

Housing Court can be confusing.

This guide will help you understand:

ON THIS SIDE

How to get your repairs done
—
What to do on your day in court

ON THE OPPOSITE SIDE

What happens if you don't pay your rent
—
How to stop an eviction

Rent, Repairs, and Rights



A Guide to Housing Court for NYCHA Tenants

How do I get my repairs done?

1. Call the NYCHA Customer Contact Center (CCC) at (718) 707-7771.

You can call at any time, 24/7 to request a repair. Make sure to write down the repair ticket number that NYCHA gives you, along with any repair dates. You can also call 311 or your management office to report repairs.

TIPS FOR CALLING THE CCC HOTLINE:

- ➔ Be as specific as possible about what you need fixed and the location of the problem.
- ➔ Weekday afternoons are the best time to call the hotline. It's busiest on Mondays, and just after a holiday.

WHAT COUNTS AS AN EMERGENCY REPAIR?

Heat and hot water issues, gas leaks, electrical power failures, toilet stoppages that cause floods, and sewer backups. NYCHA is supposed to make emergency repairs within 48 hours.

2. What if your repairs are still not done?

- ➔ Maybe NYCHA's repair staff didn't come on the days you agreed to, or maybe they've come to do several inspections but still haven't made repairs.

- ➔ First, talk to the Housing Assistant in your development's management office. He or she may be able to help you get your repairs done so you don't have to go to court.

HELPFUL HINT

When you come to court to file an HP case, you'll have to list all the repairs you need. Bring a written list of all your repairs so you don't forget anything.

IMPORTANT TERMS

HP Case

The process of bringing NYCHA to court over repairs.

3. If your repairs still don't get done, you can start a court case.

To start, you'll need to file an HP Case against NYCHA.



HERE'S HOW TO FILE AN HP:

- ➔ Go to the Housing Court in your borough and ask for the HP clerk. The clerk, or someone from the Help Center, will help you fill out the forms to start a case against NYCHA.
- ➔ There's a fee to file an HP, but if you can't afford it, ask the clerk if you're eligible for a waiver so you don't have to pay.
- ➔ After you complete the paperwork, the clerk will give you a date to come back to court, and another date for an inspector to come to your home to look at what you need repaired. Write these dates down for your records.

On the day of Housing Court

1. On your court date, get there early to check in.

- ➔ You'll find your name posted on a list outside the room where your case is being heard. Go inside the courtroom and check in with the clerk at the desk so the court knows you've arrived.
- ➔ Housing Court can be hectic. Ask a clerk or court officer for help if you're not sure where to go.

2. After checking in, you'll meet with NYCHA staff to discuss your case.

- ➔ You will come to a written agreement with NYCHA's lawyers about next steps in your case. This document is called a Stipulation or a Stip.
- ➔ For court cases about repairs (HP cases), the stip lists the dates/times that NYCHA has agreed to come to your apartment to make repairs. Make sure that all the repairs you need are listed on the stip.
- ➔ For nonpayment cases, stips usually include a plan for you to pay the rent you owe within a certain time period.

3. You go over the stip with the court attorney and NYCHA.

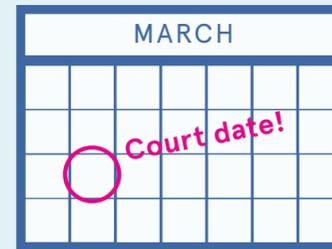
- ➔ It's important to understand what you're agreeing to in the stip. Ask the Court Attorney any questions that you have.

HELPFUL HINT

The day in court could take longer than you expect, so be prepared to wait.

4. You appear in front of the judge.

- ➔ If your case hasn't been resolved that day, then the judge will give you a date to come back.
- ➔ Make sure to get a copy of the stip before you leave the courthouse.



5. After your day in Housing Court...

For HP Cases

- ➔ It may take a few court appearances and stips between the tenant and NYCHA to resolve a case.

For Nonpayment or Holdover Cases

- ➔ If you receive a Marshal's Notice, go to the courthouse immediately to file an Order To Show Cause to get more time to pay. For more info, see the back of this guide.



