

Court Navigator Program



Manual

2014

New York State Courts
Access to Justice Program

Welcome to the Court Navigator Program

The Court Navigator Program is a court sponsored program. After a Court Navigator completes training, the navigator will be able to provide non-legal assistance to persons without lawyers who have court cases. In New York State there are over 2 million persons who come to court without lawyers each year. We call these people unrepresented persons. In some cases the person may be evicted, or rent that is owed to an owner is needed to pay a building's expenses, or a debt might be owed which could result in loss of income. Many individuals do not understand what goes on in the courthouse and the places they can go to get help. A large number of individuals speak a different language which makes handling their cases even more difficult. In almost all the cases the other side on the case has an attorney, who understands the law and court procedures, while the unrepresented person does not. Unrepresented people often have to negotiate settlements in their cases with attorneys while standing in courthouse hallways. So, for many persons the experience in court is stressful and frightening. Court navigators can help to make the court experience easier for many persons who do not have a lawyer.

Thank you for your interest in the Court Navigator Program. Your participation will make a positive difference in the experience unrepresented persons have in the courthouse.



Table of Contents

Welcome	1
Volunteer Role & Responsibilities	2-3
Glossary of Terms	4-23
Housing Court Overview	24-42
Nonpayment Proceedings	25
Defenses to Nonpayment Proceedings	26-27
Holdover Proceedings	28
Preparing for Housing Court	29-30
Going to Housing Court	31-33
Settlements & Stipulations	34-35
Subpoenas	36-40
Subpoena Addresses for Government Agencies	41-42
Housing Court Reference Guide	43-64
Housing Court Website	43
Courthouse/Help Center/Landlord Tenant Clerk's Office Locations	43-47
Government Agencies & Other Resources	48-62
Legal Aid & Legal Services	63
Charity Hotlines	64
Appendix	
Exhibit 1	Fact Sheets on Rent Control, Rent Stabilization & Section 8
Exhibit 2	Sample of Rent Demand, Notice of Petition, Petition & Answer
Exhibit 3	Sample City Marshal Warrant
Exhibit 4	Affidavit of Unavailability
Exhibit 5	Guardian ad Litem Brochure
Exhibit 6	List of Frequently Used Legal Words & Phrases
Exhibit 7	Sample of Subpoena for Records
Exhibit 8	List of Legal Aid Headquarters & Other Locations
Exhibit 9	List of Legal Services of New York City Help Lines
Exhibit 10	Pamphlet on FEPS
Exhibit 11	Information Sheet on Housing Court Answers
Exhibit 12	Information Sheets on LawHelp
Exhibit 13	Information Sheet on University Settlement
Exhibit 14	Housing DIY Nonpayment Answer Program Information Sheets
Exhibit 15	Resources for Senior Clients

Consumer Case Overview.....52-53
Consumer Law Resources54
Consumer Appendix.....
 Exhibit 1.....Consumer Credit Answer Form
 Exhibit 2.....Debt Collection Law Information
 Exhibit 3.....List of Locations and Times for CLARO
 Exhibit 4.....LawHelp Legal Referral Information
 Exhibit 5.....Do-It-Yourself Program Information
 Exhibit 6.....NYC Financial Empowerment Centers
 Exhibit 7.....LawHelp Information about Credit Repair
 Exhibit 8.....Information about Free Credit Reports

The objective of the Court Navigator Program is to ensure that unrepresented persons are empowered to express their concerns and desires when appearing in Court and negotiating stipulations of settlement. The Program also seeks to provide assistance to unrepresented litigants with obtaining information and help in resolving cases. Here is a list of what a court navigator must do as well as guidelines on what he or she can and cannot do.

What a Court Navigator Must Do To Participate in the Program

1. A Court Navigator must read this manual and participate in live training.
2. A Court Navigator must come to court on time and on the dates he or she signed up for. If there is an emergency that will prevent the navigator from coming to court, he or she must notify the appropriate person or persons.
3. A Court Navigator must fulfill the volunteer hours he or she has agreed to provide.
4. A Court Navigator must dress professionally. A suit is not required but appropriate attire must be worn. No jeans are allowed.
5. A Court Navigator must wear an ID badge at all times in the courthouse. The ID badge must be returned before leaving the courthouse.
6. A Court Navigator must act professionally at all times: no rudeness, hostility, cursing or other inappropriate behavior.

What a Court Navigator Can Do

Court Navigators can help unrepresented persons in the following ways:

1. To help in using computers located in the courthouse to obtain information and fill out court forms using the Do It Yourself computer programs.
2. To help find information about the law and how to find a lawyer on a website called Law Help.
3. To help persons find resources in the courthouse and outside the court to assist in resolving their cases.
4. To help persons collect and organize documents needed for their cases. To help fill out some court forms.

5. To accompany persons during hallway negotiations with opposing attorneys.
6. To accompany persons in conferences with the judge or the judge's court attorney. To respond to a judge's or court attorney's questions asking for factual information on the case. A Court Navigator can remind an unrepresented litigant to raise issues that are important to him or her in a settlement discussion with the opposing attorney or with a court attorney or a judge.

What a Court Navigator Can't Do

1. A Court Navigator may not provide legal information¹ or legal advice to an unrepresented person.
2. A Court Navigator can not give an unrepresented person personal advice.
3. A Court Navigator can not give an unrepresented person or any attorney his or her personal contact information.
4. A Court Navigator can not hold himself or herself out as a court employee.
5. A Court Navigator can not interpret for the opposing side or in the courtroom.
6. A Court Navigator can not participate or interfere in a settlement negotiation.
7. A Court Navigator can not act hostile or rude to anyone in the courthouse.
8. A Court Navigator can not disclose health information provided by an unrepresented person.
9. A Court Navigator can not provide information to a court attorney or a judge unless directly asked a factual question by the court attorney or a judge.

¹Unless with express permission of the Chief Administrative Judge.

Checking in to Volunteer



Volunteer Court Navigators must first check in with the Court Navigator Coordinator or the Housing Court Answers staff member to obtain a Court Navigator Badge. **YOU MUST WEAR YOUR COURT NAVIGATOR BADGE AT ALL TIMES WHILE IN THE COURT HOUSE. THE BADGE MUST BE RETURNED EACH DAY.** Court Navigators will then go to the courtroom or stay at the Housing Court Answer Desk and locate individuals in need of assistance. The Court Navigator may do this by calling out the name of one of the individuals on the sign-up list. If that person acknowledges being present, the Court Navigator should approach the person and identify himself/herself as a Court Navigator. If a person declines assistance, the Court Navigator should call the next person on the list and so forth.

Check In Locations

Coordinator	Location
Housing Court Answers Kings (Brooklyn) - Housing 2 nd floor (inside Clerk's office) and Zoe London (Room 904)	Kings County Housing Court 141 Livingston Street Brooklyn, NY 11201 Mo-Fri
Kisha Miller, Esq. (Room 523) or Juliet Howard, Esq. New York (Manhattan) - Housing	New York County Housing Court 111 Centre Street New York, NY 10013 Mo-Fri
Help Center (Room 235) Queens - Housing	Queens County Housing Court 89-17 Sutphin Boulevard Jamaica, NY 11435 Mo-Fri
Donna Humphrey, Esq. (Room 490) Bronx - Housing	Bronx County Housing Court 1118 Grand Concourse (at 166 th street) Bronx, NY 10451 Mo-Fri
Steve Clark (B-128) Bronx - Consumer Program	Bronx Civil Court 851 Grand Concourse Bronx, NY 10451 Mo-Thur

Meeting the Unrepresented Litigant

Introduce yourself : Court Navigators should introduce themselves in the following manner.

"My name is I am a Court Navigator. Here is a brochure on the program. I am not an attorney and I do not work for the court. However, I have been trained to assist people in court cases. I can help you better understand what is going to happen today and explain the help available to you. I can stand with you while you are trying to settle your case with the attorney for the other side. I can not participate in the settlement discussions, but I can tell you when I think you should only speak to the judge or the judge's court attorney. I am able to accompany you when you go before the court attorney and when you talk to the judge. I can't give you legal information or advice. I can assist you in finding help to resolve the legal problem you are having. My services are free. Do you want me to help you?"

Where the litigant accepts help, Court Navigators should ask questions to better understand the litigant's situation. Conduct brief questioning. For example:

"I understand that you are here for a nonpayment case. What would you like to see happen in your case?" OR

" I understand you are here because you are being sued for a debt. What would you like to see happen in your case?"

Establish a signal: Discuss with the litigant how you will notify him/her that it may be time to speak with the court attorney or judge. Asking the litigant to step-aside from the negotiations with the opposing side's attorney is one way of establishing a signal.

Communicating with Litigants

Communicate understanding and knowledge of the litigant's right to have a court attorney or judge hear his/her points.

Allow the litigant to exercise his/her decision making ability.

Channel any distressed feelings in a positive direction.

When litigants realize they have options, they are likely to feel empowered and less victimized by the process. Put yourself in the litigant's shoes and think of what you would need to know under those circumstances. BUT

Remember, giving legal advice or legal information is never appropriate when you are a Court Navigator.

Where the unrepresented litigant is unsure of his/her legal remedies, encourage the unrepresented litigant to speak with the court attorney , with Housing Court Answers , New York Legal Assistance Group, CLARO or someone in the Help Center.

DO NOT give personal advice or opinions on what is best for the unrepresented litigant's life.

Making the litigant feel comfortable is crucial in developing good rapport.

Take cues from the litigant.

Plain English is always best.

Things rarely go as planned, so be flexible and accommodating. It is impossible to tell you in advance exactly what to say or how to engage an unrepresented litigant. Use your good judgment to mold the conversation to what is happening around you.

Remember, your goal is to make the Court experience less intimidating and to empower unrepresented litigants to chart their own course wisely and effectively.

Spotting Red Flags in Settlement Negotiations

The following items are examples of situations requiring the help of the court attorney or judge.

The unrepresented person is impaired or needs an interpreter.

The unrepresented person does not seem to understand what his/her adversary is proposing in the negotiation.

The unrepresented litigant and the attorney for the other side are arguing. The attorney is rude or inappropriate or will not listen to what the unrepresented person has to say.

The attorney for the other side is offering the unrepresented person legal advice or pressuring the unrepresented person.

The attorney for the other side is attempting to negotiate issues beyond the scope of a nonpayment proceedings.

The attorney for the other side is refusing to put an oral agreement in writing.

Do-It-Yourself (DIY) Computer Programs

Unrepresented litigants have to prepare and file court forms. This requirement creates many difficulties for those who have no familiarity with law and procedure. The Access to Justice Program (A2J) produces attractive, user-friendly document assembly programs, known as Do-It-Yourself (DIY) Forms that address the challenges unrepresented litigants face when creating their court papers. The DIY Form programs are available to unrepresented litigants over the internet and in many courthouse Clerks' Offices and Help Centers. A list of the 24 available DIY programs is set forth on the A2J website: <http://www.nycourts.gov/ip/nya2j/diyavailable.shtml>.

- Court navigators can help litigants at the courthouse use these programs.
- When helping with the DIY Program, a Court Navigator can assist an unrepresented person with using the computer, but cannot give any advice on their case or any personal issues, or help with answers.

LawHelp.org/NY

LawHelp.org/NY is a website that helps low income and other vulnerable New Yorkers to solve legal problems and achieve equal access to justice. This online tool provides and promotes access to information about free legal services throughout New York about legal rights in a broad range of substantive areas, about the court system, and about related advocacy, government and social service organizations. The information available is presented in a user-friendly format, in English, Spanish, and other languages.

- Court navigators can help unrepresented litigants use this comprehensive source of legal referral information to find what free legal service programs and organizations may be available to them, and how to reach out to social service, advocacy and government organizations and get information about the court system.

Court Interpreters

In this diverse city, where many litigants speak numerous languages other than English, it often becomes necessary to provide a neutral interpreter to interpret for one or more parties in a case. The Civil Court employs full time interpreters in Spanish, Creole, Mandarin and Cantonese Chinese, and Russian. Temporary per diem interpreters are arranged by the court for all languages other than those listed previously. The court also employs a sign language interpreter. Only official court interpreters may interpret in court proceedings. There is no charge for the use of an interpreter.

- Court navigators may speak to an unrepresented person in his or her language, BUT may not interpret in the courtroom or for the other side
- Court navigators can help a person ask for a court interpreter, which is provided for free. Notify the clerk in the courtroom if a court interpreter is needed.

Glossary of Legal Terms

325D or 325(d): a shorthand reference to "CPLR 325(d)," the New York statute which allows a court to transfer a matter to a lower court. Pursuant to CPLR 325(d), the Supreme Court may transfer claims to the Civil Court which appear to have a value of no more than \$25,000, but which were brought in Supreme Court claiming a greater amount. Once transferred, however, a potential verdict is not limited to the \$25,000 maximum of the Civil Court.

A

action: a civil judicial proceeding whereby one party prosecutes another for a wrong done or for protection of a right or prevention of a wrong; requires service of process on adversary party or potentially adversary party

adjournment: a temporary postponement of the proceedings of a case until a specified future time

adjudicate: to hear or try and determine judicially

adversary: an opponent. The defendant is the plaintiff's adversary

affiant: one who swears to an affidavit; deponent

affidavit: a sworn or affirmed statement made in writing and signed; if sworn, it is notarized

affidavit of service: a sworn statement made in writing certifying the delivery of copies of legal documents to the correct person or entity

affirmed: upheld, agreed with (e.g., The Appellate Court affirmed the judgment of the Civil Court)

allegation: the assertion, declaration, or statement of a party to an action, made in a pleading, setting out what the party expects to prove

allege: to assert a fact in a pleading

allocution: a formal address by a trial judge to the parties on the record to find out if they understand the terms of a stipulation of settlement

amend: to change

answer: a paper filed in court and sent to the plaintiff by the defendant, admitting or denying the statements in the plaintiff's complaint, and briefly stating why the plaintiff's claims are incorrect and why the defendant is not responsible for the plaintiff's injury or loss

answer (Housing Court): a respondent's first response to a petition. It may contain a general denial, any legal or equitable defenses, and any counterclaim.

appeal: in an appeal, either plaintiff or defendant (or sometimes both) asks a higher reviewing court to consider a lower court judge's decision. One may only appeal a judge's ruling, not an arbitrator's ruling.

appeal as of right: the ability to bring an appeal of an order or a judgment without seeking permission of the court

appear/ appearance: the participation in the proceedings by a party summoned in an action, either in person or through an attorney

appellant: the party who takes an appeal to a higher court

appellee: the party against whom an appeal is taken

arbitration: a process in which an impartial attorney trained in arbitration or a retired judge decides a dispute instead of the court; if the parties consent to arbitration, the arbitrator's decision is final; otherwise, a dissatisfied party may request a trial before the court

arbitrator: a disinterested person trained in arbitration who hears evidence concerning the dispute and makes an award based on the evidence

argument: a reason given in proof or rebuttal

attachment: the taking of property into legal custody by an enforcement officer

B

bill of particulars: factual detail submitted by a claimant after a request by the adverse party which details, clarifies or explains further the charges and/or facts alleged in a pleading

brief: a written or printed document prepared by the lawyers on each side of a dispute and submitted to the court in support of their arguments - a brief includes the points of law which the lawyer wished to establish, the arguments the lawyer uses, and the legal authorities on which the lawyer rests his/her conclusions.

C

calendar: a schedule of matters to be heard in court

calendar call: the calling of matters requiring parties, or their attorneys, to appear and be heard. There is usually one at the beginning of each court day. Other calendar calls take place throughout the day.

caption: in a pleading, deposition or other paper connected with a case in court, it is the heading or introductory clause which shows the names of the parties, name of the court, number of the case on the docket or calendar, etc.

cashier: a court employee in the clerk's office authorized to accept payment for various court services, including starting an HP case

cause of action: grounds on which a legal action may be brought (e.g., property damage, personal injury, goods sold and delivered, work labor and services)

certified copy: a document which contains a seal that establishes the document as genuine, as a true copy, so that it may be used as evidence at a trial or a hearing. A document may be certified by an official record keeper, a clerk of the court, or any other authorized person, for example, an attorney.

certificate of compliance: a requirement of the New York City Housing Maintenance Code which provides that when any violations of the Housing Maintenance Code have been corrected, they shall be certified at one time to the Department of Housing Preservation and Development (HPD). Such certification shall be in writing, under oath by the registered owner, a registered officer or director of a corporate owner or by the registered managing agent. The wilful making of a false certification of correction of a violation is subject to a monetary penalty.

certified statement: a statement which has been sworn to before a Notary Public or Commissioner of Deeds as a true statement

change of venue: the removal of a suit begun in one county to another county for trial, though the term may also apply to the removal of a suit from one court to another court of the same county

charge to jury: in trial practice, an address delivered by the court to the jury at the close of the case instructing the jury as to what principles of law they are to apply in reaching a decision

chattel: article of personal property

civil contempt: a failure to comply with a court order. Civil contempt is committed when a person violates an order of the court which specifically requires that the person

do or refrain from doing an act. Punishment for civil contempt may be a fine or imprisonment, and the goal of the punishment is to have the person comply with the original order of the court.

clerk's return on appeal: a form filled out by the Civil Court Appeals Clerk certifying that the record on appeal is complete and ready to be transmitted to the Appellate Term

complaint: a paper filed in court and delivered to the party(ies) being sued, stating the plaintiff's claims against the defendant

compliance hearing: in an HP case, a hearing to determine whether repairs or other conditions were corrected as required by a court order. If noncompliance is found, the judge may impose civil penalties payable to the City of New York or issue further orders.

conspicuous place delivery: when the person serving the notice of eviction is unsuccessful on the first try to serve the papers by personal delivery or by substituted delivery, then he or she must make a second attempt during a different time period. After two unsuccessful attempts have been made to serve the respondent at home either by personal delivery or by substituted delivery, the server of the notice of eviction may then use conspicuous place delivery, also known as "nail and mail".

constructive eviction: this occurs when the landlord's wrongful acts keep the tenant from the use of an apartment. In a constructive eviction a tenant, though not physically barred from the apartment or room in question, is unable to use the whole apartment or room for the purpose intended.

costs: the statutory sum awarded to the successful party when a judgment is entered

counterclaim: a legal claim by the defendant against the plaintiff

counterclaim (Housing Court): a legal claim by the respondent against the petitioner

court record: a documentary account of what happened in the action or proceeding, which includes the court file, exhibits and transcripts

court reporter: a person who transcribes by shorthand or stenographically takes down testimony during court proceedings

CPLR: the abbreviation for the Civil Practice Law and Rules, which is the New York state statute that sets forth the rules of civil procedure governing how a lawsuit is conducted in the courts of this state

criminal contempt: an offense against the authority of the court based upon wilful disobedience of a lawful court order. Punishment may be imprisonment, a fine, or both

cross-appeal: an appeal by one who has received a notice of appeal from their opposing party

crossclaim: claim litigated by co-defendants or co-plaintiffs against each other and not against a party on the opposite side of the litigation

cross-examination: questioning by a party or his attorney of an adverse party or a witness called by an adverse party

D

decision: the determination reached by a court in any judicial proceeding, which is the basis of the judgment

default: a "default" occurs when a party fails to plead or otherwise defend within the time allowed, or fails to appear at a court appearance

default (Housing Court): a party's failure to timely answer and/or appear. In Housing Court a default against a tenant can result in eviction.

default judgment: a judgment against a defendant as a result of his/her failure to appear or submit papers at an appointed time during a legal proceeding

defendant: the one being sued. This party is called the "respondent" in a summary proceeding defenses, legal or equitable: a stated reason why the petitioner has no valid case against the respondent

deliberation: the process by which a panel of jurors comes to a decision on a verdict
de novo: from the beginning, a new trial

deposition: sworn testimony of a witness

DHCR: New York State Division of Housing and Community Renewal, a New York State administrative agency which regulates residential housing subject to rent stabilization and rent control.

direct examination: the first interrogation of a witness by the party on whose behalf the witness is called

directed verdict: an instruction by the judge to the jury to return a specific verdict

disbursements: out of pocket expenses awarded to the winner in a judgment

discontinuance with prejudice: to voluntarily put an end to a claim or proceeding, which prevents renewal of the same claim or cause of action

discontinuance without prejudice: to voluntarily put an end to a claim or proceeding, which does not prevent renewal of the same claim or cause of action

discovery: the efforts of a party to a lawsuit to get information about the other party's contentions before trial. The range of information which each party must exchange in discovery is broad, because all parties should go to trial with as much information and knowledge about the lawsuit as possible. During discovery a party may: (1) demand that the other party produce documents or other physical evidence, (2) request written interrogatories, which are questions and answers written under oath, and (3) take depositions, which involve an in-person session at which one party has the opportunity to ask oral questions of the other party or his or her witnesses.

dismissal: termination of a proceeding for a procedurally prescribed reason

dismissal with prejudice: action dismissed on the merits which prevents renewal of the same claim or cause of action

dismissal without prejudice: action dismissed, not on the merits, which may be re-instituted

disposition: the result of a judicial proceeding by withdrawal, settlement, order, judgment or sentence

disprove: to show to be false

E

economic infeasibility: a defense by an owner to an HP action that the conditions cannot be remedied because the cost of removing the violations and restoring the premises is prohibitive

entry of judgment: in order to start enforcing a judgment, the judgment must be "entered." Entry occurs after the clerk of the court signs and files the judgment.

eviction: removal of the tenant and his or her personal property from a residential or non-residential premises

eviction proceeding: any proceeding which could result in the eviction of a respondent, such as a holdover or nonpayment proceeding

evidence: a form of proof or probative matter legally presented at the trial of an issue by the acts of the parties and through witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or the jury

examination before trial: a formal interrogation of parties and witnesses before trial

execution: (1) the performance of all acts necessary to render a written instrument complete, such as signing, sealing, acknowledging, and delivering the instruments (2) supplementary proceedings to enforce a judgment, which, if monetary, involves a direction to the sheriff to take the necessary steps to collect the judgment

execution of the warrant of eviction: when a Marshal evicts the occupants of a premises listed on the warrant of eviction and puts the winning party in possession

exhibit: a paper, document or other article produced and exhibited to a court during a trial or hearing and, on being accepted, is marked for identification or admitted in evidence

ex parte: a proceeding, order, motion, application, request, submission etc., made by or granted for the benefit of one party only; done for, in behalf of, or on application of one party only

F

G

garnish/ garnishment: to attach (seize) a portion of the wages or other property of a debtor to repay the debt. The garnishing party notifies a third party, such as a bank or an employer, to retain something it has belonging to the defendant-debtor, to make disclosure to the court concerning it, and to dispose of it as the court shall direct.

general denial: a respondent's refusal to admit the truth of the claims in the petition

guardian ad litem: a person appointed by the court to represent a minor or an adult, not able to handle his or her own affairs, during a legal proceeding. The person appointed does not need to be a lawyer. The guardian ad litem is the guardian just for the purpose of the particular lawsuit. The person acting as the guardian ad litem has the responsibility to pursue the lawsuit and to account for any money recovery.

H

holdover proceeding: a court case started by the landlord to recover possession of the premises

HP case: a case brought in the residential Housing Part of the Civil Court which seeks repairs and to enforce housing standards

I

income execution: the legal process of enforcing a judgment. To enforce the judgment, the judgment creditor may seek an order from the court to have the appropriate authority seize property of the judgment debtor in order to satisfy the judgment. In the case of an income execution, or a "garnishment," the court might order a portion of the judgment debtor's wages or other property held in an amount to satisfy

the judgment. This might be done over time in increments.

index number: a number issued by the county clerk, which is used to identify a case - in civil court there is a charge of \$45.00

indorse: in the Housing Court, to write the oral answer of a respondent upon the court copy of the petition

infant's compromise: a civil proceeding or motion for obtaining court approval of the settlement of an infant's claim

information subpoena: a legal document that requires a person, a corporation, some other business, or the judgment debtor him or herself to answer certain questions about where the judgment debtor's assets can be found

inquest: a non-jury trial for the purpose of determining the amount of damages due on a claim, if a party has not appeared or defended against the claim, and after the merits of the claim have been proven

interpreter: a person sworn at a judicial proceeding to translate oral or written language

interrogatories: written questions propounded by one party and served on an adversary, who must provide written answers thereto under oath

issuance of the warrant of eviction: the issuance of a warrant of eviction cancels the agreement under which the person removed held the premises and annuls the landlord/tenant relationship. The court retains power to vacate the warrant for good cause shown prior to the execution of the warrant.

J

judgment: the final decision of the judge. It is a determination of the rights and obligations of the parties. In a given lawsuit, a judgment may direct a dismissal of the lawsuit, order payment of a money amount or a direct one or more of the parties to do an act.

judicial hearing officer (JHO): a person who formerly served as a judge or justice of a court of record of the Unified Court System

jurisdiction: the court's authority to hear and decide a case. It is based upon the geographical, subject matter and monetary limitations of a court. To hear and decide a case a court must have both "personal jurisdiction" and "subject matter" jurisdiction. Personal jurisdiction refers to the court's power over the parties involved in the lawsuit. Subject matter jurisdiction refers to the court's power over the type or category of the lawsuit.

for making a jury demand, which include filing a written demand with the clerk and paying a fee. The procedural rules place time restrictions on when a jury demand must be made.

jury instructions: directions given by the judge to the jury

K
L

legal holidays: includes the following days each year: Martin Luther King Jr. Day, Lincoln's birthday, Washington's birthday, Memorial Day, Flag Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day and Christmas Day. If any holiday falls on a Sunday, other than Flag Day which is on a Sunday, the holiday is the next day.

legal possession: when the tenant is removed from the premises by the marshal, but the tenant's property remains in the apartment under the care and control of the landlord. A landlord has possession of the premises when the marshal has secured the premises by changing the locks.

lessee: a person who has signed a lease to rent real property

levy: to take or seize property in execution of a judgment

liability: an obligation to do, to eventually do, or to refrain from doing something; money owed; or according to law one's responsibility for his/her conduct; or one's responsibility for causing an injury

lien: a claim on specific property for payment of a debt

litigant: party to a legal action

M

marshal: an officer of the United States, whose duty it is to execute the process of the courts of the United States. His duties are very similar to those of a sheriff.

marshal (Housing Court): a marshal of the City of New York is a public servant who is empowered to enforce judgments, including evictions

marshal's notice: a notice from a Marshal informing the recipient that they will be evicted after a certain time period

mediation: a discussion led by an impartial third party to facilitate a settlement of the lawsuit. The results of mediation are not binding unless the parties have signed a settlement agreement.

minutes: notes of what happened in the courtroom

mistrial: a trial which has been terminated and declared void prior to the reaching of verdict due to extraordinary circumstance, serious prejudicial misconduct or hung jury - it does not result in a judgment for any party but merely indicates a failure of trial

mitigation: to make less severe

money judgment: a judgment for an amount of money

motion: a request to the court, usually in writing, for relief before the trial on the parties' claims, or for different or additional relief after the trial decision
motion to reargue or renew: an application which seeks to persuade a judge that the decision/order rendered is incorrect, because the judge has misapprehended the facts or the applicable law, or because new evidence has become available which would change the prior decision and there is a good reason why the evidence was not presented earlier

moving party: the party who is making an application to the court for relief

multiple dwelling: a building occupied as a residence of three or more families living independently of each other, or occupied by one or two families with five or more transient boarders

N

nonpayment proceeding: a court case started by the landlord to collect unpaid rent and to evict the tenant if the tenant cannot pay the rent that is owed

notarize: to have a notary public attest to the authenticity of a signature on a document by signing the document and affixing his/her own stamp

notary public: a person authorized by the State of New York to administer oaths, certify documents and attest to the authenticity of signatures

notice of appeal: a notice to the opposing party that an appeal of the court proceedings will be taken. The notice must be served and filed within 30 days of service of the order or judgment appealed from with written notice of entry.

notice of claim: a paper required to be sent to the city or a public authority when a person claims a city agency, official, or employee of a public authority caused the person damage. The notice of claim informs the city or public authority of the nature of the claim within a short time after it occurs. A notice of claim must be timely sent to the city or public authority prior to filing a lawsuit.

notice of entry: a notice with an affidavit of service stating that the attached copy of an entered order or judgment has been served by a party on another party
notice of eviction: the notice from a marshal which informs the respondent that the marshal will return to evict him/her

notice of motion: a notice informing the court and your opposition when and where your motion will be heard, which lists the relief requested, the grounds for that relief, and provides a list of the supporting papers upon which the motion is based

notice of petition: a petitioner's written notice delivered to the respondents of when the court will hear the attached petition

nunc pro tunc: (now for then) presently considered as if occurring at an earlier date; effective retroactively

O

order: an oral or written command or a direction from a judge

order to correct: an order signed by a judge directing the correction of one or more violations. The order may be entered on stipulation after inquest, or after trial, and may be the foundation for contempt proceedings and civil penalties.

order to show cause: a written direction by the court, usually prepared and presented to the court by a party, that the court is shortening the required advance notice of a motion to the other parties. Sometimes the order to show cause contains a direction to the parties that they stop some specific activity until the court hears the motion.

P

PAR: a Petition for Administrative Review of an order issued by the DHCR. It is an appeal of a DHCR order brought at the DHCR, where the petition alleges the errors and lists the issues upon which the order should be reviewed.

party: person having a direct interest in a legal matter, transaction or proceeding

peremptory challenge: the challenge which may be used to reject a certain number of prospective jurors without assigning any reason

perfect appeal: to take all legal steps necessary to complete the process of appealing an order or judgment. These steps may include ordering and securing a transcript, drawing up a record, writing, serving, and filing a brief, getting the case onto the appellate court's calendar for argument, and finally, arguing and submitting the case.

personal delivery: when the notice of eviction is given to the respondent by in-hand delivery

petition: in special or summary proceedings, a paper like a complaint filed in court and delivered to the respondents, stating what the petitioner requests from the court and the respondents

petitioner: in a special or summary proceeding, one who commences a formal written application, requesting some action or relief, addressed to a court for determination.

Also known as a plaintiff in a civil action.

plaintiff: the one suing. This party is called the "petitioner" in a summary proceeding pleadings: complaint or petition, answer, and reply

poor person's relief: when a party to a lawsuit cannot afford the costs of a lawsuit, the Court may permit that party to proceed without being required to pay for court costs

possession: the right to occupy a premises

possessory judgment: a judgment for possession of residential or non-residential property. Both a nonpayment judgment and a holdover judgment can result in eviction.

predicate notice: a notice, served upon a respondent prior to the commencement of a special proceeding, such as a Demand for Rent, Notice to Quit, Notice to Cure a Substantial Violation of the Lease, Notice of Termination or a Notice of Intent Not To Renew a Lease

proceeding: a type of lawsuit. In Housing Court a nonpayment proceeding seeks past-due rent; a holdover proceeding seeks possession of the premises.

proof of service: documentation filed in court as evidence that a person or entity in a lawsuit was properly served. This consists of an affidavit of service by the person who served the court papers, as well as any supporting documentation, such as receipts from the post office and/or the signature of a person receiving such papers.

pro se: a party who does not retain a lawyer and appears for him/herself in court.

Q R

record: a permanent written account of some act, court proceeding or transaction that is drawn up by a proper officer and designated to remain as permanent evidence of what has been done in a lawsuit.

referee: a person to whom the court refers a pending case to take testimony, hear the parties, and report back to the court. A referee is an officer with judicial powers who serves as an arm of the court.

relevant: logically connected and tending to prove or disprove a matter at issue

rent control: Laws and regulations which govern the occupancy of certain housing accommodations, first instituted in New York City after World War II. It is administered by the DHCR.

rent stabilization: Laws and regulations which govern the occupancy of certain housing accommodations, first instituted in New York City in 1969. It is administered by

the DHCR.

replevin: an action brought for the owner of items to recover possession of those items when those items were wrongfully taken or are being wrongfully kept

reply: a plaintiff's response to a defendant's answer when the answer contains a counterclaim

requisition: a request to obtain something, such as court records, subpoenaed documents or copies of trial tapes

respondent: one who formally answers the allegations stated in a petition which has been filed with the court. Also known as a defendant in a civil action.

restore/ reinstate to calendar: to reinstate the action to active inventory.

S

seizure: the process by which a person authorized under the law to do so takes into custody the property, real property or personal property, of a person against whom a judgment has been issued or might be issued. The seized property may be held to guarantee a judgment or be sold to satisfy a judgment.

self-represented litigant: a party who does not retain a lawyer and appears for him/herself in court. Also known as a Pro Se or unrepresented litigant.

service of process: the delivery of copies of legal documents to the defendant or other person to whom the documents are directed. Legal documents which must be served include a summons, complaint, petition, order to show cause, subpoena, notice to quit the premises and certain other documents. The procedure for service of process is specifically set out in statutes.

settle the minutes: the process by which the transcript of the proceeding is finalized.

sever: to remove from a lawsuit or a counterclaim, with the ability to institute at another time in another court.

sheriff: the executive officer of local court in some areas. In other jurisdictions the sheriff is the chief law enforcement officer of a county.

standing: the right to make a legal claim, or to seek judicial enforcement of a duty or a right.

statement in lieu of record on appeal: a statement prepared by parties to an appeal indicating the question for appellate review, and providing a limited record necessary only to decide the question.

stay: the postponement or halting of a proceeding, action, or the enforcement of an order or judgment

stipulation of settlement: a formal agreement between litigants and/or their attorneys resolving their dispute.

subpoena: a court document used to compel a witness to testify at the hearing or to produce records

substituted delivery: when the notice of eviction is given to an individual who answers the apartment door, as long as he or she resides or is employed in the apartment and is of appropriate age and has appropriate judgment to receive the papers

sum certain: liquidated damages pursuant to contract, promissory note, law, etc.

summary judgment: a determination in an action on the grounds that there is no genuine issue of fact

summons: a plaintiff's written notice, in a specific form, delivered to the parties being sued, that they must answer the plaintiff's attached complaint within a specific time

T

testimony: an oral declaration made by a witness or party under oath

transcript: the written, word-for-word record of all legal proceedings, including testimony at trial, hearings or depositions. A copy of the transcript may be ordered from the court reporter and a fee must be paid for the transcript.

transcript of judgment: a transcript of judgment is a paper containing the essential information of the judgment, certified by the clerk in the county where the judgment is entered, which allows the judgment creditor to enforce a judgment against real property in other counties.

trial: the formal examination of a legal controversy in court so as to determine the issue
trial de novo: a new trial (see: 22NYCRR 28.12)

turnover proceeding: a hearing after a judgment has been issued, in which a creditor seeks to establish through evidence that the debtor (or a third party who is in possession of the debtor's property) is in possession of money or property that would satisfy, or partially satisfy, the judgment

U

unbundled legal services: a practice in which the lawyer and client agree that the lawyer will provide some, but not all, of the work involved in traditional full service representation. Simply put, the lawyers perform only the agreed upon tasks, rather than

the whole "bundle," and the clients perform the remaining tasks on their own.

undertaking: deposit of a sum of money or filing of a bond in court

use and occupancy: Payment by an occupant to the landlord for the right to use and occupy a premises. The occupant is not a tenant, or once may have been a tenant, but the landlord/tenant relationship has since been terminated.

