

## 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*

# Order to Show Cause for tenants

If you receive a marshal's notice you must go to court to file an order to show cause to stop the marshal from evicting you.

## What is an order to show cause?

An order to show cause (OSC) is a request to the court for a new hearing. It can ask for more time or stop the marshal from evicting you.

## You can file an OSC to:

- show new evidence
- show that the landlord did not comply
- if you never had a hearing in your case
- if you never received the court papers
- if you missed your court date

If you do not have a lawyer, you will have to fill out the OSC yourself.

## What goes in an OSC?

Write an **excuse** why you did not comply with your court order or stipulation or why you did not appear.

Write a **defense** or reason why you did not do what you agreed to.

Turn in copies of proof of your reasons.

## What proof can I turn in with my OSC?

Give copies of proof of what you wrote. Always turn in copies of documents and keep the originals.

- receipts for payments you made
- breakdowns of payments from public assistance or another program
- letters from charities or community groups explaining how they will help you
- HRA approval letter or appointment slip
- proof that repairs have not been done, such as photos of the conditions

## Can I present new defenses that I did not claim when I answered?

If you have new information about the case or you learn about defenses that apply to your case, write that on your OSC. The judge will read your statement and decide whether or not you can bring them up.

## How many OSCs can I file?

You are legally entitled to file as many OSCs as you need. It is up to the judge to approve or deny it.

Every time you file an OSC, the judge will see how many OSCs you have done. He can use this information to decide whether or not to approve the new OSC.

## I never received court papers.

File an order to show cause. Write that you never received papers.

If you do not know why the landlord brought you to court, ask to see your court file in the clerk's office.

The petition will be in the file. It will say why the landlord is bringing you to court. This can be helpful in defending your case.

### What is an excuse?

A reason why you did not do what you agreed to do or did not go to your hearing.

3. On the Date of Trial before Judge \_\_\_\_\_

EXCUSE \_\_\_\_\_ a) a Judgment was entered against me by default for my *failure to appear*. My reason for not appearing in Court on the date scheduled for (Trial) (Motion) is: \_\_\_\_\_

\_\_\_\_\_ b) a Judgment was entered (after trial) (after stipulation) but (I) (the Landlord) failed to comply with the Order of the Court because: \_\_\_\_\_

#### Some nonpayment excuses are:

- you applied for assistance for back rent but have not been approved
- the landlord did not make repairs
- or you have paid some or all of the money you owe

#### Some holdover excuses are:

- you looked for an apartment but haven't found one yet, or you have found an apartment but it is not ready for you to move in yet.

#### If you missed a court date, you need to give an excuse why you missed the court date:

- you were in the hospital
- you were sick
- you were away for an emergency
- there was a death in the family
- you had a hearing in another court

Judges can require that you give "good cause" for more time to pay rent or move out. Write everything you did to get the back rent from social services, charities, or other sources.

### What is a defense?

A defense is a reason why the landlord should not evict you or why you should not have to pay all of the rent due.

You can also put the same defenses that you gave the clerk when you answered.

4. I allege that I have a good defense because:

DEFENSE \_\_\_\_\_ I was improperly served. \_\_\_\_\_ petitioner is not the owner.

\_\_\_\_\_ the amount being claimed is incorrect. \_\_\_\_\_ no rent was demanded.

\_\_\_\_\_ there is credit due for rent overcharge. \_\_\_\_\_ the rent has been partially/fully paid.\*

\_\_\_\_\_ the rent has been offered and refused. \_\_\_\_\_ I have been harassed.

\_\_\_\_\_ there are conditions in the apartment which need repair, or services which have not been provided.

\_\_\_\_\_ \*Explain rent payments, if any, or other defense: \_\_\_\_\_

#### In a nonpayment:

- payments have been made
- you do not owe the money
- you tried to pay but the landlord would not accept payment
- the amount you were ordered to pay is not correct
- you applied for assistance but are waiting for an answer

#### In a holdover case:

- you need more time to find another place
- you have the right to stay in the apartment
- you have not violated the lease

### What happens after I turn in my OSC?

Turn in the form with your copies to the clerk. The clerk will send the form to the judge. You may be sent to a courtroom, told to wait in the clerk's office, or told to come back at another time.

The judge will read your OSC and decide whether you have good reasons for a new hearing.

#### The judge may:

- **approve it**  
It will have a date, time, and room number of your return date.
- **deny it**  
It will have an X across the middle and a reason why it was denied.
- **refuse to sign** but not deny it
- suggest you **withdraw** it and do it at a different time

### How do I serve my approved OSC?

You will get three copies, one for you, one for the landlord or his attorney, and one for the marshal. It will say how to serve it, when to serve it and the name and address of who to serve.

Follow the instructions from the judge or court officer.

#### You may have to send the papers:

- first class mail with certificate
- or personally

You must serve the papers correctly to stop the eviction. Keep proof that you served the papers. Do not leave the courtroom until you are sure that you understand how to serve the papers.

### What happens on my return date?

You will discuss the issues in your OSC. You will probably be in front of the same judge. You will have to show the judge the proof that you served the OSC.

You are trying to negotiate a new stipulation. If you cannot reach an agreement with your landlord, the judge may issue a decision.

At the end of the hearing, the judge will either grant or deny your request. If the judge grants your request, you will be given more time.

If it is denied, the judge should tell you when the marshal can evict you. Sometimes the marshal can evict you the next day, and sometimes the marshal will have to serve you with another eviction notice first.

### If my OSC is denied, what can I do?

If your OSC is denied, the judgment stays in effect and the eviction will not be stopped.

The judge will write why it was denied, and the clerk will give you one copy.

Sometimes an OSC is denied because you did not present proof of your claims or did not clearly explain what is happening in your case.

#### You can always file another OSC providing more information or proof.

You can appeal the judge's decision by asking the Appellate Term, a higher court, to sign the OSC. Go to the Help Center to learn how to do this.