

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

TENANT INFORMATION ON NON-PAYMENT CASES Answering a Non-Payment Petition

Before your landlord files a case against you for not paying the rent, the landlord must begin a case in Court (generally in the Housing Part of Civil Court of New York). Before starting the court case, the landlord must demand the rent from the tenant, (either in writing or orally). Then the landlord must serve the tenant with papers called a "Non-Payment Petition" and "Notice of Petition." Sometimes people refer to these papers as a "dispossess."

Never ignore any legal papers, notices, or postcards that come from your landlord, the City Marshal or the Court. Read them carefully. If you ignore these papers and do not go to Court, you may be evicted.

How to Answer the Petition

The non-payment petition states that you should go to Court within **5 days to answer**; it also states the address of the Court. Go immediately with your non-payment petition to your borough Housing Court and see the landlord/tenant clerk.

When you go to court, you should be ready to give your answer to the clerk, either orally or in writing. Most tenants answer orally. Your answer can contain defenses and/or counterclaims. A defense is a reason why the landlord should not be able to maintain a court case against you, or a reason that you do not owe the rent sought in the Petition. A counterclaim is a claim you have against the landlord.

Tell the clerk your answer and he/she will check off the defenses and counterclaims on a pre-printed form. The clerk will give you a copy of this form, which will also have the date, time and court part for you to return to court.

It is important to answer as thoroughly as possible. In preparing your answer, it may be helpful to employ the following questions:

Were you properly served? Service refers to the way that you received court papers. To sustain a court case, service must be proper. If you did not receive a copy of the Notice of Petition and Petition in one of the following ways, you were not properly served and should let the clerk know.

- **Personal Delivery** - A copy of the Petition is hand-delivered to the tenant/respondent (by someone who is 18 years old or older and is not a party to the case), or
- **Substitute Service** - Someone (of legal age) who lives in your apartment is given the Petition at your address and the Respondent receives copies by certified and regular mail, or

- **Conspicuous Service** - The Court papers are taped to, or slid under your door, followed by copies that are sent by certified and regular mail.

Parties

- Does your name appear on the court papers and is it spelled correctly?
- Is there another person whose name should appear in the Court papers, i.e., a roommate or a spouse?
- Is the person, corporation or company who has filed the case against you the owner of your building? If you are unsure who owns the building, you can get assistance at The City-Wide Task Force on Housing Court's Information Table.

Rent

- Before serving you with Court papers, did your landlord ask you to pay the rent, either orally or in writing?
- Did the landlord refuse to take your rent?
- Does the petition correctly identify the legal rent as it appears on your lease? The rent being claimed may be incorrect because it is not the legal registered rent. (This applies to rent stabilized and rent controlled apartments. To find out the legal registered rent or rent history for your apartment, you can contact the New York State Division of Housing and Community Renewal (DHCR) in your borough.)
- Has the rent been partially or fully paid?
- Is the Petition seeking rent that is owed by Section 8? If you receive Section 8 from NYCHA, the Petition should state that the landlord notified Section 8 before bringing the case.

Apartment

- Are there conditions in your apartment that need repair or services that are not being provided?
- If you are receiving public assistance and there are Housing Code violations of record in your apartment or the building you should let the clerk know.
- Are you living in an illegal apartment for which the landlord does not have a valid Certificate of Occupancy (C of O) from the Department of Buildings? (To find out if the landlord has a valid CofO for your apartment, contact the NYC Department of Buildings.)
- Does the Petition correctly identify the regulatory status of your apartment?

Other

- Did you pay for repairs, utilities, or services that should have been provided by your landlord?
- Has your personal property been damaged because your landlord failed to provide proper repairs or services?
- Do you have any other reason(s) for believing that you do not owe the landlord some or part of the amount being claimed?
- Does the rent demand and petition accurately state for which months you owe rent?

If your answer to any of these questions is yes, you might want to put in a counterclaim. A counterclaim is a specific amount of money that you feel the landlord owes you. You should have receipts to support any counterclaims you may make. However, in cases where you are claiming you owe less because of conditions in your apartment, you may not need receipts. Please be sure to briefly state the reason(s) for counterclaim and the specific dollar amount being claimed.

When answering your non-payment petition, you may use one or more of the above reasons as defenses, depending on the specific facts of your case. Be sure to inform the clerk of any defenses that apply to you. You should, also, check to make sure the clerk has recorded your answers appropriately. You will receive a copy of the clerk's record of your answer in the following format::

CIVIL COURT OF THE CITY OF NEW YORK

County of _____
Housing Part

Index Number _____

**LANDLORD/TENANT
ANSWER IN PERSON**

Petitioners),
against \ Address: _____

Respondents) / _____ Apt.

Respondent has appeared and has orally answered the Petition as follows:

Answer

SERVICE

1. _____ The Respondent did not receive a copy of the Petition and Notice of Petition.
2. _____ The Respondent received the Petition and Notice of Petition, but service was not correct as required by law.

PARTIES

3. _____ The Respondent is indicated improperly, by the wrong name, or is not indicated on the Petition and Notice of Petition.
4. _____ The Petitioner is not the Landlord or Owner of the building.

RENT

5. _____ The Respondent was not asked, either orally or in writing, to pay the rent before the Petitioner started this proceeding.
6. _____ The Respondent tried to pay the rent, but the Petitioner refused to accept it.
7. _____ The monthly rent being requested is not the legal rent or the amount on the current lease.
8. _____ The Petitioner owes money to the Respondent because of a rent overcharge.
9. _____ The rent, or a portion of the rent, has already been paid to the Petitioner.

APARTMENT

10. _____ There are conditions in the apartment which need to be repaired and/or services which the Petitioner has not provided.
11. _____ The Respondent receives Public Assistance and there are Housing Code violations in the apartment or the building.
12. _____ The apartment is an illegal apartment.

OTHER

13. _____ General Denial.
14. _____ Other Answer _____

Dated _____

Clerk's Initials _____

NOTICE OF SCHEDULED APPEARANCE

This case is scheduled to appear on the calendar as follows :

DATE: _____ TIME: _____ PART: _____ ROOM: _____

YOU SHOULD ARRIVE AT THE COURTHOUSE AT LEAST ONE HALF HOUR BEFORE THE ABOVE SCHEDULED TIME, TO ALLOW TIME TO BE PROCESSED THROUGH THE METAL DETECTORS. IF A SETTLEMENT IS NOT REACHED ON THE ABOVE SCHEDULED DATE THE CASE MAY BE SENT TO A TRIAL-READY PART FOR A TRIAL. IF YOU WILL NOT BE READY FOR TRIAL ON THE ABOVE SCHEDULED DATE, YOU MUST ASK THE COURT FOR ANOTHER TRIAL DATE. IF THE COURT DOES NOT ACCEPT YOUR REASON FOR NOT BEING READY FOR TRIAL, AND YOUR REQUEST FOR ANOTHER TRIAL DATE IS DENIED, YOU MAY BE REQUIRED TO PROCEED TO TRIAL IMMEDIATELY.

THE CLERK CANNOT CHANGE THE SCHEDULED DATE OR TIME.
YOU MUST APPEAR AND BRING THIS FORM WITH YOU.