V

vacate: to cancel or invalidate

venue: the place within the court's jurisdiction where a lawsuit will be decided. For example, venue in a Civil Court action may be placed in Manhattan, Queens, Staten Island, Bronx or Brooklyn.

verdict: the determination of a jury on the facts

verification: confirmation of the correctness, truth or authenticity of pleading, account or other paper by an affidavit or oath

violation: condition listed as a violation of the New York City Housing Maintenance Code. They are classified as follows: "A" nonhazardous violations, "B" hazardous violations, and "C" immediately hazardous violations.

voir dire: a questioning of prospective jurors by the attorneys, and, on application of any party, by the judge, to see if any of them should be disqualified or removed by challenge or examination

W

warrant of eviction: a document that authorizes an eviction after a possessory judgment has been awarded to the winning party. It describes the premises and directs the sheriff or marshal to remove all persons from that premises and put the winning party in possession.

waste: permanent harm to real property

witness: one who testifies to what he/she has seen, heard, or otherwise observed

X, Y, Z

Housing Court Overview

Types of Cases Brought in Housing Court

A landlord may bring two types of proceedings:

1. **Nonpayment proceeding:** The landlord claims the tenant owes rent and is suing to collect the overdue rent and evict the tenant, if the tenant does not pay.
2. **Holdover proceeding:** The landlord seeks to recover possession of the premises for reasons other than the nonpayment of rent, including that the tenant is a nuisance or is in breach of the lease.

A tenant may bring three types of proceedings:

1. **An Illegal Eviction proceeding:** The tenant seeks a court order demanding that either a landlord or a roommate let the tenant move back into his/her apartment.
2. **A Housing Part (HP) proceeding:** The tenant seeks a court order directing the landlord to make repairs.
3. **A 7A proceeding:** One-third or more of the tenants in a building ask the court to take control of the building away from the landlord and give it to a court-supervised administrator.

As Court Navigators provide aid to parties in nonpayment proceedings only, this manual will focus on nonpayment proceedings. The description that follows is general and intended to provide context. This manual is not a legal services companion.

Nonpayment Proceedings

Landlords commence a nonpayment proceeding against tenants to collect unpaid rent. Prior to commencing the proceeding, the landlord must demand the overdue rent from the tenant and warn the tenant that, if payment is not received, the tenant can be evicted.

The demand may be made either in writing or orally, unless the lease requires the overdue rent demand be given in writing. In that case, the demand must be delivered to the tenant in writing at least three days before the day that the court papers are served. However, if the lease provides otherwise, the landlord must comply with the lease requirements for service.

Where the tenant does not pay rent after the demand, the landlord can file a nonpayment petition in Housing Court. The petition and notice of petition must be served on the tenant. Following service, the court clerk mails a postcard to the tenant, informing the tenant to come into court to answer the petition.

Failure to respond to the petition may result in a default judgment against the tenant. To answer the petition, the tenant must go to the Landlord Tenant Clerk's Office in Housing Court within five days of receiving service of the petition. The Landlord Tenant Clerk's Office has posters on the wall and other accessible information, detailing how the tenant may answer the petition. The Landlord Tenant Clerk provides the tenant a list of possible defenses for not having paid the rent. The Housing Court Help Center also provides help to tenants seeking to answer the petition.

If the tenant answers the petition in writing, the tenant must serve the landlord; service is effected if the tenant delivers the answer to the landlord or the landlord's lawyer in hand or by mail. If the landlord has an attorney, all papers must be served upon the attorney, not the landlord. Upon such service, the tenant should bring a copy of the answer with an affidavit of service to the Landlord and Tenant Clerk's Office. The tenant may answer the petition orally, which is usually the case. When an oral answer is made, the tenant tells his/her answer to the Landlord Tenant Clerk. The Clerk provides the tenant a copy of a form answer with defenses checked off in accordance with what the tenant has told him/her.

The Landlord Tenant Clerk then issues a court date for the tenant and landlord to be heard. Thereafter, the Landlord Tenant Clerk sends the answer to the landlord or the landlord's attorney; an original is kept in the case file at the court. The answer contains information regarding the date, court part and time the parties are required to appear in court.

Defenses to Nonpayment Proceeding

1. The tenant did not receive a copy of the Notice of Petition and Petition.
2. The tenant received the Notice of Petition and Petition, but service was not as required by law.
3. The tenant is indicated improperly, by the wrong name, or is not indicated on the Notice of Petition and Petition.
4. The Petitioner is not the Landlord or Owner of the building, or a proper party.
5. No rent demand or proper rent demand, either oral or written, was made before the proceeding was commenced.
6. The tenant attempted to pay the rent, but the landlord refused to accept the payment.
7. The monthly rent requested in the petition is not the legal rent or the amount on the current lease.
8. The landlord owes money to the tenant because of a rent overcharge.
9. The rent, or a portion of the rent, has already been paid to the landlord.
10. Conditions exist in the apartment, which need to be repaired or conditions require services that petitioner has failed to provide.
11. Public Assistance shelter allowance has stopped because of housing code violations in the apartment building.
12. The apartment is an illegal apartment.
13. Laches.

To learn more about nonpayment proceedings, please visit the housing court website at the following address:

<http://www.courts.state.ny.us/courts/nyc/housing/nonpayment.shtml>

- Please see appendix, exhibit 2, for samples of a demand for rent, notice of petition, petition and answer in a nonpayment proceeding.

Holdover Proceedings

A landlord commences a holdover proceeding to evict a tenant, or a person in the apartment who is not a tenant, for reasons other than nonpayment of rent. This type of proceeding is much more complicated than a nonpayment proceeding. Various grounds exist for commencing a holdover proceeding and the landlord is not the only one entitled to bring the action. Either a landlord or a roommate, who is named on the apartment lease, may commence a holdover proceeding. The grounds for a holdover proceeding include the tenant violating a lease provision, allowing others to stay in the apartment illegally, acting as a nuisance to other tenants and/or remaining in the apartment after a lease has expired.

In a holdover proceeding, a petitioner's burden may be different depending on the agreement or rules that govern the landlord tenant relationship. A lease or other agreement, housing laws and regulations and/or the New York State or the United States Constitution may set forth the rights of the parties to a holdover proceeding. Depending on the governing rules or agreement, the petitioner may or may not have to show good reason why a respondent's occupancy should be terminated. Based on the same, a petitioner may or may not have to serve the respondent with a predicate notice – a notice served prior to the commencement of the proceeding for purposes of giving the respondent an opportunity to cure the alleged problem. Given how holdover proceedings vary from case to case, the help of a lawyer is especially important.

To learn more about holdover proceedings, please visit the housing court website at the following address:

<http://www.nycourts.gov/courts/nyc/housing/holdover.shtml>

Preparing for Housing Court

Checklist of what a landlord should bring to Housing Court

- ✓ Original or certified copy of the deed to the building.
- ✓ The lease of the party you are suing, if one exists.
- ✓ Certified copies of registration statements (e.g. DHCR rent and building registration statements).
- ✓ Record keeping books or computer rent printouts.
- ✓ Witnesses to certain events (e.g. if conditions are at issue, a landlord may bring the superintendent or mechanic, who can testify to any problems and attempts to remedy the problems).
- ✓ Any other document relevant to proving the claim.

Checklist of What a Tenant Should Bring to Housing Court

- ✓ All court papers and other papers tenant received from landlord.
- ✓ The lease and renewal leases, if any.
- ✓ Proof of rent payments; rent receipts, canceled checks or copies of money orders.
- ✓ Records of all apartment and building problems, if any.
- ✓ Labeled and dated photographs of all problems in the apartment or building, if any.
- ✓ Copies of letters or other documents a tenant delivered to the landlord, superintendent or government agencies regarding problems in the apartment or building, if any.
- ✓ List of dates on which tenant talked to the landlord, superintendent or other building staff about problems in the apartment or building, if any.
- ✓ Anything else the tenant believes is pertinent to the case.

Going to Housing Court

Atmosphere and What to Expect at Housing Court

On the initial visit to the court in a nonpayment proceeding, the parties appear at the Resolution Part. A Resolution Part is a courtroom where the landlord and tenant can discuss their differences before a judge or court attorney to see if they can settle the dispute. The parties may also appear there for a motion or an order to show cause. A judge presides over the Resolution Part. Two court attorneys, a clerk, and a court officer assist the judge. The judge sits on the bench at the front of the courtroom. The court attorneys sit near the judge at a desk or in a conference room, reviewing case files and discussing cases with the parties. The clerk, who generally sits at a desk to the left side of the judge, answers any questions about the calendar or the judge's rules. The clerk also facilitates the use of interpreters for litigants requesting such services. The court officer, wearing an officer's uniform, stands in the courtroom to maintain order.

A wooden barrier separates the judge, court attorney and clerk from the general public seating area, known as the gallery. Apart from the parties and said court personnel, only the legal representatives of parties are permitted to enter the front of the courtroom, known as the well. Court Navigators may be allowed into the well.

Each Resolution Part has its own rules which are posted on the wall and can be obtained from the court clerk. The Part rules are also on the court's website. Depending upon the rules of the Part, the parties appearing before the court must either quietly check in with the court clerk or court officer or listen for the calendar call. A calendar call refers to when the clerk or court attorney calls out the name of the case to be heard.

While waiting for their case to be called, landlords and tenants may discuss resolution of their case in the hallway outside of the courtroom and the presence of a court attorney or judge. Most nonpayment proceedings are resolved in this manner in what has become known as "hallway negotiations." Generally, if an agreement is reached, the landlord or his/her attorney writes up a document known as a stipulation of settlement that both the landlord and the tenant sign.

When the case is called, the judge or court attorney will discuss the case with the parties to see if it has been or can be settled. No one can force a party to settle a case and no one should agree to settle a case if they do not agree with the terms of the settlement. The stipulation of settlement is a binding agreement between the landlord and tenant. In the stipulation of settlement, the landlord and tenant may agree to do certain things by certain dates. If the landlord or tenant fails to follow through on his/her end of the agreement, there may be very serious consequences. It is important that parties make an agreement that they can keep. If, after discussing the case, the landlord and tenant cannot reach an agreement, the case will be referred to another

part of Housing Court for trial.

The trial may take place that day or it may be scheduled for another day depending on the court's calendar and the judge's determination that the case is ready for trial.

**For more information on what happens in the Resolution part, please view a video of the Resolution Part at the following address:
<http://www.nycourts.gov/courts/nyc/housing/resolutionvideo.shtml>**

Checklist of things the landlord or tenant should do at the Resolution Part.

- ✓ Find litigant's name in the calendar, which is usually posted in the hallway outside the courtroom, and write down the calendar number corresponding to their case.
- ✓ If required, the party must tell the court clerk or officer who they are in the case and give the clerk the calendar number.
- ✓ If necessary, the party should tell the clerk that he/she needs an interpreter or has an application to make before the judge.
- ✓ All parties should be seated in the courtroom or near the courtroom to hear when the case is called.
- ✓ The parties must remain quiet in the courtroom, while waiting for their case to be called.
- ✓ The parties do not have to speak to each other outside the presence of the judge or court attorney. However, if they wish to settle the matter on their own, they may step outside the courtroom to discuss an agreement. Before stepping outside the courtroom, the unrepresented litigant should inform the clerk to ensure that he/she does not miss the calendar call.

Checklist of things the landlord or tenant may do when the case is called.

- ✓ The tenant may ask the judge to add additional defenses to the answer.
- ✓ The landlord may ask to amend the petition to include the current rent due as part of the nonpayment claim.
- ✓ The tenant may ask for an inspection of the apartment if it is in need of repairs.
- ✓ The landlord may ask for an inspection of the apartment if the landlord completed the repairs.

- ✓ The landlord or the tenant may ask for an adjournment to get an attorney or document. However, if the tenant has previously requested two adjournments or if the case has been in court for more than 30 days, the judge, upon the landlord's request, can order the tenant to deposit the future rent with the court.
- ✓ If the landlord and the tenant cannot reach a settlement, they should tell their side of the case to the judge or court attorney. The judge or court attorney may help the parties reach an agreement.
- ✓ If the case settled prior to being called, the landlord and the tenant should have written a stipulation of settlement to show the judge or court attorney. The judge or the court attorney will review the stipulation and ask if either party has any questions. The landlord or tenant should be sure to ask questions if they do not understand the contents of the stipulation or disagree with it.
- ✓ If the case is adjourned, the landlord and tenant should be sure to come back to Housing Court on the date specified and go to the courtroom specified. On the return, they should follow the same procedure of checking their name on the calendar and checking in with the court clerk.

Settlements and Stipulations

The landlord and tenant may reach a settlement of their case in the Resolution Part without the assistance of the judge or the court attorney. Indeed, many reach settlements in what has been called "hallway negotiations." Hallway negotiations are discussions between landlords and tenants in the hallway outside the Resolution Part. The unrepresented must be very careful during such discussions. They should be sure to know their legal rights and what they are not willing to give up. Neither party should sign anything until the party has read and understood the entire agreement. If the party has any questions, the party should wait and not sign the stipulation until the judge or court attorney has explained its contents. The parties have a right to talk to the judge.

Checklist of things litigants should keep in mind when entering stipulations

- ✓ If there is an issue concerning repairs, the stipulation should set up access and completion dates for existing repairs.
- ✓ If the landlord agrees to waive some of the rent owed because of the conditions in the apartment, the stipulation should specify the amount and time period covered.
- ✓ If the stipulation sets up an installment plan for the tenant to pay back rent over time, the tenant should make sure that he/she will be able to make the payments required in the agreement.
- ✓ If the tenant is expecting rent money from the Department of Social Services, the stipulation should mention that the tenant applied for such benefits and should set a payment due date that accounts for possible delays in the tenant's receipt of such funds.
- ✓ If the stipulation contains a final judgment for the landlord, and the tenant fails to make a payment, a judge may not sign an Order to Show Cause to give the tenant more time to pay unless the tenant can deposit all of the money due on the judgment with the court. However, if the stipulation provides that the tenant can get more time without such a deposit, the tenant can get more time without paying money into court.
- ✓ In the event that the tenant discovers he/she cannot pay on time, or cannot fulfill other promises made in the stipulation, the tenant should go to the Landlord Tenant Clerk's office and ask for an Order to Show Cause to get more time. A judge will read the Order to Show Cause and supporting affidavit.
- **Please see the appendix, exhibit 3, for a list of legal words and phrases which are often used in stipulations.** For more information on nonpayment cases, visit the housing court website at the following address:
<http://www.nycourts.gov/courts/nyc/housing/nonpayment.shtml>

Subpoenas

Landlords and tenants have a right to issue subpoenas for relevant evidence or testimony from third parties or even each other. However, non-attorneys must ask the judge to "so order a subpoena" for the subpoena to be valid. In the context of a Housing Court proceeding, subpoenas are generally used to obtain records from government agencies. Tenants in private buildings may need records from the state Division of Housing and Community Renewal (DHCR) and the City Department of Housing Preservation and Development (HPD). Tenants in public housing, Section 8 or other federally assisted housing units may need records from the New York City Human Resources Administration (HRA)/Department of Social Services (DSS), the New York City Housing Authority (NYCHA) or the federal Department of Housing and Urban Development (HUD).

Types of Subpoenas

1. The subpoena to testify: This subpoena requires a person to come to the court to testify as a witness;
 2. The subpoena for records: This subpoena demands that a person or entity produce documents for use in a court proceeding; and
 3. The subpoena for information: This subpoena requires a person or entity to provide specific information.
- **Please see appendix, exhibit 4, for a sample subpoena for records.**

How to Serve a Subpoena

1. Personal Service: Personal service is where the server personally hands the subpoena to the person who is required to appear as a witness or to provide records.
2. Substituted Service: Substituted service is in-hand service of the subpoena on someone other than the person who is required to appear as a witness at the actual place of business or place of residence of the person who is required to appear. By the next business day, the server must mail a copy of the subpoena to the witness by first class mail to the actual place of business or place of residence of the witness. The envelope should be marked "personal and confidential."
3. Conspicuous Service (Nail and Mail): Conspicuous service is service of the subpoena by leaving it at the residence or place of business of the person required to appear as a witness. Prior to leaving the subpoena, the server must

make at least two attempts to make in-hand service. If no one is found on either attempt, on the third try the subpoena may be affixed to the door with adhesive tape, and a copy must be mailed to the residence of the person who is required to appear or produce records by first class mail. The envelope should be marked "personal and confidential."

4. **Certified or Registered Mail:** A subpoena for information is generally served by certified or registered mail, return receipt requested. However, it may be served in one of the three methods described above. A subpoena for records must also be served on all parties to the action.

Who May Serve a Subpoena

Generally, anyone, who is NOT A PARTY to the action, who is over the age of 18, and who is not a Police Officer, may serve a subpoena. An exception to this rule exists where the court approves a party's request to effect service. See note below.

Fees for Service

When served with a subpoena to testify or a subpoena for records, the intended witness must be paid a witness fee of \$15.00 per day. If the witness is served outside the City of New York, he/she shall also be paid 23 cents per mile to the place of attendance, from the place where he/she was served, and 23 cents for his/her return from the place of attendance to the place where he/she was served. The fee must be paid within a reasonable amount of time before the scheduled date. Nonpayment of the intended witness voids his/her duty to appear.

- **IMPORTANT NOTE ON WHO MAY SERVE A SUBPOENA AND THE FEE REQUIREMENT:** Where the court allows it, A PARTY may serve a subpoena in person without paying a fee. To get this exception, the party seeking to serve a subpoena should write on the subpoena form "Fee waived. Petitioner to serve in person" or "Fee waived. Respondent to serve in person." Then the party should present the subpoena to the judge for approval. If the judge approves, the party may serve the subpoena in person without paying the required fee. This type of service is generally approved for service on the following governmental agencies: The New York State Division of Housing and Community Renewal, Human Resources Administration/Department of Social Services, The New York City Housing Authority, The New York City Department of Housing Preservation and Development and the Department of Housing and Urban Development. A party serving a governmental agency in person must effect service between 9:00 a.m. to 5:00 p.m.

When to Serve

Papers may be served during three time periods:

Non-working hours: 6:00 a.m. - 7:59 a.m.

Working hours: 9:00 a.m. - 5:00 p.m.

Non-working hours: 6:00 p.m. - 10:00 p.m.

Papers may not be served on Sunday or on a person's known day of religious observance. For example, someone known to observe the Sabbath on Saturday, may not be served on Saturday.

- A government agency may only be served during business hours on days when the agency is open.

Procedure for the Person Serving the Subpoena

The person serving the subpoena must:

1. Find the person to be served.
2. Show that person the original subpoena.
3. Give that person a copy of the subpoena.
4. Obtain a receipt stamp or an acknowledgment of service on the original, if service is on a government agency.
5. Fill out the Affidavit of Service on the back of the original.
6. Retain the Affidavit of Service for further procedures, if the person fails to comply with the subpoena.

For an informational subpoena follow the above procedure or

1. Place a copy of the subpoena, together with an original and copy of the questions to be answered in the envelope addressed to the person required to be a witness.
2. Include a self-addressed, stamped envelope for the intended witness to use when returning the answered questions.
3. Use certified or registered mail, return receipt requested to mail the envelope to the intended witness.

Proof of Service Required

The person who serves the subpoena must fill out an Affidavit of Service and have it notarized. An Affidavit of Service is a sworn statement that the server delivered the subpoena, which describes the person served, the time of service and other details such as the job title of the person served. The affidavit of service is completed after service is made. The affidavit must be signed before a notary public and thereafter filed in court within three days of personal delivery or mailing. If the person effecting service is not a licensed process server, the following statement must be included: "I am not a licensed process server and have not served more than 5 papers in the preceding year."

Checklist of Subpoena Restrictions

- ✓ A subpoena from the Civil Court of the City of New York may be served only within the City of New York, Nassau County or Westchester County. Service anywhere else may only be done with the permission of a judge.
- ✓ An Order of the court is needed to serve a City or State agency or a Public Library.
- ✓ Any intended witness must be served a reasonable amount of time prior to the date of appearance. It is suggested that service be at least five days before the date of the hearing.
- ✓ A City or State agency or a public library must be served at least 24 hours prior to the time of an appearance.
- ✓ Papers may not be served on Sunday or on a person's known day of religious observance.

Subpoena Addresses for Government Agencies

Con Edison

ATTN: Law Department
4 Irving Place, 16th Floor
New York, New York 10003

Keyspan Energy Delivery

ATTN: Legal Department
One Metrotech Center
Brooklyn, New York 11201

The New York State Division of Housing and Community Renewal

The Rent Administration Office
Gertz Plaza
92-31 Union Hall Street
Jamaica, New York 11433
Phone: 718-739-6400

Human Resources Administration/Department of Social Services

Office of Legal Affairs
180 Water Street, 17th floor
New York, New York 10038

The New York City Housing Authority

Attn: Law Department
250 Broadway, 9th Floor
New York, New York 10007

The New York City Department of Housing Preservation and Development

Leased Housing
100 Gold Street
New York, New York 10038

Department of Housing and Urban Development

26 Federal Plaza (ste 3541)
New York, New York 10278

Housing Court Reference Guide

- **Housing Court website:**

<http://www.nycourts.gov/courts/nyc/housing/index.shtml>

- **Housing Court Help Centers and Offices of the Landlord and Tenant Clerk:**

Court buildings in Manhattan, the Bronx, Brooklyn and Queens open at 8:30a.m. and close at 3:45p.m. for litigants to go through magnetometers except under the circumstances listed below (see individual counties for exceptions).

Help Centers in Manhattan, the Bronx, Brooklyn and Queens are open Mondays through Fridays from 9:30a.m. until 5:00p.m., and are closed between 1:00p.m. and 2:15p.m. They provide extended hours on the days listed below.

Bronx County Housing Court

1118 Grand Concourse
Bronx, NY 10456

Help Center:

Room 250

Hours:

Monday, Tuesday, Wednesday and
Friday, 9:30 a.m. to 5:00 p.m.
Thursday, 9:30 a.m. to 7:00 p.m.

Landlord and Tenant Clerk's Office:

Lobby

Hours :

Monday, Tuesday, Wednesday and Friday,
8:30a.m. to 4:00p.m. (until 5:00 p.m. for
emergency applications)
Thursday, 8:30 a.m. to 7:00 p.m.

Directions to the Court:

B or D train to 161st St., Yankee Stadium

4 train to 161st St., Yankee Stadium

Bx1 bus to 161st St. & Grand Concourse

Bx6 bus or #55 bus to River Avenue & 161st St.

Take Major Deegan Expressway, Exit 5, 161 St. to Grand Concourse.

Left on Grand Concourse. The courthouse is between 166th Street and McClellan Street. Street parking on blocks surrounding courthouse.

Harlem Community Justice Center

170 E. 121st Street
New York, NY 10035

Help Center: Room 104
Hours: Thursday, 9:30 a.m. to 5:00 p.m.
Monday, Tuesday, Wednesday and Friday there are no hours of operation. However, general Housing Court staff is available to provide information on those days.

Landlord and Tenant Clerk's Office: Room 302
Hours: Monday through Friday, 9:00 a.m. to 4:00 p.m., and every other Thursday when evening court is scheduled, 9:00a.m. to 7:00 p.m.

Directions to the Center:
4, 5 or 6 Train - To 125th Street station
M101 or M98 bus to 121st Street
M100 crosstown bus to 3rd Avenue

Kings County Housing Court
141 Livingston Street, Room 404
Brooklyn, NY 11201

Help Center: Room 404
Hours: Monday, Tuesday, Wednesday and Friday, 9:30 a.m. to 5:00 p.m.
Thursday, 9:30 a.m. to 7:00 p.m.

Landlord and Tenant Clerk's Office: Room 202
Hours: Monday, Tuesday, Wednesday and Friday, 8:30a.m. to 4:00p.m. (until 5:00 p.m. for emergency applications)
Thursday, 8:30 a.m. to 7:00 p.m.

Directions:
2, 3, 4, or 5 train to Borough Hall station
A, C or F train to Jay Street/Borough Hall station
M, N or R train to Lawrence Street/Metro Tech station
B25, B26, B37, B38, or B52 bus to Fulton & Jay Street
B41, B45, or B67 bus to Livingston & Smith Street

New York County Housing Court

111 Centre Street, Room 104
New York, NY 10013

Help Center: Room 104
Hours: Monday - Friday,
9:30 a.m. to 5:00 p.m.

Landlord and Tenant Clerk's Office: Room 225
Hours: Monday, Tuesday, Wednesday and Friday,
8:30a.m. to 4:00p.m. (until 5:00 p.m. for
emergency applications)
Thursday, 8:30 a.m. to 7:00 p.m.

Directions to the Court:
1 train to Franklin Street station
4 or 5 train to Brooklyn Bridge station
6 train to Canal Street station
A, C, E, J, M, N, R or Z train to Canal Street station
M101 or M102 down Lexington Avenue to City Hall
M15 down Second Avenue

Queens County Housing Court

89-17 Sutphin Boulevard, Room 235
Jamaica, NY 11435

Help Center: Room 235
Hours: Monday, Tuesday, Wednesday and Friday,
9:30 a.m. to 5:00 p.m.
Thursday, 9:30 a.m. to 7:00 p.m.

Landlord and Tenant Clerk's Office: Room 209
Hours: Monday, Tuesday, Wednesday and Friday,
8:30a.m. to 4:00p.m. (until 5:00 p.m. for
emergency applications)
Thursday, 8:30 a.m. to 7:00 p.m.

Directions:
E, F or J train to Sutphin Blvd. station
Q40, Q43 or Q44 bus to Sutphin Boulevard
Q9, Q24, Q30, Q31, Q54, Q56 bus to Jamaica Avenue
LIRR to Jamaica Station, courthouse is 3-4 blocks north
The courthouse is located on Sutphin Blvd. between 88th Avenue and 89th Avenue,

approximately 1/4 mile east of Van Wyck Expressway/Hillside Avenue intersection.
Take Hillside Avenue or Jamaica Avenue to Sutphin Blvd.

Richmond County Housing Court

927 Castleton Avenue
Staten Island, NY 10310

Help Center:

1st Floor

Hours:

Wednesday and Thursday,
9:30 a.m. to 5:00 p.m.

Landlord and Tenant Clerk's Office:

Basement

Hours:

Monday to Friday,
9:00 a.m. to 4:00 p.m.
Thursdays when evening court is scheduled,
9:00 a.m. to 7:00 p.m.

Directions:

At the Staten Island Ferry bus ramp take either S44 (Staten Island Mall) or S46 (Castleton Avenue) bus. Get off at the corner of Castleton Avenue and Bement Avenue. Public parking only. Take S.I. Expressway to Richmond Road/Clove Road exit. Take Clove Road to Bement Ave.

• **Internet Access**

All Housing Court Help Centers provide limited access to the internet for litigants to research community resources, rental assistance programs, civil, and landlord-tenant law topics. Users may use the computer for up to 30 minutes to visit a number of web sites.

Government Agencies & Other Resources

- **ACCESS New York:** ACCESS New York is a free service that identifies and screens for over 30 City, State and Federal human service benefit programs. This service may be used anonymously or with a user account.

Website: https://a858-ihss.nyc.gov/ihss1/en_US/IHSS_languageSelectionPage.do

- **New York City Bar Association, Legal Referral Service:** The New York City Bar refers lawyers within the New York metropolitan area. The public can request a lawyer referral online or over the telephone. When a call is placed, a lawyer will answer the telephone and may answer general legal questions.

Website: <http://www.nycbar.org/LRS/index.htm>

Contact: (212) 626-7373
(212) 626-7475
(212) 626-7376
(212) 626-7374 (Spanish)

- **State and Local Government on the Net:** This State and Local Government Internet directory provides convenient one-stop access to the websites of thousands of State agencies and City and County governments.

Website: <http://www.statelocalgov.net/index.cfm>

- **New York City Department for the Aging:** The New York City Department for the Aging works to empower New York's older adults and to support their families through advocacy and education. The Department's web site lists programs and services for these New Yorkers, including the Senior Citizen Rent Increase Exemption (SCRIE) program. This program essentially exempts elderly tenants, who live in rent control or rent stabilized units, from future rent increases. Under the program, instead of receiving a rent increase, the landlord is entitled to a property tax credit equivalent to the would-be increase. Tenants can apply for and learn more about SCRIE at the New York City Department of Aging website or office. They can also call 311 for a SCRIE application form or write to the New York City Department of Aging office at 2 Lafayette Street, 6th Floor, New York, New York 10007.

Website: <http://www.nyc.gov/html/dfta/html/home/home.shtml>

Office: 2 Lafayette Street
New York, New York 10007

Hours: Monday to Friday, 9:00 a.m. to 5:00 p.m.

- **New York City Department of Buildings:** The New York City Department of Buildings enforces the Building Code and Zoning Resolution to ensure the safe and lawful use of buildings and properties. One would contact the Department of Buildings to obtain certificates of occupancy, which describe the permissible use of a building. Among other things, a certificate of occupancy lists whether a building is a two family or multiple family dwelling or a commercial space. The Department of Buildings also provides the public with access to records of building violations.

Website: <http://www.nyc.gov/html/dob/html/home/home.shtml>

Borough Offices :

Manhattan Borough Office

280 Broadway, 3rd Floor
New York, New York 10007

Borough Commissioner: (212) 393-2615
Borough Manager: (212) 393-2614
Customer Service: (212) 393-2614
TTY Number: (212) 566-4769

Bronx Borough Office

1932 Arthur Ave., 5th Floor
Bronx, NY 10457

Borough Commissioner: (718) 960-4700
Borough Manager: (718) 960-4700
Customer Service: (718) 960-4710
TTY Number: (718) 579-6903

Brooklyn Borough Office

210 Joralemon St., 8th Floor
Brooklyn, NY 11201

Borough Commissioner: (718) 802-3677 & (718) 802-3676
Borough Manager: (718) 802-3635
Customer Service: (718) 802-3675
TTY Number: (718) 802-4330

Queens Borough Office

120-55 Queens Blvd.
Kew Gardens, NY 11424

Borough Commissioner: (718) 286-7670
Borough Manager: (718) 286-7630
Customer Service: (718) 286-7620
TTY Number: (718) 286-0781

Staten Island Borough Office

10 Richmond Terrace, Borough Hall, 2nd Fl.

SI, NY 10301

Borough Commissioner: (718) 420-5414

Borough Manager: (718) 420-5410

Customer Service: (718) 420-5400

TTY Number: (718) 816-2164

- **New York City Department of Investigation:** The Commissioner of the New York City Department of Investigation supervises New York City Marshals. New York City Marshals primarily enforce Civil Court orders, including carrying out evictions. The web site of the New York City Department of Investigations provides, among other things, contact information for active New York City Marshals. This information is useful in Housing Court proceedings because it allows litigants to find out if an eviction is scheduled. The litigant may call the Marshal directly.

Website: <http://www.nyc.gov/html/doi/home.html>

- **New York City Department of Finance:** The New York City Department of Finance, among other things, maintains New York City real property records. Litigants can contact the Department of Finance for information on real property information, including deeds. The Department of Finance administers the Disability Rent Increase Exemption (DRIE), which is a program that offers an exemption from future rent increases to persons with disabilities who meet certain eligibility criteria. For more information on DRIE, litigants can call 311 or contact the Mayor's Office for People with Disabilities at 212-788-2830.

Website: <http://www.nyc.gov/html/dof/html/home/home.shtml>

DOF Borough Offices:**Manhattan Business Center**

66 John Street, 2nd fl

New York, NY 10038

Hours: 8:30am - 4:30pm

Monday-Friday

(Closed Public Holidays)

Services Available

Business Center - 2nd Floor

Surveyor - 13th Floor

City Register - 13th Floor
Sheriff - 2nd Floor

Brooklyn Business Center

Brooklyn Municipal Building
210 Joralemon Street
Brooklyn, NY 11201

Hours: 8:30am - 4:30pm
Monday-Friday
(Closed Public Holidays)

Services Available

Business Center: 1st Floor
City Register: 2nd Floor
Property Assessment: 2nd Floor
Surveyor: Rm 200, 2nd Floor
Sheriff: 9th Floor

Queens Business Center

144-06 94th Avenue
Jamaica, NY 11435

Hours: 8:30am - 4:30pm
Monday-Friday
(Closed Public Holidays)

Services Available

Business Center: 1st Floor
City Register: 1st Floor
Property Assessment: 2nd Floor
Surveyor: 2nd Floor
Sheriff: 3010 Starr Avenue, Queens, NY 11101

Bronx Business Center

3030 Third Avenue, 2nd fl, Bronx, NY 10455

Hours: 8:30am - 4:30pm
Monday-Friday
(Closed Public Holidays)

Services Available

Business Center: 2nd Floor

City Register: 2nd Floor
Sheriff, 2nd Floor

Staten Island Business Center

350 St. Marks Place Staten Island, NY 10301

Hours: 8:30am - 4:30pm
Monday-Friday
(Closed Public Holidays)

Services Available

Business Center: 1st Floor, Rm. 409
Property Assessment, Sheriff, Surveyor

Richmond County Clerk's Office

The County Court House
130 Stuyvesant Place
Staten Island, NY 10301

Services Available

Recording Documents: Rm 103
(For Richmond County Only)

- **New York City Department of Housing Preservation and Development (HPD):** The Department's primary focus is to promote quality housing and livable neighborhoods for New Yorkers. The Department fulfills this mission in many ways, including enforcing compliance with the City's Housing Maintenance Code and New York State's Multiple Dwelling Law. The web site provides both tenants and landlords access to information concerning their rights and responsibilities. The Department of Housing Preservation and Development provides the public with access to information about residential buildings in the City of New York, including violations of the City's Housing Maintenance Code and the State's Multiple Dwelling Law as well as contact information based on the last valid building registration form. The Department of Housing and Preservation administers the Section 8 program.

