

INFORMATION ON ANSWERING A NOTICE OF PETITION AND PETITION FOR NONPAYMENT OF RENT

If you are in court for nonpayment of rent, you have the right to answer and tell the court the legal reasons why you may not owe the rent. The legal reasons are called defenses. You will have to prove your defenses to the Judge.

Below are some defenses which the Judge can consider to decide how much rent you may owe the landlord. You can have more than one defense depending on the facts of your case. Tell the clerk or the Judge all your defenses.

Important! If you do not tell the court about a defense in your answer you might not be able to talk about it later in your case.

- General Denial. I am not certain that the Petition is correct.

SERVICE

- I did not get both the Notice of Petition and Petition.
- I got the Notice of Petition and Petition, but the papers were not delivered the way the law says.
- I did not get a written rent demand.
- I got the written rent demand, but it was not delivered the way the law says.
- I got a written rent demand, but it gave me less than 14 days' notice to pay the rent.

PARTIES

- My name is listed wrong in this case.
- My name is not on the Notice of Petition and Petition
- The tenant listed is dead.
- The Petitioner is not the Landlord or Owner of the building or otherwise a proper party.

RENT

- The landlord never sent me a notice by certified mail that my rent was 5 days overdue as required by RPAPL 235-e.
- I, or someone on my behalf, tried to pay the rent, but the Petitioner refused to accept it.
- The monthly rent asked for is not the legal rent or the amount on the current lease.
- The Petitioner owes money to me because of a rent overcharge.
- The Petitioner is asking for additional fees, late charges and penalties that are not part of the rent.
- I paid all or some of the rent to the Petitioner.

APARTMENT/HOUSE

- There are or were conditions in the apartment and/or building/house that need to be repaired and/or services that need to be restored.
Conditions in the apartment/house: _____.
- My home is not listed correctly on the court papers: wrong apartment/house number wrong or missing information about rent regulation or laws that cover me.
- The apartment is illegal.

OTHER

- The Petitioner has harmed me by waiting too long to bring this case (laches).
- The Petitioner has harassed me by: _____
- The Petition sees the HUD or Housing Authority Section 8 part of the rent. The petitioner did not notify HUD or the Housing Authority about this case.
- I serve in the military I am dependent on someone in the military.
- Other defense / answer: _____

COUNTERCLAIMS

I seek a judgment and/or order against the Petitioner.

- The Petitioner owes me \$_____ because I paid for repairs or services.
- The Petitioner owes me \$_____ for rent overcharges.
- The Petitioner owes me an abatement on the rent for failing to provide services.
- The Petitioner should be fined for harassing me.