

Housing Repair Actions:

Prosecuting Code Violations on Behalf of Low-Income New Yorkers

HOUSING COURT CASES: REPAIR + ANTI-HARASSMENT

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Housing
repair and
anti-
harassment
("HPs")

- Only opportunity for tenants to go on the offense
- Civil penalties may accrue
- Result: repairs, end of harassment, negotiate financial settlements.

PART 1: INTRODUCTION

WHO WE ARE

Legal Services NYC fights poverty and seeks racial, social, and economic justice for low-income New Yorkers. LSNYC is the largest civil legal services provider in the country, helping more than 100,000 New Yorkers annually.

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17
Offices

600 Dedicated
Staff

110,000 New Yorkers
Helped Annually

PROGRAM AREAS

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Veterans

Benefits

Disability

Education

Immigration

Civil Rights

Community
Economic
Development

LGBTQ/HIV

Consumer

Housing

Employment

Family Law

OTHER PRO BONO OPPORTUNITIES

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1. Securing disability benefits: SSI hearings & federal appeals.
2. Safety for DV survivors: Civil Orders of Protection.
3. Immigration relief: U-Visas, VAWA self-petitions, asylum, naturalizations.
4. Student debt relief.

OUR CLIENTS

Low-income New Yorkers, usually at or below 200% of poverty.

Federal poverty line = **\$15,060** for an individual.

1.7 million New Yorkers live at or below 100% of the poverty line.

3 million New Yorkers live at or below 200% of the poverty line.

WHERE DO LOW-INCOME PEOPLE LIVE IN NYC?

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Rent regulated apartments

- 45.4% of private units are rent stabilized—almost **1 million units**
- 1.8% are rent controlled—almost **40,000 units**

Public housing

- **396,581** residents
- **176,066** units
- When including Section 8, total = **590,216** people
- If NYCHA were a city, it would be the 32nd largest in the U.S.

WHAT ABOUT EVERYONE ELSE?

NYCHA waitlist

- **257,143** families
- **146,808** families for Section 8

Homeless population

- **123,000**

EXISTING AFFORDABLE HOUSING DISAPPEARING

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Landlords pushing low-income tenants out of rent-stabilized apartments

- Illegal evictions
- Harassment
- Refusing to make repairs

Public housing chronically underfunded

STRUCTURAL RACISM AND HOUSING CONDITIONS

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Public Housing

- First NYCHA developments in the 1930s were strictly segregated and most residents were white
- When legal segregation ended and NYCHA housing integrated in the 1950s, the government disinvested and buildings have fallen further and further into disrepair

Private Housing

- Redlining began in the 1930s and made it impossible to obtain loans to buy homes in majority Black and brown neighborhoods – in turn leading to concentrated poverty, disinvestment, and disrepair
- A direct result was that homeownership was impossible for generations of people of color – today, Black and Latinx people are 2x as likely to rent as white people
- Predatory lending, deed theft, and other illegal activities regularly targeted people of color in low-income neighborhoods, leading to higher rates of foreclosure

STRUCTURAL RACISM AND HOUSING COURT

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Housing Court

- The vast majority of respondents in NYC evictions proceedings are people of color – historically without attorneys, while predominant white landlords nearly all had counsel
- Between 2017 and 2019, tenants living in majority Black zip codes were more than three times as likely to be evicted as tenants living in majority white zip codes
- Both attorneys of color and tenants of color often treated with implicit or explicit racism within the court system
- See October 2020 report by Jeh Johnson on racism in the NY Court System:
<http://www.nycourts.gov/whatsnew/pdf/SpecialAdviserEqualJusticeReport.pdf>

A NEW DAY IN HOUSING COURT

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LSNYC's housing unit 4x larger in recent years

- 200+ housing advocates at LSNYC alone
- Advocates challenging racism in court systems

Right to counsel:
income eligible tenants have access to full representation for eviction cases (not HPs)

Still swimming against the tide, with far more clients than we can serve.

“Housing is absolutely essential to human flourishing. Without stable shelter, it all falls apart.”

-Matthew Desmond, Evicted

PART 2: THE CASES

1. HP basics
2. Preparation
3. Commencing the case
4. Inspection
5. Order to correct or stip
6. Enforcement

PART 2.1:

HP BASICS

WHAT IS AN HP ACTION?