Website: <http://www.nyc.gov/html/hpd/html/about/faqs.shtml>

Headquarters: 100 Gold Street
New York, New York 10038

Hours: Monday to Friday, 9:00a.m. to 4:00p.m.

Directions: Take the 4/5/6 to Brooklyn Bridge-City Hall or the 2/3 or A/C or J/M/Z to Fulton Street/Broadway Nassau. HPD is located directly east of Pace University, at the intersection of Gold and Frankfort Street.

- **HPD Neighborhood Presentation Office:** The Office serves the uptown communities of Harlem, East Harlem, Washington Heights and the Bronx. It provides access to multiple services traditionally offered at 100 Gold Street or other site offices.

Office: 94 Old Broadway, 7th Floor
New York, New York 10027
(a.k.a 320 Broadway - the cross street is 133rd Street)

Hours: Tuesday and Thursday, 12:00p.m. to 4:00p.m.

- **HPD Code Enforcement Offices:** If a building owner fails to maintain an apartment and provide essential services, tenants may report the condition to the City's Citizen Service Center, which is opened 24-hours a day, seven-days a week. The Center can be reached by dialing 311 (311 may be accessed outside of New York City by dialing 212-NEW-YORK). The hearing impaired, may dial 212-504-4115. If the tenant prefers to speak with a public interviewer in person at the HPD Borough Offices, the tenant may do so between 8:30 a.m. and 3:30 p.m. on weekdays.

HPD Location of Borough Office

Manhattan	94 Old Broadway, 7 th floor New York, New York 10027	(212) 281-2475
Bronx	1932 Arthur Avenue, 3 rd floor, Rm 300 Bronx, New York 10457	(718) 579-2930
Brooklyn/Queens	701 Euclid Avenue, 1 st floor Brooklyn, New York 11208	(718) 348-2550
	210 Joralemon Street, 13 th floor Brooklyn, New York 11201	(718) 802-4503
Staten Island	Staten Island Borough Hall Staten Island, New York 10301	(718) 816-2340

HPD Citywide Inspection Unit

100 Gold Street, 4th floor
New York, New York 10038
(212) 863-8515

- **New York City Rent Guidelines Board:** The New York City agency responsible for setting the yearly rent-rate adjustments for the City's rent stabilized

apartments.

Website: <http://nycrgb.org>

Office: 51 Chambers Street, Suite 202
New York, NY 10007
(212) 385-2934

• **New York State Division of Housing and Community Renewal (DHCR):**
DHCR is responsible for the supervision, maintenance and development of affordable low- and moderate-income housing in New York State. The DHCR Office of Rent Administration is responsible for regulating rents in privately owned rental units statewide under four laws: the Emergency Housing Rent Control Law, the Local Emergency Tenant Control Act, the Rent Stabilization Law, and the Emergency Tenants Protection Act (ETPA). These laws are the foundation of what are commonly known as rent control and rent stabilization. DHCR provides tenant access to registered rental information, which lists the rent for the tenant's unit as registered by the building owner for a period dating back four years. Tenants may file, among other things, rent overcharge complaints with DHCR. They may also obtain rent reduction orders from DHCR. To discover all that DHCR has to offer, it is best to visit the DHCR website or call the DHCR hotline.

Website: <http://www.dhcr.state.ny.us/>

General Information: (866) ASK-DHCR (866-275-3427)

Monday to Friday, 9:00 a.m. to 5:00 p.m.

**State Supervised Mitchell-Lama
Tenant's complaint Line:** (866) 463-7753

Email Addresses:

General information and questions:	HCRInfo@nyshcr.org
Owner/Tenant (rent stabilized or rent control) matters:	RentInfo@nyshcr.org
Info regarding Community Development Programs:	CDInfo@nyshcr.org
Section 8 Housing Choice Voucher Program:	Section8Info@nyshcr.org
Section 8 Project Based Contract Administration:	S8PBCA@nyshcr.org

Rent Administration Office: Gertz Plaza
92-31 Union Hall Street
Jamaica, New York 11433
Phone: 718-739-6400

Housing Operations Office : 25 Beaver Street, 6th Floor,
New York, New York 10004

Housing Management Bureau 212 480-7343
Public Housing 212-480-6460

- **Rent Administration Borough and District Offices:** The Borough and District Rent Offices provide information and assistance to tenants and owners of rent controlled and rent stabilized apartments. Tenants and owners may ask questions and pick up forms at the following locations.

Bronx Borough Rent Office

2400 Hasley Street, 1st Floor
Bronx, New York 10461
(718) 430-880

Upper Manhattan Borough Rent Office

(North Side of 110th St. and above)
Adam Clayton Powell, Jr. Office Building
163 West 125th St, 5th Floor
New York, New York 10027
(212) 961-8930

Lower Manhattan Borough Rent Office

(South Side of 110th St. and below)
25 Beaver Street, 5th Floor
New York, New York 10004
(212) 480-6238

Brooklyn Borough Rent Office

55 Hanson Place, Room 702
Brooklyn, New York 11217
(718) 722-4778

Queens Borough Rent Office

Gertz Plaza
92-31 Union Hall Street
Jamaica, New York 11433
(718) 739-6400

- **U.S. Department of Housing and Urban Development (HUD):** HUD's mission is to increase home ownership, support community development and increase access to affordable housing free from discrimination. The Department of Housing and Urban Development provides information about Section 8.

Website: <http://www.hud.gov/local/index.cfm?state=ny>

Office: New York Regional Office
26 Federal Plaza, Suite 3541
New York, NY 10278-0068
(212) 264-8000

- **New York City Affordable Housing Resource Center:** The Resource Center provides information on all aspects of City Housing, including apartment renting and apartment maintenance issues.

Website: <http://www.nyc.gov/html/housinginfo/html/home/home.shtml>

- **Human Resource Administration (HRA)/Department of Social Services (DSS):** HRA and DSS provide temporary assistance to eligible New Yorkers through the administration of social welfare programs and services.

Website: <http://www.nyc.gov/html/hra/html/home/home.shtml>

Office: 180 Water Street, 17th floor
New York, New York 10038
(718) 557-1399 (Infoline)

- **Rent Stabilization Association:** The Rent Stabilization Association (RSA) is a trade association in New York City that represents 25,000 real property owners/agents. This organization lobbies on behalf of its members for changes in laws and regulations. It provides members with valuable information and services.

Website: <http://www.rsanyc.com/>

Office: 123 William Street, 14th floor
New York, New York 10038

Legal Aid and Legal Services

- **Legal Aid Society of New York:** The Legal Aid Society works to improve the lives of low-income New Yorkers, helping them obtain and maintain housing and other basic necessities. The Legal Aid Society has a civil practice, which operates out of a large network of offices throughout the five boroughs of New York.

Website: <http://www.legal-aid.org/en/home.aspx>

Homeless Family Rights Hotline: 1 (800) 649-9125

Areas of Practice: City-wide back-up support to all Legal Aid and Legal Services offices. City-wide litigation and advocacy on behalf of homeless families with children and homeless single adults to obtain emergency housing, public assistance benefits, special grants, and permanent housing relocation.

When to Call: Telephone intake for homeless families with children every Tuesday from 10:00am 12:00 pm. Emergencies at all other times.

Please see appendix, exhibit 5, for a listing of the Legal Aid Society's headquarters and other offices. The listing includes a description of the intake procedures and services provided at those locations.

Legal Services for New York City (LSNY): LSNY is a network of legal assistance programs and offices that provide legal services for persons in need throughout New York. The largest part of the organizations caseload is housing matters. The organization defends clients in nonpayment and other proceedings that may lead to eviction.

Website: <http://www.lsnyc.org>

Please see appendix, exhibit 6, for a list of LSNY help lines.

Charity Hotlines

There are several charitable organizations which may provide funds for those who are eligible. However, the charities that provide such funding changes weekly. The public should contact Housing Court Answers for a current listing.

- **Housing Court Answers Hotline:** (212) 962-4795 or
(212) 962-4266
Website: www.cwtfhc.org

Please see the appendix, exhibit 8, for an information sheet on Housing Court Answers

- **New York City Domestic Violence Hotline:** (800) 621-HOPE
Hearing Impaired (800) 810-7444
- **Jiggets/FEPS Relief:** Please see appendix, exhibit 7, for a pamphlet, explaining what is Jiggets/FEPS and setting forth a list of Jiggets/FEPS relief providers.

Housing Appendix

Exhibit 1

Fact Sheets on Rent Control, Rent Stabilization & Section 8

Fact Sheet #1: Rent Stabilization and Rent Control

Introduction

A number of communities in New York State have rent regulation programs known as rent control and rent stabilization. Rent regulation is intended to protect tenants in privately-owned buildings from illegal rent increases and allow owners to maintain their buildings and realize a reasonable profit.

Rent control is the older of the two systems of rent regulation. It dates back to the housing shortage immediately following World War II and generally applies to buildings constructed before 1947. Rent stabilization generally covers buildings built after 1947 and before 1974, and apartments removed from rent control. It also covers buildings that receive J-51 and 421-a tax benefits. Outside New York City, rent stabilization is also known as ETPA, short for the Emergency Tenant Protection Act and is applicable in some Nassau, Westchester and Rockland counties.

Rent Stabilization

Rent stabilization provides protections to tenants besides limitations on the amount of rent. Tenants are entitled to receive required services, to have their leases renewed, and may not be evicted except on grounds allowed by law. Leases may be renewed for a term of one or two years, at the tenant's choice. Tenants can file relevant complaints on a variety of forms created by the Division of Housing and Community Renewal (DHCR). DHCR is required to serve the complaint on the owner, gather evidence and then can issue a written order which is subject to appeal.

If a tenant's rights are violated, DHCR can reduce rents and levy civil penalties against the owner. Rents may be reduced if services are not maintained. In cases of overcharge, DHCR may assess penalties of interest or treble damages payable to the tenant.

Rent Increases

The Rent Guidelines Boards (one in New York City and one each in Nassau, Westchester, and Rockland counties) each set rates for rent increases in stabilized apartments. These guidelines rates are set once a year and are effective for leases beginning on or after October 1st of each year. New York State Law sets vacancy lease increases for new tenants who sign vacancy leases.

Both in New York City and the ETPA counties, rents can be increased during the lease period in any one of three ways, so long as the lease provides for the collection of an increase during the lease term:

1. with the written consent of the tenant in occupancy, if the owner increases services or equipment, or makes improvements to an apartment;
2. with DHCR approval, if the owner installs a building-wide major capital improvement; or
3. in cases of hardship with DHCR approval.

Rent Overcharges

For rent stabilized apartments, owners may be ordered to refund excess rent collected based upon a finding of a rent overcharge. A finding by DHCR of a willful rent overcharge by the owner may result in the assessment of treble (triple) damages payable to the tenant. DHCR is prohibited from investigating issues concerning rent overcharges and registrations for years occurring more than four years before the filing of a rent overcharge complaint.

Rent Reductions for Decreases in Services

Rents may be reduced if the owner fails to provide required services, or fails to make necessary repairs for an individual apartment or on a building-wide basis. Examples of such conditions are lack of heat/hot water, unsanitary common areas (halls, lobby), and broken door locks. If a tenant receives a rent reduction from DHCR, the owner cannot collect any rent increases until services are restored and DHCR restores the rent.

Harassment

The law prohibits harassment of rent regulated tenants. Owners found guilty of intentional actions to force a tenant to vacate an apartment can be denied decontrol and lawful rent increases and may be subject to both civil and criminal penalties. Owners found guilty of tenant harassment are subject to fines of up to \$5,000 for each violation.

Rent Registration

Within 90 days after an apartment first becomes subject to rent stabilization, an owner is required to file an initial registration. After the initial registration, owners must file an annual registration statement giving the April 1st rent for each unit and provide tenants with a copy of their respective apartment's registration form. Owners who do not file initial or annual statements will not be eligible for rent increases and are subject to additional penalties.

However, upon the service and filing of a late registration, an owner cannot be found to have collected an overcharge for the period of non-registration, provided the increases in the rent were lawful except for the failure to file a timely registration. The penalty of treble damages cannot be assessed against an owner based solely on that owner's failure to file a timely registration.

Rent Control

Rent control limits the rent an owner may charge for an apartment and restricts the right of any owner to evict tenants. Tenants are also entitled to receive essential services. Owners are not required to offer renewal leases, as tenants are considered "statutory" tenants. Tenants may file relevant complaints on a variety of forms created by DHCR. DHCR is required to serve the complaint on the owner, gather evidence and then can issue a written order which is subject to appeal.

If a tenant's rights are violated, DHCR can reduce rents and levy civil penalties against the owner. Rents may be reduced if services are not maintained. In cases of overcharge, DHCR may establish the lawful collectible rent.

Rent Increases

In New York City, rent control operates under the Maximum Base Rent (MBR) system. A maximum base rent is established for each apartment and adjusted every two years to reflect changes in operating costs. Owners, who certify that they are providing essential services and have removed violations, are entitled to raise rents up to 7.5 percent each year until they reach the MBR. Tenants may challenge the proposed increase on the grounds that the building has violations or that the owner's expenses do not warrant an increase.

For New York City rent controlled apartments, rents can also be increased because of increases in fuel costs (passalongs) and in some cases, to cover higher labor costs. Outside New York City, the New York State Division of Housing and Community Renewal (DHCR) determines maximum allowable rates of rent increases under rent control. Owners may apply for these increases periodically.

Rents can also be increased in any one of three ways; both inside and outside of New York City:

1. with the written consent of the tenant in occupancy, if the owner increases services or equipment, or makes improvements to an apartment;
2. with DHCR approval, if the owner installs a building-wide-major capital improvement; or
3. in cases of hardship with DHCR approval.

Rent Overcharges

For rent controlled apartments, complaints submitted by tenants will result in an order by DHCR that establishes the Maximum Collectible Rent and directs that any overcharge be refunded for a period of no greater than two years before the filing of the complaint. If the refund is not made, the tenant can proceed to court to calculate the overcharge and enforce the order.

Rent Reductions for Decreases in Services

Please refer to the section above under Rent Stabilization.

Harassment

Please refer to the section above under Rent Stabilization.

Rent Registration

Apartments subject to Rent Control are not required to be registered annually with DHCR.

Sources:

- New York City Rent Stabilization Code
- Tenant Protection Regulations
- New York City Rent and Eviction Regulations
- New York State Rent and Eviction Regulations

For more information or assistance, call the DHCR Rent InfoLine, or visit your Borough or County Rent Office ([/AboutUs/contact.htm#ora](#)).

Revised: 05/08

Last updated on 05/31/08

Quick Links

- Contact Us ([/AboutUs/ContactUs.htm](#))
- Executive Staff ([/AboutUs/ExecutiveStaff/](#))
- MWBE Corner ([/AboutUs/MWBECorner.htm](#))
- Executive Order #38 (<http://executiveorder38.ny.gov/>)
- Procurement Opportunities ([/AboutUs/Procurement/](#))
- Publications ([/AboutUs/Publications/](#))
- Public Meetings ([/AboutUs/PublicMeetings/](#))
- Public Notices ([/AboutUs/Notices/](#))
- Storm Recovery Resources ([/Topics/StormRecoveryResources.htm](#))
- HCR Weather-Related Office Closings (for HCR staff only) ([/AboutUs/HCR-closings.htm](#))



(<http://nyworks.ny.gov/>) [NYHOUSINGSEARCH.gov](http://nyhousingsearch.gov)

(<http://www.nyhousingsearch.gov/>) [/Programs/NYS-CDBG-DR/](#)

SONYMA
 State of New York Mortgage Agency
[/Topics/Home/Buyers/SONYMA/SONYMAProductsforFirstTimeHomebuyers.htm](#)
 Today's SONYMA Interest Rate:
5.00%*
 *For a 30-year mortgage with 3% down. Down

Section 8 Housing Choice Voucher Program

About the Section 8 Housing Choice Voucher Program

The New York State Homes and Community Renewal (HCR) Section 8 Housing Choice Voucher (HCV) Program provides rental assistance and home ownership option to extremely low, very low and low income households in New York State. The program also provides assistance to senior citizens and disabled persons on fixed incomes, displaced families, and homeless individuals with disabilities.

One goal of the HCV Program is to enable eligible households to rent or purchase decent, safe and sanitary housing in the private housing market. After a voucher is issued it remains with the family or individual as long as they remain eligible, even if they change residence. The dollar amount of HCV Program Housing Assistance Payments will vary depending on the income of the family or individual and the approved rent/mortgage for the unit.

Another facet of the HCV Program is the home ownership (</Programs/Section8HCV/hcvp01.htm>) option available to current participating families. The voucher assistance is available and being used by current participants, who meet the home ownership eligibility requirements, toward mortgage payments to purchase a home. The HCR local administrators have programs to empower interested families with readiness for and assistance with home ownership.

Families interested in applying for the HCV Program must obtain an application from the local Public Housing Authority (PHA). In New York City, HCR operates the HCV Program through its Subsidy Services Bureau ([subsvs.htm](#)).

The New York City Housing Authority (<http://www.nyc.gov/html/nycha/html/home/home.shtml>) (NYCHA) and the New York City Department of Housing Preservation and Development (<http://www.nyc.gov/html/hpd/html/home/home.shtml>) (HPD) also operate HCV Programs in New York City. HCR's Statewide HCV Program administers the HCV Program in other areas of NYS via a network of Local Administrators (</Programs/Section8HCV/sec8admins.htm>).

Program Information

- Forms (</Forms/Section8HCV/>)
- Section 8 Housing Choice Voucher Program Local Administrators (</Programs/Section8HCV/sec8admins.htm>)
- Family Self-Sufficiency Program (/Programs/Section8HCV/about_fss.htm)
- HCR Family Self-Sufficiency Programs (/Programs/Section8HCV/fss_lpas.htm)
- Section 8 Administrative Plan (</Publications/Section8AdminPlan/>)
- Section 8 Home Ownership Program (</Programs/Section8HCV/hcvp00.htm>)
- Section 8 Home Ownership Program - Regional Information (</Programs/Section8HCV/hcvp01.htm>)
- Section 8 Housing Choice Voucher System (</Programs/Section8HCV/SHCVSystem/>)
- Subsidy Services Bureau (HCR Section 8 Program in New York City) (</Programs/Section8HCV/subsvs.htm>)
- Disaster Recovery Vouchers (</Programs/Section8HCV/DisasterRecoveryVouchers.pdf>)

In Westchester County, HCR also operates a model housing counseling and mobility program through the Enhanced Section 8 Outreach Program (sec8admins.htm#esop) (ESOP). The goal of this special-purpose program is to assist HCV applicants and participants secure housing in racially and economically diverse neighborhoods. HCR plans to expand the counseling and mobility services to other local HCV Program jurisdictions.

Once a completed application is submitted and the applicant is determined to be eligible, the applicant is placed on a waiting list. When a subsidy becomes available, the household is issued a Housing Choice Voucher. The voucher certifies that the applicant is eligible for the HCV Program and also specifies, based on the number or people in the family, the size of the unit the family is authorized for. Among other requirements, the family must participate in the program for a minimum of 12 months before it is deemed eligible for the home ownership option.

The regulations for the HCV Program are set by the U.S. Department of Housing and Urban Development (<http://www.hud.gov>) (HUD). Households must meet eligibility requirements and the apartment to be subsidized must meet federal Housing Quality Standards (HQS). The unit must pass the HQS inspection before the PHA can approve monthly Housing Assistance Payments. HCV Housing Assistance Payments are sent directly to participating owners or authorized managing agents.

Last updated on 12/08/11

Quick Links

- Contact Us ([/AboutUs/ContactUs.htm](#))
- Executive Staff ([/AboutUs/ExecutiveStaff/](#))
- MWBE Corner ([/AboutUs/MWBECorner.htm](#))
- Executive Order #38 (<http://executiveorder38.ny.gov>)
- Procurement Opportunities ([/AboutUs/Procurement/](#))
- Publications ([/AboutUs/Publications/](#))
- Public Meetings ([/AboutUs/PublicMeetings/](#))
- Public Notices ([/AboutUs/Notices/](#))
- Storm Recovery Resources ([/Topics/StormRecoveryResources.htm](#))
- HCR Weather-Related Office Closings (for HCR staff only) ([/AboutUs/ICR-closings.htm](#))



(<http://nyworks.ny.gov/>)  [NYHOUSINGSEARCH.gov](http://www.nyhousingsearch.gov)

(<http://www.nyhousingsearch.gov/>)  ([/Programs/NYS-CDBG-DR/](#))

Exhibit 2

**Sample of Rent Demand, Notice
of Petition, Petition & Answer**

NOTICE TO TENANT

Date: _____

To:

The sum of _____ as follows:

Rent from _____ through _____
amounts to _____ per month

Tenant of the above premises:

THAT YOU HEREBY ARE SOLEMNLY INDEBTED TO THE
LANDLORD OF THE ABOVE DESCRIBED PREMISES AS SET FORTH
ABOVE, WHICH YOU ARE REQUIRED TO PAY ON OR BEFORE _____
_____ THAT BEING THE EXPIRATION OF AT LEAST THREE (3)
DAYS FROM THE DAY OF SERVICE OF THIS NOTICE UPON YOU, OR
SURRENDER UP POSSESSION OF SAID PREMISES TO THE
LANDLORD IN DEFAULT OF WHICH THE LANDLORD WILL COMMENCE
SUMMARY PROCEEDINGS AS PERMITTED BY LAW TO RECOVER THE
POSSESSION THEREOF.

Landlord

By: _____

13 NO [REDACTED] 2013

L. & T. No.

Civil Court of the City of New York
County of NEW YORK Housing Part

[REDACTED] Petitioner
[REDACTED] Landlord
[REDACTED] against

[REDACTED] Respondent
[REDACTED] Tenant
MAIN STREET
ROOSEVELT ISLAND, NEW YORK
APT# [REDACTED] 10044
Address

Amount Claimed \$ 4,351.00

Undertenant

NOTICE OF
PETITION-NON-PAYMENT DWELLING
1754 405513 2661

MAILED BY COURT
2013 MAY -7 PM 3:46

Attorney for Petitioner

[REDACTED]
[REDACTED] N.Y. 11040
[REDACTED]
516- [REDACTED]
4/25/13

Civil Court of the City of New York
County of NEW YORK

Housing Part

INDEX NO. LT

[REDACTED] Petitioner
[REDACTED] against

[REDACTED] Respondent (Tenant)
MAIN STREET
ROOSEVELT ISLAND, NEW YORK
APT# [REDACTED] 10044
Address

Respondent (Undertenant)

NOTICE OF PETITION
Non-Payment DWELLING

To the respondent(s) above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that under section 745 of the real property actions and proceedings law, you may be required by the court to make a rent payment to the petitioner upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the court within 30 days of the first court appearance. Failure to comply with an initial rent deposit or payment order may result in the entry of a final judgement against you without a trial, failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

PLEASE TAKE NOTICE that the annexed petition of [REDACTED] verified 4/25/13 prays for a final judgment of eviction,

awarding to the petitioners possession of premises described as follows:

ALL ROOMS APT# [REDACTED] in premises located at
[REDACTED] MAIN STREET County of NEW YORK in the City of New York,
as demanded in the petition.

TAKE NOTICE also that demand is made in the petition for judgment against you for the sum of \$ 4,351.00 plus the costs and disbursements of this proceeding

TAKE NOTICE also that WITHIN FIVE DAYS after service of this Notice of Petition upon you, you must answer, either orally before the Clerk of this Court at 111 CENTRE STREET City and State of New York, or in writing by serving a copy thereof upon the attorneys for the petitioner, and by filing the original of such answer, with proof of service thereof, in the Office of the Clerk. Your answer may set forth any defense or equitable claim you may have against the petitioner unless such defense or counterclaim is precluded by law or prior agreement of the parties. On receipt of your answer, the Clerk will fix and give notice of the date for trial or hearing which will be held not less than 30 nor more than 60 days thereafter, at which you must appear. If, after the trial or hearing, judgment is rendered against you, the issuance of a warrant dispossessing you may, in the discretion of the court, be stayed for FIVE days from the date of such judgment.

TAKE NOTICE also that if you fail to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding action. In the event you fail to answer and appear, final judgment by default will be entered against you and a warrant dispossessing you will not be issued until the tenth day following the date of the service of this Notice of Petition upon you

Carol Alt

IMPORTANT - If you are dependent upon a person in the military service of the United States or the State of New York, advise the Clerk immediately, in order to protect your rights.

13 MD [REDACTED] 2013

L. & T. No.

Civil Court of the City of New York
County of NEW YORK Housing Part

[REDACTED] Petitioner
[REDACTED] Landlord

[REDACTED] against Respondent
[REDACTED] Tenant

MAIN STREET
ROOSEVELT ISLAND, NEW YORK Address
APT# [REDACTED] 10044

Amount Claimed \$ 4,351.00 Undertenant

PETITION-NON-PAYMENT DWELLING

Notice of Petition served on _____
Notice of Petition returned on _____
Notice of Petition issues on _____
Tenant appears on _____ but fails to answer.
Tenant answers on _____
Answer is _____
Set for Trial on _____
Landlord notified on _____
Sufficiency of answer referred to court _____
Raises _____ issue _____

Attorney for Petitioner _____ Judge _____

[REDACTED] N.Y. 11040
516-[REDACTED]

THE PETITION OF [REDACTED]

alleges: upon Information and Belief

1. Petitioner is the landlord of the premises

2. Respondent(s) [REDACTED] is (are) tenant(s) in possession of said

premises pursuant to a WRITTEN rental agreement MADE HERETOFORE wherein respondent promised to pay to landlord as rent \$ 2,125.00 each month in advance on the 1st day of each month

3. Respondent

4. Respondents are now in possession of said premises. Said premises are the residence of the tenant(s) and undertenants herein purposes and are described as follows

5. The premises from which removal is sought were rented for dwelling in building known as [REDACTED] MAIN STREET ALL ROOMS APT# [REDACTED] NEW YORK

6. Pursuant to said agreement there was due from respondent tenant(s), the sum of \$ 4,351.00 in rent and additional rent as follows:
FEB13/BAL \$101.00 MAR13 \$2125.00 APR13 \$2125.00

FFP PAID
LANDLORD/TENANT
MAY - 1 2013
CIVIL COURT
NEW YORK COUN
LANDLORD/TENANT

THE APARTMENT IS NOT SUBJECT TO RENT REGULATION OR THE RENT CONTROL LAWS, THE RENT STABILIZATION CODE, THE NEW YORK CITY RENT AND REHABILITATION LAW, THE TENANT PROTECTION REGULATIONS OF THE NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THE ETPA OF 1974 OR ANY OTHER FORM OF RENT REGULATIONS. THE PREMISES WAS FORMERLY A MITCHELL-LAMA RENTAL AND IL DULY OPTED OUT OF THE PROGRAM. THE APT IS NOW A FAIR MARKET APARTMENT.
7B. Reasonable legal and late fees to be determined by the court.

8. Said rent has been demanded BY A THREE DAY WRITTEN NOTICE from the tenant(s) since same became due

9. Respondents have defaulted in the payments thereof and continue in possession of premises without permission after said default.
10. The premises are a multiple dwelling and pursuant to the Housing Maintenance Code Article 41 there is a currently effective registration statement on file with the Office of Code Enforcement which designates the managing agent names below, a natural person over 21 year of age, to be in control of and responsible for the maintenance and operation of the dwelling. Multiple-Dwelling Use BRONX, NEW YORK 10462

WHEREFORE Petitioner requests a final judgment against respondent(s) for the rent demand herein, awarding possession of the premises to petitioner landlord, and directing the issuance of a warrant to remove respondent(s) from possession of the premises together with costs and disbursements of this proceeding Dated: 4/25/13

STATE OF NEW YORK, COUNTY OF NASSAU The Undersigned affirms under penalty of perjury that he is one of the attorneys for the Petitioner:

that he has read the foregoing petition and knows the contents thereof; that the same are true to his own knowledge except as to matters stated to be upon information and belief, and as to those matters he believes them to be true.
"The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: statements and/or records provided by petitioner, its agents and/or employees and contained in the file in the attorney's office."
This verification is made pursuant to the provisions of RPAPL 741. 4/25/13

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF _____ : HOUSING PART

Index No. _____

LANDLORD/TENANT
ANSWER IN PERSON

Petitioner(s),
-against-

Name: _____

Respondent(s).

Address: _____

Respondent / Person claiming possession has appeared and orally answered the Petition as follows:

SERVICE

- 1. _____ I did not receive the Notice of Petition and Petition.
- 2. _____ I received the Notice of Petition and Petition, but service was not correct as required by law.

PARTIES

- 3. _____ My name appears improperly , or by the wrong name , or does not appear on the Notice of Petition and Petition ; the tenant is dead .
- 4. _____ The Petitioner is not the landlord, owner of the building, or otherwise a proper party.

RENT

- 5. _____ The Petitioner never asked me or properly asked me for the rent, orally or in writing, before starting this case.
- 6. _____ I or someone on my behalf tried to pay the rent, but the Petitioner refused to accept it.
- 7. _____ The monthly rent asked for is not the legal rent or amount on the current lease.
- 8. _____ The Petitioner owes money to me because of a rent overcharge I paid for repairs or services
- 9. _____ The rent, or a part of the rent, has already been paid to the Petitioner.

APARTMENT/HOUSE

- 10. _____ There are or were conditions in the apartment and/or the building/house which the Petitioner did not repair and/or services which the Petitioner did not provide.
- 11. _____ The petition does not properly describe the apartment/house: wrong apartment/house number ; wrong or missing program(s) and/or laws covering my tenancy .
- 12. _____ The apartment/house is illegal.

OTHER

- 13. _____ The Petitioner has harmed me by waiting too long to bring this case (laches).
- 14. _____ General denial.
- 15. _____ NEW YORK CITY ONLY The Petitioner has harassed me _____
- 16. _____ I serve in the military or depend on someone in the military.
- 17. _____ The petition seeks the HUD or Housing Authority Section 8 part of the rent . The petitioner did not notify HUD or the Housing Authority about this case Other : _____

- 18. _____ **COUNTERCLAIM:** I seek a judgment and/or order based upon the above defense(s).
- 19. _____ Other counterclaim(s) : _____

Dated

Clerk / Judge's Initials

COURT DATE

DATE: _____ TIME: _____ PART: _____ ROOM: _____

THE CLERK CANNOT CHANGE YOUR COURT DATE. YOU MUST COME AND BRING THIS FORM AND ALL OF YOUR PROOF (RECEIPTS, PHOTOGRAPHS, ETC.) WITH YOU. BE AT THE COURTHOUSE AT LEAST 30 MINUTES BEFORE YOUR COURT DATE, TO ALLOW TIME TO GO THROUGH THE METAL DETECTORS. IF YOU ARE LATE OR DO NOT APPEAR, YOU MAY LOSE YOUR CASE AND BE EVICTED. IF YOU ARE UNABLE TO SETTLE YOUR CASE, YOU MAY HAVE AN IMMEDIATE TRIAL. IF YOU WILL NOT BE READY FOR TRIAL, YOU MUST ASK THE JUDGE FOR A NEW DATE. THE JUDGE WILL THEN DECIDE IF YOU HAVE SHOWN A GOOD REASON TO POSTPONE YOUR CASE.

For assistance visit a Help Center in the courthouse or the Court's website: <http://nycourthelp.gov>

Exhibit 3

Sample City Marshal Warrant

Civil Court of the City Of New York
County of NEW YORK

Index No. L/T [REDACTED]/13
Marshal's Docket No. [REDACTED]
RESIDENTIAL

[REDACTED]
HOUSES

Petitioner
Landlord

against

Respondent
Tenant

KATHERINE [REDACTED]
Apt# [REDACTED] Floor [REDACTED]
[REDACTED] STREET
MANHATTAN NY 10002

Respondent
Undertenant

Name of Tenant and/or undertenant being fictitious and unknown, person intended, occupying



CITY MARSHAL

[REDACTED] Suite [REDACTED]
[REDACTED] NY 11374
Tel: (718) 459-[REDACTED]
Fax: (718) 459-[REDACTED]

IMPORTANT - PLEASE BE ADVISED YOUR EVICTION MAY TAKE PLACE ON
IMPORTANTE - USTED PUEDE SER DESHAUCIADO, EL

03/25/14

OR THEREAFTER
O DESPUES

NOTICE OF EVICTION¹
Alternative Service/Mailing

NOTIFICACION DE DESAHUCIO
Notificacion Alterna/Postal

To the above named tenants and undertenants:

A los susodichos inquilinos y sub-inquilinos:

Please take notice that the court has issued a warrant for your eviction. If you fail to vacate the described premises, **YOU MAY BE EVICTED, WITHOUT FURTHER NOTICE, ON THE SIXTH BUSINESS DAY AFTER THE DATE OF THIS NOTICE** or on any business day thereafter. "Business days" are Monday through Friday, except legal holidays.

Tenga a bien notar que la Corte ha emitido una orden de desahucio en contra de usted. Si no desaloja al local descrito, **USTED PUEDE SER DESHAUCIADO, SIN NOTIFICACION ADICIONAL, EL SEXTO DIA HABIL A PARTIR DE LA FECHA DE ESTA NOTIFICATION** o en cualquier dia habil de ahi en adelante. Los "dias habiles" son Lunes a Viernes, excepto los dias de fiesta legales.

The **ONLY** way you can stop this eviction is if a Court issues an order to show cause that stays your eviction. You may apply for such an order at the Civil Court, Landlord-Tenant part, in your borough.

Usted puede detener este desahucio **SOLAMENTE** si una Corte emite una orden judicial instruyendole a usted a mostrar motivos justificantes para suspender su desalojo. Usted puede solicitar esa orden (Order to Show Cause) en la Corte Civil, Seccion del Propietario - Inquilino (Civil Court, Landlord-Tenant part) en su condado.

If a court stay of your eviction is in effect, you will be evicted only if the stay ends or is vacated by the Court. If the Court has already ordered that you may be evicted, if you fail to make a payment or comply with the Court's order by a certain date, your failure to pay or comply with the Court's order by that date may result in your eviction without further notice.

