

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

HP Actions for tenants

A case for repairs that you start against your landlord in Housing Court. It can be for conditions in your apartment or in the public areas of your building. You can file by yourself or with a group of tenants.

What steps can I take before I file an HP action?

1. Keep a list of the repairs you need. Include as much detail as possible.
2. Write a letter to the landlord listing the repairs you need. Send the letter by certified mail.
3. Call 311 to file a complaint with the **Department of Housing Preservation and Development** (HPD). You are not required to call HPD before you file an HP action.

How do I file an HP action?

- Get the forms to start an HP action from the clerk in Housing Court. There are different forms for repairs and harassment.
- Write your landlord's name and address on the forms. You cannot use a PO Box. You need the address of the landlord's office or home. You can sue the owner of the building, the managing agent for the building, or both.
- Fill out an inspection request. List exactly what is wrong with the apartment and public areas of the building. Write only one condition per line. Use another form if you need more space to write.
- Turn the papers in to the clerk.
- The judge will read and sign your papers. The clerk will schedule the inspection and a date to return to court. You will get several copies of the papers.

What if I don't know the landlord's name and address?

Find the landlord's name and address by calling 311 or going to HPD Online.

Or use the ACRIS website to search property records. Staten Island contact the county clerk.

Do I have to pay to file a case?

It costs \$45 to file the case.

You can pay with cash, money order, or bank check. You cannot use a personal check.

If you cannot afford the fee, ask the clerk for a **fee waiver request**.

Do I have to give the papers to the landlord?

Yes, serve the papers on the landlord and on HPD.

The court will explain how to serve the papers. Follow the instructions carefully and keep proof that you did. You will probably have to send the papers by certified mail, return receipt requested, and regular mail. Keep the receipts. This is your proof that the papers were mailed.

If you do not serve the landlord the right way, the judge might dismiss the case and you will have to start over.

How do I prepare for my court date?

the inspection

The inspection report is important evidence. Be ready for the inspector on the day and time assigned. Show him or her the problems in your apartment. Don't worry if the inspector does not agree about what the violations are. There are other ways to prove violations.

prepare your proof

- a list of repairs you need in the building and the apartment
- a list of times you contacted the landlord or super about repairs
- letters you have written to the landlord
- photographs of the conditions
- HPD or Section 8 inspection report
- a heat log (a list of dates when there was no heat and the inside and outside temperature)
- change to make copies

What will happen on my court date?

Check-in in the courtroom. You may see many people, including the judge, the court attorney, your landlord, your landlord's lawyer, and the court officer.

There may be a lawyer from HPD's Litigation Unit. The HPD lawyer represents the city and can be helpful with your case.

If you are late, or miss the court date, the judge may dismiss the case and you will have to start over.

If your landlord agrees to make the repairs:

You will either sign a consent order or negotiate a stipulation.

A **consent order** means that the landlord agrees to repair the violations that HPD found in the inspection.

If the landlord will not sign a consent order, you may have to negotiate. If you come to an agreement, it will be written up in a **stipulation**. All of the things you agreed to should be written down.

The order or stipulation will include:

- a list of what needs to be fixed
- specific dates and times that the landlord will have access to work on the apartment
- deadlines for the repairs to be done

Have a list of dates and times you will be available for the landlord to come to make the repairs. This may help to avoid problems later if the landlord claims you did not allow access to do the work.

The judge will review the stipulation. If he or she approves it, all parties will sign it. Get your copy before you leave the court.

Keep the stipulation so that you can return to court if the landlord does not do the work.

If your landlord refuses to make the repairs or does not show up in court:

The judge can still order that repairs be made or services restored. This is called a **Default Order**.

The HPD Lawyer

The HPD lawyer represents the city. He or she is there to make sure repairs are made and services provided.

Tell the HPD lawyer about the conditions and show evidence. He may help you. But he is not there to represent you.

Get his name and phone number before you leave. You can follow up, especially if the landlord does not make the repairs.

What if the landlord still doesn't make the repairs?

Be sure someone is in your apartment on the access dates to let the landlord's workers in. Keep a list of work that is done and when. If you need to go back to court, you will need to show the judge your records.

If the landlord doesn't send workers on the access dates, go back to court to reopen the case. File an **order to show cause** for the landlord's failure to comply.

If the landlord does not finish the repairs by the deadline, file and order to show cause.

What is contempt?

The landlord can be fined or even jailed for not complying with the court order. Any fines the landlord must pay will go to the city.

Contempt can be complicated for a tenant without a lawyer. Landlords are rarely put in jail.

Tips to strengthen your case:

- keep good records
- stay in contact with the HPD lawyer and HPD inspectors
- organize other tenants in the building to take action as a group

What is a group HP action?

A group HP action is filed by several tenants in the same building. The case will address repairs in each apartment and the public areas in the building. There are advantages to filing a group HP action. The judge will take the case more seriously if there are many people making the same complaint.

Look for a community group that can help you bring a group action.

Harassment Cases

There is a different type of HP action for harassment. HP actions for harassment only cover certain types of harassment.

A HP action for harassment can also address repair issues.

What counts as harassment?

An action by the landlord or someone working for the landlord that intends to make you leave the apartment. Cases can be filed for buildings with 3 or more families. It must include one of the following:

- threatening to use force or using force
- repeated interruption of services
- failure to correct housing code violations
- repeated, baseless court cases
- removing your possessions
- removing the door or damaging the lock
- repeated buyout offers after you have refused