1. Special proceeding brought by tenant(s) to enforce the housing maintenance code.
2. Compels landlord to make repairs and provide essential services, like heat and hot water, and/or to cease harassing tenants.
3. Three forms of relief available under an HP action:
 - Order to correct
 - Order to cease harassment
 - Order to pay civil penalties (usually after contempt motion)

PARTIES IN A HP ACTION

1. The tenant is the Petitioner.
2. The tenant's landlords are the first set of Respondents. We name the parties registered on HPD's page for the building (link in script and roadmap) and use those addresses for service.
3. HPD is the Department of Housing Preservation and Development which enforces the Housing Maintenance Code. HPD is also a Respondent in these cases.

Property Owner Registration Information

Last Registration Date - 08/08/23 Registration Expiration Date - 09/01/24

OWNER	ORGANIZATION	NAME	ADDRESS
Head Officer	-	VICTOR FEIN	141-30 84th Road, SUITE C, Jamaica, 11435
Corporation	446 KINGSTON OWNERS CORP	-	141-30 84th Road, SUITE C, Jamaica, 11435
Managing Agent	MEDALLION REAL ESTATE	VICTOR FEIN	141-30 84th Road, SUITE C, Jamaica, 11435

[Click here](#) to find out more information about property registration and how to register if you are a property owner or agent

LIFE OF AN HP

1. Commence an HP action
2. HPD inspections
3. Court appearances
 - Settlement
 - Trial
4. Order to Correct
5. Enforcement by moving to restore

PART 2.2:

PREPARATION

PREPARATION

1. Identify conditions
2. Prepare tenants while managing expectations
3. Gather evidence

ID CONDITIONS

1. Accurate list of all problems
2. Categorize by room
3. As specific as possible

PREPARE TENANTS

1. Explain process and time frame.
2. Explain that City agency called the Department of Housing Preservation and Development (“HPD”) is involved.
3. Tenant availability for HPD inspections and repairs.
4. Cannot seek reimbursement for damages incurred prior to landlord’s default.

GATHER EVIDENCE

- Photograph conditions
 - Best to visit apartment, though not required
- Tenant's Heat log
 - Room thermometers available at local hardware store
- Agency reports
 - Explore violations placed by DEP, DOB, DOHMH, etc.
 - Only certified hard copies will be admissible, except HPD violations
- Real evidence. *E.g.*, chunk of ceiling that fell on tenant

PART 2.3:

COMMENCING THE CASE

COMMENCING THE HP (1)

1. Order to Show Cause

- HP Part Judge signs OSC.
- Demand for Relief.
- Service provision.

2. Verified Petition

- Identifying Petitioner.
- Identifying Respondents, including owner, managing agent, and HPD.
- Describes conditions/harassment.
- Restates demand for relief.

COMMENCING THE HP (2)

3. Relief Sought

- Order to correct all violations
- Civil penalties
 - **“C” Violation** –
 - \$50-\$750 one-time plus \$50-\$150/day (1-5 units)
 - \$150-\$1,200 one-time + \$150-\$1,200/day (5+ units)
 - \$350-\$1,250/day for heat/hot water violation
 - \$500-\$1,500/day for heat/hot water if prior violation w/i 2 years
 - \$250/day for lead paint
 - **“B” Violation** - \$75-\$500 one-time + \$25-\$125/day
 - **“A” Violation** - \$50-\$150 one-time + \$25/day

446 Kingston Avenue, Brooklyn, 11225

Generated on 09/26/2023



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Open Violations (375)

S.No.	VIOLATION ID	CLASS	ORDER #	APT #	STORY #
1	16199566	C	583	A18	1
	REPORTED DATE	NOV ISSUED DATE	NOV ID	NOV TYPE	CORRECTION BY DATE
	09/01/2023	09/05/2023	8625170	ORIGINAL	09/11/2023
	CERTIFICATION BY DATE	VIOLATION STATUS	VIOLATION STATUS DATE	ACTUAL CERT. DATE	
	09/18/2023	CIV14 MAILED	09/19/2023	09/18/2023	

VIOLATION DESCRIPTION

§ 27-2026, 2027 hmc: properly repair the source and abate the evidence of a water leak at the ceiling in the bathroom located at apt a18, 1st story, 3rd apartment from west at north

S.No.	VIOLATION ID	CLASS	ORDER #	APT #	STORY #
2	16199564	B	501	A18	1
	REPORTED DATE	NOV ISSUED DATE	NOV ID	NOV TYPE	CORRECTION BY DATE
	09/01/2023	09/05/2023	8625168	ORIGINAL	10/10/2023
	CERTIFICATION BY DATE	VIOLATION STATUS	VIOLATION STATUS DATE	ACTUAL CERT. DATE	
	10/24/2023	NOV SENT	09/05/2023	-	

