

Housing Court Locations

Bronx

1118 Grand Concourse
Bronx, NY 10451
718-466-3025

Bronx NYCHA

851 Grand Concourse
Bronx, NY 10451
718-618-3566

Brooklyn

141 Livingston Street
Brooklyn, NY 11201
347-404-9201

Harlem Community Justice Center

170 East 121 Street
New York, NY 10035
212-360-4113

Manhattan

111 Centre Street
New York, NY 10013
646-386-5500

Queens

89-17 Sutphin Boulevard
Jamaica, NY 11435
718-262-7145

Red Hook Community Justice Center

88-94 Visitation Place
Brooklyn, NY 11231
718-923-8200

Staten Island

927 Castleton Avenue
Staten Island, NY 10310
718-675-8452

Hotline for Housing Help

We can answer questions about:

housing court
eviction
tenants' rights
NYCHA
getting repairs

We can screen you for referral to:

charity assistance
legal clinics
FEPS providers
HomeBase and HRA

call us
212-962-4795

Tuesday, Wednesday and Thursday
9am to 5pm

housingcourtanswers.org

Housing Court Answers does not provide rental assistance, but provides referrals.

This information sheet was prepared by Housing Court Answers. This information is not to be considered legal advice. If possible, consult a lawyer.

HOUSING COURT ANSWERS 
Fighting for Justice

The Court Process for tenants

There are many different types of help available. Start early and be prepared at each step of the process.

What help can I get?

- check if you qualify for a **free lawyer**
- **charities** help pay back rent
- The city's **public assistance** provides help with ongoing and back rent
- Housing Court **Help Centers** offer lawyers that answer legal questions
- **community organizations** inform, organize, and assist tenants
- **Housing Court Answers** answers questions, provides information and referrals

How will I get court papers?

Court papers must be served by someone who is over 18 and is not part of the case.

They must be served on you by personal delivery, substitute service, or conspicuous service. Your landlord must first try personal delivery or substitute service before using conspicuous service.

Personal delivery means the court papers are handed to you. **Substitute service** means the papers are handed to an adult in your home and mailed to you by certified and regular mail. **Conspicuous service** means the papers are either taped to your door or slid under it and mailed by certified and regular mail.

How do I prepare for court?

Read the papers you received. Find out what the case is about. Is it a nonpayment or holdover case? Do you owe rent? Is there something else going on?

- Figure out your defenses. Your defenses are your answers to the landlord's claims.
- Calculate how much you owe. If you owe back rent, check over the landlord's numbers.
- Find receipts for rent you paid.
- Make a complaint about conditions in your apartment. Call 311 and take pictures.
- If you think you will have to move, think about how much time you need.

What will happen on my first court date?

You will be assigned to a resolution part. The court expects you to try to resolve the case by coming to a written agreement called a **stipulation**. If your landlord has a lawyer and you don't, you will be at a disadvantage. Your landlord's lawyer might ask you to go into the hall to discuss the case.

You can choose to negotiate the stipulation in the hall with the landlord's lawyer or ask for a **conference** with the court attorney. Do this if you are uncomfortable talking to the landlord's lawyer alone.

Repeat all of the facts about your case, including your defenses with everyone you talk to. Even if you already told the clerk when you answered, you must say them again during the case. If you do not say your defenses again, they may not be included in the stipulation.

What if I need to change my court date?

If you can go to your court date but need more time to prepare, ask the judge or the court attorney for an adjournment. An **adjournment** means that your hearing will be rescheduled.

If you cannot be in court on your first appointment, file an **affidavit of unavailability** with the clerk. You will need a good reason.

Call the clerk to find out if you were granted or denied. If granted, you will get a notice of the new date by mail. If denied, file an order to show cause and write why you missed the court date.

What happens after I sign a stipulation?

The judge will go over it with you. Ask questions about anything that you do not understand or are concerned about. This is called allocution and is required by law. **It is the last time you will be able to change the agreement!** The judge will sign the stipulation, and you will get a copy.

What if I can't make an agreement with the landlord's lawyer?

You can ask for a **conference** with the judge or court attorney. They will make sure both sides are being heard and try to get an agreement.

If you still cannot agree, your case will be sent to trial. Trial may take place on the same day or it may be adjourned.

What happens in a trial?

Before you go to a trial, talk to an attorney.

Each side will present their side of the case. The landlord's lawyer will speak first. The landlord is required to prove several facts about the case. Then, it will be your turn to present your case.

While each side is presenting their case, the other side can ask questions (cross examine). Each side can present witnesses or documents to support their case. Each side can also **subpoena** documents or people. This is an order for a person or agency to testify in court or show documents.

nonpayment cases

The judge will issue a decision (judgment) after the trial and you will have 5 days to pay the judgment amount.

holdover cases

The judge will decide if you can stay in the apartment, and if not, what date you have to move by. The judge will also decide if you have to pay anything.

Can I do an order to show cause?

This is a request to reopen the case. You will fill out a form. It will be sent to the judge who will decide whether or not to give you a hearing. This can get more time to pay, more time to move, or if the landlord did not make repairs or comply with another part of your stipulation.

Judgments

Most stipulations include judgments. Judgments show up on credit reports and can affect your ability to rent a new apartment, get a loan, and can cause higher rates for credit cards, student or car loans, and insurance premiums.

You can negotiate a stipulation without a judgment.

It may be difficult if you owe the money and need time to pay.

If you cannot avoid a judgment, include: **Upon payment, judgment will be vacated.** This helps you get a judgment removed from your credit report after the money is paid.

All court employees wear badges, except the judge.

the judge

makes the rules for the courtroom. He or she will oversee the proceedings and will make the final decision in the case.

the court attorney

works for the judge. He or she helps settle cases and can explain the law and how it affects your case.

the clerk

keeps the court files in order. He or she will organize the files and call the calendar.

the court officers

maintain order in the courtroom and enforce the rules of the judge. They wear uniforms.

the interpreter

will say in your language what the court employees, lawyers, or opposition are saying and will say in English what you are saying. You can get a free interpreter if you ask.

After you make the payments, file an **order to show cause** to ask for the judgment to be vacated or satisfied.

Tenant Screening Reports

Housing Court cases usually appear on tenant screening reports. Tenant screening companies collect court records and sell them to landlords and employers who use them to screen out undesirable applicants. Future landlords might not rent to you because you had a court case. This is currently legal.

Terms for tenants

warrant

an order from the court that lets a marshal evict you. If you consent to the issuance of a warrant, the landlord can evict you if you fail to move out or pay on time.

waive

to give up a right. Make sure you understand and agree to any right you are waiving. The landlord can waive rent.

consent

to agree. This word means you agree to whatever follows. If you are consenting to a judgment for back rent or possession, make sure you understand what will follow next.

default

not do something in the agreement, or not to appear in your case. If you don't go to court on your hearing date, you might lose your case because you weren't there to raise objections and defenses. If you don't pay on time, that is a default on the payment.