

00:00:12:08 --:--:--:--
(narrator)
Hello.

00:00:13:11 --:--:--:--
We'd like to tell you
how a tenant or group of tenants

00:00:15:17 --:--:--:--
can bring an action
in housing court.

00:00:18:01 --:--:--:--
An important fact to remember

00:00:19:19 --:--:--:--
is that the court
is here to help you.

00:00:22:24 --:--:--:--
Now, let's meet Rosa
and her friend Jeanette.

00:00:26:21 --:--:--:--
(Jeanette)
And that's how my day went.

00:00:30:01 --:--:--:--
(Rosa)
Jeanette, before you go,

00:00:31:19 --:--:--:--
why don't you
have some coffee or tea

00:00:34:24 --:--:--:--
before you go upstairs?

00:00:36:03 --:--:--:--
(Jeanette)
Oh, Rose, I'd love some tea.

00:00:38:03 00:00:39:25
(Rose)
Okay, just a sec.

00:00:47:07 --:--:--:--
Oh, may be a few seconds.

00:00:50:20 --:--:--:--
This darn cold water faucet
hasn't been working for months.

00:00:54:22 --:--:--:--
It just trickles down.

00:00:57:10 00:01:00:04
The hot water
hasn't been working at all.

00:01:02:05 00:01:04:29
I have to heat a pot of water
to wash the dishes.

00:01:06:09 --:--:--:--
I have so many things wrong
with this apartment.

00:01:08:09 --:--:--:--
(Jeanette)
Don't get me started.

00:01:10:17 --:--:--:--
(Rosa)
I tell the super,
but nothing ever happens.

00:01:14:00 --:--:--:--
The only time I see him
is when he comes to get the rent

00:01:17:29 --:--:--:--
or I complain about the heat.

00:01:20:22 --:--:--:--
He tells me he can't get
the boiler repair people

00:01:23:19 --:--:--:--
without authorization

00:01:26:24 --:--:--:--
and that...

00:01:27:27 --:--:--:--
(both)
It's up to the landlord.

00:01:30:14 --:--:--:--
(Jeanette)
And can you remember
the last time

00:01:32:16 --:--:--:--
the exterminator was here?

00:01:34:00 --:--:--:--
(Rosa)
Oh, please.

00:01:35:21 --:--:--:--
And I called the landlord.

00:01:39:09 --:--:--:--
That doesn't make
any difference either,

00:01:41:03 --:--:--:--
and I complain to him
about the heat

00:01:43:05 --:--:--:--
and about that leak that I have
in the bathroom ceiling.

00:01:49:19 00:01:52:13
I finally wrote him a letter.

00:02:00:16 00:02:03:01
Come, Jeanette.
I'll show you.

00:02:10:06 --:--:--:--
Look at this.

00:02:12:23 --:--:--:--
One socket
started shooting sparks,

00:02:16:08 --:--:--:--
and the other one didn't work.

00:02:18:09 --:--:--:--
I had to put in an extension
cord, and it worries me.

00:02:22:10 --:~:~:~:~:
(Jeanette)
My sister in Queens

00:02:23:20 --:~:~:~:~:
had a problem
with her apartment too.

00:02:26:22 --:~:~:~:~:
She went to housing court,

00:02:29:17 --:~:~:~:~:
and it must have worked,

00:02:31:14 --:~:~:~:~:
because her landlord
finally fixed her stove.

00:02:35:16 --:~:~:~:~:
He retiled around her bathtub
when there was a leak.

00:02:39:25 --:--:--:--
He even fixed her intercom.

00:02:41:28 --:--:--:--
She called it an HP--
oh, yes, an HP case.

00:02:47:15 --:--:--:--
(Rosa)
What's an HP case?

00:02:50:11 --:--:--:--
(narrator)
An HP, or housing part action,

00:02:53:13 --:--:--:--
is a case that a tenant
or group of tenants

00:02:55:21 --:--:--:--
can bring in housing court
against a landlord

00:02:58:03 --:--:--:--
to have housing code violations
corrected.

00:03:01:06 --:--:--:--
Before going to court,
you must notify your landlord

00:03:04:14 --:--:--:--
about all the conditions
in your apartment

00:03:06:29 --:--:--:--
that need repair.