VIOLATION DESCRIPTION

§ 27-2005 hmc: properly repair or replace the broken or defective (inoperative) lower sash at the 2nd window from west at north in the 1st room from east located at apt a18, 1st story, 3rd apartment from west at north

COMMENCING THE HP (3)

1. Exhibits

- HPD Overview (that includes HPD property registration **or** deed from ACRIS)
- HPD printouts of violations
- Schedule of alleged conditions
- Consider attaching photos, heat logs, or affidavits

2. Filing Fee or Poor Person's Certification

- CPLR 1101(A) motion for “poor person’s relief”
- Requires income affidavit for pro se clients but we can just do an attorney affirmation
- All of our clients are eligible for the fee waiver

3. Service

- Include service provision in OSC (manner of service)

KEY PLEADINGS

1. Order to Show Cause

- HP Part Judge signs OSC
- Include manner of service in OSC

2. Verified Petition

- Identifying Petitioner
- Identifying Respondents, including owner, managing agent, and HPD
- Demanding relief
- Exhibits – HPD violations, schedule of conditions

3. Order of Inspection

4. Filing fee or Poor Persons Certification + Affidavit

5. Proof of Service

Review the Pleadings

1. Review with client

- Email your drafts to client (or go through them over the phone)
- Confirm accuracy of information and that everything they want is included

2. Review by LSNYC mentor

- Email the drafts to the LSNYC mentor you were connected to on the launch email

Signatures & notarization

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Mail final documents to your client with a postage-paid, self-addressed envelope

- Petition needs to be signed and notarized
- Inspection request form needs to be signed
- If client has a printer, they can just print the signature pages & you can skip the mailing

Help them find a notary nearby

- Post offices, banks, some real estate/ law offices
- Google and call nearby notaries if needed
- Failing that, arrange for transportation to the firm or for a notary to visit them if they are homebound
- If they have are able to take a digital picture, they can send signature pages to you via phone or email
- If not, they can mail hard copies back to you

Preparing to file

Once you have the signed/notarized documents, you can prepare the following PDFs for filing

1. Order to Show Cause
2. Verified Petition and exhibits
3. Fee Waiver Affidavit
4. Inspection Request Form

New York State Unified Court System

NYSCEF - New York State Courts Electronic Filing (Live System)

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NYSCEF

Home
Unrepresented Litigants

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Civil Court

Court of Claims

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Supreme Court

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NYSCEF Updates

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E-filing in New York state is authorized for certain case types in certain counties and courts. View all [Authorized Courts and Case Types](#).

The e-Filing Resource Center offers [Free Hands-On Training](#) for this website.

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New York State Unified Court System

NYSCEF - Civil Court (Live System)



Court **Case Type** Parties Documents Payment Review & File

e-File: Select Case Type

Select a case type. For housing cases, you will be required to enter the property address.



NOTE: If you need to submit an Order to Show Cause for signing to commence your case, please select from one of the "Landlord and Tenant (LT) - Pre-OSC Procedure" case types.

Case Type



- Landlord and Tenant - Alleged Illegal Lockout
- Landlord and Tenant - Article 7A
- Landlord and Tenant - Holdover
- Landlord and Tenant - Holdover (Illegal Activity)
- Landlord and Tenant - HP Action (Breach of Warrant of Habitability)
- Landlord and Tenant - HP Action (to obtain repairs)
- Landlord and Tenant - HP Action (with Harassment)
- Landlord and Tenant - Nonpayment
- Landlord and Tenant - Pre-OSC Procedure (HP Action)**
- Landlord and Tenant - Pre-OSC Procedure (Recovery of Possession or Property)

e-File: Add Parties

Court: **Kings County Civil Court - Landlord and Tenant Division - Housing Part**
Case Type: **Landlord and Tenant - Pre-OSC Procedure (HP Action)**

Parties Added

Name	Role	Action
Landlord Corp 200 23rd Street, Brooklyn, NY 11232	Respondent	<input type="button" value="Edit"/> <input type="button" value="Remove"/>

Enter a petitioner and a respondent. An address is required for each respondent.

Petitioner

First Name Middle Last Name Suffix Business/Organization Name
Jim McCormick -or-

Respondent

First Name Middle Last Name Suffix Business/Organization Name
 -or-

Undertenant
 This respondent is the undertenant

Address


Check this box to use the property address -OR- enter a different address below.