Si una suspension de su desahucio por orden de la Corte esta en efecto, usted sera desahucado solo si la suspension caduca o la Corte la anula. Si la Corte ha ordenado ya que usted puede ser desahucado si no cumple con hacer un pago o con la orden de la Corte a partir de una fecha de vencimiento, su incumplimiento con el pago o con la orden de la Corte al llegar esa fecha puede resultar en su desahucio sin notificacion adicional.

If you are dependent upon a person in the military service of the United States, advise the clerk of the Court immediately in order to protect your rights.

Si usted depende de una persona que pertenece al Servicio Militar de los Estados Unidos, notifiquesele inmediatamente al Secretario del la Corte (Court Clerk) para asi proteger sus derechos legales.

If you need legal assistance, the Legal Aid Society may be able to assist you (check telephone listing in your borough). A senior citizen who needs legal assistance may contact Tel: 311.

Si usted necesita ayuda legal, la Legal Aid Society tal vez puede ayudarlo (consulte la guia telefonica de su condado). Una persona de edad avanzada que necesita ayuda legal puede comunicarse con Tel 311.

If you receive public assistance, notify your caseworker immediately. The Human Resources Administration may be able to help you with back payments whether or not you receive public assistance. Call (877)472-8411 or 311 for information.

Si usted recibe asistencia publica, notifiquelo a su trabajador social (caseworker) inmediatamente. La Administracion de Recursos Humanos tal vez puede ayudarlo con los pagos atrasados, reciba usted o no asistencia publica. Llame al (877)472-8411 o 311 para informacion.

DATE OF NOTICE²

FECHADA

Monday, March 17, 2014

¹ Formerly known as "72-hour notice". Additional time has been allowed for mailing

Anteriormente conocido como "Aviso de Desahucio de 72 horas. Se ha concedido tiempo adicional para enviar por correo.

² The date of this notice shall be on or after the date the notice is mailed to the respondent.

La fecha de este notificacion se fijara el dia en que se le envia al apelado o despues de ese dia.

Exhibit 4

Affidavit of Unavailability

CIVIL COURT OF THE CITY OF NEW YORK
County of _____

Index No. L&T: _____

Hon. _____

_____ *Petitioner(s)*
against
_____ *Respondent(s)*

AFFIDAVIT OF UNAVAILABILITY
With
REQUEST FOR ADJOURNMENT

AFFIDAVIT OF UNAVAILABILITY

I, _____ am appearing for the respondent/tenant. My relationship to the respondent/tenant is _____
(Example: relative/friend)

OR

I, _____ the respondent/tenant in this action am unavailable to appear in court due to the following: *(Select the appropriate choice)*

I am homebound due to: _____

I am incarcerated in _____ facility.
The period of this incarceration ends on _____

Other reason _____

Length of unavailability _____

Sworn to before me this _____ day of _____, 20____

Signature of Notary Public/Court Employee

Signature of Deponent

REQUEST FOR ADJOURNMENT
This request does not guarantee an adjournment.

Please adjourn this action until _____, for the following reasons:

Signature of Respondent/Other

An adjournment may only be granted by the judge assigned on the scheduled date.

Exhibit 5

Guardian ad Litem Brochure

If the Court appoints a GAL for me, what should I expect the GAL to do to help me in my Housing Court case?

GALs must:

- try to meet with you, either in court or at your home, if you cannot come to court
- speak with you about your case and find out what you would you like to see happen in your case
- find out whether you have any legal defenses or whether you may qualify for any social services that could help solve your case
- recommend a solution to the Judge that considers your wishes and is in your best interest
- tell the Judge if you agree or disagree with the solution he or she is recommending so that the Judge knows how you feel.

What if the GAL does not do any of these things?



You have the right to tell the Judge if the GAL does not do any of these things. Only the Judge has the power to tell the GAL what to do or to remove a GAL, if there is a problem.

Civil Court Locations

Bronx County Civil Court
1118 Grand Concourse
Bronx, NY 10456

Kings County Civil Court
141 Livingston Street
Brooklyn, NY 11201

New York County Civil Court
111 Centre Street
New York, NY 10013

Queens County Civil Court
89-17 Sutphin Boulevard
Jamaica, NY 11435

Richmond County Civil Court
927 Castleton Avenue
Staten Island, NY 10310

Harlem Community Justice Center
170 East 121st Street
New York, NY 10035

HON. FERN A. FISHER
Deputy Chief Administrative Judge
New York City Courts
Director, New York State Courts Access to Justice Programs



The Judge says I need a

GUARDIAN

AD

LITEM

(GAL)

What does that mean?



What is a "Guardian Ad Litem"?

A Guardian Ad Litem or "GAL" is someone the Judge chooses to help a person who cannot come to court or protect their rights.

What does a GAL do?



In Housing Court, GALs work to help the person they are appointed to represent solve their Court case. This includes going to Court, getting help from agencies that offer services the person needs, and trying to work out an agreement with the landlord that protects the person's rights.

What do I do if I think I, or someone I know, needs a GAL?

Tell the Judge! If the case has not been assigned to a Judge, tell the Clerk's Office.

What should I do if I think I do not need a GAL but the Judge or someone else thinks I do?

Tell the Judge why you think you do not need a GAL.

If the Court appoints a GAL for me, does that mean that the Judge believes that I am not competent?

No. When a Judge appoints a GAL, it is because the Judge thinks you cannot defend your rights and protect your interests by yourself.

Can a GAL recommend a solution that I do not agree with?

Yes. While a GAL must think about your wishes before making a recommendation to the Judge, he or she may believe that your wishes are not in your best interest and recommend a solution you may not agree with. It is up to the Judge to decide.



Does a GAL have the right to get involved in my personal affairs?

A GAL does not have the legal power to manage your personal affairs. He or she is simply responsible for helping you resolve your Housing Court case.

What are examples of things a GAL cannot do?

A GAL cannot:

- let someone in to your apartment (only the Judge can order you to let someone in)
- sign papers for you to get back benefits
- agree for you to 1. remove a pet from your apartment, or 2. not allow a family member stay in your apartment, without the Judge's approval

When does the GAL's work in my case end?

Before the GAL's work in a case can end, the GAL must:

- make sure the landlord completes any needed repairs
- apply and follow-up with DSS or charities to get help to pay any rent owed, or
- take any steps needed to make sure that you are able to follow through with your Court agreement

Once your case is over and you and the landlord have done what your Court agreement (settlement) states, the GAL's work in your case should end.

Exhibit 6

List of Frequently Used Legal Words & Phrases

Legal Words and Phrases That Are Often Used in Stipulations

Abatement - A reduction in the amount of money you must pay the landlord because of lack of repairs and poor conditions in your apartment (in non-payment cases only). You must ask for an abatement and show that you gave the landlord notice of the conditions and that you were willing to give access for the repairs to be made.

Eviction Notice or Marshal's Notice - The official notice that you receive from a New York City Marshal. This notice must be either (1) delivered to you by hand or (2) taped on or slipped under your door plus mailed to you by both regular mail and certified mail. You can be evicted on the 6th business day after the date on your notice, or 72 hours if it was delivered to you personally. You may be able to stop the eviction by going to Court immediately and applying for an OSC.

Eviction (Execution of Warrant) - When a NYC Marshal or Sheriff removes you and/or your belongings from your apartment and locks you out after the housing court case is over. Only a NYC Marshal or Sheriff can evict you.

Final Judgment - A final Court decision that states how much you owe and when you must pay it as part of a "final judgment." Once a landlord gets a final judgment, a warrant of eviction can be issued. A stip does not have to include a final judgment, but many landlords' lawyers will not agree to a stip unless it contains a final judgment. If you agree to a final judgment, you can be evicted without a trial later if you do not follow through on the terms of the stip. If you offer to pay what you owe before the Court gives the landlord the warrant of eviction, the landlord must accept this amount and you cannot be evicted.

Inspect and Repair as Necessary - The landlord is to inspect your apartment to see the conditions and fix only those s/he feels are necessary (in theory, those that would be violations of law). Do not confuse this with "inspect and repair by . . ." which means that the landlord is to see the conditions and then repair them by a certain date. If you and your landlord disagree about what repairs are "necessary," you will have to go back to Court.

Jurisdiction - When the Judge has the power and authority to decide a case. For example, the Judge can hear the case if the landlord follows the required procedures for beginning the case (properly filling out and delivering notices and Court papers).

Motion - A written request to the Judge to order something, such as an order to make repairs or stop an eviction.

Non-payment Converted to a Holdover - When your landlord wants to charge your non-payment of rent case to a case where you agree to give up your apartment. This is a serious decision that should be made only as a last resort after you receive something very valuable in return. Both sides must agree to this.

Order to Show Cause (OSC) - A request (motion) to bring your case back before a Judge quickly; for example, if you need to ask the Judge to change the terms of the stip or to stop an eviction if you have a good reason. Bring any proof that is available with you.

Restore upon 15 Days' Written Notice - Lets you or the landlord make a motion to bring the case back before the Judge usually because the other person did not follow through on the stip's terms. The person making the motion must give the other side at least 8 days advance notice before the Court date that s/he will bring the case back to Court for whatever the reason stated in the motion. If sent by mail, 15 days advance notice must be given.

Tenant to Vacate - Where the tenant agrees to move out permanently.

Upon Default - Defines what will happen if either side does not do what was agreed in the stip.

Vacate (or Modify) the Stipulation - To change a stipulation by going back to Court and applying for an OSC or making another type of motion. You must have a good reason and proof to do this.

Waive - To give up a legal right. Seriously think through any offers by your landlord or the landlord's attorney to give up any of your legal rights before agreeing to do so. For example, you may be asked to give up your right to challenge the way the landlord's legal papers were delivered to you.

Warrant or Warrant of Eviction - A Court-issued document giving a NYC Marshal or Sheriff the right to evict you from your apartment.

Warrant to Issue Forthwith - Lets the landlord apply for a warrant of eviction right away rather than waiting to see if you follow through on the stip and then evict you without further notice.

This information sheet was prepared by the City-Wide Task Force on Housing Court, Inc., the Legal Aid Society, Legal Services of New York, and community housing advocacy organizations serving residents of Manhattan, Brooklyn, Bronx, Queens and Staten Island.

Exhibit 7

Sample of Subpoena for Records

CIVIL COURT OF THE CITY OF NEW YORK

County of _____
Part _____

Index Number: _____

**SUBPOENA FOR RECORDS
(SUBPOENA DUCES TECUM)**

Claimant(s) Plaintiff(s) Petitioner(s)

By _____

Name

-against-

Address

Defendant(s) Respondent(s)

THE PEOPLE OF THE STATE OF NEW YORK

To: _____

We Command that you or someone on your behalf provide and produce the following item(s):

at _____ AM/PM, on _____
(Time) (Date)

at _____
(Address of Court)

to the Records Section of this Court, located in Room _____

Hon. _____ in Part _____ Room _____

Failure to comply with a subpoena may be punishable as contempt of court and/or make you liable for a penalty not exceeding \$150.00 and damages sustained by the person on whose behalf the subpoena was issued (CPLR § 2308).

Date Chief Clerk, Civil Court If required, So Ordered: _____
Judge Civil/Housing Court

NOTE: You must serve a copy of this subpoena on each party who has appeared in the action so that it is received by him/her shortly after service on the witness and before the time that the books, papers, or other things must be produced (CPLR §§ 2103 and 2303). You must fill out an affidavit of service for each party served and for the witness, but you only have to pay a witness fee to the witness.

CIVIL COURT OF THE CITY OF NEW YORK

County of _____
Part _____

Index No.: _____

AFFIDAVIT OF SERVICE
OF
SUBPOENA FOR RECORDS

(Claimant(s)/Plaintiff(s)/Petitioner(s)
-against-

Defendant(s)/Respondent(s)

State of New York, County of _____ ss:

_____ being duly sworn, deposes and says:

(Name of person who served the papers)

I am over 18 years of age and not a party to this action. At _____ AM/PM, on _____

at _____
(Address)

in the County of _____, City of New York, I served the within Subpoena for Records in

this matter on _____ known to me to be

the Witness by: 1. delivering and leaving with him/her personally a true copy thereof;

Description of Individual Served in Person		
Gender: _____	Color of Skin: _____	Color of Hair: _____
Approximate Age: _____	Approximate Weight: _____	Approximate Height: _____

2. and paying him/her the sum of \$ _____ as fees for traveling to and from the place
(Amount paid)
where s/he was required by the Subpoena to attend, and for one day's attendance.

Sworn to before me this _____ day of _____, 20____

Signature of Notary Public

Signature of Server

General Instructions

Anyone NOT A PARTY to the action, who is over the age of 18 may serve the Subpoena.

1. Find the person to be served (the witness)
2. Give the person a copy of the subpoena and the witness fees.
3. Serve a copy of the subpoena on every other party who has appeared
4. Fill out an Affidavit of Service for each person served, including the witness
5. Give all the affidavits of service to the person on whose behalf the subpoena was served for further proceedings in case the witness does not comply with this subpoena.

Exhibit 8

List of Legal Aid Headquarters & Other Locations



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[Home](#) > [Find Us](#) > [Locations](#) >

Locations in the Bronx

Civil Practice

- **Bronx Neighborhood Office**
260 E. 161st Street
Bronx, New York 10451
Tel.: (718) 991-4600
[Office information and map](#) »
- **Bronx Housing Court Office**
1118 Grand Concourse
(at 166th Street)
Bronx, NY 10451
Tel.: (718) 681-8712
[Office information and map](#) »

Criminal Practice

- **Bronx County Criminal Defense Office**
260 E. 161st Street
Bronx, New York 10451
Tel.: (718) 579-3000
[Office information and map](#) »
- **Bronx County Criminal Courthouse Office**
Bronx Hall of Justice Courthouse
265 East 161st Street, Room 599
Bronx, NY 10451
Tel.: (718) 577-8900
[Office information and map](#) »

Juvenile Rights Practice

- **Bronx County Juvenile Rights Office**
Bronx County Family

Court Building
900 Sheridan Avenue
Room 6-C12
Bronx, New York 10451
Tel.: (718) 579-7900
[Office information and map »](#)



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Locations in Brooklyn

Civil Practice

- **Brooklyn Neighborhood Office**
111 Livingston Street, 7th Floor
Brooklyn, NY 11201
Tel.: (718) 722-3100
[Office information and map](#) »
- **Brooklyn Office for the Aging**
111 Livingston Street, 7th Floor
Brooklyn, NY 11201
Tel.: (718) 645-3111
[Office information and map](#) »
- **Brooklyn Housing Court Office**
141 Livingston Street, 2nd Floor
Brooklyn, NY 11201
Tel: (718) 643-4819
[Office information and map](#) »

Criminal Practice

- **Kings County Criminal Defense Office**
111 Livingston Street
Brooklyn, NY 11201
Tel.: (718) 237-2000
[Office Information and Map](#) »
- **Kings County Criminal Court Office**
120 Schermerhorn
Room 403E
Brooklyn, NY 11201
Tel.: (718) 243-6508
[Office information and map](#) »

- **Kings County Supreme Court Office**

320 Jay Street

Room 1348

Brooklyn, NY 11201

Tel.: (718) 732-5577

[Office information and map](#) »

- **Red Hook Community Court**

88 Visitation Place

Brooklyn, NY 11231

Tel.: (718) 923-8286

[Office information and map](#) »

Juvenile Rights

- **Kings County Juvenile Rights Office**

111 Livingston Street

Brooklyn, New York 11201

Tel.: (718) 237-3100

[Office information and map](#) »

- **Kings County Family Court Office**

330 Jay Street

Room 3112

Brooklyn, NY 11201

Tel.: (718) 732-5560

[Office information and map](#) »



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[Criminal](#) [Civil](#) [Juvenile Rights](#) [Pro Bono](#) [Law Reform](#) [I](#)

[Home](#) > [Find Us](#) > [Locations](#) >

Locations in Manhattan

Legal Aid Society Headquarters

- **Legal Aid Society Headquarters**
199 Water Street
New York, NY 10038
Tel.: (212) 577-3300
Fax: (212) 509-8761
[Office information and map](#) »

Civil Practice

- **Harlem Community Law Offices**
230 E. 106th Street
New York, NY 10029
Tel.: (212) 426-3000
[Office information and map](#) »

Home to: [Community Development Project](#), [HIV/AIDS Representation Project](#), [Housing Development Unit](#), [Low Income Taxpayer Clinic](#)

- **Lower Manhattan Neighborhood Office**
199 Water Street
New York, NY 10038
Tel.: (212) 577-3300
Fax: (212) 509-8761
[Office information and map](#) »
- **Manhattan Housing Court Project**
New York County Civil Courthouse
111 Centre Street, Room 106
New York, NY 10013
Tel.: (212) 577-3300
[Office information and map](#) »

Criminal Practice

- **New York County Criminal Defense Office**
49 Thomas Street
New York, NY 10013
Tel.: (212) 732-5000
[Office information and map](#) »
- **New York County Criminal Court Office**
100 Centre Street
New York, NY 10013
Tel.: (212) 732-5000
[Office information and map](#) »
- **Midtown Community Court**
314 West 54th Street
New York, NY 10019
Tel.: (646) 264-1306
[Office information and map](#) »

Juvenile Practice

- **New York County Juvenile Rights Office**
New York County Family Court Building
60 Lafayette Street
Room 9A
New York, NY 10013
Tel.: (212) 312-2260
[Office information and map](#) »



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[Home](#) > [Find Us](#) > [Locations](#) >

Locations in Queens

Civil Practice

- **Queens Neighborhood Office**
120-46 Queens Blvd.
Kew Gardens, NY 11415
Tel.: (718) 286-2450
[Office information and map](#) »
Home to: [Predatory Lending Project](#)
- **Queens Housing Court**
89-17 Sutphin Boulevard
Jamaica, NY 11435
Tel.: (718) 739-6272
[Office information and map](#) »

Criminal Practice

- **Queens County Criminal Office**
120-46 Queens Boulevard
Kew Gardens, NY 11415
Tel.: (718) 286-2000
[Office information and map](#) »
- **Rikers Island Paralegal Program**
Rikers Island
14-14 Hazen Street
East Elmhurst, NY 11370
Tel.: (718) 546-5556
[Office information and map](#) »

Juvenile Practice

- **Queens County Juvenile Rights Office**
153-01 Jamaica Avenue

Jamaica, NY 11432
Tel.: (718) 298-8900
[Office information and map](#) »

- **Queens County Family Court Office**
Queens County Family Court House
151-20 Jamaica Avenue
Room A480-484
Jamaica, NY 11432
Tel.: (718) 883-8120
[Office information and map](#) »



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[Criminal](#) [Civil](#) [Juvenile Rights](#) [Pro Bono](#) [Law Reform](#) [I](#)

[Home](#) > [Find Us](#) > [Locations](#) >

Staten Island

Civil Practice

- **Staten Island Neighborhood Office**

60 Bay Street, 3rd Floor
Staten Island, NY 10301
Tel.: (347) 422-5333
[Office information and map](#) »

Criminal Practice

- **Richmond County Criminal Office**

60 Bay Street
Staten Island, NY 10301
Tel.: (347) 422-5333
Fax: (718) 816-0870
[Office information and map](#) »

- **Richmond County Criminal Courthouse**

67 Targee Street
Staten Island, NY 10301
Tel.: (718) 816-5141
[Office information and map](#) »

Juvenile Rights Practice

- **Richmond County Juvenile Rights Office**

60 Bay Street, 3rd Floor
Staten Island, NY 10301
Tel.: (347) 422-5333
[Office information and map](#) »

- **Richmond County Family Court Office**

Richmond County Family Court House
100 Richmond Terrace (basement)

Staten Island, NY 10301
Tel.: (718) 981-6417
[Office information and map »](#)

Exhibit 9

List of Legal Services of New York City Help Lines

Legal Services for New York City

Legal Services for New York City

LSNY Programs Help Lines

In order to stretch existing resources to reach more people and provide wider benefits to the community, our offices have established a number of help-lines. We have help lines in housing, public assistance, Social Security/SSI, employment law, consumer law, family law and immigration law, as well as a Chinese-language helpline, a helpline for mentally disabled clients and the New York Pension Hotline, which offers statewide pension (and other employment benefits) counseling and referral to attorneys, actuaries and others. In addition, our offices have extended their reach by establishing outreach offices and conducting off-site intake programs at community organizations, senior citizens centers, and the like. Click LSNY program to find out more about their intake hours and help lines.

BEDFORD-STUYVESANT COMMUNITY LEGAL SERVICES

1360 Fulton Street, Suite 301
 Brooklyn, New York 11216
 Tel: (718) 636-1155
 Fax: (718) 398-6414
 Map and Directions

Type of Help	Days of the Week	Times	Telephone Numbers(s)
Housing	Mondays	10:00-12:30	(718) 636-1155
	Wednesdays	2:00-4:30	(718) 636-1155
Family	Thursdays	2:00-4:30	(718) 636-1155
Government Benefits	Mondays	2:00-4:30	(718) 636-1155
Tax	Mondays, Tuesdays and Thursdays	9:00-5:00	(718) 636-1155 (call for an appointment)
72-Hour Notice of Utility Shutoff Notice	Monday to Friday	10:00-3:15	Walk in with your papers
Unemployment Benefits	Monday to Friday	9:00-5:00	(718) 233-6408

SOUTH BROOKLYN LEGAL SERVICES

105 Court Street, 3rd Floor
 Brooklyn, New York 11201
 Tel: (718) 237-5500
 Fax: (718) 855-0733
 Website: www.lawhelp.org
 Map and Directions

Type of Help	Days of the Week	Times	Telephone Numbers(s)
Consumer, Health	Every other Tuesday	2:00- 4:00	(718) 237-5560
Family	Tuesdays and Thursdays	12:00- 1:00	(718) 237-5563
	Monday to Friday (domestic Violence)	9:00-5:00	(718) 237-5500, Ext. 3 (ask for the Family Law Unit)
Foreclosure	Monday to Friday	9:00-5:00	(718) 246-3279 (leave a message including your telephone number and the best time to reach you)
Government Benefits	Mondays (Supplemental Security Income (SSI))	12:00-2:00	(718) 237-5560
HIV Project	Monday to Friday	9:00-5:00	(718) 237-5546
Housing	Tuesday, Thursdays and Fridays	9:30 to Noon	(718) 237-5559
	Tuesdays, Thursdays and Fridays (if you have a Marshal's Notice of Eviction, or have been evicted illegally)	1:30-4:30	Walk-in hours
Rights of the Disabled	Monday to Friday	9:00-5:00	(718) 237-5542
Special Education	Monday to Friday	9:00-5:00	(718) 237-5546 (Leave a Message including your telephone number and the best time to reach you)

Employment/ Unemployment Insurance	Wednesday	10:00-12:00	(718) 237-5516
Low Income Tax Clinic	Monday to Friday	9:00-5:00	(718) 237-5128 (leave a message including your telephone number and the best time to reach you)

QUEENS LEGAL SERVICES CORPORATION
 (Jamaica)
 89-00 Sutphin Boulevard, Room 206
 Jamaica, New York 11435
 Tel: 347-592-2200
 Fax: (718) 526-5051
 Website: www.queenslegalservices.org
 Map and Directions

Type of Help	Days of the Week	Times	Telephone Numbers(s)
Housing: Zip Codes 11101-06, 11356-58, 11367-75, 11377-79	Monday-Friday	9:00- 5:00 (for eligibility screening)	(718) 392-5646
	Wednesdays	2:00-4:00 (Help Line)	(718) 431-3133
Housing: Zip Codes 11354-55, 11360-66, 11383, 11411-11436, 11690-97	Mondays	If served with court papers:	Walk in 8900 Sutphin Blvd.
	Wednesdays	10:00-12:30 (Help Line)	(718) 526-1229
Public Assistance	Mondays	10:00-1:00	(718) 482-8133
Social	Tuesday-Friday	First four (4)	(718) 392-5646

Security/SSI		callers	
Consumer	1st & 3rd Wednesday	2:00-5:00	(718) 937-7642
Unemployment Insurance	Monday-Friday	9:00-4:30	(718) 392-5646
Education	Monday-Friday	9:00-4:30	(718) 392-5646
HIV/AIDS Advocacy	Monday-Friday	9:00-4:30	(718) 657-8611
Family Law	Wednesdays	2:30-4:00	(718) 657-3133
	Thursdays	9:00-4:00	Walk in 8500 Sutton Blvd.
Domestic Violence	24-hour hotline		(718) 657-0424

For additional information, please contact each individual...

Top of page Home

www.lawhelp.org

Exhibit 10

Pamphlet on FEPS

NYC AUTHORIZED FEPS PROVIDERS¹

Bronx Community-Based Provider

(A case handler may process FEPS application for tenant/recipient with a court case AND a case handler may process a FEPS move, modification or restoration application without a court case)

Organization	Area Served	Phone Number	Intake Procedure
BronxWorks Hunts Point Multi Service Center 630 Jackson Avenue, 3 rd Floor Bronx, NY 10455	All of the Bronx	718-637-2630	Go to the Homelessness Diversion Unit (HDU) at your welfare center first for paperwork and referral

Bronx Legal Services Providers

(A lawyer may represent tenant/recipient in court and process FEPS application)

Organization	Area Served	Phone #	Intake Procedure
The Legal Aid Society 260 E. 161 st St., 8 th Floor Bronx, NY 10451	All of the Bronx	718-991-4600	Call 646-340-1920 on a Wednesday beginning at 9:00am
Legal Services NYC – Bronx 349 E. 149 th Street, 10th Floor Bronx, NY 10451	All of the Bronx	718-928-3700	Call (718) 928-3700 Monday mornings at 9:30 for an appointment. Emergency applicants can contact either location during business hours (Emergencies are defines as someone with a denied order to show cause who

¹ Organizations change addresses, phone numbers, intake procedures, and locations. Contact providers prior to sending clients if you are not certain about the information. All Legal Aid Society addresses and phone numbers are correct, however, as of July 11, 2013.

Legal Services NYC – Bronx 349 E. 149 th Street, 10th Floor Bronx, NY 10451	All of the Bronx	718-928-3700	Call (718) 928-3700 Monday mornings at 9:30 for an appointment. Emergency applicants can contact either location during business hours (Emergencies are defines as someone with a denied order to show cause who could be scheduled for eviction, or a post-eviction.)
Legal Services NYC – Bronx (Courthouse Office) 1118 Grand Concourse, Rm. 370, Bronx, NY 10456	All of the Bronx	718-928-3700	Appointments are scheduled on a rolling basis until intake is full and could either be scheduled by phone or walk-in. See also emergency protocol above.
Neighborhood Association for Intercultural Affairs (NAICA) 1075 Grand Concourse, #1B Bronx, NY 10452		718-538-4830	
The Bronx Defenders 360 E. 161 st Street Bronx, NY 10451	All of the Bronx	718-838-7878	Representation restricted to existing clients of Bronx Defenders

BROOKLYN COMMUNITY-BASED PROVIDERS

(Process FEPS applications for tenant/recipient with a court case **AND** may process FEPS move, modification or restoration application without a court case)

CAMBA Center #66 (Bushwick Job Center) 30 Thornton St. Brooklyn, NY 11206	All of Brooklyn	718-675-3373	
Brooklyn Housing & Family Services 415 Albemarle Rd Brooklyn, NY 11218		718-435-7585	

Brooklyn Legal Services Providers

(May represent tenant/recipient in court and process FEPS application)

Organization	Area Served	Phone #	Intake Procedure
The Legal Aid Society (Courthouse Office) 141 Livingston Street Brooklyn, NY 11201 (9:30-11:00 am, M-F)	All of Brooklyn	718-722-3100 (main office)	9:30-11:30 am (walk-in for pre-screen)
Legal Services NYC – Brooklyn 1360 Fulton St. Brooklyn, NY 11216	All of Brooklyn	718-237-5559	Call hotline at 718-237-5531 on Tuesdays & Thursdays from 9:30am-11:30am
Legal Services NYC – Brooklyn 105 Court St. Brooklyn, NY 11201	All of Brooklyn	718-237-5559	Call hotline at 718-237-5531 on Tuesdays & Thursdays from 9:30am-11:30am
Brooklyn Legal Services Corp. A 260 Broadway Brooklyn, NY 11211	All of Brooklyn	718-487-2300	9am – 5pm by appointment
CAMBA Legal Services 885 Flatbush Ave. Brooklyn, NY 11226		718-287-0010	

			could be scheduled for eviction, or a post-eviction.)
Legal Services NYC – Bronx (Courthouse Office) 1118 Grand Concourse, Rm. 370, Bronx, NY 10456	All of the Bronx	718-928-3700	Appointments are scheduled on a rolling basis until intake is full and could either be scheduled by phone or walk-in. See also emergency protocol above.
Neighborhood Association for Intercultural Affairs (NAICA) 1075 Grand Concourse, #1B Bronx, NY 10452		718-538-4830	
The Bronx Defenders 360 E. 161 st Street Bronx, NY 10451	All of the Bronx	718-838-7878	Representation restricted to existing clients of Bronx Defenders

Manhattan Legal Services Providers

(May represent tenant/recipient in court and process FEPS application)

Organization	Area Served	Phone #	Intake Procedure
The Legal Aid Society (Harlem Community Law Office) 230 E. 106th St New York, NY 10029	All of Manhattan	212-426-3000	Call Thursdays between 9 & 10am and you will be called back
The Legal Aid Society (Courthouse Office) 111 Centre St., Room 106 NY, NY 10013	All of Manhattan	212-766-2450	Call or come in to be put on waiting list
Manhattan Legal Services (Upper Manhattan) 1 West 125th St., 2nd Fl. NY, NY 10027	All of Manhattan	646-442-3110	Call Mondays between 1pm and 3pm
Manhattan Legal Services (Lower Manhattan) 90 John St. #301 NY, NY 10038	All of Manhattan	646-442-3100	Call Mondays between 1pm and 3pm
MI-Y 299 Broadway, 4th Floor New York, NY 10007	South of 110th St, Entire East Side	212-417-3812	Fridays from 1:30pm-4:30pm
Northern Manhattan Improvement Corp. 76 Wadsworth Avenue New York, NY 10033	155th St. – 228th St.	212-822-8300	Walk-in Mondays and Thursday from 8am-10am; only first 20 people will be seen.
Northern Manhattan Improvement Corp., (Courthouse Office) 111 Centre Street, Room 323, NY, NY 10013	155th St. – 228th St.	212-566-0900	
Housing Conservation Coordinators, Inc. 777-10 th Ave. New York, NY 10019	Hell's Kitchen/Clinton (34 th -72 nd & 8 th -Hudson) Note: ICC may accept clients outside of the catchment area but are still on the West Side of Manhattan.	212-541-5996	Walk-in intake hours Mondays 4pm - 6:30pm or Thursdays 10am - 12:30pm with all relevant information (court papers, leases, notices received, proof of rental payments and proof of income for all household members such as tax returns, public assistance, pay stubs, Social Security award letters, etc. and birth certificates for all minors).

New York Legal Assistance Group (NYLAG)
7 Hanover Sq., 18th Floor
New York, NY 10004

Manhattan & other
boroughs

212-613-5000

9:00am-3:00pm
on M,W,Th

Manhattan Community-Based Providers

(Process FEPS applications for tenant/recipient with a court case AND may process FEPS move, modification or restoration application without a court case)

Catholic Charities Community Services Center #26 – St. Nickolas/Riverview, 132 West 125th St., Rm 301, NY, NY 10027		212-666-8401	
Catholic Charities Community Services Center #13 – Waverly Job Center 12 West 14 St. 4th Fl. New York, NY 10011		212-337-0213	
Catholic Charities Community Services East End/Hamilton Job Center 2322 Third Avenue, 4th Floor New York, NY		212-860-8291	

Queens FEPS Providers

(May represent tenant/recipient in court and process FEPS application)

Organization	Area Served	Phone #	Intake Procedure
The Legal Aid Society (Queens Neighborhood Office) 120-46 Queens Blvd. Kew Gardens, NY 11415	All of Queens	718-286-2450	
Queens Legal Services 89-00 Sutphin Blvd. 2nd Fl Jamaica, NY 11435	All of Queens	347-592-2200	
New York Legal Assistance Group (NYLAG Courthouse Office) 89-17 Sutphin Boulevard, Room 124, Jamaica, NY		718-262-7143	

QUEENS COMMUNITY-BASED PROVIDER

(Process FEPS applications for tenant/recipient with a court case AND may process FEPS move, modification or restoration application without a court case)

Organization	Area Served	Phone #	Intake Procedure
Queens Community House-Eviction Prevention Unit	All of Queens	718-883-7701, 718-883-7702, 718-883-7703, 718-883-7704, 718-883-7705	Please call for an appointment

Staten Island FEPS Providers			
(May represent tenant/recipient in court and process FEPS application)			
Organization	Address	Phone #	
The Legal Aid Society (Staten Island Neighborhood Office)	60 Bay St. Staten Island, NY 10301	347-422-5335	Mondays 9am-12pm
CAMBA Legal Services	648 Bay Street Staten Island, NY 10304	718-282-6473 Ext 2	Call Mondays through Fridays 9am – 5pm for an appointment

STATEN ISLAND COMMUNITY-BASED PROVIDER

(Process FEPS applications for tenant/recipient with a court case **AND** may process FEPS move, modification or restoration application without a court case)

Organization	Address	Phone	Intake Procedure
Catholic Charities Center #13 – Waverly Job Center (Note: must go to Manhattan)	12 West 14th Street, 4th Flr. NY, NY	212-337-0213	

**FEPS Legal Services Provider for Young People Under
21**

(May represent tenant/recipient in court and process FEPS application)

Organization	Address	Phone #	Intake Procedure
The Door	121-6 th Ave, 3rd floor New York, New York 10013	212- 941-9090 Ext 3250, Mike Williams	Call

Exhibit 11

Information Sheet on Housing Court Answers

HOUSING COURT ANSWERS



Fighting for Justice

Do you have questions about your Housing Court case?

Visit the information table. Our staff can provide information about housing court process and procedures and provide referrals to a community group or legal service office. We cannot provide legal representation, but basic information on Housing Court, which may assist you in avoiding eviction, getting repairs, or resolving your court case on more favorable terms. Make sure to bring all of your court papers.

visit the information table

located in the Housing Court
Monday to Thursday 9am—4pm
Friday 9am—1pm

call the hotline

212-962-4795
Monday to Thursday 9am—5pm

Need help paying back rent?