HELP CENTERS

All the housing courts in NYC have Help Centers where you can talk to lawyers (at no charge) to get help, speak with public assistance representatives, and more. On your court date, give yourself extra time to use these resources.

HELPFUL HINT

Be organized. Keep a detailed written record of everything related to your dispute with NYCHA, including what happens on each access date. Take photos of all the repairs you need, save all your rent receipts and any related documents, and store everything in a safe place. Bring your papers with you every time you go to court.

HELPFUL HINT

If you don't have enough money to pay the rent you owe, you may qualify for help. Check out the Places to get help section of this guide for info on how to get help paying rent.

HELPFUL HINT

Pay attention to all the notices you get from NYCHA, especially if they have dates on them. If you don't understand a notice, contact the legal resources in the Places to get help section for assistance.

HELP CENTER

No appointment necessary. Walk-ins welcome!

IMPORTANT TERMS

Access Dates

The days/times when NYCHA is going to come to your apartment to make inspections or repairs. Write these down, and make sure that someone 18 or older is home to let NYCHA in on those days. Some repairs may require several visits.

Arrears

The back rent you owe NYCHA.

Court Attorney

A lawyer who assists the judge and helps tenants review and understand housing court stipulations.

Pro Se

Most tenants in housing court are pro se—they don't have a lawyer to represent them.

Stipulation Agreement or Stip

A written agreement that lays out the terms that you and NYCHA agree to in court.

Don't get evicted!

This guide can help.



PUBLIC ACCESS DESIGN

This project was produced through Public Access Design, a program of the Center for Urban Pedagogy (CUP). Public Access Design projects use design to make complex urban issues accessible to the New Yorkers most affected by them. publicaccessdesign.org

Collaborators

CUP: Clara Amenyo, Christine Gaspar
Red Hook Community Justice Center: Julian Adler, Rachel Finkelstein, and Naureen Rashid
Designer: Jenny Kutnow



The Center for Urban Pedagogy (CUP) is a nonprofit that uses the power of design and art to increase meaningful civic engagement. welcometocup.org



The Red Hook Community Justice Center is a community court serving Southwest Brooklyn since 2000. courttinnovation.org/redhook

Jenny Kutnow is a designer based in NYC. jennykutnow.com

Big thanks to:

Sam Holleran; Jeff Kasper; Karen Gopee, NYS Office of Court Administration; and Chris Watler, Harlem Community Justice Center



Rockefeller Foundation
Innovation for the Next 100 Years

Support for this project was provided by The Rockefeller Foundation's NYC Cultural Innovation Fund.

What happens if I don't pay my rent?

1. Visit your development's Housing Assistant. 2. If you can't work out an agreement, NYCHA may bring a Nonpayment Action against you.

- ➔ If you haven't paid your rent or you've paid late, you'll get a notice from NYCHA stating that you owe them rent. Visit the Housing Assistant in your development's management office—he or she may be able to help you work out an agreement with NYCHA.
- ➔ If you need help paying rent, talk to the Human Resources Administration (HRA) representative in Housing Court.

HELPFUL HINT

Getting a notice from NYCHA that they are starting a lawsuit doesn't mean that you'll be evicted right away, but it is the first step towards eviction. Don't ignore it!

- ➔ You'll receive notices called a Nonpayment Petition and a Notice of Petition stating the amount of rent NYCHA says you owe.
- ➔ If you receive one of these notices, go to court within 5 days to file a legal document called an **Answer**. This is an important step to avoid getting evicted.
- ➔ The Answer form will have a list of defenses that you can pick from. For example, that the rent NYCHA is asking for is not the right amount, or that it's already been paid, or that there are repairs that haven't been done.
- ➔ The court clerk will help you fill out this form.

HELPFUL HINT

Pay attention to how you're served with legal papers from NYCHA, and discuss it with the Help Center. If you're not served in a specific way, it could be used as a defense in your case.

3. After you submit the Answer, the clerk will give you a date to appear in Housing Court.

- ➔ See **On the day of Housing Court** section for more info.

