

YOUR DAY IN HOUSING COURT

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NOTE: WORDS THAT ARE DEFINED IN THE “WORDS YOU MIGHT HEAR IN COURT” HANDOUT ARE UNDERLINED HERE.

WHAT DO YOU NEED TO TAKE TO COURT?

- **An Affidavit of Service** for each party you served AND return receipts from USPS
- **All Court Paperwork** you filed with the court to begin this case
- **Clear Photos and Evidence** of all the problems in your apartment
- **Any Additional Evidence** you have relating to the case (for example, heat log, audio or video recordings of landlord harassment, harassing letters from the landlord, dead bedbugs on tape)
- **Copies of Communication**, letters, or emails between you and your landlord relating to your apartment's conditions

WHAT HAPPENS WHEN YOU ARRIVE AT COURT?

- 1. Go through security** — you might have to wait a long time in line so try to arrive at court 30 minutes early.
- 2. Go to the courtroom** (called a “part”) where your case is scheduled and check in.
 - Outside the courtroom there will be a list of all the cases for that day. Look for your case and take down which number it is.
 - Go inside the courtroom and speak to the court officer or clerk to check in. Tell them that you are the tenant and your case number.
- 3. Wait for the judge** to call you to come up for your case.
 - Give the court officer or clerk your affidavits of service and ask that they put them in the court file for your case.
 - Ask the court officer or clerk for a copy of the HPD inspection report if your case is about repairs.

WHILE YOU WAIT FOR THE JUDGE TO CALL YOUR CASE...

The HPD attorney or court attorney might ask to speak to you and the landlord's attorney.

Remember, the landlord's attorney represents the landlord and HPD's attorney represents the city. The court attorney is a lawyer who works for the judge to help move cases through the court system more quickly. You will all discuss whether there is a way to resolve (settle) your case.

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WHAT TO EXPECT ON YOUR FIRST COURT DATE

In housing court, what happens depends on whether or not the landlord comes to court.

LANDLORD DOES COME TO COURT

A: You, the landlord, and HPD agree to adjourn the case.

This might happen if:

- You have more evidence you could bring to court.
- HPD missed some violations and agrees to inspect again.

If this happens, the HPD attorney or court attorney might ask you to sign an agreement to postpone the case to a new date. Only sign if you agree to the adjournment. And make sure you get a copy of the agreement.

OR

B: The landlord agrees to fix all of the bad conditions in your apartment.

If that happens, you would enter into an agreement called a “Consent Order to Correct” or a “Stipulation”. You must get a copy of that agreement and it should:

- List what the landlord is agreeing to fix
- State how long the landlord has to make the repairs
- State what you can do if the landlord does not fix things on time or properly

OR

C: The landlord agrees to fix some of the bad conditions in your apartment but not all of them.

In this situation, two things will happen:

1. For the conditions the landlord agrees to fix, you enter into an agreement called a “Consent Order to Correct” or a “Stipulation”. That agreement should:
 - List what the landlord is agreeing to fix
 - State how long the landlord has to make the repairs
 - State what you can do if the landlord does not do the repairs on time or properly
2. For the other problems that the landlord refuses to fix, your case can be scheduled for a trial at a later date. (See below for more information about trials.)

A trial will also be scheduled if your case is about harassment and the landlord won't admit to the harassment.

OR

D: The landlord does not agree to fix any of the bad conditions and is unwilling to admit to harassment.

If this happens, your case will definitely be scheduled for a trial at a later date. See below for more information about trials.

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LANDLORD DOES NOT COME TO COURT

If your landlord does not come to court, then the judge will hold an inquest.

Inquest

This is where the judge hears evidence from you (the petitioner) to decide whether to order the landlord to make the repairs or stop the harassment.

In an inquest, make sure that the judge sees:

- The affidavits of service you brought to court
- The HPD inspection report
- Any evidence you have brought to court with you

IF YOUR CASE GOES TO TRIAL AT A LATER DATE...

A trial happens where the parties in a case cannot come to an agreement to resolve the case so they ask the judge to receive evidence and decide the case. If you need them, here are a few steps to prepare for a trial:

1. **Make sure you have all of your evidence ready to bring with you on the trial date.**
 - If some of your bad conditions were not recorded as violations by HPD, you will need your own independent evidence (such as photos) for those things.
2. **If you have any witnesses, make sure they come to court with you for the trial.**
3. **On the day of your trial, follow the same check in procedure above when you arrive at court.**
4. **The HPD attorney will probably try to resolve your case again before the trial starts.**
 - If you and the landlord's attorney and HPD cannot agree on a settlement then the trial will proceed.

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AFTER COURT...

If the landlord agrees to make the repairs or if the court orders the landlord to make the repairs, these are your next steps.

IF THE LANDLORD COMPLETES REPAIRS

If the landlord completes the repairs on time and they are done well, then you don't need to do anything else. But you should still keep a copy of the documents from your case, just in case these issues come up again.

IF THE LANDLORD DOES NOT COMPLETE REPAIRS

If the landlord doesn't do the repairs on time, or if they are done badly, you can make a contempt motion.

WHAT IS A "CONTEMPT" MOTION?:

A "Contempt" Motion asks the judge to penalize the landlord for not obeying a previous order or agreement.

HOW DO I MAKE A CONTEMPT MOTION?:

Step 1: Get Another Inspection

Call 311 to report your bad conditions again. Make sure you are home when HPD comes to inspect your apartment.

Step 2: Fill Out A Contempt Form

Go to the Clerk's Office at Housing Court (the same place you went to when you first started your case). There is a Pro Se Contempt Form you can get there. Fill it out and file it with the Clerk.

Step 3: Serve HPD and The Landlord

Serve a copy of your contempt motion on HPD and the landlord, just like you did when you started your case. Follow the same process for service and make sure you complete affidavits of service to take to court with you.

Step 4: "Go to Court" (Again)

When you get to court, follow the same check in process you did on your first court date. (See above.)

o Speak with the HPD Attorney

Make sure you speak with the HPD attorney — HPD will have to approve any settlement, because they collect any penalties from your landlord.

o Present Evidence

If the landlord says that they made the repairs then you might need to show the judge evidence that the repairs still need to be made (that's why it is important to call 311 before you go back to court for contempt).

o Negotiate Your Settlement

Settlement: You can settle your contempt motion with the landlord. You can also ask for a rent credit as part of that settlement.

WHAT CAN I GET FROM A CONTEMPT MOTION?

There are at least four things you can get from a contempt motion:

- A court order forcing the landlord to make repairs.
- Civil Penalties: these are fines that the landlord must pay to the city. Each violation can be a separate fine.
- Civil Imprisonment: the court could order the Landlord imprisoned until repairs are completed. This only happens in extreme cases.
- Payment: if you can prove you have been injured by the landlord's failure to make repairs.