

LANDLORD/TENANT ANSWER IN PERSON FACT SHEET (CIV-LT-91)



#7: IMPROPER RENT AMOUNT: NYCHA

Defense # 7 says: The monthly rent being requested is not the legal rent or the amount on the current lease. This defense is also called "improper rent amount."

The petition may only ask for the correct rent amount. If you are a NYCHA tenant, the correct rent is based on family income. Your rent is calculated when you first move in and then once a year after that. The lawful (correct) rent will usually be one of the following amounts:

- If you get public assistance, your rent is the higher of 30% of your family's monthly income, after allowable deductions, or the scheduled welfare rent, or
- If you don't get public assistance, then your rent is 30% of your family's monthly income, after allowable deductions.

All NYCHA housing has flat or ceiling rents. That means there is a limit on how high the rent can go. You can decide to pay the flat rent instead of rent based on income. Family income includes income from all sources received by household members during the past twelve months. Annual income includes wages and salaries, pensions, child-support payments, social security, public assistance, and SSI. NYCHA asks you to give proof of your income every year. If you do not prove your income, it may result in a big increase in your rent.

If the rent asked for in the petition is not the lawful rent, tell the Judge or Court Attorney when you go to court. The landlord or owner has to prove to the court that the amount of rent in the petition is correct. You should bring any lease renewals, letters, or information that can help you to prove your defense. If the court finds that the petition is wrong, the court may dismiss the nonpayment case. The landlord or owner can ask the judge to

allow the petition to be corrected or "amended," without having to start a new case against you. If that happens, the judge will decide if he or she wants to dismiss the case.

If you have paid more rent than the landlord or owner can legally collect, then you may also have defense #8, rent overcharge.