- If you have a case in Housing Court for nonpayment of rent, and
- Have a good reason for falling behind in your rent, such as lost wages, illness or death in family, and can document this reason, and
- Your income is high enough that you can pay your future rent.

There may be help available!

The Emergency Rent Coalition is a group of NYC charities that provides financial assistance for back rent to tenants facing eviction. Charities' funding changes often. If you meet the basic criteria above, call Housing Court Answers rental arrears hotline to see who has money now.

call the rental arrears hotline

212-962-4795
Monday to Thursday 9am—5pm

Housing Court Answers does not provide rental assistance directly, but provides referrals to members of the ERC. Each charity determines whether to issue a grant to an individual tenant. Tenants should also apply for a one shot deal from the Human Resources Administration. Charities usually cannot pay the full amount of arrears and some charities require that tenants apply for a one shot deal as a condition for assistance. Visit our website: www.housingcourtanswers.org

Exhibit 12

Information Sheets on LawHelp



Find Legal Help

Find free legal services programs in New York.

Enter your location and choose your legal problem.



Enter your city, county, or zip code:*

New York City

Choose your legal issue:*

Subtopic

Housing »	
Eviction	
Repairs and Bad Conditions	^
Foreclosure	
Court Forms	
Home Loans and Predatory Lending	
Rent Stabilization and Other Rent Laws	
Homeless Families and Individuals	v
Senior Citizen(SCRIE)and Disability(DRIE)Rent Increase Exemption	
GO	

* Required field



Housing

Click on one of the issues below to get answers to legal questions, sample forms, and information about the courts, lawyers and social service organizations that provide services related to Housing.

- Eviction
- Repairs and Bad Conditions
- Foreclosure
- Court Forms
- Home Loans and Predatory Lending
- Rent Stabilization and Other Rent Laws
- Homeless Families and Individuals
- Senior Citizen (SCRIE) and Disability (DRIE) Rent Increase Exemption

- Public Housing and Section 8
- Rent Assistance - Emergencies and Vouchers
- SRO Housing
- Housing Discrimination
- Mobile Home Park Tenants
- Tenant Group Representation
- Rights of Tenants and Landlords
- Veteran and Servicemember Rights in Housing and Home Loans

Exhibit 13

Information Sheet on University Settlement

University Settlement's Project Home is a comprehensive program that combines the following services: eviction prevention for families and individuals in Housing Court, general short-term social services, and leadership development and advocacy groups. Project Home case managers can provide:

1. tenant education about housing rights and responsibilities, the housing court process, and housing benefits;
2. assistance in housing court to provide legal information;
3. benefits assistance and advocacy, landlord mediation outside of court, and legal referrals;
4. landlord advocacy around short-term problems such as lease and repair issues and tenants' rights;
5. emergency financial assistance for food, rent and utilities, and help enrolling for ongoing benefits;
6. skills building in financial literacy and household budgeting;
7. assistance with physical and mental health needs and domestic violence services;
8. crisis counseling; and
9. advocacy and follow-up with legal services and other referrals.

Tenant's Name: _____ Date: _____

Please come to see a Project Home case manager in the small tollbooth office next to the clerk's office on the 2nd floor of Brooklyn Housing Court.

University Settlement · Project Home · 189 Allen Street · New York, NY 10002
(212) 505-1995 · fax (212) 614-0074
@ the Ingersoll Community Center · 177 Myrtle Avenue · Brooklyn, NY 11201

University Settlement's Project Home is a comprehensive program that combines the following services: eviction prevention for families and individuals in Housing Court, general short-term social services, and leadership development and advocacy groups. Project Home case managers can provide:

1. tenant education about housing rights and responsibilities, the housing court process, and housing benefits;
2. assistance in housing court to provide legal information;
3. benefits assistance and advocacy, landlord mediation outside of court, and legal referrals;
4. landlord advocacy around short-term problems such as lease and repair issues and tenants' rights;
5. emergency financial assistance for food, rent and utilities, and help enrolling for ongoing benefits;
6. skills building in financial literacy and household budgeting;
7. assistance with physical and mental health needs and domestic violence services;
8. crisis counseling; and
9. advocacy and follow-up with legal services and other referrals.

Tenant's Name: _____ Date: _____

Please come to see a Project Home case manager in the small tollbooth office next to the clerk's office on the 2nd floor of Brooklyn Housing Court.

University Settlement · Project Home · 189 Allen Street · New York, NY 10002
(212) 505-1995 · fax (212) 614-0074
@ the Ingersoll Community Center · 177 Myrtle Avenue · Brooklyn, NY 11201

Exhibit 14

Housing DIY Nonpayment Answer Program Information Sheets



New
York

CourtHelp



Court Facts

The Law

Forms

Lawyers

DIY Forms

Free and easy guided step-by-step programs to help you fill out court forms

These computer programs ask you questions. The program then uses your answers to prepare a form for your case or to make an information sheet to help you at court.

[Programs for Supreme Court](#)

[Programs for County Court](#)

[Programs for Family Court](#)

[Programs for Surrogate's Court](#)

[Programs for District, City, Town & Village Courts](#)

[Programs for New York City Civil Court](#)

[Programs for New York City Housing Court](#)

NYS DIY Forms are only for court users who don't have a lawyer and, legal services and pro bono attorneys and staff helping clients who cannot afford lawyers. Commercial use is prohibited and no one may charge for using these programs. When you begin the program, you will be asked to accept these terms of use.

Last updated on September 19, 2013



New York

CourtHelp



Court Facts

The Law

Forms

Lawyers

DIY Forms New York City Civil Court Housing Court

Free and easy guided step-by-step programs for people with cases in New York City Housing Court:

These computer programs ask you questions. The program then uses your answers to prepare a form for your case or to make an information sheet to help you at court.

[Tenant Affidavit to Vacate a Default Judgment](#)

[Affidavit de un Inquilino para Anular un Fallo en Rebe dia](#) (Tenant Affidavit to Vacate a Default Judgment Spanish)

[Tenant Affidavit to Restore Case to Calendar](#)

[Afidavit para Restaurar un Caso al Calendario del Tribunal](#) (Tenant Affidavit to Restore Case to Calendar Spanish)

[Roommate Holdover Program](#)

[Small Property Owner Nonpayment Petition Program](#)

[Small Property Owner Licensee Holdover Petition Program](#)

[Nonpayment Answer Program](#)

[Programa de Respuestas para Demandas por Incumplimiento del Pago del Alquiler](#) (Nonpayment Answer Program Spanish)

Need help?

You can get help using these programs and answers to your housing questions at the [Civil Court Help Center](#) or from the [Housing Court's Volunteer Lawyers Program](#).

Don't see the program you need?

Check back with us again. We are working on more programs for you!

You can also click on the links below if you need a Civil Court form. [Civil](#) | [Housing](#) | [Small Claims](#)

What does my computer need to use these programs?

1. You need Adobe Flash Player to use these programs. Download it for free from [Adobe.com](http://adobe.com).



2. You need Microsoft Word to see the documents properly. If you do not have Microsoft Word, you can download Microsoft Word Viewer for free from Microsoft.com.

Note: Microsoft WordPad is not the same as Microsoft Word. WordPad will cause problems with your documents.



3. Please read the [Frequently Asked Questions](#) page for more information.

NYS DIY Forms are only for court users who don't have a lawyer and, legal services and pro bono attorneys and staff helping clients who cannot afford lawyers. Commercial use is prohibited and no one may charge for using these programs. When you begin the program, you will be asked to accept these terms of use.

Last updated on March 24, 2014

NYCOURTS.GOV

New York City Housing Court

DIY (Do-It-Yourself) Forms

Interactive programs are available for free to self-represented litigants. The programs ask you questions about your legal situation. When you finish answering the questions you can download and print a court form and information sheets that may be helpful to you in your court case. The programs are easy to use.

Please note:

You must have the following on your computer to use the program and properly print the completed court forms.

1. Adobe Flash to view the interactive programs. Get it now for free.



2. Microsoft Word to properly view and print the completed court forms. If you do not have Word, you can download Word Viewer now for free and view and print Word documents, even if you don't have Word on your computer.

Available Programs:

[Nonpayment Answer Program](#)

[Small Property Owner Nonpayment Petition Program](#)

[Tenant Affidavit to Vacate a Default Judgment](#)

[Roommate Holdover Program](#)

[Tenant Affidavit to Restore Case to Calendar](#)

[Small Property Owner Licensee Holdover Petition Program](#)

If you have a legal issue and there is nothing here that will help you, you can visit one of the Civil Court's [Help Centers](#) and speak to a pro se attorney free of charge, or you can see if there is a court [form](#) that you can complete yourself.

Please Note: It is always better to talk to a lawyer, if possible.

These forms are not for commercial use and charging for use in any way is prohibited.

NYCOURTS.GOV

New York City Housing Court

Nonpayment Answer Program

This free and easy program will ask you questions about your New York City nonpayment case. At the end, you can print out an answer chart to take with you to the Housing Court Clerk so you can answer the petition in person (oral answer). You will also receive facts sheets with information about defenses and counterclaims.

You can use this program if:

- you live in a rent stabilized apartment, or
- you live in New York City Housing Authority (NYCHA) housing,
- you have not gotten a warrant of eviction, and
- you don't get a Section 8 subsidy or live in a Section 8 project based building.

It is helpful to have a copy of the notice of petition and petition with you when you use the program.

You must have the following on your computer:

1. **Adobe Flash** to see the program. Get it now for free.



2. Microsoft Word to see and print the completed court forms properly. If you don't have Word, you can download **Word Viewer** now for free.



Go to the [Nonpayment Answer Program](#).

If this program is not for you, learn more about answering a case or visit one of the Civil Court's Help Centers and speak to a help center attorney free of charge, or you can see if there is a court form that you can complete yourself.

Please Note: It is always better to talk to a lawyer, if possible.

These forms are not for commercial use and charging for use in any way is prohibited.



**Civil Court of the City of New York
Nonpayment Answer Program**

**Take these pages with you to the clerk's office.
They are yours to keep.**

The **Answer Chart** on the next page shows the results of your answers:

- Column I** shows the defenses or counterclaims you probably **do** have because of your answers. Tell the clerk in the Landlord-Tenant clerk's office the numbers of the defenses or the names of the counterclaims in this column if you want to put them in your answer.
- Column II** shows defenses you probably **do not** have.
- Column III** shows defenses that this program can't help you with because you did not give enough information to the questions.

Remember that this is not legal advice and if you think that you need legal advice, please contact a lawyer or go to a Help Center.

You **may have** these numbered defenses or counterclaims in the chart on the next page:

[1 2 3 4 5 6 7 8 9 10 11 12 13 14 15]
* **TELL THE CLERK ABOUT THESE.**

You **probably do not have** defenses numbered:

[]

This program **can't tell** if you have defenses numbered:

[]



LawNY.org



Produced in cooperation with Legal Assistance of Western New York's SOPHIA Project, the Legal Services Corporation, and the Columbia Law School - Lawyering in the Digital Age Clinic

TENANT ANSWER CHART

<u>DEFENSES TO NONPAYMENT</u>	<u>COLUMN I</u> You probably do have these defenses. TELL THE CLERK.	<u>COLUMN II</u> You probably do not have these defenses.	<u>COLUMN III</u> Don't know from your answers if you have these defenses.
Service of Notice of Petition & Petition			
1. The Respondent did not receive a copy of the Notice of Petition and Petition.	Y		
2. The Respondent received the Notice of Petition and Petition, but service was not correct as required by law.	Y		
Parties			
3. The Respondent is indicated improperly, by the wrong name, or is not indicated on the Notice of Petition and Petition.	Y		
4. The Petitioner is not the Landlord or Owner of the building, or a proper party.	Y		
5. No rent demand or proper rent demand, either oral or written, was made before this proceeding.	Y		
6. The Respondent tried to pay the rent, but the Petitioner refused to accept it.	Y		
7. The monthly rent requested is not the legal rent or the amount on the current lease.	Y		

<u>DEFENSES TO NONPAYMENT</u> (continued)	<u>COLUMN I</u> You probably do have these defenses. TELL THE CLERK.	<u>COLUMN II</u> You probably do not have these defenses.	<u>COLUMN III</u> Don't know from your answers if you have these defenses.
Rent			
8. The Petitioner owes money to the Respondent (tenant) because of a rent overcharge.	Y		
9. The rent, or a portion of the rent, has already been paid to the Petitioner.	Y		
Apartment			
10. There are conditions in the apartment which need to be repaired and/or services which the Petitioner has not provided.	Y		
11. Public Assistance shelter allowance has stopped because of housing code violations in the apartment or the building.	Y		
12. The apartment is an illegal apartment.	Y		
Other			
13. Laches.	Y		
14. General Denial.	Y		
15. Respondent/Person claiming possession is in the military service or is a dependent of someone in the military service.	Y		

Tender and Refusal

NYCHA Legal Rent

NYCHA Rent Overcharge

Partial/full Payment of Rent

Warranty of Habitability

Speigel Law

Illegal Apartment

Laches

General Denial

Military Status

Repair and Deduct

A short User Survey is included with your information. The survey will help us make the DIY Form Programs faster and easier to use in the future. Please take the time to complete the survey and give it to the Clerk when you come to court.

Thank you!

HELP CENTER/LANDLORD & TENANT CLERK'S OFFICE

The Civil Court Help Centers give you a place to go if you don't have a lawyer. You can get free legal and other information on how to do things in Housing Court. Each Help Center has Court Attorneys who can give you legal and other information on Housing Court procedures. The Help Centers also have information you can read, limited internet access (computers), information videos and information about community resources. For more information about the Help Centers, you can visit the Civil Court's website: <http://nycourts.gov/courts/nyc/housing/resourcecenter.shtml>.

There are also volunteer lawyers in the Help Centers who give free legal and other information and advice. The volunteer lawyers will read your court papers, tell you about the strong parts of your case and the weak parts of your case. They will help you fill out forms, and help you make a plan to defend or prosecute your case. **They will not go to court with you or file papers for you.** You are responsible for making all court dates on time and for all filing papers on time. You can learn more about the Volunteer Lawyers Project at: <http://nycourts.gov/courts/nyc/housing/vlpselfrep.shtml>.

The Landlord & Tenant Clerk's Office that is located in every Housing Court building is the office to go to. That is where to go to answer a nonpayment petition or to find out if a warrant has been issued against you. Or you can go there to fill out an order to show cause to try to stop the eviction.

Help Center and L&T Clerk's Office Locations by County:

Bronx County Housing Court

1118 Grand Concourse
Bronx, N.Y. 10456

4 Train to 167th Street; B or D train to 167th Street; Bx1 bus to 166th St. & the Grand Concourse; Bx2 bus to 165th St. & the Grand Concourse

L&T Clerk's Office: Lobby, (718) 466-3025
Monday, Tuesday, Wednesday and Friday from 8:00 A.M. - 5:00 P.M.
Thursday 8:00 A.M. until 7:00 P.M.

Help Center: Room 250
Monday, Tuesday, Wednesday and Friday from 9:00 A.M. until 5:00 P.M.,
Thursday from 9:00 A.M. until 7:00 P.M.

Harlem Community Justice Center

170 E. 121st Street
New York, NY 10035

4, 5 or 6 Train - To 125th Street station; M101 or M98 bus to 125th Street; M100 cross-town bus to 3rd Avenue

L&T Clerk's Office: Room 302, (212) 360-4113

Help Center: Room 105

Mondays and Thursdays from 9:00 A.M. until 5:00 P.M.
Staff is available on other days to provide information to the public.

Kings County Housing Court

141 Livingston Street
Brooklyn, NY 11201

2, 3, 4, or 5 Train - To Borough Hall Station; A, C, F or R
Train - To Jay Street-Metro Tech/Fulton Station
B26, B38, B53, B57, B61, B62, B65, B67, B38LTD to Jay Street

L&T Clerk's Office: Room 203, (347) 404-9200/01

Monday - Friday 8:00 A.M. - 5:00 P.M.

Thursday 8:00 A.M. - 7:00 P.M.

Help Center: Room 404

Monday, Tuesday, Wednesday, Friday from 9:00 A.M. until 5:00 P.M.
Thursday from 9:00 A.M. until 7:00 P.M.

New York County Housing Court

111 Centre Street
New York, NY 10013

1 Train - To Franklin Street; 4 or 5 Train - To Brooklyn Bridge; 6 Train - To Canal
Street; A, C, E, J, M, N, R or Z - To Canal Street Station
M22 to Worth Street; M103 or M9 to Chatham Square

L&T Clerk's Office: Room 225, (646) 386-5500

Monday - Friday 8:00 A.M. - 5:00 P.M.

Thursday 8:00 A.M. - 7:00 P.M.

Help Center: Room 104

Monday, Tuesday, Wednesday, Friday from 9:00 A.M. until 5:00 P.M.
Thursdays from 9:00 A.M. until 7:00 P.M.

Queens County Housing Court

89-17 Sutphin Boulevard
Jamaica, NY 11435

E, Z or J Train - Sutphin Boulevard Station; Q40, Q41, Q43 or Q44 Bus - To Sutphin
Boulevard; Q9, Q24, Q30, Q31, Q54, Q56 - To Jamaica Avenue;
Q6, Q8, Q9, Q20A, Q25, Q34, Q20B, Q25LTD, Q43 LTD, Q65 LTD
to Sutphin Boulevard

L&T Clerk's Office: Room 209, (718) 262-7145

Monday - Friday 9:00 A.M.- 5:00 P.M.

Thursday 8:00 A.M. - 7:00 P.M.

Help Center: Room 235

Monday, Tuesday, Wednesday and Friday from 9:00 A.M. until 5:00 P.M.
Thursday 9:00 A.M. until 7:00 P.M.

Richmond County Housing Court

927 Castleton Avenue
Staten Island, NY 10310

At the Staten Island Ferry Bus Ramp take either: S-44 Staten Island Mall Bus or S-46 or S96LTD Castleton Avenue Bus; get off at the corner of Castleton Avenue and Bement Avenue (About a 20 minute ride from the ferry bus ramp)

L&T Clerk's Office: Basement, (718) 675-8452

Monday - Friday 9:00 A.M. - 5:00 P.M.
Thursday 8:00 A.M. - 7:00 P.M.

Help Center: 1st Floor

Monday through Friday from 9:00 A.M. until 5:00 P.M.

FINDING A LAWYER

Legal cases in Housing Court are very serious. Your landlord will probably have a lawyer, and you should find a lawyer to help you if you can. For help finding one in your area, you can look on-line (on a computer) at the following sites:

- LawHelp.org/NY. To find information on **free** legal services programs on-line, go to LawHelp.org/NY and type in your zip code or the county you live in. On the next screen find your legal problem by clicking on "housing." On the next screen click on "eviction." Scroll (move) down and read the eligibility requirements for the legal services organizations there to see if you qualify. Click on the names of the organizations to learn more and where to go for help.
- abcny.org/lrs.html. If you can pay a lawyer, but do not know how to find one, you can try the Legal Referral Service of the New York City Bar Association. They will refer you to a lawyer in the New York Metropolitan area who will charge a \$35.00 consultation (meeting) fee for the first half-hour. If you decide to hire the lawyer after this meeting, you and the lawyer will work out the fee that you will pay. You can find a lawyer on-line (computer) or you can call (212) 626-7373 to see if there is a lawyer available in your area.

There are also programs that offer **free** consultations (meetings) and your income is not important. The lawyers in these programs will give you legal advice, but they will not go with you to court or file papers for you. You are responsible for making all court dates on time and for filing papers on time.

- Volunteer Lawyer Project. The Civil Court of the City of New York runs a Volunteer Lawyer Program in all the Housing Court's Help Centers. The volunteer lawyers give free legal and other information and advice about your case. The volunteer lawyers will read your court papers, tell you about the strong parts of your case and the weak parts of your case. They will help you fill out forms, and help you make a plan for your case. For more information and to check lawyers in your area, you can visit the Volunteer Lawyer Project website (computer) at: nycourts.gov/courts/nyc/housing/vlpselfrep.shtml.
- Monday Night Law Clinic. The New York City Bar Association located at 42 W. 44th Street in Manhattan runs a Monday Night Law Clinic. This free clinic runs from October through July. At the clinic, lawyers will meet with you for a half-hour consultation. There is no charge for this service. You must make an appointment for the Monday Night Clinic by calling (212) 626-7373.

If none of this information helps and you still need to find a lawyer, you can contact the Bar Association in your area:

Bronx County Bar Association
851 Grand Concourse Room 124
Bronx, New York 10451
(718) 293-5600

Queens County Bar Association
90-35 148th Street
Jamaica, New York 11435
(718) 291-4500

Brooklyn Bar Association
123 Remsen Street
Brooklyn, New York 11201
(718) 624-0675

Richmond County Bar Association
152 Stuyvesant Place Suite 203
Staten Island, New York 10301
(718) 442-4500

WHAT TO DO IF A WARRANT HAS BEEN ISSUED

You said that you do not know if a warrant of eviction has been issued. To find out if a warrant has been issued, you can check with the Landlord-Tenant Clerk's Office or call (646) 386-5750 or (212) 791-6000. If you got a "notice of eviction" from the City Marshal, then a warrant has already been issued against your apartment. The notice of eviction is the last court paper that needs to be given (served) to you before you are evicted (must move out).

If a warrant has been issued, you can be evicted. You must ask the court to stop the eviction. This is a very serious, and you must take care of it immediately. If you do not take care of it, the marshal can remove you and your things from the apartment. You can call the marshal's office to find out if the marshal is ready to evict you. The phone number for the marshal's office is on the notice of eviction.

You can use the DIY Form program to make an Affidavit In Support of An Order To Show Cause to Vacate A Judgment Based Upon Failure To Answer. http://www.nycourts.gov/courts/nyc/housing/int_tenantaffidavit.shtml. The affidavit will tell the judge the reason you did not answer the petition in time - for example - you never got a copy of it. It will also say your defense to the proceeding - for example - you paid all the rent. You will have to bring the affidavit to the Landlord-Tenant Clerk's Office.

You may have to wait in the clerk's office or to go to the courtroom where your papers have been sent. The Judge can sign your order to show cause, but may not stop the eviction until the case can be heard in court. The Judge can also sign the order to show cause, but make conditions, like paying the rent or bringing proof that you have money to pay rent. You must read the order to show cause carefully.

If the judge signs your order to show cause, you must give (serve) the papers to the other side, like the directions in the order to show cause tell you. You must go back to the courthouse on the hearing date with proof of service at the time and in the room that is written on the order to show cause.

If the judge will not sign your order to show cause, or he or she signs it with conditions that you do not agree with, you can change or fight it by going to the Appellate Term.

RENT STABILIZATION

New York City has a system of rent regulation called "rent stabilization." Tenants are protected from big increases in rent and have the right to renew their leases. Generally, you live in a rent stabilized apartment if one of these things is true:

1. Your building has six or more apartments and was built between February 1, 1947 and January 1, 1974.
2. You moved into your apartment after June 30, 1971 and your building was built after February 1, 1947 and has six or more apartments.
3. Your building has three or more apartments and was built or big changes were made since 1974 with special tax benefits. Generally, buildings are rent stabilized only while the tax benefits continue.

There are many exceptions to all of these categories. If you live in an apartment that has been changed to a cooperative or gets a state or federal subsidy, you are probably not rent-stabilized.

You can find out if your apartment is rent stabilized by calling the New York State Division of Housing and Community Renewal ("DHCR"); the telephone number is (212) 961-8930 or (718) 739-6400.

You can also check your lease to see if your apartment is rent stabilized. If your apartment is rent stabilized, your landlord is supposed to attach to your lease the Rent Stabilization "Lease Rider." The rider (a paper) tells you of your rights and responsibilities as a rent stabilized tenant, and it has the past rent for the apartment. It also tells the reasons the rent was increased.

You can also visit the one of the DHCR's offices at these locations:

Bronx Borough Rent Office One Fordham Plaza, 2nd Floor Bronx, New York 10458 Phone: 718-563-5678	Upper Manhattan Borough Rent Office (North Side of 110th St. and above) Adam Clayton Powell, Jr. Office Building 163 West 125th St, 5th Floor New York, New York 10027 Phone: 212-961-8930
Brooklyn Borough Rent Office 55 Hanson Place, Room 702 Brooklyn, New York 11217 Phone: 718-722-4778	Queens Rent Office Gertz Plaza 92-31 Union Hall Street Jamaica, New York 11433 Phone: 718-739-6400
	Lower Manhattan Borough Rent Office (South Side of 110th St. and below) 25 Beaver Street, 5th Floor

New York, New York 10004
Phone: 212-480-6238

IMPROPER SERVICE OF THE NOTICE OF PETITION AND PETITION

Your answers say that you may have defenses # 1 or # 2, or that you did not have enough information to say if you have defenses # 1 and # 2. Defense # 1 says: "Respondent did not receive a copy of the Petition and Notice of Petition." Defense # 2 says: "Respondent received the Petition and Notice of Petition, but service was not correct as required by law. These defenses are called "improper service."

A nonpayment case must be started by someone sent by the landlord or owner serving a notice of petition and a petition on the tenant(s). Service of the papers means giving a copy of the papers to the tenant(s). If you did not get a copy of the notice of petition and petition, you may have defense #1.

The notice of petition and petition must be given to the tenant exactly as the law says or the case is no good and you may have defense #2. If you do not make this defense when you first answer, you may not be able to make the defense later on.

There are only three ways to properly deliver or "serve" a notice of petition and petition in a nonpayment case.

1. **Personal Delivery:** You are given a copy of the notice of petition and petition (by someone who is 18 years old or older and not the landlord or owner), or
2. **Substituted Service:** A copy of the notice of petition and petition is given to someone of "suitable age and discretion," who lives or works in your apartment, not just someone who happens to be there (this person does not have to be an adult, but it should not be a small child). By the next weekday, except for certain holidays, two other copies of the notice of petition and petition must be mailed to you. One copy mailed by certified mail and the other mailed by regular mail.
3. **Conspicuous Service:** The person serving the notice of petition and petition must come to your apartment at least two times to try to give those papers to you in person or to someone who lives or works at your apartment. Those two attempts must be at different times of the day, usually one time during working hours and one time during when people don't work. After those two attempts, the person serving the notice of petition and petition can tape one copy to your door or put it under your door. By the next day, excluding weekends and certain holidays, two other copies of the notice of petition and petition must be mailed to you. One copy mailed by regular mail and one copy mailed by registered or certified mail.

If you did not get both the notice of petition and petition in any of those ways, this is a defense to your case and can be included in your answer. When you go to court, tell the Judge or Court Attorney that you were not served properly. The judge can decide to set a date for a hearing, called a "traverse" hearing, to decide whether the service of the court papers was correct.

At the traverse hearing, the landlord's process server (the person who delivers the legal papers) may be asked to tell under oath how he or she gave you the court papers. You will have the right to ask the process server questions, to testify (talk about it) yourself, and to call witnesses (people who saw) to explain that the papers were not delivered properly.

If the judge says that the papers were not served properly, the case will be dismissed "*without prejudice*." This means that the case is over. But, the landlord can start another case by giving you a new set of papers. If you receive another set of papers, you must come to court and answer the new notice of petition and petition.

TENANT IMPROPERLY LISTED ON THE PETITION

Your answers say that you may have defense # 3. Defense # 3 says: "The Respondent is indicated improperly, by the wrong name, or is not indicated on the Petition and Notice of Petition."

If you are a tenant or co-tenant (live with another person) in the apartment and your name is not correct on the notice of petition and petition, or it is not there at all, then you have a defense to the nonpayment petition. A person who can be made to move out of his or her apartment must be correctly named in the notice of petition and petition that starts the nonpayment case. If the landlord or owner knows your correct name, then that is the name that should be on the notice of petition and petition. You should not be named in the papers as "John Doe" or "Jane Doe." But, if you are named in the papers and there is a little mistake, this may not be bad. For example, if your name is Jose Rodriguez and you are listed as "John" Rodriguez, the court may not say the petition is no good.

If you are a family member or room-mate, and your name is not on the lease, you do not need to be named on the notice of petition and petition for the landlord or owner to start a nonpayment case. The petitioner may have listed you as an "undertenant" and you can be listed as "John Doe" or "Jane Doe."

If you have defense # 3, when you go to court, tell the Judge or Court Attorney that your name is not correct on the notice of petition and or petition. If the Judge says that you proved this defense, the case will be dismissed "*without prejudice*." This means that the landlord or owner made a mistake and can start another nonpayment case against you by serving you with a new notice of petition and petition. It does not mean that you will not have to pay rent. That will still have to be decided in a new case.

**HOW TO DETERMINE WHO IS THE OWNER/LANDLORD
OF YOUR APARTMENT**

You said that you did not know if the petitioner was really the owner or landlord of your apartment. You also said that the petitioner is claiming to be the owner or landlord in the petition. You can find out who is the owner or landlord of your apartment this way:

Buildings with three or more apartments must be registered with the "Registration Assistance Unit" of the Department of Housing Preservation and Development ("DHPD"). If you have access to a computer, an owner/landlord can be identified by going to the DHPD website. Go to nyc.gov/html/hpd/html/pr/violation.shtml and click "Proceed to HPD Online" at the bottom of the page. At HPD Online, write the borough, house number and street number. A page will come up with the Owner's name and address.

One- and two-family apartments do not have to register with DHPD. You can see a certified copy of the Deed to the property can be obtained by the lessee at the Office of the City Register, 66 John Street, 13th Floor, New York, NY 10038 (212) 361-7550. You can also get this information online (computer) at the New York City Department of Finance website at: nyc.gov/html/dof/html/home/home.shtml. There you can click on "Property," then "Property Information," then find the borough, block and lot number by clicking at the bottom of the page on "Look up BBL by the Property Address." When you write in the address, "Your Property Information" screen will come up with the owner information.

If you find out that the petitioner is not really the owner or landlord of your apartment, then you may have defense # 4 to the petition.

IMPROPER PETITIONER

Your answers say that you may have defense # 4, or you did not have enough information to say if you have defense # 4. Defense # 4 says: "The Petitioner is not the Landlord or Owner of the building."

If the petitioner says he or she is the owner or landlord of your apartment, but is not; or, if the petitioner is not a correct party who can start a nonpayment case in Housing Court, then you may have a defense to the nonpayment petition. The petitioner must be an organization or person with a real legal right to the apartment.

When you go to court you should tell the Judge or Court Attorney that the petitioner is not a correct party to bring this case. If the petitioner has said he or she is the landlord or owner, the petitioner will have to prove this to the court. If the petitioner did not claim to be the owner or landlord, then the petitioner will have to prove that he or she is a correct party to start this nonpayment case. If the Judge says that the petition does not clearly and correctly say that the petitioner is an organization or person with the right ("standing") to bring a nonpayment case against you in Housing Court, then the case will be dismissed and it will be over.

IMPROPER RENT DEMAND

Your answers say that you may have defense # 5, or that you did not have enough information to say if you have defense # 5. Defense # 5 says: "The Respondent was not asked, either orally or in writing, to pay the rent before the Petition and Notice of Petition." This defense is also called "improper rent demand."

Before a nonpayment case can be started in Housing Court, the landlord or owner or someone working for the landlord or owner, must demand the overdue rent from the tenant. The demand must warn the tenant that if the rent is not paid, the tenant can be taken to court. The landlord or owner can tell the tenant this in person, over the telephone, or in writing. If you live in NYCHA housing or your lease says that this kind of demand is given in writing, then the demand can only be in writing.

If it's in writing, the landlord or owner must write specific facts in the demand. The demand must include the months and amount of rent due. For example, the rent demand might say, "You owe the rent for June, July and August at \$900.00 per month, for a total of \$2700.00." The written demand must also say that the tenant must pay the rent owed within three days or give up the apartment. The demand can be signed by the landlord or owner, or the landlord's lawyer, unless the lease says something else. If the landlord or owner's name is typed and not signed, this may not be correct. If the written rent demand did not have any of this information, you should tell the Judge or Court Attorney when you go to court.

The written demand for rent must also be given to the tenant at least three days before the day the court papers are served, unless the lease says more days. There are only three ways to properly deliver or "serve" a written rent demand in a nonpayment case.

1. **Personal Delivery**: You are given a copy of the written rent demand (by someone who is 18 years old or older and not the landlord or owner), or
2. **Substituted Service**: A copy of the written rent demand is given to someone of "suitable age and discretion," who lives or works in your apartment, not just someone who happens to be there (this person does not have to be an adult, but it should not be a small child). By the next weekday, except for certain holidays, two other copies of the written rent demand must be mailed to you. One copy mailed by certified mail or registered mail and the other mailed by regular mail.
3. **Conspicuous Service**: The person who serves the written rent demand must come to your apartment at least two times to try to give the papers to you in person or to someone who lives or works in your apartment. Those two attempts must be at different times of the day, usually one time during working hours and one time during hours when people don't work. After those two attempts, the person serving the written rent demand can tape one copy to your door or put it under your door. By the next weekday, except for certain holidays, two other copies of the written rent demand must be mailed

to you. One copy mailed by regular mail and one copy mailed by registered or certified mail.

If you did not receive the written rent demand in any of these ways you may have not been served correctly and you should tell the judge or court attorney when you go to court.

If the Judge says that the landlord or owner did not make a proper rent demand before starting the nonpayment case, the case will be dismissed "*without prejudice.*" This means that the landlord or owner made a mistake, but can start the nonpayment case against you again. It does not mean that you will not have to pay any rent that you owe. That will still have to be decided in a new case.

TENDER AND REFUSAL

Your answers say that you may have defense # 6 or you did not have enough information to say if you have defense # 6. Defense # 6 says: "The respondent tried to pay the rent, but the Petitioner refused to accept it." This defense is also called "tender and refusal."

If you tried to pay all of the rent that is due but the landlord or owner refused to take the rent, this may be a defense to the nonpayment petition. "Refusal" includes, accepting your check or money order, but not cashing it, or returning your check, money order, or cash, or refusing to accept your check, money order, or cash, or hiding from or avoiding you so that you cannot pay your rent.

To prove this defense in court, you will have to tell the Judge or Court Attorney when and how you tried to pay all of your rent and what the landlord or owner did. You should bring any evidence which may prove this, like letters, money orders or witnesses who saw the landlord or owner refuse the payment. If the Judge says that you have proved this defense, the nonpayment case will be dismissed. But, you will still owe the rent money to the landlord or owner.

