the inspector, or new violations that occurred after the date of the charges. Cosmetic repairs are generally not made by the

receiver, who relies upon City and County inspectors to determine whether particular issues are code violations.

8. HOW DO I MAKE A COMPLAINT ABOUT THE RECEIVER?

If you have an issue with the receiver's actions, you should first discuss it with the receiver. If you are unable to resolve the issue, you should contact the Housing Court Clerk at (716) 845-7409 for further assistance.

Please be aware that you may come to court on receivership day (call Housing Court at (716) 845-7409 for the next date) and put your concerns on the record. However, this may result in the court finding that the receivership is ineffective. If this happens, the court would rescind the receivership and proceed to immediate sentencing.

9. HOW DO I GET MY PROPERTY OUT OF RECEIVERSHIP?

Typically, a property will stay in receivership until the property is fully up to code, inside and out, or until all court ordered fines are paid in full. A property may be taken out of receivership early where funds sufficient to repair the property are put into an attorney's escrow account or where the receivership is found to be ineffective. At any point during the receivership, you may appear in court to request that the Judge reconsider the receivership. Please be aware that, absent a showing of good-faith effort, the receivership will likely remain in effect.