Street Address City State Zip

← → ↻ 🏠 🔒 📄 https://iapps.courts.state.ny.us/nyscef/CivilAddMainDocument ☆ 🛡️ ⬇️ 📄 📄 📄 📄 📄 📄 📄 📄 📄 📄

e-File: Add Commencing Document

Caption: **Jim McCormick v. Landlord Corp et al**
Court: **Kings County Civil Court - Landlord and Tenant Division - Housing Part**
Case Type: **Landlord and Tenant - Pre-OSC Procedure (HP Action)**

PDF  **IMPORTANT:** NYSCEF will not accept certain PDF documents. [Check your PDF documents now.](#)
For more information, view [NYSCEF Document Requirements.](#)

Add a commencing document to your filing. * Required fields.

Document Type *
PETITION ▼

Additional Document Information

Attach PDF (Max size 100 MB) *
 Louidor inspection 1.pdf

Does this document contain Confidential Personal Information (CPI) as defined in 22 NYCRR §208.4(b)? *

No ... this document DOES NOT contain a Social Security No. or other [CPI](#) as defined in [22 NYCRR §208.4\(b\)](#).

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- Un-Redacted as required or permitted by a specific rule or law:



Based on your PETITION document, the following document is required.

Document Type

ORDER TO SHOW CAUSE (PROPOSED)-

Additional Document Information

Exhibit Number/Letter

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No file selected.

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Document 3

Add any accompanying documents for this case. * Required fields.

Document Type *

APPLICATION TO WAIVE FILING FEE

Additional Document Information

Exhibit Number/Letter (if applicable)

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Document 3

Add any accompanying documents for this case. * Required fields.

Document Type *

INSPECTION REQUEST

Additional Document Information

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LT-3071-21/KI - Kings County Civil Court - Landlord And Tenant Division



Short Caption: **Ta [REDACTED] v. Gregory Russ et al**
 Case Type: **Landlord and Tenant - HP Action (to obtain repairs)**
 eFiling Status: **Partial Participation Recorded**

E-mail Participating Parties

Document List | Case Detail | Comments

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Document Type: Filed By:

Motion Info: Filed Date: thru

Document Number: [Display Document List with Motion Folders](#)

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1	VERIFIED PETITION IN SUPPORT OF AN OSC OSC, FEE WAIVER	[REDACTED] (Pro Hac / Pro Se) Filed: 08/03/2021 Received: 08/03/2021	Processed Confirmation Notice
2	ORDER TO SHOW CAUSE - CONFORMED COPY OSC, VERIFIED PETITION, FEE WAIVER	[REDACTED] (Pro Hac / Pro Se) Filed: 08/03/2021 Received: 08/03/2021	Processed Confirmation Notice
3	EXHIBIT(S) - 1 Inspection Request Form	[REDACTED] (Pro Hac / Pro Se) Filed: 08/03/2021 Received: 08/03/2021	Processed Confirmation Notice
4	ORDER TO SHOW CAUSE-SIGNED (LC)	Court User	Processed

Motion Info: Filed Date: thru

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1	VERIFIED PETITION IN SUPPORT OF AN OSC OSC, FEE WAIVER	_____ (Pro Hac / Pro Se) Filed: 08/03/2021 Received: 08/03/2021	Processed Confirmation Notice
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3	EXHIBIT(S) - 1 Inspection Request Form	_____ (Pro Hac / Pro Se) Filed: 08/03/2021 Received: 08/03/2021	Processed Confirmation Notice
4	ORDER TO SHOW CAUSE-SIGNED (LC)	Court User Filed: 08/04/2021 Received: 08/04/2021	Processed Confirmation Notice
5	INSPECTION REQUEST	Court User Filed: 08/04/2021 Received: 08/04/2021	Processed Confirmation Notice
6	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION Opposition to OSC	Jones, S. Filed: 08/17/2021 Received: 08/17/2021	Processed Confirmation Notice
7	NOTICE OF APPEARANCE	Mccormick, J. Filed: 08/18/2021 Received: 08/18/2021	Processed Confirmation Notice
8	INSPECTION REQUEST INSPECTION REPORT	Court User Filed: 08/19/2021 Received: 08/19/2021	Processed Confirmation Notice
9	DECISION AND ORDER by Judge Raley dated 8/20/21, access dates given/order to correct; , case is marked off calendar	Court User Filed: 08/20/2021 Received: 08/20/2021	Processed Confirmation Notice

