

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 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:

The Legal Aid Society 212-577-3300	Legal Services of New York City 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

WHAT TENANTS SHOULD KNOW ABOUT THE COURT PROCESS

INTRODUCTION

Going to housing court can be a difficult and stressful experience for many people. It is important to find out as much as you can about the process before you go. Read this, and other information sheets, and visit the City-Wide Task Force on Housing Court's Information Tables for help. The more you know the more prepared you will be for your day in court. If you have access to the web, there are many web sites with information for pro se litigants. Visit cwtfhc.org for links to other sites.

FINDING YOUR COURT ROOM

Non-payment Cases — After you answer the petition/notice of petition for non-payment, the clerk will give you a copy of the answer form with the responses you gave. At the bottom of this answer form you will find the date and time that you are to return to court. It will also contain the room number for the Resolution Part to which your case was assigned. For more information read our information sheet "Tenant Information on Non-Payment Cases."

Holdover Cases — When you receive the petition/notice of petition, it will contain the date, time, and courtroom that your case was assigned. For more information read our information sheet "Holdover Proceedings". Holdover cases can very complicated. If possible, try to consult an attorney.

YOUR FIRST DAY IN COURT

You should arrive early on each day that you go to court. You may have to wait on line to go through metal detectors or to use an elevator. You must be on time. You should always bring all copies of your court papers and anything else related to your case. It is also helpful to bring paper and a pen to take notes and some change for photocopying or the telephone.

Outside of the courtroom, there may be a list of cases scheduled for that day. If there is no list, or if your name is not listed, you may try to speak with the court officer or court attorney in that courtroom to make sure you are in the right place. If they cannot help you, you can go to the information window in the clerk's office.

If your name is listed outside of the court, you should go inside and wait for your name to be called by the court clerk. While you are waiting, your landlord's attorney may try to speak with you

about your case. You do not have to speak with this attorney without the judge or the court attorney present.

ADJOURNMENT (Postponing your Case)

Non-payment Cases — If you need repairs done in your apartment or building, you may want a court-ordered inspection. You may ask the judge for an adjournment (postponement) for the inspection.

Non-payment Cases and Holdover Cases — If you do not have an attorney with you, you may want to ask the judge for an adjournment for time to seek an attorney. You may also be able to obtain an adjournment if you are not able to come to court due to serious illness or hospitalization.

NEGOTIATING A SETTLEMENT IN THE RESOLUTION PART

In the Resolution Part, the goal is to settle the case through an agreement, called a "stipulation". The agreement should be negotiated in the courtroom, in the presence of a judge or the court attorney. Neither the judge nor the court attorney can advocate for you.

It is very important that you tell the judge or the court attorney the facts about your case, including your defenses and counterclaims. Although you may have already stated these defenses and/or counterclaims to the clerk when you answered, you must state them again during the court case.

Non-payment Cases — Your defenses may include partial payment, repair issues (warranty of habitability), etc.

Non-payment Cases and Holdover Cases — In addition to the defenses above, you may have been improperly served with the court papers, you may have not been given proper notice before the case was filed, or you may have corrected a problem which the landlord claims has ended your lease.

You may be under some pressure to sign a stipulation in the hallway or in the back of the courtroom. A stipulation is a binding agreement, like a contract. You should not sign a stipulation if you are uncomfortable with it or do not understand its terms. Remember that you have a right to speak with a judge. Because the "stipulation" is a binding agreement, it can not easily be changed if you are unable to keep to the agreement (for example: pay according to a payment schedule). (For more information on negotiating a stipulation, please review the Task Force information sheet on stipulations. This information sheet contains explanations of many legal words and phrases that may be helpful to you.)

If you and the landlord sign a stipulation, the resolution part judge will read the stipulation to you and ask if you understand the terms of the stipulation. You should ask questions about anything that you don't understand, or anything that you are concerned about. This process is called "allocation" and is required by law. The judge will then sign it and you will receive a copy of the stipulation.

If you cannot reach a settlement with the assistance of the judge, your case will be transferred to a Trial Part. In many instances the trial can begin on that same day or the next day. It is best to be prepared.

GOING TO TRIAL

Once a case is sent to the Trial Part, both sides are expected to be ready to present their side of

the case. A trial will include formalities that you may be unfamiliar with. If you have questions about the trial process, you should consult the Court guide to Trials or the housing court counselor (pro se attorney). The landlord or his/her attorney must present his/her case first. Once they are finished, you will have the opportunity to present your case (defenses and counterclaims). While each side is presenting their case, the other side can ask questions about information being presented (cross-examine). Each side can also bring witnesses and/or introduce or subpoena supporting documents (for example: government documents, photos, rent receipts) to support their position.

WHAT THE LANDLORD IS GENERALLY REQUIRED TO PROVE:

- He /She is the proper person to sue the tenant (generally, by showing a certified copy of the deed).
- A landlord-tenant relationship (a lease or testimony as to the oral understanding between tenant and landlord or that this relationship was terminated).
- A valid multiple dwelling registration (for buildings with three (3) or more units).
- If the apartment is rent stabilized, that there is a current registration with the Division of Housing and Community Renewal (DHCR).
- The rent claimed is the legal (or agreed upon) rent.
- The landlord has made a rent demand, given notice of termination or a notice to cure.
- After a proper demand was made, the tenant has not paid the rent or that after a notice to cure the tenant has not made an appropriate change

FACTS THAT A TENANT CAN PRESENT AT TRIAL

- Failure of landlord to repair conditions in your apartment after being notified by you (supported by your or other witnesses' testimony, photos, inspection reports, etc.).
- That you do not owe the money claimed by the landlord (rent receipts or other proof of payment).
- That the rent is not the legal rent (supported by a certified copy of a DHCR printout).
- That you have a right to stay in the apartment (examples: you have succession rights, you have cured any breach of the lease, etc.).

Note: In Non-payment Cases, generally, the judge will not consider your personal financial problems (illness, loss of job, etc.) as a legal defense to the landlord's claim for rent arrears.

JUDGE'S DECISION AFTER TRIAL

If the judge finds that you owe money to the landlord, the judge will enter a final judgement for that amount. If you made a claim that your landlord failed to make repairs, and the judge agrees with you, you may be granted an abatement (a reduction in the amount to be paid). You are generally required to pay the judgment amount within **five days** of the judge's decision to avoid being evicted. If the judge finds that you do not have a right to stay in the apartment, you will be given a date by which you must leave.