

Top Ten Mistakes Tenants Make in Housing Court

Housing Court can be confusing and intimidating. Many tenants get evicted unnecessarily because of simple mistakes that could have been avoided. If you follow the advice given below, and if you get organized and tell the Judge your side of the case, you have a good chance of keeping your apartment.

Ignoring court papers

Many evictions happen because tenants do not respond to court papers. When you receive a “dispossess” (nonpayment petition), you must take it to the court immediately—even if you hope to catch up soon on the rent, even if welfare says they will pay, even if you already paid the rent, even if the landlord says “Don’t worry about it.”

Missing court dates

Except for a serious emergency, nothing is more important than your court date. You may not get another chance to see a judge if you miss your appointment.

Leaving important papers at home

Be sure to bring all important papers with you to court every time. Many tenants lose their cases because they “left the rent receipts at home.”

Showing up late

Many tenants lose their apartments because they show up in court a few minutes late. Leave home extra early to be sure to get to court by 9:30 a.m.

Going to the wrong room

Many tenants also lose their apartments because they sit in the wrong room and lose their case. Check your court papers carefully to find out the room number. If you are not completely sure, ask a court officer.

Signing agreements you don’t understand

Most housing cases are settled by agreements called “stipulations.” Do not sign any agreement you do not completely understand or that you disagree with. Do not agree to pay more than you think you owe. The judge is there to answer your questions and make sure the agreement is fair.

Agreeing to pay money, and then “withholding” it because repairs aren’t done

Most court agreements require you to pay money even if repairs are not done. If your landlord doesn’t make the repairs, you cannot just hold back your payments, or you will be evicted. You should go back and see the judge as soon as the landlord misses the deadline for repairs.

“Withholding” rent and then spending it

If your landlord does not repair your apartment, you are entitled to withhold the rent, which means saving it until the landlord brings you to court. Do not spend the rent, because the judge will almost always require you to pay some or all of it. Tenants who spend their rent money put themselves in serious danger of eviction.

Waiting for the Marshal’s Notice

If you cannot pay the judgment by the deadline in your court agreement, do not wait until you get a Marshal’s Notice to go back to court. Many tenants never receive the Marshal’s Notice, and get evicted by surprise instead.

Paying cash without getting a receipt

Never give your landlord cash without getting a receipt at the same time. If the landlord refuses to give you a receipt, let him take you to court, and pay the money in front of the judge. If there is already a court case, get an Order to Show Cause, and pay the money in court.

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