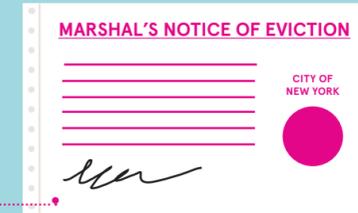
4. What if you still can't pay rent and meet the terms of your stip?

- ➔ Go back to court and file an **Order To Show Cause (OSC)** with the clerk.
- ➔ You'll also need to submit an **Affidavit in Support**.
- ➔ If the judge chooses to sign the OSC, it will pause further legal action (like an eviction) until the court decides what to do next. You'll also get a date to return to court.
- ➔ You have to serve (or give) a copy of the signed OSC to NYCHA to notify them of the new status of the case. You have to deliver the OSC in a specific way, by a specific time, so make sure to ask the clerk about the requirements.

5. If you don't file an Order to Show Cause, NYCHA can continue the eviction process.

- ➔ You'll get served with a **Marshal's Notice** stating you'll be evicted.
- ➔ If you get a Marshal's Notice, go to your borough court immediately to file an OSC to stop your eviction.

YOU SHOULD TAKE A MARSHAL'S NOTICE EXTREMELY SERIOUSLY. IT MAY BE THE LAST NOTICE YOU RECEIVE BEFORE YOU GET EVICTED. IF YOU GET ONE, GO TO COURT RIGHT AWAY!



FOR SECTION 8 TENANTS

If you already receive assistance through Section 8, make sure to recertify your family every year with NYCHA. As of 2009, NYCHA is no longer processing any new Section 8 applications. If you don't send NYCHA the complete recertification package each year, NYCHA can terminate your Section 8 subsidy and the landlord may start eviction proceedings against you.

What can I do if I'm facing eviction on a holdover case?

1. Holdovers are cases where NYCHA has taken action to terminate (or end) your lease.

Holdovers are complicated cases that can lead to eviction. Talk to a lawyer from one of the organizations in the **Places to get help** section to go over the details of your case as soon as NYCHA starts a holdover case against you.

HELPFUL HINT

Deadlines matter! If you miss a deadline, follow up right away. Any delay in responding could hurt your case. The earlier you address an issue, the faster it will be resolved and the less likely you'll be evicted.

2. NYCHA can try to evict you.

Before starting a holdover case against you in housing court, NYCHA will bring an internal **Termination of Tenancy** hearing at their headquarters (located at 250 Broadway in Manhattan). This is your chance to appear and present any defenses against the charges brought by NYCHA. If you don't show up to this hearing, NYCHA can hold it without you and terminate your tenancy. This means they legally declare that you're no longer a NYCHA tenant and that you don't have a legal right to the apartment. If you miss the hearing, you need to immediately go to 250 Broadway to fill out a form explaining why you missed it, and list possible defenses.

- ➔ If you lose the hearing and fail to move out by the date set as a result of the hearing, NYCHA will file a holdover case against you in housing court. Look out for legal papers with a date to appear in court. See the **On the day of Housing Court** section for more information on what to expect.

HELPFUL HINT

If you lose the Termination of Tenancy hearing, you can file an Article 78 in New York State Supreme Court within 4 months of the final decision. Seek legal help, these are extremely complicated.

HELPFUL HINT

NYCHA has a lot of rules and regulations, some of which you may not even know about. Check your lease for a list, or speak to your management office or a lawyer at the Help Center at Housing Court.

3. Here are some reasons NYCHA could bring a holdover case against you:

- ➔ **Grounds for termination of tenancy and eviction.**

NON-DESIRABILITY: You, a family member, or a guest engages in bad conduct causing danger to the health, comfort, or safety of other tenants, or damages to NYCHA property.

BREACH OF RULES AND REGULATIONS: You break a NYCHA rule or regulation. You may be able to resolve the issue by meeting with your management office.

CHRONIC BREACH OF RULES AND REGULATIONS: You repeatedly break a NYCHA rule.

CHRONIC DELINQUENCY IN THE PAYMENT OF RENT: Either you repeatedly miss your rent payments, or you repeatedly pay rent late.