The landlord or owner's refusal to take all of the rent when you tried to pay does not mean that you don't owe the rent. It means that the landlord or owner may not be able to sue you for the rent in a nonpayment case in Housing Court. But, the landlord or owner can still start a case for the rent in the Civil Court. You can't be evicted then because of nonpayment. But, in Civil Court there can be a judgment entered against you that can be used by the landlord to take some of your wages, or to take the amount of the judgment from your bank account.

**ENTITIES OTHER THAN THE OWNER/LANDLORD WHO MAY
BRING A NONPAYMENT CASE**

Your answers say that you do not know if the petitioner is a proper (correct) party who can start a nonpayment case in Housing Court.

Only the owner or landlord, or a person or organization with a real legal interest in the apartment can bring a nonpayment case in Housing Court against you. The following people or organizations have a right (“standing”) to bring a nonpayment case:

1. A lessor (e.g., a person who signs a lease with a subtenant);
2. The purchaser at a foreclosure sale, tax sale or execution who holds a Deed, or any person claiming title through the purchaser;
3. The “receiver” of a landlord (or other person entitled to apply), who must show authority for bringing the case;
4. A “lessee” (person who has a lease and is entitled to possession).

The following persons or entities may *not* bring a nonpayment case in Housing Court:

1. Legal representative, attorney, attorney-in-fact or person holding a Power of Attorney, agent or assignee of the owner or landlord;
2. Mortgagee in possession who has an assignment of rents must apply for an appointment of a “receiver.”

If you find out that the petitioner is not a correct party who may bring a nonpayment case against you, then you may have defense # 4 to the petition.

NYCHA LEGAL RENT

Your answers say that you may have defense # 7, or that you did not have enough information to say if you have defense # 7. Defense # 7 says: The monthly rent being requested is not the legal rent or the amount on the current lease. This defense is also called "improper rent amount."

The petition may only ask for the correct rent amount. If you are a NYCHA tenant, the correct rent is based on family income. Your rent is calculated when you first move in and then once a year after that. The lawful (correct) rent will usually be one of the following amounts:

- If you get public assistance, your rent is the higher of 30% of your family's monthly income, after allowable deductions, or the scheduled welfare rent, or
- If you don't get public assistance, then your rent is 30% of your family's monthly income, after allowable deductions.

All NYCHA housing has flat or ceiling rents. That means there is a limit on how high the rent can go. You can decide to pay the flat rent instead of rent based on income. Family income includes income from all sources received by household members during the past twelve months. Annual income includes wages and salaries, pensions, child-support payments, social security, public assistance, and SSI. NYCHA asks you to give proof of your income every year. If you do not prove your income, it may result in a big increase in your rent.

If the rent asked for in the petition is not the lawful rent, tell the Judge or Court Attorney when you go to court. The landlord or owner has to prove to the court that the amount of rent in the petition is correct. You should bring any lease renewals, letters, or information that can help you to prove your defense. If the court finds that the petition is wrong, the court may dismiss the nonpayment case. The landlord or owner can ask the judge to allow the petition to be corrected or "amended," without having to start a new case against you. If that happens, the judge will decide if he or she wants to dismiss the case.

If you have paid more rent than the landlord or owner can legally collect, then you may also have defense #8, rent overcharge.

NYCHA RENT OVERCHARGE

Your answers say that you may have defense # 8, or that you did not have enough information to say if you have defense # 8. Defense # 8 says: The Petitioner owes money to the Respondent because of a rent overcharge.”

NYCHA can only charge you the correct rent amount. If you are a NYCHA tenant, the proper and legal rent amount is based on family income. Your rent is calculated when you first move in and then one time a year after that. The legal rent will usually be one of these amounts:

- If you get public assistance, your rent is the higher of 30% of your family's monthly income, after allowable deductions, or the scheduled welfare rent, or
- If you don't get public assistance, then your rent is 30% of your family's monthly income, after allowable deductions.

All NYCHA housing has flat or ceiling rents, a limit on how high the rent can go, and you can decide to pay the flat rent and not the rent calculated annually based on income. Family income includes income from all household members during the past twelve months. Annual income includes wages and salaries, pensions, child-support payments, social security, public assistance, and SSI. NYCHA asks you to prove your income every year and if you do not prove your income, it can result in a big increase in your rent.

You are being overcharged if NYCHA has raised the rent more than allowed by law. If NYCHA has overcharged you and you have paid more than the legal rent, you have an overcharge defense and counterclaim. When you go to court, tell the judge or court attorney that NYCHA has overcharged you. NYCHA has to prove to the court that the rent is correct. You should also bring any lease renewals, letters, or any other information that proves your claim.

If the judge says that you have been overcharged and the overcharges are more than the rent in the petition, then you must give the City of New York a Notice of Claim form before you make your claim in order to get the remaining overcharge award. If the court says the overcharges are less than the rent in the petition, the court will award the owner or landlord a judgment for the rent and subtract the overcharge award.

PAYMENT

Your answers say that you may have defense # 9, or you did not have enough information to say if you have defense # 9. Defense # 9 says: The rent, or a portion of the rent, has already been paid to the Petitioner. This defense is also called "payment."

If you have paid a part or all of the rent that the owner or landlord is asking for in the petition then you have a defense to the nonpayment petition. When you go to court you will have to tell the Judge or Court Attorney when and how you paid the rent. You should bring any proof you have of payment with you to court, like, rent receipts, canceled checks, letters or witnesses who saw you make the payment. If the Judge says that you have paid all of the rent, the nonpayment case will be dismissed. If you prove you have paid part of the rent, then you will only have to pay the amount that remains due.

SPIEGEL LAW

Your answers say that you may have defense # 11, or you did not have enough information to say if you have defense # 11. Defense # 11 says: "The Respondent receives Public Assistance and there are Housing Code violations in the apartment or building." This defense is called "Spiegel Law."

The "Spiegel Law" says that if there are conditions dangerous to life, health and safety exist in your apartment or building, the Department of Social Services ("DSS") has the power to stop your shelter allowance rent payments to the landlord or owner for you. If this happens, the Spiegel Law is a complete defense to a nonpayment case. This means if the Judge says that you proved this defense, the landlord can't evict you or get unpaid rent for the time that hazardous housing code violations found by the Department of Housing Preservation and Development ("DHPD") were in your apartment or building. This is a hard defense to prove and you should speak to a lawyer to help you.

In order to prove this defense, you must show:

1. That you receive public assistance. Public assistance, DSS, HRA, and welfare all from the same city agency that gives funds for people in financial need. In order to use the Spiegel Law defense, you must be on public assistance with "shelter payments" listed on your public assistance budget. These shelter payments are called shelter allowance. A shelter allowance is the amount of money that DSS sends directly to the landlord or owner for the tenant on welfare. You can go to your local DSS office and ask for a printout of your budget that will show you how much rent is sent, where it is sent, if the landlord is cashing the rent checks, and if DSS has stopped sending the rent payments.
2. That you live in a building that has one or more housing code violations that are hazardous to life or health. Housing code violations are found by DHPD. DHPD sends qualified inspectors to apartments to see if there are violations of the New York City Housing Code. If there are violations, then the DHPD inspector describes the condition and how serious the violations are. You can see these reports at the Department of Housing Preservation and Development ("DHPD") website (computer). If you have access to a computer go to <http://www.nyc.gov/html/hpd/html/pr/violation.shtml> and click "Proceed to HPD Online" at the bottom of the page. At HPD Online, write the borough, house number and street number. You can then click on "All Open Violations" to see the violations.
3. That DHPD notified DSS about the hazardous conditions in your apartment or building. Go to your DSS center and ask one of their representatives about your case. You need to ask a DSS worker to look up your case in the computer to find out the reason your shelter payments were stopped. For more information you can call the DSS Infoline at (877) HRA-8411.

4. That DSS stopped payments of rent to the landlord or owner because the DHPD told them about the hazardous housing code violations. This is hard to prove in court unless someone from DSS comes to court to testify to this. You may have to “subpoena” (make them come to court) someone from DHPD and DSS.

If you do not prove that DSS stopped paying your shelter allowance because of violations reported by DHPD, then you can't prove the Spiegel Law defense. This is a hard defense to prove. If you get public assistance, you should qualify for free legal assistance from Legal Services or Legal Aid. Speak to a lawyer or visit the Housing Court's Help Center for help.

ILLEGAL APARTMENT

Your answers say that you may have defense # 12, or you did not have enough information to say if you have defense # 12. Defense # 12 says: "The apartment is an illegal apartment."

When an apartment is illegal, the space should not be used to live in, a landlord or owner can't collect rent. So, when you are being sued for failing to pay rent, it is a defense to the nonpayment case if you live in an illegal apartment.

If your apartment is like this, it may be an illegal apartment:

1. Basement Apartments: not all basement apartments are illegal. But, the most common of all illegal apartments are in the basement of a building.
2. The apartment has no inside plumbing, bathroom or cooking places or the bathroom or kitchen facilities are separated, like if the toilet and the shower/bath are in different rooms.
3. Apartments that don't have windows (full size) and/or second exits may be illegal.
4. There are no separate electrical or gas meters for your apartment, like, if your apartment is on the same meter as the lobby of the building.

To find out if your apartment is illegal you can go to the Department of Buildings. They have an office in each borough of New York City. All buildings have to have a Certificate of Occupancy if they were built after April 18, 1929, or had major changes after that date. The buildings that were built before April 18, 1929, will not have a Certificate of Occupancy. The Certificate of Occupancy shows the way the building can be used, like, how many apartments they can have on each floor of the building. For example:

1. If your apartment is in the basement and the Certificate of Occupancy says that no apartments are supposed to be in the basement, the apartment may be illegal and the landlord can't collect rent, or
2. The Certificate of Occupancy says that on your floor only four apartments are permitted but you know that there are five apartments. At that point, there is a possibility that your apartment is illegal but, you will have to prove that your apartment is the illegal apartment, to be able to use the defense.

The violation of the Certificate of Occupancy must be for the apartment you live in. The fact that the building is being used in a way not permitted by the Certificate of Occupancy may not be a defense in your case if the violation has nothing to do with your apartment. In other words, your apartment must be the illegal one. For example, if the landlord or owner changed the nature of the second floor so that it violates the Certificate of Occupancy but your apartment is on the fifth floor, then the violation has no effect on

your apartment, and there is no defense.

You can also find out information about your apartment by going to the Department of Housing Preservation and Development (“DHPD”). They have an office in each borough of New York City. If a building has three or more apartments, it must be registered with DHPD every year. If the landlord or owner has not registered the apartment, then rent can’t be collected. This will not tell you if your apartment is illegal, but it may give you an idea that it is illegal if you know there are at least three apartments in your building and there has never been a multiple dwelling registration filed for the building you live in. For example:

1. The building you live in is a two-family house and one of the apartments has been divided. In this case, because there are three apartments, the landlord would have to register the building with DHPD. If the landlord did not, that would be a defense to a nonpayment proceeding, or
2. If you live in the basement of a building or house where there are only two other apartments. Again, since the total number of residences is the issue, the fact that there are three would be a defense if there is no multiple dwelling registration filed the DHPD.

There are some reasons that may allow the landlord to collect rent even if the apartment is technically illegal:

1. Even if your landlord or owner did not comply with the Certificate of Occupancy or have the legal multiple dwelling registration, these are defenses that can be cured,” or fixed, by the landlord or owner. If they are cured, then the defense no longer applies. For example, if the apartment is illegal but can be made legal and the landlord or owner does this and gets a proper Certificate of Occupancy, rent can be collected.
2. If the tenant knew that the apartment was illegal, then in Queens and Kings Counties, the landlord or owner may be able to collect rent.
3. If the tenant caused the violation that made the apartment illegal, then the landlord or owner may be allowed to collect rent.
4. If the tenant stopped the landlord or owner from correcting the violation that would have made the apartment legal.
5. In New York County, there must be a connection between the violation and the health and safety of the tenant.

When you go to court, tell the Judge or Court Attorney why you believe your apartment is illegal. Bring any proof you got from the Department of Buildings or DHPD and any photographs or witnesses that can talk about the conditions in the building. If the judge says that you have proven this defense, the petition will be dismissed against you.

GENERAL DENIAL

Your answers say that you may have defense # 14, "General Denial." A general denial should be answered when you have no actual or personal knowledge about the information in the petition. A general denial is a denial of everything in the petition.

Because of your answers to the questions in this program, no specific defenses to the claims in the petition are here. In some cases, you may need to get more information to know if there is a specific defense. The fact sheets will tell you how to do this. If you do not answer the petition with any specific defenses, and you are not absolutely sure that all of the claims in the petition are true and correct, then you should answer the petition with a general denial.

If you do not answer the petition with a general denial or any other defenses, you need to see a lawyer or visit one of the Housing Court's Help Centers immediately.

LACHES

Your answers say that you may have the defense # 13, “Laches” (sounds like matches), or you did not have enough information to say if you have defense # 13. This defense is also called “stale rent.”

The “laches” defense says you must prove that the landlord or owner knew you owed rent but intentionally waited too long to bring you to Housing Court. You must also show that the Housing Court case surprises you and the delay is very bad for you. There is no set period of time that starts the laches, or “stale” rent defense. It depends on the circumstances of each case. Many courts have applied laches to landlords or owners who waited more than six months to start a nonpayment case. Even if you prove laches, if the landlord or owner can show a good reason for the delay, then your defense is no good.

If the Judge says that you have proved this defense, the landlord will not be able to evict you for any rent that the Judge says is stale. The Judge can give the landlord or owner a money judgment for the stale rent, but you will not be evicted if you do not pay. Or, the Judge may say that the landlord or owner can't sue you for the stale rent in a nonpayment case in Housing Court and the case will be dismissed. But, the landlord or owner can still start a case for the rent in the Civil Court (different from Housing Court) and win a money judgment against you. A money judgment can be used by the landlord or owner to take part of your wages, or to take the amount of the judgment from your bank account.

Laches is a complicated defense. The outcome will depend on the specific facts in your case. To learn more, you should speak to a lawyer or visit the Help Center in the Housing Court.

MILITARY STATUS

Your answers say that you have defense # 15. Defense #15 says,
"Respondent/Person claiming possession is in the military service or is a dependent of someone in the military service.

Depending on your rent, a person who is in the military or is a dependent of someone in the military service is entitled to some protection when in danger of eviction. If you raise this defense, your case will be sent to a special Part. A judge may appoint a lawyer to represent you in the case. The judge can also ask the landlord to post a bond (a certain sum of money) to protect your interest. In addition, the judge can put off your case for up to three months if military service has affected your ability to pay rent.

If you or someone you are dependent on is on active military duty, you are legally permitted to cancel your lease before the end of its term. You can also get out of your lease if you have received orders for a change of station.

When you come to court, bring your military or military dependent ID card and a copy of the paper calling you to active duty. If you do not have these documents, you can contact the Fiscal Officer of the service member's unit to get them.

WARRANTY OF HABITABILITY

Your answers say that you may have defense # 10, or you did not have enough information to say if you have defense # 10. Defense # 10 says: "There are conditions in the apartment which need to be repaired and/or services which the Petitioner has not provided." This defense is also called "warranty of habitability." A violation of the warranty of habitability can be a defense and a counterclaim in a nonpayment case.

The warranty of habitability makes the landlord or owner responsible for keeping your apartment and the building safe and livable at all times. You may have a warranty of habitability defense or counterclaim if you have *any* of the conditions listed here (or you had any during the time period the landlord or owner says you owe rent) in your apartment or in the public areas of your building. You can bring this list with you when you go to court. Check off all the conditions that are in your apartment or building:

<input type="checkbox"/>	You can't live in all or part of the apartment.
<input type="checkbox"/>	No water
<input type="checkbox"/>	Water leaks or floods
<input type="checkbox"/>	No hot water
<input type="checkbox"/>	No heat
<input type="checkbox"/>	Problem with pipes
<input type="checkbox"/>	Radiator problems (too much heat, broken, exploding, noisy)
<input type="checkbox"/>	Electric (broken outlets or light fixtures, exposed or bad wiring)
<input type="checkbox"/>	No electricity or only extension cords
<input type="checkbox"/>	Mice/Rats/Vermin
<input type="checkbox"/>	Roaches/Insects/Bugs
<input type="checkbox"/>	Mold
<input type="checkbox"/>	Kitchen problems (stove/oven/refrigerator/sink broken)
<input type="checkbox"/>	Gas (none or leaking)
<input type="checkbox"/>	Bathroom problems (broken toilet/sink/shower/tub, leaks or blocks up)
<input type="checkbox"/>	Floor problems (holes, sagging, etc.)
<input type="checkbox"/>	Walls/Ceilings cracks, peeling paint or plaster
<input type="checkbox"/>	broken tiles on walls or floors
<input type="checkbox"/>	peeling paint or plaster
<input type="checkbox"/>	Lead paint (In most buildings it will be assumed that the paint is lead paint if a child under age 7 lives in the apartment)
<input type="checkbox"/>	Window problems (bad fit/leaks/drafty, broken glass, don't open or close, locks broken, torn screens)

<input type="checkbox"/>	No window guards
<input type="checkbox"/>	Bad ventilation
<input type="checkbox"/>	Smoke detector missing or it's no good
<input type="checkbox"/>	Carbon monoxide detector missing or it's no good
<input type="checkbox"/>	Garbage not collected
<input type="checkbox"/>	Smells or fumes
<input type="checkbox"/>	Harassment by landlord or other tenants
<input type="checkbox"/>	Noise
<input type="checkbox"/>	Door locks broken
<input type="checkbox"/>	Broken intercom or doorbell
<input type="checkbox"/>	Fire or smoke damage
<input type="checkbox"/>	Asbestos
	Public Areas
<input type="checkbox"/>	Crime or illegal activity
<input type="checkbox"/>	Dirty Hallways (sewage, garbage)
<input type="checkbox"/>	Bad lights (indoor or outdoor)
<input type="checkbox"/>	Dangerous stairs or railings
<input type="checkbox"/>	Broken elevator
<input type="checkbox"/>	Mailbox problems (none or no good)
<input type="checkbox"/>	Broken Fire Escape
<input type="checkbox"/>	Boiler is no good
<input type="checkbox"/>	Roof is no good
<input type="checkbox"/>	Fire escape is no good
<input type="checkbox"/>	Any other condition that is dangerous to life, health or safety or makes the apartment or building unlivable

The warranty of habitability also says the landlord or owner must maintain services and conditions that you were told about when you moved in, but that are not required by law; like, if your landlord or owner agreed to provide air conditioning, or a roof-top garden. If the landlord or owner did not provide these services, then you have a warranty of habitability defense and counterclaim.

In order to prove a warranty of habitability defense, your landlord or owner must have had actual or "constructive notice" of the condition that needs repair. If you called or wrote to the landlord or an employee of the landlord to tell them of an unsafe or unlivable problem in your apartment or building, they were placed on actual notice. Or, if the Department of Housing Preservation and Development ("DHPD") has put

violations on the apartment or building, then the landlord or owner has actual notice of those conditions.

If you did not call or write to the landlord or an employee of the landlord to tell him or her about the condition, "constructive notice" may be found if you can show that the landlord or one of his or her employees should or could have known about the condition, even though you not give actual notice in writing or by talking about it. For example, you may not have told the landlord or an employee about the condition but he or she should have seen it because the conditions should have been discovered with routine maintenance. Or the problems are so clear, that any person would know about them.

When you go to court you must bring any written records of notice of the conditions, any copies of letters and if possible, any proof that the landlord or the landlord's employees got the information from you. Bring temperature logs (records), photographs, chips of peeling paint and plaster, dead mice or rats caught in the apartment or building, all the types of proof that can help your case. You should bring any witnesses who saw the conditions, like neighbors. If you kept any records that show the dates and times the unsafe or unlivable conditions existed, like poor heat, leaks, times when strange people came into the building during when the outside door lock was broken, or broken elevators. You do not need an expert to testify in court to prove a warranty of habitability defense or claim.

If the judge says that you have proved the defense or claim, you may be entitled to an "abatement," or a reduction of the rent. The amount of the abatement will depend on what the judge says is the percentage of reduction of the value of the apartment when repairs were not made or services were not provided. An abatement is not limited to the months that the landlord or owner is seeking in the nonpayment case. You can have an abatement for the entire time the condition existed, up to six years. The Judge may say there were many violations of the warranty of habitability. When a building is not taken care of in one area, it is often not taken care of in other areas.

Usually, you can get a judgment against the landlord on a counterclaim for violation of the warranty of habitability and get a refund for rent you paid and in an amount that is more than the rent you owe the landlord.

You can't have an abatement for conditions that you have caused. If you did not let the landlord or his or her employees get in to your apartment to correct conditions, a rent abatement will be denied or severely limited.

If you are a New York City Housing Authority ("NYCHA") tenant, you can counterclaim for warranty of habitability violations even if you have not served a Notice of Claim form on NYCHA before raising your claim, as long as you only want to set off NYCHA's claim for rent and do not want a money judgment. A money judgment can't be granted against NYCHA, unless you have first served the city with a timely notice of claim because the Housing Authority is an agency of the City of New York.

REPAIR AND DEDUCT

Your answers say that you may have a claim against the landlord or owner for the money you spent to pay for repairs or electricity, heat, water or gas. This is sometimes called "repair and deduct," because the landlord or owner may not have provided repairs and/or services and you may have had the work done yourself. You may have taken the cost of the work from your rent.

The court will let you deduct the reasonable cost of important repairs that you made, if the landlord or owner did not make the repairs after you notified him or her. You will have to prove that the landlord or owner "willfully refused" to make the repair. For example, a judge can say that you can deduct the cost of a new lock if you told the landlord or owner that your apartment lock was broken and the landlord refused to fix it, because the landlord's failure to make the repair threatened your safety and security. But, if the judge says that you did not spend a reasonable amount for the repair, like if you spent too much for the repair, you may not get the full amount you spent.

When you come to court you must bring any letters you have to prove you notified the landlord or owner asking that the repair be made. You must also bring proof of payment for the repair, such as, bills, receipts and canceled checks. If you got any estimates for the cost of the work before you had the repair made, you should bring them too.

If you had no heat because the landlord or owner did not supply fuel oil and you paid for the delivery of the fuel yourself, the court will let you "repair and deduct" this cost as long as you tried to tell the landlord or its employees about the problem and you tried to get the fuel from the landlord's usual supplier. If the landlord or owner does not keep a notice posted in the building where you can see it, that has the name, address, and telephone number of the landlord or its agent and the telephone number of the fuel supplier, then you will still be able to repair and deduct the cost of the fuel even if you did not tell the landlord or its employees before you paid for the fuel yourself.

To prove your claim when you go to court you will have to bring a written statement from the fuel supplier that says the name of person requesting the delivery, the date and time of delivery, the address where delivery was made, the amount, grade, and price of fuel, the charge, the payments received, and the name of the person who paid.

If you have paid for utilities; like, gas, electric, or water, that your landlord is responsible for paying, but did not pay, the court will also allow you to repair and deduct the cost. The judge can say that you are entitled to greater damages if your service was stopped because of the landlord or owner's failure to pay.

If you have a repair and deduct claim, you may also have a defense and counterclaim against your landlord or owner for a violation of the "warranty of habitability." The warranty of habitability makes the landlord or owner responsible for keeping your apartment and the building areas safe and livable at all times. You may get a reduction of the rent for the period of time that the landlord or owner violated the warranty of habitability.

GLOSSARY OF LEGAL TERMS

<u>Term</u>	<u>Definition</u>
Abatement	An "abatement" is a reduction, an amount made smaller. A rent abatement is a reduction of rent.
Affidavit	An "affidavit" is a statement made in writing and sworn to in front of a notary.
Answer	An "answer" is what you have to say about what the landlord said in the petition. You can write the answer or tell your answer to the Clerk. You can use this program to help you tell your answer to the Clerk.
Conspicuous Service	"Conspicuous service" is another way you may be given (served) the notice of petition and petition. The person serving the notice of petition and petition must come to your apartment at least two times to try to give the papers to you personally or to someone who lives or works at your apartment. Those two attempts must be at different times of the day, usually once during working hours and once during non-working hours. After those two attempts, the person serving the notice of petition and petition can tape one copy to your door or place it under your door. By the next day, excluding weekends and certain holidays, two other copies of the notice of petition and petition must be mailed to you, one copy by regular mail and one copy by registered or certified mail.
Defense	A "defense" is a legal reason why you do not owe all or part of the rent asked for in the petition.
Default	A "default" is a failure to appear in court or submit papers (such as an answer) during the case.
Demand	A "demand" is a request for rent. It can be made orally or in writing.
Dismissed	A case that has been dismissed has been ended or terminated. This usually happens when the Petitioner makes a mistake and unless the case is "dismissed with prejudice," the Petitioner can start the case again.
Eviction	An "eviction" means that the Marshal can come to your apartment, remove you and your family and your belongings from the apartment. The Marshal can change the door locks.
Housing Code Violations	A city agency called HPD (Housing Preservation and

Development) sends qualified inspectors to residential apartments to determine whether there are violations of the New York City Housing Code. If violations exist, then the HPD inspector describes the condition and the level of its seriousness. These reports are available to the public at the City website.

Laches	“Laches” is when the landlord or owner knew you owed rent yet intentionally waited too long to bring you to Housing Court. The Housing Court case surprises you and the delay causes you great harm.
Landlord	A “landlord” is an owner of property who rents to another party called a tenant.
Nonpayment	A "nonpayment" case is started to collect rent the petitioner (usually the owner or landlord or NYCHA) says you did not pay, and to make you move if you do not pay.
Notice of Eviction	The notice of eviction is the last court paper that needs to be given (served) to you before you are evicted.
Notice of Petition	A "notice of petition" is a written notice that a Housing Court case has been started to decide the attached petition. The notice of petition tells you where and when to respond. It tells you where and when to come to court.
Order to Show Cause	An "order to show cause" is made by the tenant in the Landlord-Tenant Clerk's office to try to stop an eviction. It is signed by the Judge and tells everyone to come to court to talk about whether the eviction should or should not be stopped.
Owner	An “owner” has a legal right to a property.
Petition	A "petition" is a paper delivered to you along with a "notice of petition." Then they are filed in Housing Court to start a nonpayment case. The petition shows all of the information that the landlord will have to prove in court.
Petitioner	The "petitioner" is the person who starts the case in Housing Court. This is usually your landlord or someone who works for your landlord.
Refusal	For example: accepting a check/money order but not cashing it; returning your check/money order/cash; refusing to accept your check/money order/cash; or hiding or avoiding you so you cannot pay your rent.

Service	<p>“Service” is the delivery of copies of legal documents to the respondent or other person to whom the documents are directed. For example, petitions, orders to show cause, subpoenas, and rent demands are legal documents that must be served. The eviction papers must be served on the tenant exactly as the law requires or the case is defective.</p>
Shelter Allowance	<p>Shelter is the rent money sent twice a month to the landlord for persons who receive on going financial assistance from HRA/DSS. A person receiving a shelter allowance should request a HRA/DSS printout to determine how much rent is being sent, where it is being sent and whether the landlord is cashing the rent checks sent by the city.</p>
Subpoena	<p>A document used to demand information or to require a witness to testify in court.</p>
Substituted Service	<p>"Substituted service" is another way you may be served with the notice of petition and petition. It requires that the papers be delivered personally to someone who lives or works in your apartment (not just someone who happens to be there) and is of "suitable age and discretion." This means that the person who receives the papers is someone who is old enough, and mature enough to understand the seriousness of the matter (a pre-teen may be too young). By the next day, excluding weekends and certain holidays, two other copies of the notice of petition and petition must be mailed to you, one copy by regular mail and one copy by registered or certified mail.</p>
Tenant	<p>A “tenant” is a person that rents property owned by another.</p>
Warrant	<p>A "warrant" is a document that authorizes an eviction after a possessory judgment has been awarded to the winning party. It describes the premises and directs the sheriff or marshal to remove all persons from that premises and put the winning party in possession.</p>

NYS DIY Forms User Survey

Thank you for taking the time to fill out this quick survey. Please return it with your completed papers.

1. How comfortable are you using a computer and/or the internet?
 Not comfortable
 Comfortable
 Very comfortable
2. Do you have the internet at home?
 Yes.
 No.
3. Where did you use this program?
 Home
 Court Clerk's Office
 Court Help Center
 Court library
 Work
 Other: _____
4. Were the questions, definitions and "learn mores" clear to understand?
 Yes.
 No. Which weren't clear? _____
5. Did you listen to the "guide" speak during the program?
 Yes.
 No.
6. Have you used a court DIY Forms program before?
 Yes. Which ones? _____
 No.
7. Do you think the DIY program saved you time?
 Yes.
 No.
8. How did you learn about this program?
 Word of mouth
 Internet search
 Court employee
 Poster, sign, postcard, etc.
 Other: _____
9. We really appreciate your help. Do you have any suggestions or comments to add?

Optional questions:

1. How old are you?
 Between 18 and 24
 Between 25 and 34
 Between 35 and 44
 Between 45 and 54
 Between 55 and 64
 65 or older
2. What is your annual income?
 Less than \$19,999
 \$20,000 to \$34,999
 \$35,000 to \$49,999
 \$50,000 to \$64,999
 \$65,000 to \$79,999
 \$80,000 to \$99,999
 \$100,000 to \$124,999
 \$125,000 to \$149,999
 \$150,000 or more

Office Use:
Court Clerk: Forward to the Assistant Deputy Chief Clerk of the County.

Exhibit 15

Resources for Senior Clients

Resources for Senior Clients

1. **DFTA Social Services information and referral-** The Department for the Aging (DFTA) offers a variety of social services for senior clients. DFTA provides an updated list on senior housing options, MTA Access-A-Ride, senior metro-cards, Senior Centers, etc. For more information, visit the DFTA website: www.nyc.gov/html/dfta.
2. **Elder Abuse Screening:** DFTA has an Elder Abuse unit. There are different types of abuse: physical, emotional, neglect, or financial. To read more about elder abuse and possible warning signs, visit the DFTA Elder Abuse Unit's website: <http://www.nyc.gov/html/dfta/html/services/crime-victims.shtml>. If there is concern about abuse, even if the senior has not mentioned abuse, contact a supervisor immediately.
3. **One Shot Deal or Securing Other Funds for Rent Arrears:** A One Shot Deal (OSD) is a one-time payment by the Human Resources Administration (HRA) to help pay rent arrears in order to avoid an eviction. OSDs are for individuals who have income sources outside of HRA (employment or supplementary security income [SSI]). People applying for a OSD have to go to their local HRA Job Center. By contacting 311, one can obtain information on the Job Center number and location the individual has to go to in order to apply for the OSD. For additional information, as well as a list of documents needed when visiting the Job Center, see: <http://cwtfhc.org/hra-one-shot/>.

If the senior does not qualify for the OSD, another possibility is **Family Eviction Prevention Services (FEPS)**. FEPS requires that the individual apply through specific preparers, and it will only pay up to \$7,000 in rent arrears. Yet, FEPS may also provide a person with ongoing rental assistance per month for a period of five additional years, if the individual needs the help. To check if a person would qualify for this benefit see: <http://newyork.earnbenefits.org/qualify.php?pageID=663>.

For other helpful programs, see:

<http://cap4kids.org/newyorkcity/parent-handouts/housing-utilities/>.

4. **SCRIE:** Senior Citizen Rent Increase Exemption: A tenant who is 62 years old and lives in a Rent Controlled or Rent Stabilized apartment under the Division of Housing and Community Renewal (DHCR), has an annual household income of \$29,000 or less, and pays more than 1/3 of the household's total monthly income on rent, may qualify for SCRIE. SCRIE allows for tenants to have their rent frozen at its current level and be exempt from paying future rent increases. The tenant must renew SCRIE every year or two years depending on the lease. Reminding elderly tenants to recertify their SCRIE benefits is important. They may not realize that they have to re-certify at the end of the lease or may not have followed-up on the letter sent by the Department of Finance to recertify. For more information or to obtain a SCRIE application visit: <http://www.nyc.gov/html/dfta/html/benefits/rent.shtml>.

5. **Assistance Locating Alternative Housing:** Senior apartment sharing, a program set up through The New York Foundation for Senior Citizens, matches adult “hosts” who have space within their apartments or homes with seniors who are in need of housing. This program requires that the senior be at least 60 years-old. For more information, see: http://www.nyfsc.org/services/home_sharing.html.

Additionally, DFTA maintains detailed information on senior housing possibilities, by borough, on their website: <http://www.nyc.gov/html/dfta/html/benefits/housing.shtml>. The PDFs available there will explain the options available including Assisted Living Programs and Assisted Living Residences.

6. **Telephone:** Seniors who are on fixed incomes, such as Social Security, who have Medicaid or Medicare, or a limited pension, are eligible for free cell phones. Assurance Wireless is one of the carriers that provides a free cell phone: <http://www.assurancewireless.com/Public/HowToQualify.aspx>. The senior can fill out an application on the website or be given a printed copy for them to send it directly to the company. Another company providing free cell phones for seniors is Safelink Wireless: <https://www.safelinkwireless.com/Enrollment/Safelink/en/Public/NewHome.html>.
7. **Food Stamps:** The Supplemental Nutrition Program (SNAP), also known as food stamps, helps individuals to pay for healthy food. Eligibility requirements pertain to the individual’s age, family size, citizenship, and household income. DFTA’s website provides a mechanism for checking if a senior is eligible and a place to download an application or apply online: <http://www.nyc.gov/html/dfta/html/benefits/food.shtml>.
8. **HEAP:** Home Energy Assistance Program (HEAP) is a free seasonal only program (November through May) that helps eligible individuals pay for regular and emergency heating costs. HEAP can also help individuals repair/replace furnaces or boilers, etc. HEAP is run by Human Resources Administration (HRA). More information and applications can be found here: <http://otda.ny.gov/programs/heap/>.
9. **Access A Ride:** Also known as Paratransit, this program is designed for individuals who are disabled or unable to walk up and down the stairs on buses and train stations. MTA requires that the individual come to their office for an evaluation. An application can be requested by calling 877-337-2017 and giving the individuals name and address. More information about Access-A-Ride can be found on MTA’s website: <http://www.mta.info/nyct/paratran/guide.htm>
10. **Home Delivered Meals:** For seniors who have trouble/difficulty preparing food, home delivered meals is a service provided through DFTA, with a third party case management agency bringing either daily hot meals or frozen meals twice a week. For more information visit DFTA’s website at: <http://www.nyc.gov/html/dfta/html/services/meals.shtml>. Using the senior’s zip code one can locate the senior’s local case management agency for follow-up. For seniors living

with HIV/AIDS, “God’s Love We Deliver” is an agency that delivers customized home meals. Their information is also on the DFTA website.

