

## THE HOUSING PARTS OF THE CIVIL COURTS ARE LOCATED:

<u>Brooklyn</u> 141 Livingston Street Brooklyn, NY 11201 718-643-7528	<u>Bronx</u> 1118 Grand Concourse Bronx NY 10451 718-466-3025	<u>Queens</u> 89-17 Sutphin Blvd Jamaica, NY 11435 718-262-7145	<u>Manhattan</u> 111 Centre Street New York, NY 10013 646-386-5500
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<u>Red Hook Community Court</u> 88-94 Visitation Place Brooklyn, NY 11231 718-923-8200	<u>Staten Island</u> 927 Castleton Avenue Staten Island, NY 10301 718-390-5420	<u>Harlem Community Court</u> 170 East 121st Street New York, NY 10035 212-828-7558
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## WHERE TO GO FOR HELP

The City-Wide Task Force on Housing Court, Inc., staffs information tables in each of the housing courts from 9 a.m to noon Monday through Friday, except for Staten Island and the two Community Courts. Staten Island is open Wed and Thurs. Harlem is open Mon, Thurs & Fri. Red Hook is open every other Wed. The information table is free and is available to all unrepresented litigants. Referrals will be made to neighborhood groups, legal service providers and other eviction prevention services. Each afternoon from 2:00 to 4:00 you can get answers to basic questions from our hotline at **212-962-4795**, or visit our website at [cwtfhc.org](http://cwtfhc.org) for more information.

The Metropolitan Council on Housing, Inc. is a citywide membership organization that assists its members and tenants by providing information concerning housing matters including the defense of eviction proceedings. The Met Council Hotline is available on Mon, Wed and Fri afternoons from 1:30 - 5pm at **212-979-0611**.

### LEGAL SERVICES

If you have a low income, you may be eligible for free legal services (a free attorney). To get the address of the office that services your neighborhood, contact:

<b>The Legal Aid Society</b> 212-577-3300	<b>Legal Services of New York City</b> 212-431-7200
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If you need a referral to a lawyer and you are not eligible for free legal services contact:

**The Bar Association of the City of New York**  
212-626-7373

The Housing Court Info Line, 646-386-5750, has recorded information on Housing Court in English and Spanish. If you are being evicted for nonpayment of rent you may be eligible for an emergency grant from Human Resources Administration(HRA). There is an HRA unit in each Housing Court. There is also a Pro Se Attorney available to provide legal assistance to unrepresented persons in each of the 5 main Housing Courts. Go to the Clerk's office to arrange to speak with the Pro Se Attorney.

**THIS INFORMATION SHEET WAS WRITTEN AND PREPARED BY THE CITY-WIDE TASK FORCE ON HOUSING COURT, INC. THE TASK FORCE IS A NON-PROFIT COALITION OF HOUSING ADVOCATES AND LEGAL SERVICE PROVIDERS. THIS INFORMATION IS NOT TO BE CONSIDERED LEGAL ADVICE.**

# THE CITY-WIDE TASK FORCE ON HOUSING COURT, INC. INFORMATION SHEET

## HP ACTIONS FOR REPAIRS AND SERVICES

### “Housing Part Actions”

#### INTRODUCTION

The law requires your landlord to provide adequate services, and to keep your building and apartment in good repair. If your landlord is not providing essential services such as heat, hot water, or extermination, and/or is not making repairs such as leaky faucets, faulty electrical outlets, or peeling paint and plaster, you can sue your landlord in the Housing Part of the Civil Court. This lack of services and/or repairs is referred to as code violations.

Before starting a court case, you may have called the Department of Housing Preservation and Development (HPD) to report the problem(s) at **311**. Bring copies of any HPD notices you receive to court with you. You may have called your landlord or sent him/her a letter regarding the needed services or repairs via certified mail. Keep records of these calls and correspondence. If your complaint is heat related, you should keep a heat log. This is a record of the days and times your apartment was without heat as well as the inside and outside temperatures during these periods.

The Court can order your landlord to provide services and make repairs as a result of a tenant-initiated court case, called an "HP" action (Housing Part action). Individual tenants, as well as tenant groups, can start HP actions for repairs.

#### HOW TO FILE

You can start an HP action by going to the Housing Court in your borough. (See the back of this information sheet for the addresses of the Housing Courts). When you go to the court, you should bring: a copy of your lease and/or the address of your landlord, a list of the repairs/services needed, and a money order for \$45.00 (filing fee). This fee can be waived if you cannot afford it, and can show proof of your limited income (public assistance, Social Security, SSI, SSD, unemployment, etc.).

Go to the clerk's office and tell the court staff that you want to file an HP action. You may be directed to a specific window or room to receive the court forms that must be filed. On the "Request for Inspection" form, you should list all of the problems in your apartment or building. You will also be required to sign a "Verified Petition" form in front of the clerk, who will verify your signature. If you are seeking a waiver, you should tell the clerk that you want to file a "waiver of fees" and fill out the additional form stating your financial situation.

After the forms are completed, the clerk will take the forms and will direct you to a judge who will sign the papers. The papers, signed by a judge are called an "Order to Show Cause" and will indicate the date to come back to court.