NON-VERIFIABLE INCOME: You don't submit proper documentation of your household annual income.

ASSIGNMENT OR TRANSFER OF POSSESSION: You allow someone not named on the lease to live in your apartment without NYCHA's knowledge.

MISREPRESENTATION: You lie or hide a "material fact" from NYCHA. A "material fact" means anything important to your public housing or rent status. For example, you don't report the correct income to NYCHA.

Places to get help

FREE LEGAL INFORMATION

Bedford Stuyvesant Community Legal Services (718) 636-1155, bscls.org

Legal Aid Society (212) 577-3300

Legal Services NYC (212) 431-7200

The Metropolitan Council on Housing (212) 979-0611

The New York Legal Assistance Group (NYLAG) Housing Project (212) 613-5000 nylag.org/units/general-legal-services/projects/housing-project/

MFY Legal Services (212) 417-3700, mfy.org

HELP WITH PAYING RENT

Public Assistance / The New York City Human Resources Administration (HRA)/Department of Social Services (DSS) Contact your borough Housing Court's DSS liaison or your local DSS office. nyc.gov/html/hra/html/about/about_hra_dss.shtml

HRA Infoline (718) 557-1399

Housing Court Answers Rental Arrears Hotline (212) 962-4795

ONLINE HOUSING RESOURCES

New York City Housing Authority nyc.gov/nycha

The Association of the Bar of the City of New York and The Civil Court of the City of New York: A Tenant's Guide to the New York City Housing Court nybar.org/pdf/report/tenantsguide.pdf

Housing Court Answers, formerly known as the Citywide Task Force on Housing Court (212) 962-4795 tenant.net/Court/Howcourt/holdover.html

New York City Civil Court: Housing Part nycourts.gov/nychousing

Bedford Stuyvesant Community Legal Services Public Housing Guide bscls.org/?page_id=128

NYCHA BOROUGH MANAGEMENT OFFICES

Brooklyn (718) 649-6400

Bronx (718) 409-8626

Manhattan (212) 427-8542

Queens/Staten Island (718) 657-8300

HOUSING COURTS IN THE 5 BOROUGHES

For cases involving repairs, you can call your borough's housing court and ask to speak to the HP Clerk.

The Bronx
118 Grand Concourse (at 166th Street)
Phone: (718) 466-3014

Harlem Community Justice Center
170 East 121st Street, New York, NY
Phone: (212) 360-4113

Brooklyn
141 Livingston Street, Brooklyn, NY
Phone: (347) 404-9200

Red Hook Community Justice Center Red Hook Houses only
88 Visitation Place, Brooklyn, NY
Phone: (718) 923-8270

Manhattan
111 Centre Street (75 Lafayette St.)
between White and Franklin Streets.
Phone: (646) 386-5500/1

Queens
89-17 Sutphin Boulevard (at 89th Ave.)
Phone: (718) 262-7145

Staten Island
927 Castleton Avenue (corner of Bement Ave.)
Phone: (718) 390-5420



IT'S ALSO A GOOD IDEA TO VISIT THE HELP CENTER WHEN YOU GO TO COURT.

IMPORTANT TERMS

Affidavit in Support

Papers that show the judge good reasons why he or she should sign your OSC.

Answer

The paper you file in court that lets you explain why you haven't paid rent.

Holdover Case

A complicated case that can lead to eviction.

Marshal's Notice of Eviction

A notice that lets you know that you have been scheduled for an eviction.

Order to Show Cause or OSC

A way to ask the court for emergency relief to stop an eviction.

Termination of Tenancy

If NYCHA wants to end your tenancy and evict you, they start the process with a Termination of Tenancy hearing, followed by a holdover case in housing court. If you get a Termination of Tenancy notice, go to NYCHA's hearing prepared with everything you want to say in your defense. If NYCHA takes you to Housing Court afterwards on a holdover case, you won't be able to use any new arguments to defend yourself—only the ones you used at the NYCHA hearing.

IF YOU GET A NOTICE ABOUT A TERMINATION OF TENANCY, PAY ATTENTION!