00:03:08:16 --:~:~:~:~:~
The best thing to do is to write
your landlord a letter,

00:03:12:00 --:~:~:~:~:~
as Ms. Santiago did,

00:03:13:21 --:~:~:~:~:~
listing what needs to be fixed,

00:03:15:12 --:~:~:~:~:~
including any conditions

00:03:16:21 --:~:~:~:~:~
in the common area
of your building,

00:03:18:16 --:~:~:~:~:~

such as the elevator, stairwell,
lights, mailbox,

00:03:21:27 --:--:--:--
intercom, and front door
of the building.

00:03:25:02 --:--:--:--
Keep a copy of the letter.

00:03:26:14 --:--:--:--
If, after a reasonable
period of time,

00:03:28:24 --:--:--:--
your landlord has not responded

00:03:30:12 --:--:--:--
and building code violations
still exist,

00:03:32:28 --:--:--:--
you can bring an HP action
in housing court.

00:03:35:18 --:--:--:--
(Rosa)
I'm on social security

00:03:38:06 --:--:--:--
and don't have the money
to pay a lawyer to go to court.

00:03:41:22 --:--:--:--
And besides,
I'm afraid the landlord

00:03:43:24 --:--:--:--
will throw me
out of my apartment

00:03:45:12 --:--:--:--
if I take him to court.

00:03:47:13 --:--:--:--
(narrator)
You do not need a lawyer.

00:03:49:20 --:--:--:--
The retaliatory eviction law
in New York

00:03:52:09 --:--:--:--
prohibits your landlord
from trying to evict you

00:03:55:00 --:--:--
because you filed a complaint
about code violations

00:03:58:00 --:--:--
or brought an HP case in court.

00:03:59:27 --:--:--
(Rosa)
Well, I'm ready to do something.

00:04:03:14 --:--:--
(narrator)
HP actions are started

00:04:05:04 --:--:--
in housing court
in your borough.

00:04:07:10 --:--:--
Go to the clerk's office

00:04:09:03 --:--:--
Monday through Friday,
9:00 a.m. to 5:00 p.m.

00:04:13:02 --:--:--
On Thursdays,
go to the clerk's office

00:04:15:17 --:--:--
from 8:00 a.m. to 7:00 p.m.

00:04:18:11 --:--:--
(Rosa)
I want to bring my landlord
to court to make repairs.

00:04:22:12 --:--:--
Do I need to pay a fee?

00:04:23:23 --:--:--
I just get money
from Social Security each month.

00:04:28:00 --:--:--
(man)
You can fill out this affidavit,

00:04:30:05 --:--:--
and if the judge signs it,

00:04:31:09 --:--:--
you won't have
to pay the court fee

00:04:32:24 --:--:--:--
for the index number.

00:04:33:24 --:--:--:--
(Rosa)
Ah, thank you.

00:04:35:00 00:04:36:00
(man)
You're welcome.

00:04:38:16 --:--:--:--
(narrator)
People with limited income

00:04:40:21 --:--:--:--
may ask the court
to waive the filing fee.

00:04:43:18 --:--:--:--
If a group of tenants
brings an action,

00:04:46:01 --:--:--:--
they only have to pay
one filing fee

00:04:48:22 --:--:--:--
unless they can all show
they qualify as poor persons.

00:04:52:08 --:--:--:--
The clerk will help you
fill out the form

00:04:54:01 --:--:--:--
if there's something
you can't understand.

00:04:56:07 --:--:--:--
You will then have
to fill out other forms

00:04:57:25 --:--:--:--
called an order to show cause
and verify petition.

00:05:01:11 --:--:--:--
In an HP action, as tenant,
you are the petitioner,

00:05:05:02 --:--:--:--
and your landlord
is the respondent.

00:05:08:01 --:--:--:--

It is very important
that you name

00:05:09:19 --:--:--:--
the correct respondent
or respondents.

00:05:12:09 --:--:--:--
You should name
the owner of your building.

00:05:14:27 --:--:--:--
You should also list

00:05:16:01 --:--:--:--
the managing agent
as a respondent.

