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

#4: IMPROPER PETITIONER

Defense # 4 says: "The Petitioner is not the Landlord or Owner of the building."

If the petitioner says he or she is the owner or landlord of your apartment, but is not; **or**, if the petitioner is not a correct party who can start a nonpayment case in Housing Court, then you may have a defense to the nonpayment petition. The petitioner must be an organization or person with a real legal right to the apartment.

If you think the petitioner is not the owner or landlord of your apartment, you can find out who is the owner or landlord this way:

Buildings with three or more apartments must be registered with the "Registration Assistance Unit" of the Department of Housing Preservation and Development ("DHPD"). If you have access to a computer, an owner/landlord can be identified by going to the DHPD website. Go to nyc.gov/html/hpd/html/pr/violation.shtml and click "Proceed to HPD Online" at the bottom of the page. At HPD Online, write the borough, house number and street number. A page will come up with the Owner's name and address.

One- and two-family apartments do not have to register with DHPD. You can see a certified copy of the Deed to the property at the Office of the City Register, 66 John Street, 13th Floor, New York, NY 10038 (212) 361-7550. You can also get this information online (computer) at the New York City Department of Finance website at: nyc.gov/html/dof/html/home/home.shtml. There you can click on "Property," then "Property Information," then find the borough, block and lot number by clicking at the bottom of the page on "Look up BBL by the Property Address." When you write in the address, "Your Property Information" screen will come up with the owner information.

If you find out that the petitioner is not really the owner or landlord of your apartment, then you may have defense # 4 to the petition.

Only the following people or organizations are the proper (correct) party and have a right ("standing") to bring a nonpayment case:

1. A lessor (e.g., a person who signs a lease with a subtenant);

2. The purchaser at a foreclosure sale, tax sale or execution who holds a Deed, or any person claiming title through the purchaser;

3. The "receiver" of a landlord (or other person entitled to apply), who must show authority for bringing the case;

4. A "lessee" (person who has a lease and is entitled to possession).

The following persons or entities may *not* bring a nonpayment case in Housing Court:

1. Legal representative, attorney, attorney-in-fact or person holding a Power of Attorney, agent or assignee of the owner or landlord;

2. Mortgagee in possession who has an assignment of rents must apply for an appointment of a "receiver."

If you find out that the petitioner is not a correct party who may bring a nonpayment case against you, then you may have defense # 4 to the petition.

When you go to court you should tell the Judge or Court Attorney that the petitioner is not a correct party to bring this case. If the petitioner has said he or she is the landlord or owner, the petitioner will have to prove this to the court. If the petitioner did not claim to be the owner or landlord, then the petitioner will have to prove that he or she is a correct party to start this nonpayment case. If the Judge says that the petition does not clearly and correctly say that the petitioner is an organization or person with the right ("standing") to bring a nonpayment case against you in Housing Court, then the case will be dismissed and it will be over.