11. **Senior Center Referrals:** Senior centers offer seniors a place to interact with other seniors and participate in a variety of different activities including dancing and yoga. Additionally, senior centers offer meals (breakfast, lunch, and sometimes dinner), counseling, or referrals for medical help. DFTA has a list of senior centers on their website: <http://www.nyc.gov/html/dfta/html/services/centers.shtml>.
12. **Grandparent Resource Center:** A large number of seniors are raising their grandchildren in the absence of the birth parents. The Grandparent Resource Center provides information, peer counseling, community services and support groups for such seniors. The Center also provides training to help cope with the different challenges a senior might face in raising their grandchildren. For more information see DFTA website at: <http://www.nyc.gov/html/dfta/html/caregiver/grandparents.shtml>. Resource Centers are available in each of the five boroughs.
13. **Case Management Referral:** DFTA funds agencies to provide seniors with case management services. These agencies can send case managers to visit the senior to develop a care plan and can set-up other DFTA services, i.e. home care and home based meals, if needed. The case manager can also assess for entitlement eligibility and/or refer the senior for community based services, depending on the identified needs. To locate the case management agency closest to the senior, go to: <http://www.nyc.gov/html/dfta/html/services/case-management.shtml>.
14. **Crisis Counseling:** Crisis Counseling is designed for a situation that requires prompt attention, but is not life threatening. LifeNet is a 24 hour free service that anyone can call. It is confidential and staffed by professional mental health professionals, who speak multiple languages (Spanish, Korean, Chinese, etc). The number to LifeNet is 1-800-543-3638 (800-LifeNet). For guidance on how to proceed with concerns, see: <http://www.nyc.gov/html/doh/html/mental/crisis.shtml>.
15. **Other:** DFTA’s website offers information for seniors who want to remain active in their community: <http://www.nyc.gov/html/dfta/html/services/services.shtml>; It also offers resources that specifically assist LGBTQ seniors: <http://www.nyc.gov/html/dfta/html/services/lgbt.shtml> and seniors who are immigrants or refugees: <http://www.nyc.gov/html/dfta/html/services/immigrant.shtml>.

CONSUMER

Civil Court Legal Basics

- A civil court action or a "lawsuit" is a case where one party claims to have suffered a loss as the result of another's actions. The dispute is not about any party breaking the law or committing a crime.
 - A civil case is a dispute between two private parties.
- When someone is accused of breaking the law it is handled in a criminal court and not in civil court.
 - A criminal case is between the government and the person accused of committing a crime.

Defaulting on loan or owing a debt is NOT a crime. In NY, there is no debtor's prison.

The Parties in Civil Court: Plaintiff v. Defendant

The Plaintiff is the party that initiates the case.

- Because the plaintiff filed the action, it is the plaintiff's burden to prove its case to the court before it can win.

The Defendant is the party that is being sued by the Plaintiff.

- The defendant responds to the lawsuit; it is NOT the defendant's duty to prove the plaintiff's case.

Not all disputes have legal solutions: if a party does not have legal proof of its claim then it should not use the court system to resolve the issue.

More than 50% of NYC Civil Court's caseload is Consumer Debt collection cases. Only 1% of defendants are represented by lawyers.

The Parties in a Consumer Debt Collection Case:

- Plaintiff: The party that is claiming the defendant did not pay a debt.
 - This party is usually a corporation that issues credit like a bank or credit card company ("original creditor") or a company that purchases defaulted debt ("debt buyer" or "debt collector").
 - The actual Plaintiff corporation never appears in court unless there is a trial.
- Plaintiff's Attorney: The party who represents the plaintiff in court. Many of the attorneys who represent debt collectors are so specialized in their practice that they are legally considered debt collectors themselves. They are often referred to as debt collection law firms.
- Defendant: The person who is being sued.

- Defendant's Attorney: The person representing the defendant.
- The Debt Buyer
 - A debt buyer is a business that purchases thousands of delinquent consumer debt for a small fraction of the debt's face value.
 - The debt buyer buys the debts from the original creditors like a bank, a credit card company, a gym, or car loan company.

Defendants in a Consumer Debt case have defenses:

- Dispute the Amount of the Debt

If the defendant believes the amount of debt is incorrect, s/he has a right to dispute it. The Plaintiff has the burden of proof and must prove that principal, interest, collection costs, and attorneys fees are all correct and lawfully charged.

- No Business Relationship with Plaintiff (lack of standing)

The Plaintiff has to produce a contract of sale (assignment) that mentions the defendant's debt specifically.

- Plaintiff Is Not A Licensed Debt Collector
- The Complaint Does Not Contain A License Number
- Improper Service

The Defendant never received the summons and complaint, or Service was improper. The law is very strict about how a plaintiff must give notice to a defendant of a lawsuit because the law favors deciding cases on the merits and not on default. Also, the law provides that people get their day in court and people are given "due process" before something, even money, is legally taken away.

- Identity Theft or Mistaken Identity
 - ID Theft: Someone stole a person's identity and used it to buy goods and services.
 - Mistaken Identity: The plaintiffs sued the wrong person.
- Statute of Limitations

The legal time limit has passed to file a lawsuit.

See attached Civil Court Answer form for all defenses.

Consumer Law Help

Legal Information and Legal Advice

You may not give legal information or legal advice, but you can refer persons to the resources in this manual. See attached information on debt collection law. Copies of the resources and information in this manual are available in the Civil Court Help Centers.

Free legal information and assistance are offered by CLARO (Civil Legal Advice and Referral Office) in the courthouse and in the Civil Court Help Center in some counties. Please see attached list of locations and times for CLARO. Please see the Court Navigator Coordinator for current times and locations for Consumer assistance in the Help Centers.

Legal Representation

Free limited legal representation is provided by the New York State Courts Access to Justice Program through its Volunteer Lawyer for the Day Program in most counties in New York City. Please see the Court Navigator Coordinator for dates and times that the program is available in each county.

The LawHelp website offers referral of organizations offering free legal advice and representation to people who cannot afford to hire a private attorney. Please see attached webpages from <http://www.lawhelpny.org/issues/consumer/credit-and-credit-repair?channel=know-your-rights>

Do-it-Yourself Forms

You may assist persons in using computers located in the courthouse to obtain information and fill out court forms using the Do It Yourself Computer programs. Please see attached information from the NY Court Help website www.nycourthelp.gov about the Do-It-Yourself Consumer Debt Form asking the Court to cancel a judgment.

Information on Financial Literacy

The New York Legal Assistance Group (NYLAG) offers free financial counseling in the Bronx Civil Court. Please see the Court Navigator Coordinator for current times and locations for Consumer financial counseling in the Bronx courthouse.

The NYC Department of Consumer Affairs offers free financial counseling. Please see attached list of neighborhood Financial Empowerment Centers.

The LawHelp website offers information about Credit and Credit Repair on its website at <http://www.lawhelpny.org/issues/consumer/credit-and-credit-repair?channel=know-your-rights> See attached webpages.

See attached information about ordering free credit reports.

Consumer Appendix

EXHIBIT #1

Consumer Credit Answer Form

CIVIL COURT OF THE STATE OF NEW YORK
COUNTY OF _____

-----X

Plaintiff(s),

Index No. _____

- against -

**WRITTEN ANSWER
CONSUMER CREDIT
TRANSACTION**

Defendant(s).

-----X

ANSWER: (Check all that apply)

1. ___ General Denial: I deny the allegations in the Complaint.

SERVICE

2. ___ I did not receive a copy of the Summons and Complaint.

3. ___ I received the Summons and Complaint, but service was not correct as required by law.

DEFENSES

4. ___ I do not owe this debt.

5. ___ It is not my debt. I am a victim of identity theft or mistaken identity.

6. ___ I have paid all or part of the alleged debt.

7. ___ I dispute the amount of the debt.

8. ___ I had no business dealings with Plaintiff (Plaintiff lacks standing).

9. ___ The NYC Department of Consumer Affairs shows no record of plaintiff having a license to collect debt (only for cases filed in New York City).

10. ___ Plaintiff does not allege a debt collector's license number in the Complaint (only for cases filed in New York City).

11. ___ Statute of limitations (the time has passed to sue on this debt).

12. ___ This debt has been discharged in bankruptcy.

13. ___ The collateral (property) was not sold at a commercially reasonable price.

14. ___ Failure to provide proper notice before selling collateral (property).

15. ___ Failure to mitigate damages (Plaintiff did not take reasonable steps to limit damages).

16. ___ Unjust enrichment (the amount demanded is excessive compared with the original debt).

17. ___ Violation of the duty of good faith and fair dealing.

18. ___ Unconscionability (the contract is unfair).

19. ___ Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage).

20. ___ **OUTSIDE OF NEW YORK CITY ONLY:** Lack of personal jurisdiction under Uniform City Court Act § 213 (applies if you do not work in the city where the case was filed **and** you are not a resident of that city or (for all counties except Westchester and Nassau counties) you are not a resident of a town next to that city within the same county).

21. ___ Defendant is in the military.

OTHER

22. ___ Other _____

23. ___ Please take notice that my only source of income is _____, which is exempt from collection.

COUNTERCLAIM(S)

24. ___ Counterclaim(s): \$ _____ Reason: _____



VERIFICATION

State of New York, County of _____ ss:

_____, being duly sworn, deposes and says: I have read the Answer in Writing and know the contents to be true from my own knowledge, except as to those matters stated on information and belief, and as to those matters I believe them to be true.

Sworn to before me this ___ day of _____, 20___.

Signature of Defendant

Notary/Court Employee

Defendant's address

This case is scheduled to appear on the calendar as follows:

Date: _____ Part: _____ Room: _____ Time: _____ Both sides notified _____

FREE CIVIL COURT FORM No fee may be charged to fill in this form.

CIV-GP- 58b Written Answer Consumer Credit (2/14) Form can be found at:
<http://www.nycourts.gov/courts/nyc/civil/forms/CIVGP58B.pdf>.

EXHIBIT #2

Debt Collection Law Information

[About Us](#)[Programs](#)[Resources](#)[Press Room](#)[What's New](#)[Donate](#)

home : resources : for consumers : debt collection

Thursday 01/30/2014

Your Rights Against Debt Collectors Under NYC Law

How does NYC's debt collection law help NYC residents?

New York City's debt collection laws and regulations are among the strongest in the country. They give NYC residents extra protections that are not provided by federal and state debt collection laws. For example, under NYC law, debt collectors:

- Must provide you with specific information if you ask them to "verify" a debt – that is, to confirm that the debt is valid.
- Must be licensed as debt collectors by the NYC Department of Consumer Affairs.
- May not call you more than twice a week about a debt.
- Must provide you with specific information if you ask them to "verify" a debt – that is, to confirm that the debt is valid.
- Must confirm any settlement agreement with you in writing within five business days.
- Must disclose certain information to you if they try to collect on a debt that is past the **statute of limitations**.

NYC's debt collection law applies to all debt collectors, including debt collection agencies, debt buyers, and debt collection law firms.

What does it mean to "verify" a debt?

When you ask a debt collector to "verify" a debt, you ask the debt collector to confirm that the debt is valid by sending you specific information about the debt. The law states that once you request verification, the debt collector must stop all debt collection activities until it sends you verification of the debt.

How do I ask a debt collector to "verify" a debt?

You can send a letter based on this [sample letter](#). Under NYC law, you can ask a debt collector to verify a debt at any time. Once you request verification, the debt collector must stop all debt collection activities until it sends you verification of the debt.

What information does a debt collector have to send me to verify a debt?

A debt collector must provide ALL of the following:

- Proof of your agreement to pay the original creditor (for example, a copy of your credit card agreement);
- The final account statement issued by the original creditor;
- A breakdown of the total amount due, showing principal, interest, and other charges; and,
- For all other charges, the date of and basis for each charge.

What if the debt collector does not send me information to verify the debt?

The debt collector must stop all debt collection activities until it sends you the information

described above. If the debt collector does not send you all of this information, it cannot attempt to collect the debt or contact you about the debt. It also cannot sue you on the debt.

How can I find out whether a debt collector is licensed by NYC?

To check if a debt collector is licensed with the NYC Department of Consumer Affairs, look up the debt collector [here](#) or call 311.

What if a debt collector is not licensed by NYC?

Debt collectors that are not licensed with the NYC Department of Consumer Affairs are not allowed to try to collect debts in NYC. You should report unlicensed debt collectors to the NYC Department of Consumer Affairs by filing a complaint [here](#) or calling 311. If you are sued by an unlicensed debt collector, call the **NYC Financial Justice Hotline** at 212-925-4929 for advice.

What if I enter into a settlement agreement or payment plan with a debt collector over the phone?

The debt collector must confirm any settlement agreement or payment plan in writing within five business days.

What if a debt collector is contacting me about a very old debt?

The debt collector must inform you if it is contacting you about collecting on a debt that is too old to be sued on in court ("past the statute of limitations"). The debt collector must also tell you that if you make a payment on the debt, that payment will "restart the clock" – in other words, your payment will give the debt collector more time to sue you on the debt. Click [here](#) for more information about statutes of limitations for debt collection.

Do I have other rights against debt collectors under any other laws?

Yes. To learn about protections under federal law, see [Your Rights Under the Fair Debt Collection Practices Act](#). To learn about protections under other NYC laws, visit the NYC Department of Consumer Affairs' [website](#).

What can I do if I think a debt collector is violating NYC law?

You can report the debt collector to the NYC Department of Consumer Affairs by filing a complaint [here](#), calling 311, or sending a letter to:

NYC Department of Consumer Affairs
Complaints
42 Broadway, 8th floor
New York, NY 10004

Disclaimer: This site provides general information for consumers and links to other sources of information. This site does not provide legal advice, which you can only get from an attorney. New Economy Project has no control over the information on linked sites.

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November 2009

RESTRAINED BANK ACCOUNT

It can come as a shock!

- All of a sudden, the ATM card will not work.
- Checks that were previously written are reported as returned due to "insufficient funds" even though you know that there is money in the bank.
- A letter from the bank informs you that your account has been restrained due to a judgment.

Hopefully, you are aware of your debt situation and know that a creditor, or creditors, are attempting to collect a debt. They have called, written letters and served you with the Summons and Complaint (the law suit).

When you are sued by a creditor (someone to whom you owe money such as a credit card company), you can go to the Court where you have been sued and file an answer. Usually, one files an answer if one has a *defense* to the lawsuit such as you do not owe the money. If you do not file an answer (and, if there is no defense—you owe the money) the one who is suing you will obtain a judgment by default from the Court, and will find your bank account. It will then contact your bank and send the judgment to the bank to restrain your account. Upon receipt of the judgment, the bank must restrain the money in that account. A bank should have looked at the account to determine if there are *only exempt funds* in that account before restraining the account, but many times they do not. If the bank restrains the account, it will charge a fee for this "service" which is usually not refundable.

Creditors are not allowed to attach (take) funds that are "exempt from collection". The funds that are exempt from collection are personal property that the New York Legislature has determined are free from seizure. The exempt funds include monies such as: Social Security, Supplemental Security Income (SSI), Public Assistance, Alimony or Child Support, Disability benefits, Veterans Benefits, Individual Retirement Accounts, Pensions (from all sources), Workers' Compensation benefits, Unemployment benefits.

As an additional protection, the New York Exempt Income Protection Act (EIPA), effective January 1, 2009, protects the funds in one's bank account up to \$1,716.00.

The EIPA requires banks which receive restraining notices after judgment to keep the first \$1,716 in the account available for the depositor. This includes the first \$1,716 or the first \$2,500 in accounts receiving direct deposits such as Social Security.

It is best to always have Direct Deposit for the exempt funds as it is easier to prove what they are if directly deposited to your account. If you are aware of your debt situation well before the law suit stage, and can plan accordingly, it is best never to co-mingle exempt funds with non-exempt monies. Keep them separate and, if necessary, in different accounts.

WHAT TO DO

FIRST: Obtain copies of the last five (5) most recent months' bank statements or an up-dated copy of the savings account passbook for the account that has been restrained. Also have copies of the current year's Award Letters from **all** the sources of "exempt" funds that are direct-deposited to the restrained account.

THEN: You should immediately contact the attorney for the law firm that sued you (Do NOT contact the credit card company as it is out of their hands). You will need your Social Security number, and your name and address to identify yourself. Do not fear giving out this information as they already have it! When you are connected to the collection agent, re-introduce yourself and explain that your account at "x" bank has been restrained. Inform the collection agent that the bank account contains ONLY "exempt" funds (tell the person what type of funds are in the account).

They will try to have you enter a payment plan for the debt. Be firm and explain that the restrained account has only exempt funds in it that must be released.

If you have been keeping copies of all the documents/letters/etc that you have been receiving related to your debt issue, pull out the SUMMONS AND COMPLAINT (the law suit brought by an attorney for the creditor). This also, has the name/address/phone number of the collection attorney on it.

- Be prepared for an argument as the person you are speaking to represents someone to whom you owe money. All they want is their money...They only get paid IF they collect money from you. They will want to set up a payment schedule for the debt. Just state that the account has in it only exempt funds and that the account must be released.

- Just be firm yet polite and explain that the account has ONLY exempt money in it and that you want to fax the proof to him/her so that the account can be opened. Ask for the person's name, phone extension and fax number.

- Fax the last five bank statements or the copy of the passbook **plus** the Award Letters to the person you spoke to and put your phone number on the Fax Transmittal Form so that he/she can call you back if necessary.

- Wait about an hour and call that person to make sure that the paperwork was received and answer any questions that are asked about the account. Ask the person to release the restraint on the account. Be firm- that person wants you to pay the debt.

What you want is the account to be released back to you. If you have mixed exempt and non-exempt funds in the account, the collection agent may be able to take the non-exempt funds for your debt. They should remove the non-exempt monies and leave the account with the exempt funds remaining. If they refuse to do this, you must **immediately** go to the Court where you were sued and take out an Order To Show Cause to release the exempt funds in the account.

- It takes a few days for the collection agent to inform the bank to release the account; check with your bank beginning about four days after the collection agent has agreed to release the account. If the account has not been opened, check back with the bank a few days later and, if still not opened, call the collection agent and inquire as to what the delay is.

Hopefully, all this work will obtain the release of the restrained bank account.

If the collection agent will NOT release the account, and the account contains only exempt funds, you will need to go to the Court that awarded the judgment and take out an Order To Show Cause requesting the Court to order the collection agent to release the restrained bank account because there were only exempt funds in the account.

Good Luck!!!

What Is Exempt from Debt Collection?

A debt collector must have a court judgment to garnish your paycheck, freeze your bank account, and/or seize personal property. However, certain types of income and property are always protected, even if there is a court judgment.

Is my income exempt?

Your income from any of the following benefits is exempt from debt collection:

- Supplemental Security Income (SSI)
- Social Security
- Public Assistance (PA)
- Alimony and Child Support payments
- Workers Compensation
- Unemployment Insurance
- Veterans benefits (VA)
- Public or private pensions



How much can be garnished from my wages?

Your paycheck may be garnished up to **10% of your gross income or 25% of your disposable income, whichever is less**. Disposable income is the amount of income you receive after deductions for taxes, social security, and unemployment insurance.

Weekly disposable income that is less than or equal to 30 times the Federal minimum wage is exempt from garnishment. If you take home less than or equal to **\$217.50 per week**, your income is exempt from garnishment.

Can my personal property be seized by a Marshal?

For most low-income people, a threat to seize your personal property is an empty threat. The following kinds of personal property are exempt from debt collection:

- Household goods, like furniture, clothing, and appliances
- One television
- Radio
- Personal items like wedding ring or watch
- If a computer or car is indispensable to your work, they can be exempt as "tools of the trade."

Sources: *The Legal Aid Society, Federal Trade Commission*

Debt Collection Resources

**Report problems you are having
with a debt collector to:**

**New York State Attorney General's
Office**

120 Broadway
New York, New York 10271
(800) 771-7755
www.oag.state.ny.us

**New York City Department of
Consumer Affairs**

42 Broadway
New York, 10004
(212) 639-9675 | 311
www.nyc.gov/dca

Federal Trade Commission

Consumer Response Center
Washington D.C. 20580
600 Pennsylvania Ave, NW
(877) FTC-HELP (382-4357)
www.ftc.gov

Find legal help:

**National Association of Consumer
Advocates (NACA)**

1730 Rhode Island NW, Ste 710
Washington, DC 20036
(202) 452-1989
www.naca.net

**The Association of the Bar of the
City of New York**

Lawyer Referral Service

(212) 626-7373
www.nycbar.org

**Free Legal Services for Low
Income Individuals**

www.lawhelp.org



SAMPLE CEASE LETTER (EXEMPT INCOME)

If you receive Social Security, Public Assistance, or other exempt funds, use this letter to tell a debt collector to stop contacting you.

You can send this letter at any time. Sending this letter does not cancel your debt.

Your Name
Your Street Address
City, State ZIP Code

Date _____

1 CERTIFICATE OF MAILING

Collection Agency's Name
Collection Agency's Address
City, State ZIP Code

2 Re: Name of Company you owe money to. Account Number: (insert your account number here)

Dear Sir/Madam:

Please stop contacting me about the above-referenced debt.

3 Furthermore, my only source(s) of income is/are _____.

All the money in my bank account is completely exempt from debt collection. If you attempt to restrain my exempt funds, you will cause me a severe hardship. If you attempt to restrain my exempt funds in disregard of this notice, I reserve the right to seek compensation from you for any damages caused by the restraint.

This letter is not meant in any way to be an acknowledgment that I owe this money.

Thank you for your attention to this matter.

Sincerely,

(Your name and signature)

4 cc: (Insert Name of Company)
Federal Trade Commission – Consumer Response Center
New York City Department of Consumer Affairs

Source: New York City Bankruptcy Assistance Project

1 Make sure to mail your letter with a certificate of mailing and keep the proof of mailing for your records.

2 Fill in the name of the company to which the collection agency says you owe money, and the account number. If you do not know this information, give the collection agency other information so that it knows what debt you are talking about.

3 State the source or sources of your exempt income:

- Social Security, SSD, or SSI
- Public Assistance
- Veterans Administration benefits
- Pensions (public and private)
- IRAs and other retirement accounts
- Child Support and Alimony
- Unemployment Insurance
- Workers Compensation
- Other government benefits
- 90% of wages or salary earned in the last 60 days
- Wages or salary less than \$175.50 per week after taxes

4 Send the original letter to the collection agency. You should make at least one copy of the letter. Send one to the company to which you originally owed the money. Keep the second copy of the letter for yourself, along with your proof of mailing.

You may also want to send a copy to these agencies:

FTC—Consumer Response Center
600 Pennsylvania Ave, NW
Washington, DC 20580

NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

SAMPLE LETTER TO YOUR BANK TO PROTECT EXEMPT INCOME

If you receive your Social Security, SSI, or other exempt income by direct deposit, use this letter to tell your bank not to freeze your account.

Your Name
Your Street Address
City, State ZIP Code

Date _____

IMPORTANT NOTE:

Some banks will not honor this letter. Still, it is a good idea to put your bank on notice that you have exempt funds.

1 CERTIFICATE OF MAILING

Bank's Name
Bank's Address
City, State ZIP Code

2 Re: Your Checking or Savings Account Number

Dear Bank Manager:

I have a dispute with a creditor which could result in that creditor seeking a restraining order against funds in my bank account.

3 All the funds in my checking account are directly deposited from _____.

Accordingly, all the money in the above bank account is exempt from seizure by restraining order under New York State law. Proof of my benefits award is attached. Please note that any restraint of exempt funds that you permit would cause severe hardship to me. Thank you for your attention to this matter.

Sincerely,

(Your name and signature)

Source: New York City Bankruptcy Assistance Project

- 1 Make sure to mail your letter with a certificate of mailing and keep the proof of mailing for your records.
- 2 Fill in your checking or savings account number.
- 3 State the source of your exempt income. Common examples of exempt income are: Social Security, SSD, SSI, Public Assistance, Veterans Administration benefits, Workers Compensation, Unemployment Insurance, public and private pensions, IRAs and other retirement accounts, child support, spousal maintenance, and earned income

EXHIBIT #3

**List of Locations and times for
CLARO
(Civil Legal Advice Referral Office)**



CLARO

Civil Legal Advice and Referral Office

- [Home](#)
- [Bronx](#)
- [Brooklyn](#)
- [Manhattan](#)
- [Queens](#)
- [Staten Island](#)
- [Westchester](#)
- [Contact](#)

CLARO NYC

[Click here to read this page in Spanish](#)

The Civil Legal Advice and Resource Office (CLARO) provides limited legal advice to low-income New Yorkers being sued by debt collectors. CLARO is organized through the New York State Courts Access to Justice Program. (Read about the Access to Justice Program at <http://www.nycourts.gov/ip/nyaj/>.) Rather than representing these individuals in court, the CLARO Program's volunteer lawyers and consumer law experts meet with visitors and advise them on how best to represent *themselves* in their court cases.

The CLARO Programs help visitors by explaining the court process, reviewing their case files, preparing court papers and giving advice on other consumer debt issues.

CLARO Programs operate through the auspices of the New York City Civil Court, serving consumers in all 5 boroughs. Through partnerships with the Court, bar associations, academic institutions, and legal services organizations, CLARO tries to help unrepresented litigants better access justice.

Please watch video for more information on the CLARO program



CLARO

from Feerick Center

05:36



HD

Why come to CLARO?

- If you're being **sued by a creditor in Civil Court** we might be able to help. The legal process can be confusing, and it could make a huge difference to your case to get legal advice before you commit to important decisions.
- If you have encountered issues with consumer debt (**credit cards, cell phones, store cards, student loans, utilities, car loans, medical debt, etc.**) that might lead to a court case, you can come and get information and advice.

If it sounds like CLARO could help you, please click on the link to your borough in the tabs above for more information on where to come and what to bring.



Providing FREE legal advice to unrepresented debtors.



CLARO

Civil Legal Advice and Referral Office

- [Home](#)
- [Bronx](#)
- [Brooklyn](#)
- [Manhattan](#)
- [Queens](#)
- [Staten Island](#)
- [Westchester](#)
- [Contact](#)

Bronx CLARO

We recommend you come to CLARO as soon as you become aware that there is a case against you, if possible *before* filing your Answer with the Court. If you have already filed your Answer don't worry, just come to CLARO as soon as you can - the earlier the better. And if you only realize there's a case against you once a default judgment has been entered and your wages or bank account are being garnished, it's not too late - CLARO can still help.

How to find us

Time: Thursday 3:00 - 6:00 p.m.

Location: Bronx Supreme Court
851 Grand Concourse
Room B128A

Due to the high volume of visitors, CLARO cannot guarantee that everyone will be seen and we recommend you sign in before 5pm.

What to Bring:

- A complete copy of your court file, which you can get from the Clerk's Office at **Window 6**
- Any court documents you have
- Any other documents relating to your debt



[View Larger Map](#)

For further information

If you have any questions about the Bronx CLARO program we'd be happy to answer them. Please contact:

Wilma Tamayo-Abreu
Administrative-Programmatic Coordinator
Feerick Center for Social Justice at Fordham Law School
(212)-636-7671
wtamayoabreu@law.fordham.edu

What to Bring:

- A complete copy of your court file, which you can get from the Clerk's Office at Window 6
- Any court documents you have
- Any other documents relating to your debt

[Home](#) | [Bronx](#) | [Brooklyn](#) | [Contact](#) | [FAQ](#) | [Information Links](#) | [Manhattan](#) | [Press](#) | [Partners](#) | [Queens](#) | [Site Map](#) | [Spanish](#) | [Staten Island](#) | [Volunteers](#) |

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CLARO

Civil Legal Advice and Referral Office

- [Home](#)
- [Bronx](#)
- [Brooklyn](#)
- [Manhattan](#)
- [Queens](#)
- [Staten Island](#)
- [Westchester](#)
- [Contact](#)

Brooklyn CLARO

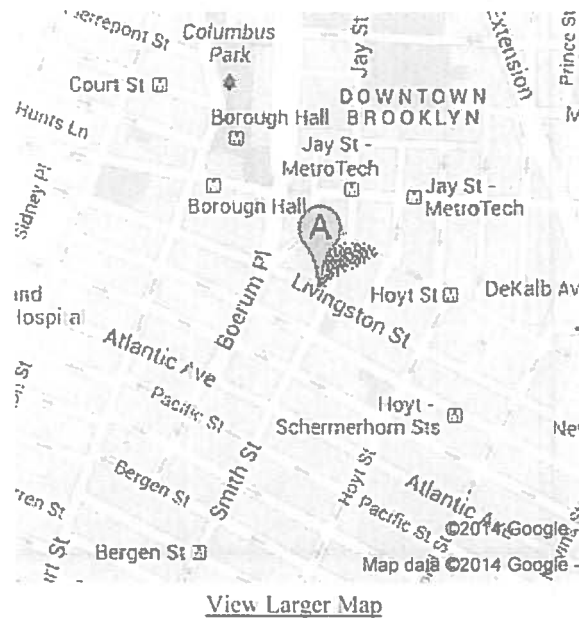
We recommend you come to CLARO as soon as you become aware that there is a case against you, if possible *before* filing your Answer with the court. If you have already filed your Answer don't worry, just come to CLARO as soon as you can - the earlier the better. And if you only realize there's a case against you once a default judgment has been entered and your wages or bank account are being garnished, its not too late - CLARO can still help.

How to find us

Times: Thursday 2:30 - 4:30 p.m.
and 6:00 - 8:00 p.m.

Location: Kings County Civil Courthouse
141 Livingston Street
Room 403

Due to the high volume of visitors, CLARO cannot guarantee that everyone will be seen and we recommend you sign in as early as possible.



For further information

If you have any questions about the Brooklyn CLARO program we'd be happy to answer them. Please contact:

Sidney Cherubin
Supervising Attorney
Brooklyn Bar Association Volunteer Lawyers Project
(718)-624-3894
info@brooklynvlp.org

What to Bring:

- A complete copy of your court file, which you can get from the Clerk's Office
- Any court documents you have
- Any other documents relating to your debt

[Home](#) | [Bronx](#) | [Brooklyn](#) | [Contact](#) | [FAQ](#) | [Information Links](#) | [Manhattan](#) | [Press](#) | [Partners](#) | [Queens](#) | [Site Map](#) | [Spanish](#) | [Staten Island](#) | [Volunteers](#) |

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For further information

If you have any questions about the Manhattan CLARO program we'd be happy to answer them. Please contact:

Lois Davis
Director, Pro Bono Programs
New York County Lawyers' Association
(212)-267-6646
ldavis@nycla.org

What to Bring:

- A complete copy of your court file, which you can get from the Clerk's Office
- Any court documents you have
- Any other documents relating to your debt

[Home](#) | [Bronx](#) | [Brooklyn](#) | [Contact](#) | [FAQ](#) | [Information Links](#) | [Manhattan](#) | [Press](#) | [Partners](#) | [Queens](#) | [Site Map](#) | [Spanish](#) | [Staten Island](#) | [Volunteers](#) |

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CLARO

Civil Legal Advice and Referral Office

- [Home](#)
- [Bronx](#)
- [Brooklyn](#)
- [Manhattan](#)
- [Queens](#)
- [Staten Island](#)
- [Westchester](#)
- [Contact](#)

Queens CLARO

We recommend you come to CLARO as soon as you become aware that there is a case against you, if possible *before* filing your Answer with the court. If you have already filed your Answer don't worry, just come to CLARO as soon as you can - the earlier the better. And if you only realize there's a case against you once a default judgment has been entered and your wages or bank account are being garnished, its not too late - CLARO can still help.

How to find us

Times: Friday 1:30 p.m.

Location: Queens County Civil Courthouse
89-17 Sutphin Boulevard
Room 116

Please note that Queens CLARO will be closed on:
August 19, 2011 and August 26, 2011

Due to the high volume of visitors, CLARO cannot guarantee that everyone will be seen and we recommend you sign in as early as possible.



[View Larger Map](#)

For further information

If you have any questions about the Queens CLARO program we'd be happy to answer them. Please contact:

Mark Weliky
Executive Director
Queens Volunteer Lawyers Project, Inc.
(718)-739-4100
mweliky@qcba.org

What to Bring:

- A complete copy of your court file, which you can get from the Clerk's Office
- Any court documents you have
- Any other documents relating to your debt

[Home](#) | [Bronx](#) | [Brooklyn](#) | [Contact](#) | [FAQ](#) | [Information Links](#) | [Manhattan](#) | [Press](#) | [Partners](#) | [Queens](#) | [Site Map](#) | [Spanish](#) | [Staten Island](#) | [Volunteers](#) |

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Staten Island CLARO Flyer Spanish 7.19.12.pdf



CLARO

Civil Legal Advice and Referral Office

- [Home](#)
- [Bronx](#)
- [Brooklyn](#)
- [Manhattan](#)
- [Queens](#)
- [Staten Island](#)
- [Westchester](#)
- [Contact](#)

Staten Island CLARO

We recommend you come to CLARO as soon as you become aware that there is a case against you, if possible *before* filing your Answer with the court. If you have already filed your Answer don't worry, just come to CLARO as soon as you can - the earlier the better. And if you only realize there's a case against you once a default judgment has been entered and your wages or bank account are being garnished, its not too late - CLARO can still help.

How to find us

WHEN:

Sessions will take place on the following dates:

- Tuesday, January 7, 2pm-4pm
- Thursday, January 16, 6pm-8pm
- Tuesday, February 4th, 2pm-4pm
- Thursday, February 20th, 6pm-8pm
- Tuesday, March 4th, 2pm-4pm
- Thursday, March 20th, 6pm-8pm
- Tuesday, April 1st, 2pm-4pm
- Thursday, April 17th, 6pm-8pm
- Tuesday, May 6th, 2pm-4pm
- Thursday, May 15th 6pm-8pm

WHERE:

Location: Richmond County Civil Courthouse
927 Castleton Avenue
2nd Floor

Due to the high volume of visitors, CLARO cannot guarantee that everyone will be seen and we recommend you sign in as early as possible.