00:05:18:02 --:--:--:--
If you're not sure
who the landlord is,

00:05:21:06 --:--:--:--
use the name
to whom you pay rent

00:05:23:03 --:--:--:--
or the name that's listed
on your rent bill.

00:05:25:26 --:--:--:--
You may have to ask the clerk

00:05:27:20 --:--:--:--
to help you look up the owner
on the court computer.

00:05:30:20 --:--:--:--
You cannot mail your papers
to a post office mailbox.

00:05:34:15 --:--:--:--
You must have a correct street
address for the respondents.

00:05:38:08 --:--:--:--
You will see that

00:05:39:20 --:--:--:--
the Department of Housing
Preservation and Development

00:05:42:11 --:--:--:--
is also listed as a respondent.

00:05:44:25 --:--:--:--

Be sure to list

00:05:46:03 --:--:--:--
all of the conditions
in your apartment

00:05:47:22 --:--:--:--
and the common areas
of your building

00:05:49:09 --:--:--:--
that need repair.

00:05:50:17 --:--:--:--
You should also include
any services

00:05:52:27 --:--:--:--
that are not being provided,

00:05:54:08 --:~:~:~:~:~
such as garbage removal
or extermination.

00:05:57:04 --:~:~:~:~:~
You will also have to fill out
a tenant request for inspection.

00:06:00:25 --:~:~:~:~:~
Here, too, list all
of the conditions,

00:06:03:01 --:~:~:~:~:~
because the inspector
will not look at anything

00:06:05:28 --:~:~:~:~:~
that is not listed on this form.

00:06:07:27 --:~:~:~:~:~
Be sure to indicate your name,
address,

00:06:10:04 --:~:~:~:~:~
and apartment number clearly

00:06:12:00 --:~:~:~:~:~
and a phone number
where you can be contacted.

00:06:14:13 --:~:~:~:~:~
You'll get a copy of this form.

00:06:16:21 --:~:~:~:~:~
In the Bronx and Manhattan,

you must mail or deliver
a copy of the papers

00:06:58:15 --:--:--:--
to your landlord and HPD.

00:07:01:04 --:--:--:--
Everyone named as a respondent
on the order to show cause,

00:07:04:26 --:--:--:--
including HPD, must be sent
a copy of the papers.

00:07:08:04 --:--:--:--
Make enough copies of the papers

00:07:10:14 --:--:--:--
for every person
named as a respondent

00:07:13:01 00:07:15:05
and an extra copy for yourself.

00:07:27:18 --:--:--:--
The court clerk
will also give you

00:07:29:23 --:--:--:--
an affidavit of service.

00:07:31:17 --:--:--:--
After mailing all the copies
to the respondent,

00:07:34:03 --:--:--:--
complete this form and sign it
in front of a notary public.

00:07:37:22 --:--:--:--
Also keep the certified
mail slips with this affidavit.

00:07:41:16 --:--:--:--
You must bring this affidavit
to court with you

00:07:44:11 --:--:--:--
on the date your case is on.

00:07:46:15 --:--:--:--
The clerk or the court attorney
in that courtroom

00:07:48:27 --:--:--:--
will ask you for it.

00:07:50:06 --:--:--:--
There are three different kinds
of violations.

00:07:52:25 --:--:--:--
A violations are non-hazardous

00:07:54:25 --:--:--:--
and must be corrected
within 90 days,

00:07:57:20 --:--:--:--
like the missing sign
in the lobby

00:07:59:00 --:--:--:--
that gives the name,
apartment number,

00:08:00:28 --:--:--:--
and telephone number
of the superintendent.

00:08:03:27 --:--:--:--
The dampness from the leak

00:08:05:05 --:--:--:--
in Ms. Santiago's
bathroom ceiling

00:08:07:13 --:--:--:--
is a B violation
and considered hazardous

00:08:10:23 --:--:--:--
and must be corrected
within 30 days.

00:08:13:12 --:--:--:--
The most serious violations
are things

00:08:15:06 --:--:--:--
like the lack of heat
and no hot water,

00:08:18:11 --:--:--:--
which are considered
immediately hazardous

00:08:20:24 --:--:--:--
and must be corrected
within 24 hours.

