

A message from...



**Speaker of
the Assembly
Carl E. Heastie**

Dear Tenant:

As your representative in the New York State Assembly, one of my primary concerns is how rent and housing laws affect you. In 2019, the Assembly passed the Housing Stability and Tenant Protection Act – historic rent and housing legislation – to better protect tenants from unfair landlord practices.

This brochure explains some of the most frequently asked questions about tenant rights. If you want more details or need help, please contact my office or call 311 and ask for the Department of Housing Preservation and Development (HPD). Outside of New York City, call 212-NEW-YORK. You may also visit www1.nyc.gov/311 to find an answer to your question or determine the proper course of action.

Remember, you have rights as a tenant, and I will do all I can to protect them. Please call me if you have questions about this or any other community issue.

Sincerely,

Carl E. Heastie
Speaker of the Assembly

IMPORTANT INFORMATION

New York City 311:311
TTY 212-504-4115

Outside NYC call:212-NEW-YORK
(212-639-9675)

NYC Housing Authority:212-306-3000

Legal Aid Society:212-577-3300

NYS Homes and Community Renewal
Tenant Protection Unit:718-739-6400
www.hcr.ny.gov

NYC Dept. of Housing Preservation
and Development: www1.nyc.gov/site/hpd/index.page

Can I be evicted?

If you live in a rent-regulated apartment, as long as you pay your rent on time and do not violate your lease or your obligations under the rent laws, you can only be evicted under limited circumstances. Examples of these limited circumstances include when the landlord seeks the apartment for his or her family's personal use or if the owner wants to demolish the building. These situations are governed by special rules.

The laws also protect tenants who make a good faith complaint to the landlord alleging uninhabitable conditions from retaliatory eviction. Further, landlords of unregulated units are required to provide notice if they do not intend to renew a lease. The amount of time they have to provide you this notice is based on the length of tenancy.

Under the law, a landlord may not personally force you to leave. The landlord has to legally serve you with notice of an eviction. Once you are served you have an opportunity to respond and go to court. Only the court has the ability to order a warrant to evict you. The warrant is executed by a marshall. It allows them to remove you from the premises. If you receive notice from your landlord of an eviction action, do not panic, but do not delay.

You will usually have 10 days in which to file an answer in court, and you will probably need legal assistance. Since 2019, judges have greater leeway to stay the execution of an eviction warrant in cases where eviction would cause an undue hardship.

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**Speaker of the Assembly
Carl E. Heastie
www.nyassembly.gov**

250 Broadway, Suite 2301
New York, NY 10007
212-312-1400

•
Room 932, Legislative Office Building
Albany, NY 12248
518-455-3791

•
speaker@nyassembly.gov

Housing complaints

Know your rights

*Important information
about New York City's
rent and housing laws*

How to make a housing complaint

Write to your landlord

If your landlord fails to respond to your complaint, write your landlord or his or her agent by certified mail, return receipt requested. Always keep copies of your correspondence.

Speak to your landlord

Your landlord is required by law to maintain your building, keep your apartment in good repair and maintain essential services, including heat and hot water. If they fail to do so, contact him or her.

How to take action in NYC

appropriate time period. The city should then send you a copy of the landlord's certification. If improperly certified, the city can reinspect your apartment and take the landlord to Housing Court to force compliance.

Go to Housing Court

While waiting for the city to act upon your complaint, you can take your complaint to Housing Court: immediately for Class C violations; 30 days after making your complaint if the city has not sent an inspector and recorded violations, or if the city has recorded violations and the landlord's time to repair them has expired.

To file your petition, you must pay a \$45 fee at the clerk's office in the Housing Part of Civil Court. This fee can be waived if the tenant is unable to pay. Legal help is not required, but it is advisable.

If conditions are dangerous throughout the building,

one-third of the tenants in a building can jointly ask the court to appoint someone to collect rents and make repairs. This is called an Article 7A proceeding and usually requires legal help.

You can obtain a list of the outstanding recorded violations in

your building for free by writing to the Housing part of NYC

Civil Court at 111 Centre Street, New York, NY 10013. To find

the name and address of your landlord or his/her agent, visit

www1.nyc.gov and click "Housing and Buildings" or call 311 or, outside of New York City, at 212-NEW-YORK.

If your landlord does not act in a reasonable period of time (determined by the urgency of the problem), take the following steps:

Seek a rent reduction

If you are rent-controlled or rent-stabilized, you may file a complaint with NYS Homes & Community Renewal (NYSHCR) at www.hcr.ny.gov. If your complaint is found to be valid, the landlord will be ordered to correct it. Application forms are available at my community office or your local HCR office.

Contact NYC311

While awaiting action on your rent reduction, call the New York City Citizen Service Center at 311 (TTY 212-504-4115) to reach the NYC Department of Housing Preservation and Development (HPD) Central Complaint Bureau, write by certified mail, return receipt requested, or online at www1.nyc.gov/311.

If repairs still aren't made, an inspector from the Complaint

Bureau will be sent to verify and classify the violations. Class

A violations (nonhazardous) must be corrected within 90 days;

Class B violations (hazardous) must be corrected within 30

days; and most Class C violations (immediately hazardous) must

be corrected within 24 hours. Class C violations of lead-based

paint or window guards must be corrected within 21 days. These

time frames are initiated when the landlord receives notice from

the city of the verified violation. The city's Emergency Repair

Program may repair a Class C violation and bill the landlord. If

the city sends an inspector and no one is at home, a card will be

left with a phone number so you can make an appointment.

If violations were recorded, the landlord gets a copy of the

violations and must certify they have been corrected within the

Can I withhold rent?

If there are serious violations the landlord has failed to correct, a common tactic is to withhold your rent. Do this only after conferring with an attorney or experienced tenant organization. The following is a general synopsis of what this action would entail.

Notify your landlord by certified mail, return receipt requested, that you intend to withhold your rent unless specific repairs are made. If no repairs are made and your landlord is unresponsive, continue to notify your landlord and withhold rent. Set aside your rent money to pay the back rent immediately if the court orders you to do so. This is very important because in many cases the law requires tenants to deposit their rent into court accounts. The landlord will probably bring action in Housing Court to evict you for nonpayment. If you receive such a notice, don't panic, but act quickly. You will only have 10 days to file an answer in court and you will likely need legal help.

Once in court, your defense is the landlord's refusal to make repairs. If the judge agrees, repairs can be ordered. The judge may allow you to keep all or part of the rent money or direct you to deposit the rent money with the court. If the court decides

Free legal services may be available for certain low-income residents who have been served with Housing Court documents and are in need of assistance to prevent eviction. For more information, call 212-577-3300 or 311.

deducted from the rent.

the law. If that occurs, the amount paid by each tenant can be

In addition, tenants can purchase fuel when the landlord fails to provide heat, though you must follow specific procedures set in

organization. Again, the landlord may evict you for nonpayment after conferring with an attorney or an experienced tenant is risky and involves some unresolved legal issues. Do this only to contact the landlord and of your expenses. This procedure to recover the costs. You must keep records of your attempts

A tenant could make emergency repairs and then either deduct the cost from the rent or sue the landlord in Small Claims Court to recover the costs. You must keep records of your attempts to contact the landlord and of your expenses. This procedure is risky and involves some unresolved legal issues. Do this only after conferring with an attorney or an experienced tenant

Can I make repairs myself and deduct the cost from the rent?

the problem is not severe enough to justify withholding rent, you will have to pay the back rent or face eviction. You may also be required to pay the landlord's court costs and legal fees.

Other actions to think about