

A message from...



**Assemblyman
Marcos A. Crespo**

Dear Tenant:

As your representative in the State Assembly, one of my primary concerns is how rent and housing laws affect you.

This brochure explains some of the most frequently asked questions about tenants' rights. If you want more details or need help, please contact my office or you can contact New York City's Citizen Service Center at 311 (311 can be accessed outside of New York City by calling 212.NEW.YORK) and ask for the Department of Housing Preservation and Development.

Remember, as a tenant you do have rights and I pledge to do all I can to continue to protect them.

Sincerely,

Marcos A. Crespo
Member of Assembly

Can I be Evicted?

If you live in a rent regulated apartment and as long as you pay your rent on time and do not violate your lease or your obligations under the rent laws (by destroying property, conducting illegal activities, etc.), you cannot be evicted except under limited circumstances. An example of one of these limited circumstances is where 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. If you are faced with these situations, contact my office for more information.

The landlord may not legally force you to leave without a court order. In any case, you must be notified of the action and have an opportunity to answer. If you receive notice from your landlord of an eviction action, do not panic, but do not delay. You will usually have five days in which to file an answer in court and you will probably need legal assistance.

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**Assemblyman
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IMPORTANT PHONE NUMBERS

Building Complaints 311
Elevator Division..... 212-566-5519 or 311
Housing Court.....646-386-5750
NYC Housing Authority212-306-3000
Housing and Family Services718-435-7585
Gas Leak Emergencies.....800-725-6633
Legal Aid.....718-991-4600

HPD website: www.nyc.gov/hpd

Housing Complaints

Know Your Rights!

*Important Information
about
New York City's
Rent and Housing Laws*

How To Make A Housing Complaint

- **Speak to the 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.

- **Write to the Landlord**

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

How to get action...

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 the Division of Housing and Community Renewal (DHCR) District Rent Office, which will investigate. If your complaint is found to be valid, the landlord will be ordered to correct it. Application forms are available from my community office or the District Rent Office.

Call the Citizen Service Center at 311

While awaiting action on your rent reduction, call the City's Citizen Service Center at 311 to reach the HPD Central Complaint Bureau, or write by certified mail, return receipt requested.

If repairs 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 in 90 days; Class B violations (hazardous) must be corrected in 30 days; and Class C violations (immediately hazardous, including lack of heat and hot water) within 24 hours. 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. Tenants can ask about the status of emergency repair work in their apartments by calling 212.863.5510.

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.

After inspection, if violations were recorded, the landlord gets a copy of the violations and must certify they have been corrected within the 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

Even while waiting for the City to act upon your complaint, you can take it to Housing Court: immediately (as in emergencies); 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, pay a \$45 fee at the clerk's office in the Housing Part of Civil Court. This fee can be waived if the tenant cannot afford to pay. Legal help is not required, but it is advisable.

If conditions are dangerous, 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 7-A 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 the Civil Court, 111 Centre Street, NYC, NY 10013. To find the name and address of your landlord or his agent, contact the Registration Division of the Office of Rent and Housing Maintenance, Division of Code Enforcement at 212.863.7000.

...other actions to think about

Can I withhold the rent?

If there are serious violations the landlord has failed to correct, an often-used tactic is to withhold your rent. Do this only after conferring with an attorney or experienced tenants' 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 five days to file an answer in court and you will probably 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 permit 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 the problem is not severe enough to justify withholding rent, you will have to pay the back rent or be evicted. You may also be required to pay the landlord's court costs and legal fees.

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

Another successful tactic is to 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 tenants' organization. Again, the landlord may evict you for nonpayment of rent.

In addition, tenants can purchase fuel when the landlord fails to provide heat (you must follow specific procedures set in the law). If that occurs, the amount paid by each tenant can be deducted from the rent.