



## **Your Day in Housing Court**

*If you are a tenant in a non-payment proceeding and are visiting Housing Court for your first court date, this resource will help guide you through your day. Nonpayment proceedings are a type of court case where landlord or owners sue tenants to collect unpaid rent. You can learn more about non-payment proceedings here: [www.lawhelpny.org/nychousing](http://www.lawhelpny.org/nychousing).*

### **What happens on my Court date?**

Your Court date is the date you must appear in Court for your case to be heard. Generally, this date will be written at the bottom of your "Answer". If you do not yet have an "Answer", but have received papers from the Court, or you missed your court date visit: [www.lawhelpny.org/nychousing](http://www.lawhelpny.org/nychousing).

#### ➤ **Plan to Arrive Early at Housing Court**

- Plan to arrive at Housing Court AS EARLY AS POSSIBLE so you have enough time to go through security at the entrance of the courthouse. There are usually long lines and it is important that you arrive in your courtroom on time.
- Don't forget to take all your papers with you. You can review our [document checklist](#) to make sure you have not forgotten anything.

#### ➤ **Find Your Courtroom and your Name on the Calendar**

- The courtroom you go to is called the "Resolution Part". This is a courtroom where the landlord and tenant can discuss their differences before a judge or court attorney to see if they can settle or "resolve" the dispute.
- You must look for your name on the calendar. This is usually posted in the hallway outside the court room. Write down the calendar number corresponding to your case.
- Make sure you let the Court Clerk know that you are there. "Check in" with the court clerk by telling the court clerk your name and the calendar number for your case. The Court Clerk is an employee of the court who helps with the court's administrative matters. The clerk will usually sit at a desk to the side of the judge. If you would like an interpreter, make sure you ask the court clerk for one.
- There will also be a court attorney who helps the judge resolve cases. The court attorney is not your attorney. The court attorney may be in the same courtroom as the judge, or in a different room. The court clerk can tell you where to find the court attorney.

#### ➤ **Wait for your Case to be Called**

- After you tell the clerk you are there, you must wait for your case to be called. The clerk or the court attorney will call out your name. Make sure you are seated in the courtroom or near the courtroom to hear when your case is called.
- While waiting for the case to be called, many landlords and tenants discuss how they settle their case in the hallway outside of the courtroom. You are free to discuss your case with your

landlord or landlord's attorney, but no one can force you to settle a case. If you do not feel comfortable talking to the landlord or landlord's attorney by yourself, you can ask to "conference the case" with the court attorney, and the court attorney may be able to help the two of you come to an agreement.

➤ **Consider Discussing a Settlement with Your Landlord**

- If you decide to speak outside the courtroom, inform the court clerk that you are stepping outside of the courtroom to discuss an agreement. This will help ensure that you do not miss your case when it is called.
- Make sure you read our [Settlement and Stipulation Checklists](#) and our [Tenant's Guide to Negotiating with Your Landlord](#) to help you prepare. Remember, you should not agree to settle a case if you do not agree as there can be very serious consequences like eviction if you make an agreement that you cannot keep.
- If you agree to settle the case, your agreement will be put into writing in something called a "Stipulation of Settlement". This is usually written by the landlord's attorney.

➤ **Your Case is Called**

- When the case is called, you and the landlord will stand before the judge or court attorney. They will discuss the case with the parties to see if it has been or can be settled.
- What happens next will depend on where you are in your case:
  - **If you have reached an agreement** with your landlord, a "Stipulation of Settlement" will have been prepared. The judge or court attorney will review the stipulation and ask if any party has any questions. Be sure to ask any questions if you disagree or do not understand the stipulation. If there are no problems with the stipulation, the judge will approve it and give you a copy of the stipulation.
  - **If you want more time** to speak to an attorney or gather documents, or if you are just not ready to discuss your case, you can ask to come back at a later date. This is called an "adjournment". You will come back on the new court date. Before you leave the Court today, make sure you visit the help available in the Court and ask any questions you may have about your case. (See below – Who Can Help Me in Housing Court?).
  - **If you cannot reach an agreement with your landlord**, you should tell the court attorney or the judge as he or she might be able to make a suggestion or propose an alternative. You can also request to go to trial instead of settling. The trial may take place that day or it may be scheduled for another day. If you are thinking about requesting a trial, you should speak with a lawyer or a housing advocate to learn more. For example, if you lose your trial, the judge may order you pay all of the rent that you owe in 5 days.

➤ **Leaving Housing Court**

- When you leave Housing Court, you might have a copy of a signed "stipulation of agreement", or a court document that tells you what date to return. Make sure you understand what you have to do next before you leave, and don't forget that you can visit the Court Help Center if you have any questions. (See below – Who Can Help Me in Housing Court?).

## **Who Can Help Me in Housing Court?**

Services may vary at different locations in each of New York City's Housing Courts.  
Visit [www.lawhelpny.org/nychousing](http://www.lawhelpny.org/nychousing) to find locations and hours.

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**Court Help Center** – If you do not have a lawyer, help centers are free walk-in friendly offices located in the court itself. You can speak to a Help Center Attorney, ask questions, access free limited internet access to view civil court resources. You may also be able to speak to a volunteer attorney, who can help you review court papers, or help you create a plan to defend or prosecute your case. No appointment is necessary.

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**Landlord-Tenant and Court Clerks** – Landlord-Tenant Clerks are court employees that can help you file your Housing court papers. They usually have an office or window. Court Clerks are court employees in the courtroom. They are usually near the judge and can help explain court rules and procedures.

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**Housing Court Information Table** – These information tables are organized by “Housing Court Answers” and are located within Housing Court. Staff can provide you with information about court procedures, court forms, housing, and provide referrals to legal service providers. Most staff members speak English and Spanish.

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**Housing Court Navigators** – If you do not have a lawyer, navigators are non-lawyer volunteers that can help you on your day in Court. They cannot give legal advice or legal information, but can accompany you to the courtroom and help you on your day in Housing Court.

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**LiveHelp** – If you need more information, you can chat for free with a live operator at any time – even from your mobile phone in Court. Just click on the Live Help button on [www.lawhelpny.org](http://www.lawhelpny.org).

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