

## 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*

# Nonpayment Cases for tenants

A case for back rent filed by your landlord in Housing Court.

## What is a nonpayment case?

The landlord is asking the court to order you to pay rent or to evict you if you do not. You have the right to dispute the landlord's claim and present evidence.

A nonpayment case in Housing Court does not mean that you must leave the apartment. If you have the money for the rent, the landlord must accept it.

## How does a nonpayment case start?

Before starting a case, your landlord must demand the rent either orally or in writing. Your lease may require your landlord to send you a **3 day** or **5 day rent demand**.

If you live in NYCHA or have Section 8, the rent demand has additional requirements.

After demanding the rent, the landlord can serve you a **notice of petition and petition** to start the case. The court will also mail you a postcard.

## What should I do when I receive the petition?

You have 5 days after you receive the petition to answer in Housing Court. Tell the clerk your **defenses** why you do not owe or did not pay. The clerk will mark your defenses and give you a copy of the answer form. It will have the date, time, and room number of your court date, usually about a week later. Check your answer to make sure that all of your defenses are marked before you leave the window.

## What if I cannot answer the petition?

The court will only take an answer from someone who lives in the apartment.

If it is impossible for you to go to court, you can file an answer in writing. There are extra steps that you have to take to do this. Speak with a Housing Court clerk for more information.

If you cannot go to court because of a disability, call the court and ask for the ADA Liaison to make arrangements.

## How do I prepare for my court date?

Before you go to court, get your papers in order. Find receipts and make sure the landlord gave you credit for all of your payments. Find documents from public assistance, Section 8 or other programs. Find out if the program is paying and you got credit for payments.

Prepare documents that prove your defenses. If you have made complaints to HPD about conditions, bring your violation report and photos or other proof. Make copies of your documents so that you can give them to the court. Also, if you do have to make payments, you can bring them with you either as a money order or bank check to pay on your court date.

## What is a defense?

A **defense** is a reason why the landlord should not get some or all of the rent in the petition. Tell the clerk all of the defenses that may apply. Some defenses are difficult to prove without a lawyer. The following may be defenses in your case:

### parties

- Your name is not on the papers, or is not correct.
- The person or company bringing the case is not the landlord or owner. (To find out the owner of the building, call 311 or go to HPD's website.)

### apartment

- The landlord did not make repairs or provide services.
- The building does not have a proper **Certificate of Occupancy** or **Multiple Dwelling Registration**.

### rent

- The landlord did not demand the rent correctly before starting the case.
- You tried to pay but the landlord would not take it.
- The rent on the petition is not correct.
- The landlord owes you money because you paid too much rent.
- You have already paid some or all of the rent.

### service

- You did not receive the court papers.
- The papers were not served the right way.

### other

- The landlord is suing you for rent from a long time ago, and never asked you to pay it before. (**laches**)
- You paid for repairs or services that your landlord should have paid for.
- You are dependent on someone in the military or are on active duty.

## What will happen on my court date?

On your court date, arrive early and go straight to your assigned court room. Depending on the borough, you will either check in with the clerk or sit and wait to be called. If you are not ready to proceed, you may ask the court for a new court date, an **adjournment**, for time to gather documents or get advice from a lawyer. At this time, you can also ask for a **court-ordered inspection** of your apartment. If you need documents from an agency, you can ask for a **subpoena**.

If you agree to negotiate, you and the landlord or his lawyer will try to resolve the case. You might agree to a payment plan for the rent that is owed.

Once you settle on an agreement, it will be written in a stipulation. The stipulation may also include deadlines for the landlord to make repairs or provide services. Be careful what you say to the landlord's lawyer. He or she is there for the landlord, not to help you or look out for what is best for you.

## Don't sign the stipulation unless you understand what it says and agree to it.

Before you sign the stipulation, you can ask the court attorney to explain it. The judge should read it to you and ask if you understand it. You can ask questions about your stipulation and about any consequences it may have. After you tell the judge that you understand and agree to the stipulation, he or she will sign it and give you and the landlord each a copy.

If you cannot come to an agreement with the landlord or landlord's lawyer, you can ask for a conference. This means that the court attorney will sit with you and the landlord or landlord's lawyer to help you come to an agreement, and make sure that both sides are being heard. The court attorney is not there to represent you.

## What if I don't agree to a settlement?

If you don't agree to settle the case, you can ask for a trial with a judge. A trial may be adjourned to a different day or it may be heard on the same day.

If you lose your trial, the judge may order you to pay all of the rent that you owe in 5 days. There may be other consequences. Talk to a lawyer before you request a trial.

## What happens next?

You will leave court with either a stipulation or an order from the judge. It will probably have a deadline to do something. It may order you to make a payment or trace a money order or find some further proof. It may also order the landlord to make repairs or provide services.

## What if I can't pay by the deadline?

Go back to court to ask for more time. If you do not get more time, you may receive a marshal's notice and you may be evicted. Only the judge can stop the eviction.

To ask the court for more time, file an **order to show cause (OSC)**. Filing an OSC means you are asking the court for a new hearing.

## What happens if I pay everything by the deadline?

If you pay what you owe, the case may be over. Be aware that the rent for the current month may also be due. A judgment against you can affect your credit score, even if you pay.

If you pay all the money that you owed and the stipulation said that the judgment would be vacated upon payment, file an OSC to ask that the judgment be vacated. If your stipulation doesn't say that your judgment is to be vacated, you can ask the judge that the judgment be satisfied and the case be discontinued.

## What if the landlord doesn't make repairs according to the stip?

To ask the court to order the landlord to make the repairs he or she agreed to make, you will need to file an OSC.