[View Larger Map](#)

For further information

If you have any questions about the Staten Island CLARO Program, we'd be happy to answer them.

Please leave us a message at **347-927-3417** or send a message to statenislandclaro@gmail.com and someone will get back to you promptly.

Para informacion en español por favor llamar al **347-927-4617** dejar un breve mensaje con su nombre y numero y le llamaremos.

What to Bring:

- A complete copy of your court file, which you can get from the Clerk's Office
- Any court documents you have
- Any other documents relating to your debt

SI CLARO Fliers



Download:

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CLARO

Civil Legal Advice and Referral Office

- [Home](#)
- [Bronx](#)
- [Brooklyn](#)
- [Manhattan](#)
- [Queens](#)
- [Staten Island](#)
- [Westchester](#)
- [Contact](#)

Westchester CLARO

We recommend you come to CLARO as soon as you become aware that there is a case against you, if possible *before* filing your Answer with the court. If you have already filed your Answer don't worry, just come to CLARO as soon as you can - the earlier the better. And if you only realize there's a case against you once a default judgment has been entered and your wages or bank account are being garnished, its not too late - CLARO can still help.

How to find us

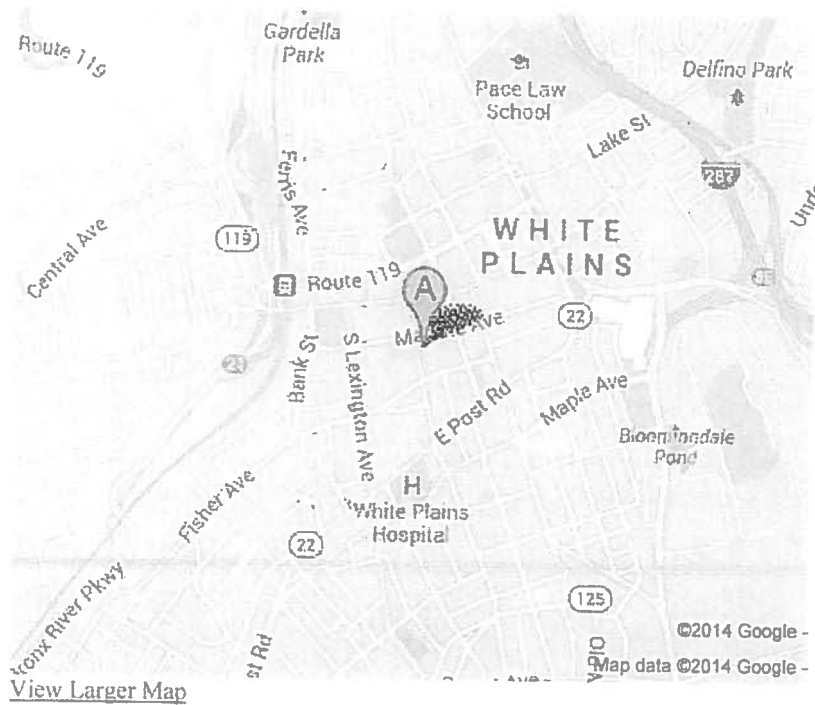
Times: Thursdays, 2pm - 4:30pm

Location: Westchester County Courthouse

111 Dr. Martin Luther King Jr. Blvd., White Plains

Room 1803

CLARO cannot guarantee that everyone will be seen and we recommend you sign in as early as possible.



For further information

If you have any questions about the Westchester CLARO Program, we'd be happy to answer them.

Please leave us a message at **724-CLA-RO11** or send a message to WestchesterCLARO@gmail.com and someone will get back to you promptly.

Para informacion en español por favor llamar al **724-CLA-RO11** dejar un breve mensaje con su nombre y numero y le llamaremos.

What to Bring:

- A complete copy of your court file, which you can get from the Clerk's Office
- Any court documents you have
- Any other documents relating to your debt

Westchester CLARO Fliers

EXHIBIT #4

**Law Help
Legal Referral Website Information**



• **FIND A LAWYER (20)**

- Groups serving all people (8)
- Groups only serving seniors (1)
- Groups only serving people with HIV/AIDS (7)
- Groups serving special populations (3)

• **FINDING OTHER HELP**

Debt, Garnishment and Repossession in Bronx County

To sort the list below, click on the category on the left, (such as "groups serving all people" or "groups serving seniors," etc.) and a sorted list will appear.

If none of these groups can help, you may want to hire a lawyer. Contact the NYC Bar's Legal Referral Service. Outside NYC, contact the NYS Bar's Lawyer Referral Service. Referral services charge a small fee for a legal consultation.

Click [here](#) for the "Find Legal Help" page to find legal groups listed in another Sub-Topic or Topic.

Click [here](#) for "Know Your Rights" resources.

• **New York City Financial Justice Hotline**

Manhattan, NY 10013

Learn how to get help from this organization

This group does not provide legal representation in court.

• **City Bar Justice Center Legal Hotline**

Manhattan, NY 10036

Learn how to get help from this organization

This group does not provide legal representation in court.

Read this in:

Spanish / Español

• **CLARO - Civil Legal Advice and Resource Office**

Manhattan, NY 10007

Learn how to get help from this organization

This group does not provide legal representation in court.

Read this in:

Spanish / Español

• **New York Legal Assistance Group (NYLAG): Storm Response Unit (SRU)**

New York, NY 10004

Learn how to get help from this organization

- **MFY Legal Services, Inc. - Consumer Rights Project**

Manhattan, NY 10007

Learn how to get help from this organization

- **New York City Department for the Aging**

Manhattan, NY 10007

Learn how to get help from this organization

This group does not provide legal representation in court.

- **CAMBA Legal Services, Inc.**

Brooklyn, NY 11226

Learn how to get help from this organization

- **NYC Bankruptcy Assistance Project at Legal Services NYC**

 LSC

Manhattan, NY 10013

Learn how to get help from this organization

- **Legal Services NYC: Veterans Justice Project**

 LSC

Manhattan, NY 10013

Learn how to get help from this organization

- **Urban Justice Center- Veteran Advocacy Project**

New York, NY 10038

Learn how to get help from this organization

- **Gay Men's Health Crisis - Legal Department**

Manhattan, NY 10001

Learn how to get help from this organization

- **HIV Law Project, Inc.**

Brooklyn, NY 11201

Learn how to get help from this organization

- **Project Hospitality, Inc. - Legal Advocacy Program**

Staten Island, NY 10302

Learn how to get help from this organization

- **BOOM!Health (formerly known as Bronx AIDS Services, Inc.) - Legal Advocacy Services**

Bronx, NY 10458

Learn how to get help from this organization

- **Legal Action Center of the City of New York, Inc. (LAC) - HIV Legal Services**

Manhattan, NY 10014

Learn how to get help from this organization

EXHIBIT #5

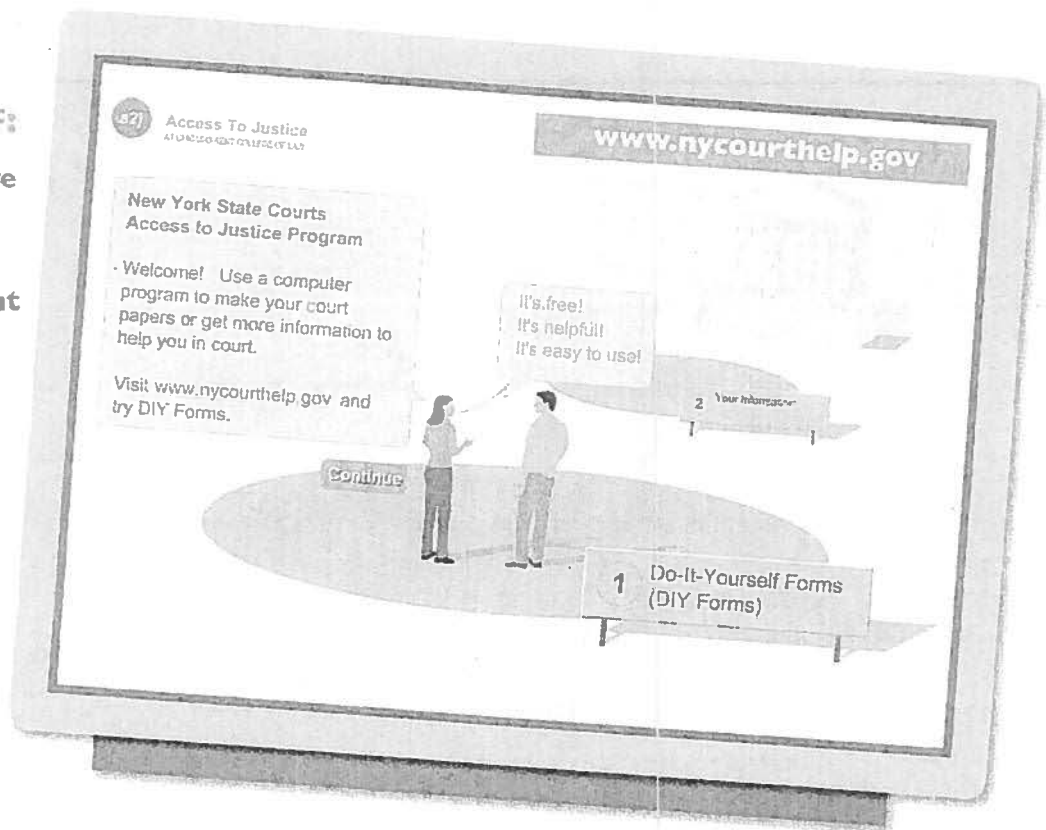
DO-IT-YOURSELF COMPUTER PROGRAM INFORMATION

Is there a judgment against you in a Consumer Debt Case?

Use this **FREE, EASY AND DO-IT-YOURSELF**
computer program to ask the court
to cancel the judgment.

YOU CAN USE THIS PROGRAM IF:

- You don't have a lawyer.
- The creditor has a judgment against you because you didn't answer the summons or you missed your court date.
- You know which court the judgment is from.



NYS DIY DO-IT-YOURSELF Forms

www.nycourthelp.gov

ACCESS to JUSTICE
NY STATE COURTS

EXHIBIT #6

**NYC Dept. Of Consumer Affairs
List of Financial Empowerment Centers**



TRANSLATE THIS PAGE PRINT THIS PAGE EMAIL A FRIEND NEWSLETTER SIGN-UP TEXT SIZE

FIND COUNSELOR/CLASS

- HOME
FIND COUNSELOR/CLASS
GET DEBT/CREDIT HELP
HOW TO GET \$
HOW TO MANAGE \$
HOW TO SAVE \$
HOW TO PROTECT \$
Ab FE
F clo Ed
use and P lations
y nd P ag ms
F a
C ct



Financial Empowerment Center

Free One-on-One Financial Counseling



The City's FREE Financial Empowerment Centers can help you take control of your debt, deal with debt collectors, improve your credit, create a budget, open a bank account, start an emergency fund, save and plan for your future, and much more.

Download the brochure in English 中文 Français 日本語 हिन्दी Español

Call 311 to schedule a free one-on-one financial counseling appointment at a Financial Empowerment Center. All sites are listed below.

- Box
Bokln
Ma ta
Staten
S

The Financial Education Network (FEN) Directory provides access to free or low-cost financial education classes, workshops, hotlines, and one-on-one counseling services in New York City.

Please contact providers in advance to confirm program schedules and details.

Search FEN directory

Financial Empowerment Center Locations

Bronx

[back to top]

New York City Financial Empowerment Center
At the Phipps Opportunity Center
3125 Third Avenue (at 159th Street)
Bronx, NY 10451


Click here for map

to 3rd Avenue/149th Street OR Bx15, Bx21, or Bx55 to 3rd Avenue/158th Street


Telephone: Call 311 to make an appointment at this Financial Empowerment Center


Languages: English and Spanish


Site Hours: Monday-Friday, 9am-5pm
More Information: The Financial Empowerment Center in the Bronx is housed at the Phipps Opportunity Center and also provides its services at several community partner locations. Phipps CDC community education sites offer free classes in computer training, ESL/literacy instruction, GED preparation, as well as family programs and some social services.

 Phipps Community Development Corporation

**New York City Financial Empowerment Center
 At Neighborhood Housing Services of the South Bronx**
 848 Concourse Village West
 Bronx, NY 10451
[Click here for map](#)
 to 161st Street Yankee Stadium
Telephone: Call 311 to make an appointment at this Financial Empowerment Center
Languages: English and Spanish
Site Hours: Tuesday and Wednesday, 9am-5pm



**New York City Financial Empowerment Center
 At Catholic Charities HomeBase**
 2155 Blackrock Avenue
 Bronx, NY 10472
[Click here for map](#)
 to Castle Hill Avenue
Telephone: Call 311 to make an appointment at this Financial Empowerment Center
Languages: English and Spanish
Site Hours: Wednesday, 9am-5pm


 Phipps Community Development Corporation


**New York City Financial Empowerment Center
 At Phipps Community Education Center**
 1030 East 178th Street
 Bronx, NY 10460
[Click here for map](#)
 to West Farms Square-East Tremont Avenue
Telephone: Call 311 to make an appointment at this Financial Empowerment Center
Languages: English and Spanish
Site Hours: Monday, Wednesday, Thursday, and Friday, 9am-5pm

 Phipps Community Development Corporation

Brooklyn

[\[back to top\]](#)

**New York City Financial Empowerment Center
 At Bedford Stuyvesant Restoration Corporation**
 1406 Fulton Street
 Brooklyn, NY 11216
[Click here for map](#)
 to Kingston-Throop Avenue
Telephone: Call 311 to make an appointment at this Financial Empowerment Center
Languages: English, French, and Spanish
Site Hours: Monday-Wednesday, Friday, 10am-6pm; Thursday, 10am-8pm; Saturday, 10am-2pm



New York City Financial Empowerment Center**At CAMBA**

885 Flatbush Avenue
Brooklyn, NY 11226

[Click here for map](#)

  to Church Avenue

Telephone: Call 311 to make an appointment at this Financial Empowerment Center

Languages: English and Spanish

Site Hours: Monday-Friday, 9am-6pm

**New York City Financial Empowerment Center****At Neighborhood Housing Services of East Flatbush**

2806 Church Avenue
Brooklyn, NY 11216

[Click here for map](#)

  to Church Avenue

Telephone: Call 311 to make an appointment at this Financial Empowerment Center

Languages: English and Spanish

Site Hours: Monday, 9:30am-5pm

**New York City Financial Empowerment Center****At Grand Army Plaza Library**

10 Grand Army Plaza
Rooms 3 and 4 in the "Commons"
Brooklyn, NY 11238

[Click here for map](#)

  to Grand Army Plaza

Telephone: Call 311 to make an appointment at this Financial Empowerment Center


Languages: English

Site Hours: Thursday, 12pm-8pm; Saturday, 10am-5pm

**New York City Financial Empowerment Center****At Brooklyn Cooperative Federal Credit Union**

1474 Myrtle Avenue
Brooklyn, NY 11237

[Click here for map](#)

 to Myrtle-Wyckoff Avenues

Telephone: Call 311 to make an appointment at this Financial Empowerment Center

Languages: English and Spanish

Site Hours: Tuesday, 10am-5pm

**New York City Financial Empowerment Center****At Brownsville Multi-Service Center**

592 Rockaway Avenue
Brooklyn, NY 11212

[Click here for map](#)

 to Rockaway Avenue

Telephone: Call 311 to make an appointment at this Financial Empowerment Center





Languages: English and Spanish

Site Hours: Tuesday, 10am-8pm




Manhattan

[\[back to top\]](#)

<p>New York City Financial Empowerment Center At Northern Manhattan Improvement Corporation 76 Wadsworth Avenue (between 176th and 177th streets) New York, NY 10033 Click here for map ● to 175th Street Telephone: Call 311 to make an appointment at this Financial Empowerment Center Languages: English and Spanish Site Hours: Monday-Friday, 9:30am-6pm</p> 
<p>New York City Financial Empowerment Center At Neighborhood Housing Services of New York City 307 West 36th Street, 12th Floor (at 8th Ave) New York, NY 10018 Click here for map ● ● to 34th Street Telephone: Call 311 to make an appointment at this Financial Empowerment Center Languages: English and Spanish Site Hours: Monday-Wednesday, Friday, 9am-5pm</p> 
<p>New York City Financial Empowerment Center At Lower East Side People's Federal Credit Union (LES:PFCU) 37 Avenue B (corner of East 3rd Street) New York, NY 10009 Click here for map ● to Essex Street Telephone: Call 311 to make an appointment at this Financial Empowerment Center Languages: English and Spanish Site Hours: Thursday, 11am-7pm</p> 
<p>New York City Financial Empowerment Center At Midtown Community Court (MCC) 314 West 54th Street (between 8th and 9th avenues) New York, NY 10019 Click here for map ● ● to 50th Street Telephone: Call 311 to make an appointment at this Financial Empowerment Center Languages: English and Spanish Site Hours: Tuesday, Friday, 9am-5pm</p> 
<p>New York City Financial Empowerment Center At NYCHA Manhattanville Community Center</p>

530 West 133rd Street
 New York, NY 10027
[Click here for map](#)
 ① to 125th Street
Telephone: Call 311 to make an appointment at this Financial Empowerment Center
Languages: English and Spanish
Site Hours: Thursday and Friday, 9am-1pm



Queens

[\[back to top\]](#)


New York City Financial Empowerment Center
At Catholic Charities HomeBase
 87-80 Merrick Blvd., 2nd Floor
 Jamaica, NY 11432
[Click here for map](#)
 ② to 169th Street
Telephone: Call 311 to make an appointment at this Financial Empowerment Center
Languages: English, Spanish, and Chinese. Note: Spanish is available on Tuesday and Chinese is available on Monday, Wednesday, and Friday.
Site Hours: Monday-Friday, 9am-5pm



New York City Financial Empowerment Center
At Neighborhood Housing Services of Northern Queens
 60-20 Woodside Avenue, 2nd Floor (Above Astoria Federal Savings)
 Woodside, NY 11377
[Click here for map](#)
 ③ to Woodside - 61st Street
Telephone: Call 311 to make an appointment at this Financial Empowerment Center
Languages: English and Spanish
Site Hours: Wednesday and Thursday, 9:30am-5pm



New York City Financial Empowerment Center
At QCH Pomonok Center
 6709 Kissena Boulevard
 Flushing, NY 11367
[Click here for map](#)
Telephone: Call 311 to make an appointment at this Financial Empowerment Center
Languages: English, Bengali, Hindi, and Nepali
Site Hours: Thursday, 10:30am-3pm



URBAN UPBOUND
building parents changing lives

New York City Financial Empowerment Center
At Queens Community House
 74-09 37th Avenue, 4th Floor, Room 421
 Jackson Heights, NY 11372
[Click here for map](#)

 to 74th Street

Telephone: Call 311 to make an appointment at this Financial Empowerment Center

Languages: English and Spanish

Site Hours: Friday, 10am-6pm

THE FINANCIAL CLINIC

New York City Financial Empowerment Center

At Make the Road New York

92-10 Roosevelt Avenue
Jackson Heights, NY 11372

[Click here for map](#)

 to 90th Street-Elmhurst Avenue

Telephone: Call 311 to make an appointment at this Financial Empowerment Center

Languages: English and Spanish

Site Hours: Monday, 9am-5pm; Thursday, 11am-7pm

THE FINANCIAL CLINIC

New York City Financial Empowerment Center

At Safe Space

89-74 162nd Street
Jamaica, NY 11432

[Click here for map](#)

 to Jamaica Center - Parsons/Archer

Telephone: Call 311 to make an appointment at this Financial Empowerment Center

Languages: English and Chinese

Site Hours: Tuesday, 9am-5pm

THE FINANCIAL CLINIC

New York City Financial Empowerment Center

At Urban Upbound

38-81 13th Street
Long Island City, NY 11101

[Click here for map](#)

 to 21 Street-Queensbridge

Telephone: Call 311 to make an appointment at this Financial Empowerment Center

Languages: English and Spanish

Site Hours: Monday, Tuesday, Friday, 9am-5pm; Wednesday, Thursday, 9am-7pm



URBAN UPBOUND

Leading people, changing lives.

New York City Financial Empowerment Center

At Workforce One Far Rockaway

1637 Central Avenue
Far Rockaway, NY 11691

[Click here for map](#)

 to Far Rockaway-Mott Avenue

Telephone: Call 311 to make an appointment at this Financial Empowerment Center

Languages: English and Spanish

Site Hours: Thursday, 10am-6pm



Staten
Island

[\[back to top\]](#)

**New York City Financial Empowerment Center
At El Centro Del Inmigrante**
1546 Castleton Avenue
Staten Island, NY 10302
Telephone: Call 311 to make an appointment at this Financial Empowerment Center
Languages: English and Spanish
Site Hours: Tuesday, Wednesday, and Friday, 9am-5pm



EXHIBIT #7

**Law Help Website Information
About
Credit and Credit Repair**



[Home](#)

[How to Use LawHelp/NY](#) | [NY Legal aid offices](#)

[Print Friendly](#)



Consumer >

Credit and Credit Repair

[FIND A LAWYER](#)

[KNOW YOUR RIGHTS](#)

[FINDING OTHER HELP](#)

[GOING TO COURT](#)

Fact sheets and booklets about your legal rights

Click on any of the titles below to learn more. Scroll to see all resources. If you need help finding something, [click here to ask for Live Help](#).

Email or save this information for yourself or share it with others!



There are **34** resources

- [General information - \(4\)](#)
- [How Do I Get My Credit Report? - \(4\)](#)
- [How Do I Read My Credit Report? - \(1\)](#)
- [How Do I Correct My Credit Report? - \(6\)](#)
- [Dealing with Credit or Loan Scams and Disputes - \(4\)](#)
- [How Do I Improve My Credit Rating? - \(3\)](#)
- [What Should I Know About Credit Repair Companies? - \(1\)](#)
- [Credit Issues for Tenants - \(2\)](#)
- [Information about taking your consumer issue to court - \(3\)](#)
- [I do not speak English, what is my right to receive information in my language? - \(1\)](#)
- [More information - \(5\)](#)

General information

[Credit Report Info Packet](#) (Separate Website)

Contains everything you need to order your free credit report and dispute wrong information on your credit report.

By: Neighborhood Economic Development Advocacy Project

[Credit and Your Consumer Rights](#) (Separate Website)

Information about the federal laws on credit reporting, credit discrimination and debt collection.

By: Federal Trade Commission

[Read this in: Spanish / Español](#)

[Restrained Bank Account](#)

Information on how to deal with bank accounts that have been restrained or frozen. This fact sheet provides a comprehensive step-by-step guide on how to get your bank account released.

By: Volunteers of Legal Service (VOLS)

[Your Rights Against Debt Collectors Under NYC Law](#) (Separate Website)

Find out how NYC's debt collection law help NYC residents.

By: Neighborhood Economic Development Advocacy Project



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NY

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Choose Another Subtopic

- ▶ [Bankruptcy](#)
- ▶ [Consumer Rights of Immigrants](#)
- ▶ [Court Forms](#)
- ▶ [Debt Collection, Garnishment & Repossession](#)
- ▶ [Foreclosure](#)
- ▶ [Home Energy Assistance Program \(HEAP\) and Public Utilities](#)
- ▶ [Home Loans and Predatory Lending](#)
- ▶ [Identity Theft](#)
- ▶ [Immigration Fraud & Notarios](#)
- ▶ [Small Claims Court](#)
- ▶ [Student Loans](#)
- ▶ [Unfair Sales Practices and Consumer Fraud](#)

[View Results for all subtopics](#)


Legal Aid Resources in Other Languages


- ▶ [Albanian / shqip](#)
- ▶ [Amharic / Amharic](#)
- ▶ [Arabic / العربية](#)

[back to top](#)

How Do I Get My Credit Report?

Ordering Your Credit Report (Separate Website)
Learn about how you can get a FREE copy of your credit report.
By: Neighborhood Economic Development Advocacy Project 
Read this in: [Spanish / Español](#)



Free Credit Reports  (Separate Website)
You can receive a FREE copy of your credit report once a year. Follow these steps to order your report safely.
By: New York State Attorney General's Office
Read this in: [Spanish / Español](#)

Free Credit Report Request Form  (Separate Website)
Use this form to order your credit report for free.
Read this in: [Spanish / Español](#)

Consumer Tips for Retrieving Your Credit Report (Separate Website)
You do not have to pay to receive your free annual credit report. Before you request a copy of your report, make sure you request it from the right place, and read these tips to help you avoid potential problems.
By: World Privacy Forum

[back to top](#)


How Do I Read My Credit Report?


Reading Your Credit Report  (Separate Website)
This fact sheet helps you understand the information on your credit report.
By: Neighborhood Economic Development Advocacy Project 


[back to top](#)

How Do I Correct My Credit Report?

Credit Repair: Self-Help May Be Best (Separate Website)
Information on how you can improve your credit rating and legitimate resources for low or no-cost help.
By: Federal Trade Commission

Correcting Your Credit Report (Separate Website)
This fact sheet explains what to do if you find incorrect information on your credit report.
By: Neighborhood Economic Development Advocacy Project 
Read this in: [Spanish / Español](#)

Disputing the debt (Separate Website)
This resource provides information on your rights to disputing a debt and how to do it.
By: Neighborhood Economic Development Advocacy Project 

How To Dispute Credit Report Errors 
This resource provides useful tips to use when correcting your credit report. It also provides a sample dispute letter and a copy of an annual credit report form, you can fill in and mail out.
By: Federal Trade Commission
Read this in: [Spanish / Español](#)

- ▶ Armenian / Հայերէս
- ▶ Bengali / বাংলা
- ▶ Bosnian / Bosanski
- ▶ Bulgarian / Български
- ▶ Cambodian / Khmer
- ▶ Chinese / 中文
- ▶ Farsi / فارسی
- ▶ French / Français
- ▶ German / Deutsch
- ▶ Greek / Ελληνικό
- ▶ Haitian Creole / Kreyòl ayisyen
- ▶ Hebrew / עברית
- ▶ Hindi / हिन्दी
- ▶ Hmong / Hmoob
- ▶ Italian / italiano
- ▶ Japanese / 日本語
- ▶ Khmer
- ▶ Korean / 한국어
- ▶ Laotian / ພາສາລາວ
- ▶ Mandarin Chinese / 官話
- ▶ Oromo / Afaan Oromo
- ▶ Polish / polski
- ▶ Portuguese / português
- ▶ Punjabi / ਪੰਜਾਬੀ
- ▶ Russian / Русский
- ▶ Serbo-Croatian / Srpskohrvatski Jezik
- ▶ Somali / Soomaali
- ▶ Spanish / Español
- ▶ Swahili / Kiswahili
- ▶ Tagalog / Tagalog
- ▶ Thai / ไทย
- ▶ Tigrina / Ge'ez
- ▶ Turkish / Türkçe
- ▶ Urdu / اُردو
- ▶ Vietnamese / Tiếng Việt
- ▶ Yiddish

Sample Credit Report Dispute Letter 

The attached sample letter can be used to dispute incorrect or old information on your credit report.

By: Neighborhood Economic Development Advocacy Project 
Read this in: Spanish / Español

Sample Follow Up Letter  (Separate Website)

Use this sample letter if the credit reporting agency does not respond to your dispute letter within thirty days.

By: Neighborhood Economic Development Advocacy Project 
Read this in: Spanish / Español

[back to top](#)

Dealing with Credit or Loan Scams and Disputes

Tips on Loans and Credit Card Scams (Separate Website)

Information on illegal loan and credit card offers.

By: Better Business Bureau Serving Metropolitan New York

Sample Credit Card Dispute Letter 

This letter sample letter attached can be used to dispute an incorrect charge on your credit card bill.

By: Neighborhood Economic Development Advocacy Project 
Read this in: Spanish / Español

Advance Fee Loan Sharks (Separate Website)

Information on how to protect yourself against companies that offer loans for a fee paid in advance.

By: New York State Attorney General's Office

The Truth About Advance-Fee Loan Scams 

This resource provides additional background information in regards to being aware of advance-fee loans.

By: Federal Trade Commission
Read this in: Spanish / Español

[back to top](#)

How Do I Improve My Credit Rating?

Building A Better Credit Record (Separate Website)

Detailed information on how to obtain and fix your credit report as well as how to deal with debt. Also provides basic information about bankruptcy.

By: Federal Trade Commission

Improving Your Credit Report (Separate Website)

This resource provides useful tips on how to improve your credit report.

By: Neighborhood Economic Development Advocacy Project 
Read this in: Spanish / Español

Get More Money Now: How To Have Better Credit and Money For Things That Matter 

This resource provides practical information on how to improve your money situation by building up your credit.

By: Better Business Bureau Serving Metropolitan New York
Read this in: Spanish / Español

[back to top](#)

What Should I Know About Credit Repair Companies?

The Truth About Credit Reports & Credit Repair Companies 

An explanation of some of the common problems you should look for in your credit report.

By: National Consumer Law Center

Read this in: Chinese / 中文, Korean / 한국어, Russian / Русский, Spanish / Español, Vietnamese / Tiếng Việt

[back to top](#)

Credit Issues for Tenants

Housing Court Records & Your Credit Report (Separate Website)

This fact sheet explains how being sued by your landlord can affect your credit report.

By: Neighborhood Economic Development Advocacy Project 

Read this in: Spanish / Español

Tenant Screening Reports (Separate Website)

This resource provides information on how to ensure you are not unfairly denied an apartment because of a screening report.

By: City-Wide Task Force on Housing Court

[back to top](#)

Information about taking your consumer issue to court

Guide to Small Claims Court (Separate Website)

Information includes the locations of the small claims courts in each borough, how to prepare your case and how to get help with collecting the money awarded to you.

By: New York City Department of Consumer Affairs

How to Bring a Case in Small Claims Court (Separate Website)

Information about the types of cases heard in Small Claims Court and what to expect at the trial.

By: South Brooklyn Legal Services (A Program of Legal Services NYC) 

How to Vacate a Judgment in Civil Court (Separate Website)

This factsheet tells people who have lost their cases through default (by not showing up in court) how to have the judgment against them vacated (thrown out).

By: South Brooklyn Legal Services (A Program of Legal Services NYC) 

[back to top](#)

I do not speak English, what is my right to receive information in my language?

Video: How to Work with Interpreters (Separate Website)

In this video, you will learn some basic tips that will allow you to communicate effectively and easily through an interpreter with a person who doesn't speak your language.

By: Legal Services of New Jersey

Read this in: Spanish / Español

[back to top](#)

More information

File a Credit Card Complaint Online (Separate Website)

You can now file a credit card complaint with the Consumer Financial Protection Bureau. They will forward your issue to the credit card company, give you a tracking number, and keep you updated on the status of your complaint.
By: Consumer Financial Protection Bureau

Community Resource Brochure  (Separate Website)

Lists the names and phone numbers of credit counseling services, organizations that provide used car loans, food programs, heating assistance, low-cost apartments, mortgage counseling, low-cost health care, low-cost computers and more.

By: Empire Justice Center
Read this in: Spanish / Español

Complaints About Attorneys (Separate Website)

If you have a complaint against an attorney, you may contact the Attorney Disciplinary / Grievance Committee. The office you need to contact depends upon the location of your lawyer's office. Click for more information.

By: New York State Unified Court System

Economic Empowerment Resource Guide  (Separate Website)

While this guide is specifically intended to provide helpful information for immigrant victims of violent crimes, it may benefit many New Yorkers who are entering the job market for the first time, researching college or other educational programs, or looking to change careers. It provides information about:

- high-school equivalency (GED) and English as a Second Language (ESL) programs
- welfare/job centers that service immigrants throughout New York City and accept applications for cash assistance, food stamps, and Medicaid
- job training and job placement programs
- employment agencies
- personal financial literacy classes to teach how to budget and save money as well as take control of your debt
- financial aid for higher education (such as college)
- small business resources, including micro-loans

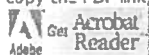
By: City Bar Justice Center - Immigrant Women and Children Project

English/Arabic Legal Glossary  (Separate Website)

By: Legal Glossary of Sacramento
Read this in: Arabic / العربية

[back to top](#)

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EXHIBIT #8

Information About Ordering Credit Reports

Ordering Your Credit Report *For Free!*



How can you get your credit report and score?

There are three major credit reporting agencies and many other small ones. Most lenders pull your credit report from one or more of the "Big Three" agencies:

- **Experian** • **Equifax** • **Trans Union**

You can order your credit report and score by phone, mail, or internet.

Can you get your credit report for free? How often?

Yes! The Fair and Accurate Credit Transactions Act requires certain consumer reporting agencies—including Experian, Equifax and TransUnion—to provide you with a free copy of your report, at your request, once every 12 months.

You can order your credit report(s) online: **www.annualcreditreport.com**; by phone: **877-322-8228**; or by completing the "Annual Credit Report Request Form" and mailing it to: **Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281**. The form can be printed from www.ftc.gov/credit. Do not contact the three nationwide consumer reporting companies individually. Your free credit report does not include a free credit score. You may purchase your credit score for a few dollars more when you order your free credit report.

What information do you have to provide to get your free report?

You will need to provide your name, address, Social Security number, and date of birth. To verify your identity, you may be asked for information that only you would know, such as the name of your credit card company.

How long does it take to get your free report?

If you request your report online, you should be able to get it immediately. If you request your report by phone or mail, it should be mailed to you within 15 days.

Source: Federal Trade Commission

Other Ways to Get Your Credit Report for Free

What if you need your credit report twice in the same year?

The three major credit reporting agencies charge about \$9.00 for your credit report, and a few dollars more for your credit score. However, you can get a free credit report if you have been denied credit in the past 60 days.

You can also get one free report each year, if:

- you are unemployed and will be applying for a job within the next 60 days
- you receive public assistance, or
- you have reason to believe that your report contains inaccurate information due to fraud

You can order your report by phone, mail, or Internet:

Experian: 1-888-EXPERIAN (397-3742) / www.experian.com

Experian National Consumer Assistance Center / PO Box 2002 / Allen TX 75013-2104

Equifax: 1-800-685-1111 / www.equifax.com

Equifax Customer Information Service Center / PO Box 740241 / Atlanta, GA 30374-0241

TransUnion: 1-800-916-8800 / www.transunion.com

TransUnion Corporation / PO Box 390 / Springfield, PA 19064-0390

