



A MESSAGE FROM...
**Speaker of
 the Assembly
 Carl E. Heastie**

Dear Tenant:

I care about how rent and housing laws affect you. Stable housing means stable lives for us and for our families. That's why New York has enacted legislation, like the Housing Stability and Tenant Protection Act of 2019, to better protect tenants from unfair landlord practices.

If your residence has a housing quality or safety issue, you may need to file a complaint. This brochure explains some common questions about making housing complaints. For more information, or if you need more help, please 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 **portal.311.nyc.gov** to find an answer to your question or determine the proper course of action.

Remember, you have rights as a tenant. Please let me know if I can provide additional help with this or any other community issue.

Sincerely,

Carl E. Heastie
 Speaker of the Assembly

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HOUSING COMPLAINTS

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



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

HOW DO I MAKE A HOUSING COMPLAINT?

1 Speak to your landlord

Your landlord is required by law to keep apartment units and buildings in livable condition, provide needed repairs and maintain required or essential services, including heat and hot water. If they fail to do so, contact them.

2 Write to your landlord

If your landlord fails to respond to your complaint, it is recommended, but not required, to write your landlord or their agent by certified mail, return receipt requested. Always keep copies of any correspondence.



NEXT STEPS OF ACTION IN NYC

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

1 Seek a rent reduction

If you are rent-controlled or rent-stabilized, you may file a service complaint with the NYS Homes and Community Renewal's Office of Rent Administration (ORA) for a rent reduction based on decreased service(s). If they determine your complaint is valid, they will order the landlord to correct it. For more information and to find forms online, please visit the Homes and Community Renewal (HCR) website at **hcr.ny.gov/living-conditions-and-essential-services**, or call ORA at **1-833-499-0343**.

2 Contact NYC311

While you await action on your rent reduction request, you can call **311** (TTY 212-504-4115) to file a complaint with the NYC Department of Housing Preservation and Development (HPD). You can also submit your complaint online at **portal.311.nyc.gov**.

HPD will notify the building owner that a complaint has been filed. If repairs remain unmade, HPD will send a uniformed Code Enforcement inspector to verify and classify the violations. 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 the Inspector writes up any violations, HPD will give the landlord notice and instruct them to repair the issue within a specific amount of time:

CLASS A (non-hazardous)	90 days
CLASS B (hazardous)	30 days
CLASS C lead-based paint	21 days
CLASS C window guards	21 days
CLASS C heat or hot water	immediately
CLASS C (all other types)	24 hours

The time frame starts when the landlord receives notice of the verified violation from the city. The landlord will get a copy of any recorded violations, and must certify that the violation was corrected within the appropriate timeframe. Then, the city should 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. The HPD's Emergency Repair Program may repair a Class C violation and bill the landlord. For more information, call **311**.

3 Go to Housing Court

While waiting for the city to act on your complaint, you can bring your complaint to Housing Court. Class C violations can be brought immediately. For other violations you must wait 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 of the City of New York. This fee can be waived if you are unable to pay. Legal help is not required, but it is advised.

If conditions are dangerous throughout the building, one-third of the tenants can jointly ask the court to appoint someone to collect rent and make repairs. This is called an Article 7A proceeding and usually requires legal help.

To obtain a list of the outstanding recorded violations in your building for free, write to the Housing part of NYC Civil Court at 111 Centre Street, New York, NY 10013. To find your landlord or agent's name and address call **311** or, outside of New York City, **212-NEW-YORK** (212-639-9675).

Tenants facing eviction in Housing Court or NYCHA administrative proceedings have access to free legal representation or advice provided by legal services organizations from across the five boroughs. For more information, contact Housing Court Answers by calling **718-557-1379** or **212-962-4795**, or call **311** and ask for the city's Tenant Helpline.



OTHER ACTIONS TO CONSIDER

Can I withhold rent?

If a landlord fails to correct serious violations, some tenants decide to withhold rent. Please seek advice from an attorney or experienced tenant organization before proceeding. Generally, the process would be:

- Notify your landlord by certified mail, with a return receipt requested, that you plan to withhold your rent unless they make specific repairs.
- If your landlord doesn't respond and still doesn't make repairs, continue to notify your landlord and withhold your rent. Set aside the unpaid money so you can pay the back rent immediately if required. The law often requires tenants to deposit their withheld rent into a court account.

Your landlord can bring an action in Housing Court to evict you for nonpayment of rent. If you receive a notice, act quickly: you will only have 10 days to file an answer in court and likely will need legal help. In court, your defense will be the landlord's refusal to make repairs. If the judge agrees, they can order repairs. 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 the problem isn't severe enough to justify withholding rent, you must pay the back rent or face eviction. 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?

A tenant could make emergency repairs and 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 your expenses. This course of action is risky and involves some unresolved legal issues. Do this only after conferring with an attorney or an experienced tenant organization. Again, the landlord may evict you for nonpayment of the rent.



CAN I BE EVICTED?

A landlord may not personally force you to leave. They must 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 marshal. It allows them to remove you from the premises.

If you receive notice of an eviction action, you will usually have 10 days to file an answer in court, and you will likely 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.

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 their family's personal use or if the owner wants to demolish the building. These situations are governed by special rules.

State law also protects tenants from eviction in retaliation for making a good faith complaint to the landlord alleging uninhabitable conditions.

Landlords of unregulated units are also 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.

IMPORTANT CONTACTS

New York City 311

- 311
- TTY: 212-504-4115
- **Outside NYC call:** 212-NEW-YORK (212-639-9675)
- portal.311.nyc.gov

NYC Department of Housing Preservation and Development

- 212-863-6300
- nyc.gov/site/hpd/index.page

NYC Housing Authority (NYCHA)

- 212-306-3000
- nyc.gov/site/nycha/index.page

NYS Homes and Community Renewal (NYSHCR)

- 1-833-499-0343
- hcr.ny.gov
- **Office of Rent Administration (ORA):** hcr.ny.gov/office-rent-administration-ora
- **Tenant Protection Unit (TPU):** hcr.ny.gov/tenant-protection-unit
- **For more facts about your rights as a tenant:** hcr.ny.gov/living-conditions-and-essential-services

NYC Legal Services for Tenants

- 718-557-1379 or 212-962-4795
- nyc.gov/site/hra/help/legal-services-for-tenants.page