00:08:23:14 00:08:25:17

00:09:58:20 --:--:--:--
or if you have an application
for the judge.

00:10:00:26 --:--:--:--
There will be no questions...

00:10:02:08 --:--:--:--
(narrator)
The landlord may not be
in court.

00:10:06:13 --:--:--:--
The landlord's attorney
may be there to represent them

00:10:09:06 --:--:--:--
and my try and settle
the case with you.

00:10:12:03 --:~:~:~:~:~
(woman)
Number three: Santiago
versus 342 Madison Realty.

00:10:16:20 --:~:~:~:~:~
(Rosa)
Tenant.
Ready.

00:10:18:11 --:~:~:~:~:~
(man)
Landlord.
Ready.

00:10:20:02 --:~:~:~:~:~
(woman)
Both sides.

00:10:21:05 --:~:~:~:~:~
Number four:
Joseph Tate versus...

00:10:23:25 --:~:~:~:~:~
(narrator)
Even if the inspection
was not done,

00:10:26:18 --:~:~:~:~:~
you can settle the case
if the landlord

00:10:29:04 --:~:~:~:~:~
or the attorney
representing your landlord

00:10:31:10 --:--:--
agrees to make the repairs
you believe are needed.

00:10:34:11 --:--:--
(man)
Parties on Santiago
versus 342 Madison Realty

00:10:38:22 00:10:39:28
step forward, please.

00:10:43:01 --:--:--
(Santoro)
Ms. Santiago,
please take a seat over there.

00:10:45:11 --:--:--
Landlord and landlord's attorney
please sit over here.

00:10:49:03 --:--:--
Landlord over there.

00:10:53:10 --:--:--
Good morning, Ms. Santiago.

00:10:55:02 --:--:--
I am the attorney for the city,

00:10:56:23 --:--:--
and this
is the landlord's counsel.

00:10:58:11 --:--:--
This is the landlord.
I believe you know him.

00:11:00:07 --:--:--
And this is the judge's
law assistant.

00:11:01:28 --:--:--
And I believe you're here today

00:11:03:07 --:--:--
because there are certain
conditions in your apartment

00:11:05:12 --:--:--
that you want to be corrected.

00:11:06:17 --:--:--
(Rosa)
Yes.

00:11:07:29 --:--:--:--
(Santoro)
Can you tell us
what conditions there are?

00:11:10:04 --:--:--:--
(Rosa)
Well, there's a leak
in the bathroom ceiling,

00:11:12:08 --:--:--:--
and the sockets
in the bedroom are...

00:11:16:11 --:--:--:--
(narrator)
The case may be settled
by writing a stipulation,

00:11:19:09 --:--:--:--
which is an agreement
between you and the landlord.

00:11:22:12 --:--:--:--
In most cases, though,

00:11:23:18 --:--:--:--
and particularly
where there exist

00:11:25:09 --:--:--:--
serious housing code violations,

00:11:27:14 --:--:--:--
a consent order to correct
will be submitted to the judge

00:11:30:17 --:--:--:--
for him or her to sign.

00:11:32:15 --:~:~:~:~:~
(Hoffman)
Rosa Santiago
against 342 Madison Realty.

00:11:35:22 --:~:~:~:~:~
Counsel,
please state your appearances.

00:11:38:01 --:~:~:~:~:~
(Hagler)
Steven Hagler,
attorney for the landlord.

00:11:40:26 --:~:~:~:~:~
1010 Park Avenue,

00:12:05:22 --:--:--:--
(Hoffman)
And that you must provide access

00:12:07:15 --:--:--:--
for the landlord
to do the repairs

00:12:08:27 --:~:~:~:~
on the date set forth
in this agreement.

00:12:10:18 --:~:~:~:~
Do you understand that?

00:12:11:18 --:~:~:~:~
(Rosa)
Yes.

00:12:12:18 --:~:~:~:~
(Hoffman)
Now, if the landlord
doesn't do the repairs,

00:12:15:00 --:~:~:~:~
make sure you bring
the case back

00:12:16:18 --:~:~:~:~
by doing an order to show cause

00:12:18:15 --:~:~:~:~
in the clerk's office
downstairs.

