

WORDS YOU MIGHT HEAR IN HOUSING COURT...

40 Worth Street, Suite 606, New York, NY 10013
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HERE ARE SOME WORDS YOU MAY HEAR IN HOUSING COURT:

311

This is a citywide telephone hotline. Tenants call 311 to report problems in their apartments such as no heat or hot water, water leaks, sewer back-up, mold, garbage collection, bedbugs, power outages, and other bad conditions.

ADJOURNMENT

Putting off or postponing a court case until another time. Judges may **adjourn** a case for many reasons including giving **parties** more time or finding a day when a **trial** can happen in a case.

AFFIDAVIT

A written and sworn statement. When you sign an affidavit, you swear that the information in it is true.

AFFIDAVIT OF SERVICE

A signed statement that a document in a court case was “**served**” upon, or given to, the other **party** to the court case. **Service** can be by certified mail or by personally handing documents to the other **party**.

CERTIFICATE OF OCCUPANCY

A document issued by the City outlining the layout of a building and saying that the building is in good enough condition for people to live there.

CONTEMPT

If a person disobeys a court order or interferes with court proceedings, the judge will hold that person “in contempt” to punish them. **Filing** a contempt motion is how you let the court know that a **party** has disobeyed a court order.

COURT ATTORNEY

A lawyer who sits in the courtroom and works with the judge to help resolve cases.

COURT OFFICER

A person in a uniform who sits or stands in the courtroom and is responsible for court security and maintaining order in the courtroom.

DEFAULT

When one side does not show up in court, it is called a default. In a **repairs case**, if the tenant defaults, the court can **dismiss** the case. If the landlord defaults, the court can order them to make repairs within a certain amount of time.

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DISMISS (dismissing a case)

If at any stage in the court process, a **party** loses their case, the judge will say the case is dismissed. When a case is dismissed, it is over and the **party** bringing the case has lost.

DEPARTMENT OF BUILDINGS

NYC agency that enforces rules about the construction and maintenance of buildings.

EVIDENCE

Materials that are shown to a judge or jury during a court case to help decide who should win the case. Evidence can include photos, documents, videos and witness **testimony**.

FILING

Submitting a legal document to the court.

HARASSMENT

When a landlord unlawfully tries to make a tenant leave their apartment or otherwise give up their rights. Harassment can be:

- using force or threatening to use force;
- interrupting or discontinuing essential services like heat, hot water or electricity;
- starting court cases without legal basis;
- removing your possessions from an apartment;
- discriminating against a tenant for their race, sex, religion, immigration status, or other protected categories;
- removing the apartment door or changing the lock without giving the tenant a key;
- other acts that interfere with the peace of a tenant, such as construction at late hours;
- repeatedly making “buy out” offers

HEARING

Where a judge hears **evidence** and makes a decision required in a case.

HOUSING PRESERVATION AND DEVELOPMENT “HPD”

NYC agency responsible for enforcing state and city law on housing safety. **HPD** responds to **311** complaints about housing conditions. **HPD** can issue violations, make repairs if the landlord doesn’t, and bring **HP Cases** against landlords.

www.nyc.gov/hpd

HP CASE (a/k/a “Repairs Case”)

A case a tenant starts against a landlord to get the landlord to make repairs, provide services, or stop harassment. HP is short for Housing Part.

INDEX NUMBER

The number issued by the court which is used to identify a court case. For example, “L&T 52363-2015.” “L&T” stands for Landlord and Tenant, and the last part of the index number is the year the case was **filed**.

INQUEST

An inquest is like a **trial** that happens when the other side does not show up in court. At an inquest, the judge hears **evidence** to help them decide the outcome of the case.

INSPECTION REPORT

After you start your **HP Case** and fill out an **Inspection Request**, an inspector from **HPD** will come to your apartment to look at the conditions.

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The **Inspection Report** is the list of problems that an inspector prepares after looking at the conditions in the apartment. It will be provided to you at the first court date in your case.

INSPECTION REQUEST

A form that you fill out with your **Petition** where you list the conditions in your apartment that you want **HPD** to inspect. The form says “Tenant’s Request for Inspection” at the top.

JUDGMENT

A decision by the court. A judgment may **dismiss** a case, order a **party** to pay money, or direct one or more of the **parties** to do something.

MANAGING AGENT

A person who oversees or runs a building. The name and the address of the managing agent of a building can be found on the **HPD** website:

www.nyc.gov/hpd

ORDER AND NOTICE OF VIOLATION

An order that **HPD** or the court can issue requiring a landlord to repair problems in a tenant’s apartment. It may be issued by the court on **default** (after one **party** fails to come to court), or on consent (where the **parties** agree to the order).

ORDER TO SHOW CAUSE

A paper that can be used to start a court case or to force the **parties** to come to court in a case. After an order to show cause is **filed** with the

court and signed by the judge, it requires the other **party** (usually, the landlord) to come to court on the next court date in the case.

PART

A courtroom in the courthouse is called a “**Part**” and it is usually identified by a letter. For example, the courtroom handling **repairs cases** in Bronx Housing Court is called “Part H.”

PARTY

One side in a case. In housing court, the party that starts the case is called the **Petitioner**, and the party that is being sued is called the **Respondent**.

PETITION

The paper that a **party files** in court to start a housing court case. The Petition describes what the person starting the case wants from the person who is being sued.

PETITIONER

The person who starts a court case. In an **HP Case**, the tenant is usually the **Petitioner**.

POOR PERSON’S RELIEF (a/k/a “Poor Person’s Affidavit” or “Fee Waiver”)

If you do not have enough money to pay court fees, you can ask the court for permission to start a case without paying court fees. To do so, you have to explain to the court why you are unable to pay.

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RESPONDENT

The person who is being sued in a court case. In **HP Cases**, the Respondent is usually the landlord and/or the **managing agent**.

SERVICE

Delivery of court documents by one **party** to another.

Once a **Petition** is **filed** with the court, it must be **served** on the **parties** being sued, that is, the landlord, the **managing agent**, and **HPD**.

SELF REPRESENTED LITIGANT (a/k/a “Pro Se”)

Individuals who do not have a lawyer representing them in their court case.

SETTLEMENT

A final agreement that ends a court case.

STIPULATION OR CONSENT ORDER

A formal agreement between the **parties** resolving a case or some issue in a case without a court **hearing**.

SUBPOENA

A court order requiring a person to show up in court to give **testimony** and produce documents.

TESTIMONY

A witness' spoken **evidence** in court.

TRIAL

Examination of all the **parties' evidence** and the law by a judge in order to make a final decision in a case.

VIOLATION

Bad conditions in an apartment that violate the law. After inspection, **HPD** will list all violations it finds in an **Inspection Report**. You can get a list of all violations in your apartment by visiting:

www.nyc.gov/hpd

WARRANTY OF HABITABILITY

The legal requirement that a landlord must keep a tenant's apartment in good repair, or in a livable condition.