## SERVING THE COURT PAPERS

You will be given several copies of the Order to Show Cause with instructions for delivering them to the landlord. You must deliver one copy to the owner and a second copy to the NYC Department of Housing Preservation and Development (HPD). The papers will say how they must be delivered. Follow the instructions carefully and keep proof that you followed the instructions.

Important: Generally, copies must be sent by certified mail, return-receipt-requested and regular mail. This will cost a few dollars. The receipts will be your proof that the papers were mailed and received. Bring these receipts with you on your court date. You will be asked to fill out an "Affidavit of Service" confirming how you delivered the papers.

## PREPARING FOR YOUR DAY IN COURT

Gather evidence and documents that show that services have not been provided or that repairs have not been made. The following are a few examples:

- a written record of building and/or apartment problems noting any steps you may have taken to correct the problems
- a list of dates and times of phone calls to the landlord or conversations with the superintendent to have the problems corrected
- copies of letters you have written notifying the landlord of problems and certified mail receipts
- photographs of the conditions in your apartment or building
- copy of HPD inspection report
- your heat log

If a group of tenants in your building has initiated the HP Action, it is important to meet before the court date to agree on a plan of action and to go over evidence. You may want to choose which tenants will testify.

## YOUR DAY IN COURT

Come to court on the date written on the Order to Show Cause. Bring your photographs, written record of complaints, letters, and court papers with you. Your Order to Show Cause will also tell you which room to go to for your case. Plan to arrive early. Be there at 9:30 a.m. SHARP. Although you may have to wait until your case is called, lateness may cause your case to be dismissed and/or you may have to start over again.

In the courtroom you may see many people, including the judge, his/her court attorney, the landlord, his/her attorney, the court officer, other tenants, and other landlords. There may also be an attorney from the Department of Housing Preservation Development's Litigation Unit. The HPD attorney is there to represent the City as the enforcer of apartment and building standards. Unless you have hired an attorney, you should consider yourself the only advocate for your case. Lawyers are generally not appointed in Housing Court cases.

You should ask the judge's law assistant if an HPD attorney has been assigned to your case. If an HPD attorney has been assigned to your case s/he may ask to speak with you. Tell the HPD attorney about the conditions in your apartment/building and show him/her your evidence. The HPD attorney may help you get a copy of the inspector's report based on the inspection you requested when you filed your HP Action. The HPD attorney may also be helpful in writing a stipulation. Make sure you get the name and telephone number of the HPD attorney before you leave the court. It will be important later to follow up with the HPD attorney, especially if the landlord does not make the repairs.

## STIPULATIONS

The judge or his/her court attorney may urge you to negotiate a settlement with your landlord. The landlord may agree to make repairs or argue that more time is needed. If you can come to an agreement with the landlord, a "stipulation" will be written. This stipulation should include all of the terms that you have agreed to. For example, the stipulation should include access dates when you will allow the landlord and/or his agent to come to the apartment and completion dates for each repair/service. All parties involved in the case will sign the stipulation.

Once the stipulation is submitted to the judge, you should wait to receive your copy. The judge will review the stipulation and sign it and hand it to the clerk to distribute copies. You should keep your copy of the agreement so that you can return to court if the landlord does not keep to the terms of the agreement.

## ALTERNATIVES TO STIPULATIONS

If your landlord does not show up in court, the judge can still order violations corrected (repairs) or services restored. Or, if the landlord does show up and you can not agree to a settlement, you have the right to demand to have a hearing and have your case heard by the judge. Tell the judge the history of the problems in your apartment or building. Show the judge your photographs, written record of complaints, letters and other evidence. Ask the judge to examine the HPD inspection report.

A history of the code violations in your apartment/building is available in the judge's computer. If you requested an inspection on the day you filed your papers, that report should be available in the court file. After listening to your testimony and reviewing your evidence, the judge can issue a Court Order for the repairs/services.

If the judge issues an Order, make sure you get the index number of your case before you leave. The original Order will be on file but it may not be possible to get a copy that day. However, you can contact the court or the HPD attorney and ask for a copy when it is ready. Knowing the index number is important, especially if the landlord does not make the repairs on time and you need to return to court. You may also have to prove that you delivered a copy of the Order to the landlord in the proper manner.

Important: Your stipulation or the judge's order should include a schedule of the repairs that are needed and when they should be completed. It is a good idea to add a list of dates and times that you will be available to allow the landlord access to your apartment to make the repairs. This may help to avoid problems later if the landlord claims you were not home when s/he sent repair people to do the work.

## FOLLOW UP AFTER COURT

If the landlord begins to make repairs, keep track of when they are completed and what work remains to be done. Be sure someone is in your apartment on the dates that have been agreed upon to let the landlord in. If the landlord asks you to provide access to your apartment for repairs and then does not show up, keep a record of these dates and any attempts you may make to reschedule.

If the landlord does not complete the repairs within the amount of time indicated in the Order, you will need to go back to court. You can file an Order to Show Cause for Contempt of Court for the landlord's failure to comply. This means the landlord can be fined, or even possibly jailed.

Important: Contempt filings can be complicated for a non-attorney. Be prepared for a tough fight. Landlords are rarely put in jail. If they are fined, the fines are often small. Several factors may help strengthen your case: a) keep good records, b) stay in close contact with the HPD lawyer and HPD inspectors, and c) organize other tenants in the building to take action as a group.