00:12:20:27 --:~:~:~:~
Any questions at all
you'd like to ask me?

00:12:23:28 --:~:~:~:~
(Rosa)
No.

00:12:25:00 --:~:~:~:~
(Hoffman)
All right, I'm going
to sign the agreement,

00:12:28:04 --:~:~:~:~
and you can pick up a copy

00:12:29:09 00:12:31:05
from my court attorney
over here.

00:12:32:13 --:--:--:--
(Rosa)
Though it took some time,

00:12:33:27 --:--:--:--
that HP case I brought
got some really good results.

00:12:38:10 --:--:--:--
The cold water is running
the way it used to.

00:12:42:06 --:--:--:--
You saw the bathroom ceiling.

00:12:44:20 --:--:--:--
First they fixed the leak.

00:12:46:12 --:--:--:--
Then they plastered,
and they painted.

00:12:49:00 --:--:--:--
They fixed the sockets
in the bedroom,

00:12:51:12 --:--:--:--
and I'm not tripping
over extension cords anymore.

00:12:54:11 --:--:--:--
(Jeanette)
Rosa, you have really
inspired me.

00:12:56:27 --:--:--:--
I spoke to Mr. Paulsen
in 3B

00:12:59:06 --:--:--:--
and Rhoda Bloom on my floor,

00:13:01:12 --:--:--:--
and we're going to see
who else we can get to join us

00:13:03:18 --:--:--:--
in a group HP action.

00:13:05:10 00:13:09:22
(Rosa)
It's good to know that
the courts are there to help.

00:13:11:15 --:--:--:--
(Kaye)

Hello, I'm Judith Kaye,

00:13:14:07 --:--:--:--
chief judge
of the state of New York.

00:13:16:28 --:--:--:--
Housing courts
throughout the city of New York

00:13:19:25 --:--:--:--
hear and resolve a number
of different kinds of disputes

00:13:23:28 --:--:--:--
between landlords and tenants.

00:13:26:25 --:--:--:--
These include nonpayment
of rent, illegal evictions,

00:13:32:08 --:--:--:--
holdover proceedings,
and housing code violations.

00:13:37:08 --:--:--:--
The goal of the court
is to make sure

00:13:40:23 --:--:--:--
that the law
governing these disputes

00:13:43:17 --:--:--:--
is enforced fairly
and effectively.

00:13:48:10 --:--:--:--
State law requires
the housing courts

00:13:51:10 --:--:--:--
to assist in the preservation
of the housing stock

00:13:55:21 --:--:--:--
of the city of New York.

00:13:58:13 --:--:--:--
Most landlords do maintain
their properties,

00:14:02:02 --:--:--:--
but when tenants
are unable to get

00:14:04:12 --:--:--
essential repairs or services,

00:14:07:27 --:--:--
as this video has shown,

00:14:10:06 --:--:--
they can file a case
in housing court.

00:14:14:14 --:--:--
Many litigants in housing court
do not have lawyers.

00:14:18:24 --:--:--
To help these litigants

00:14:20:08 --:--:--
become informed
as to their rights

00:14:23:23 --:--:--
and the procedures
they must follow

00:14:25:23 --:--:--
to enforce these rights,

00:14:28:07 --:--:--
the housing courts
have recently set up

00:14:31:01 --:--:--
resource centers that offer
written materials,

00:14:35:16 --:--:--
informational videos,
and housing court counselors

00:14:40:08 --:--:--
who can answer basic questions
for both tenants and landlords.

00:14:46:04 --:--:--
All of these services are,
of course,

00:14:48:23 --:--:--
available free of charge.

00:14:53:03 --:--:--
The housing court
plays a vital role

00:14:56:20 --:--:--

in maintaining
the quality of life

00:14:58:28 --:--:--:--
in so many New York City
neighborhoods.

00:15:03:05 --:--:--:--
As chief judge,
I am committed

00:15:06:06 --:--:--:--
to working hard
to make sure

00:15:09:19 00:15:15:00
that this important court
works well for all New Yorkers.