Service

1. The so-ordered OSC uploaded to NYSCEF will provide a service deadline – this is the deadline for when the pleadings need to be put in the mail to respondents (not a deadline for them to receive the pleadings)
2. The Landlords-Respondents need to be served first class mail, certified, return receipt requested. **Check the so-ordered OSC's service provision in case the Court has made changes.**
3. The person who performed service must complete an affidavit/affirmation of service that annexes the certified mail receipts (proof of service)
4. This should be uploaded to NYSCEF

LT-367-21/KI - Kings County Civil Court - Landlord And Tenant Division [Help](#)

Short Caption: ~~XXXXXXXXXX~~ v. Gregory Russ et al
 Case Type: **Landlord and Tenant - HP Action (to obtain repairs)**
 eFiling Status: **Partial Participation Recorded**

E-mail Participating Parties

Document List Case Detail Comments

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4	ORDER TO SHOW CAUSE-SIGNED (LC)	Court User	Processed

 **New York State Unified Court System** Skip To: C

NYSCEF - Civil Court (Live System)

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e-File: Find Case

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Marking a document redacted or un-redacted is available on the document upload pages. View the [Redaction Advisory](#) for more information.

Index Number (enter as LT-NNNNNN-YY/NY) *

LT-304-21/KI

Court *

Kings County Civil Court - Landlord and Tenant Division ▾

Are you filing a Motion document?

(Notice of Motion, Notice of Cross-Motion, Proposed OSC/Ex Parte App., or a document related to)

Yes No

Cancel

Next

New York State Unified Court System

- AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION
- AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO ORDER TO SHOW CAUSE
- AFFIDAVIT OR AFFIRMATION IN REPLY
- AFFIDAVIT/AFFIRMATION OF NON-COMPLIANCE
- AFFIDAVIT/AFFIRMATION OF SERVICE OF PETITION/NOTICE OF PETITION
- AFFIRMATION OF ENGAGEMENT
- AFFIRMATION/AFFIDAVIT OF SERVICE**
- ANSWER (AMENDED)
- ANSWER (ATTORNEY)
- ANSWER (SELF-REPRESENTED)

Additional Document Information

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PART 2.4: **INSPECTION**

JUDICIAL ORDER OF INSPECTION

1. Request Judicial Order of Inspection
 - Form from clerk
 - Fill out
 - Clerk will call for date
 - New violations part of case
2. Client should be given copy of Inspection request form
3. Someone must be home to let inspector in
4. Advise client to be courteous but thorough
5. Even if inspector finds no violation, you can move forward

PART 2.5:
**SECURING AN ORDER TO
CORRECT, CONSENT
ORDER OR STIPULATION**

Court appearance

1. Check HPD website before appearing in court.
 - Discuss with potential settlement with client
2. Check NYSCEF for inspection report
 - Compare to conditions on website and in petition
3. Settlement
 - Common, even when no formal “violation”
 - HPD consent order form
 - Include time frame for repair
 - Lead paint and mold protocols (NYC Admin 27-2056)
 - Enlist HPD when possible

Court appearance

1. Check in on your case
2. Talk to Opposing Party Attorney (OPA)
3. Conference with HPD counsel
4. Make an application before the judge if necessary, otherwise submit Stipulation/Consent Order to be “so-ordered.”

Different orders

1. Order to correct:

- Written by the judge over Respondent's objection
- Requires Respondent to correct the open violations in the inspection report/HPD violations report within the statutory deadlines (48 hours for most Cs, 30 days for Bs, 90 days for As)
- Upon default, “Petitioner can restore for civil penalties and contempt”
- Very rare to get this at a first appearance
- Must serve via a Notice of Entry and file both to NYSCEF

2. Consent order:

- Printed by the HPD attorney, agreed to by both parties
- Respondent agrees to correct the open violations in inspection report/HPD violations, both parties add access dates and can tweak the deadlines or leave as the statutory deadlines
- Upon default, “Petitioner can restore for civil penalties and contempt”

Different orders

3. Stipulation of Settlement:

- Drafted by both Petitioner and Respondent's counsels, agreed to by both parties
- Respondent agrees to correct the open violations in inspection report/HPD violations, includes access dates, deadline for repairs
- Can include many other provision (timing of repairs, social distancing protocol, special care taken by workers etc).
- Can include the stronger default provision (“Petitioner can restore for civil penalties and contempt”) or the weaker default provision (“Parties can restore for appropriate relief”)
- Advocate should ask for it to be “so-ordered” by the judge so that it is enforceable

TRIAL

1. Not common for repairs (more so for harassment)
2. Scope of hearing depends on defenses in landlord's answer, including:
 - Lack of personal jurisdiction
 - No standing because not tenants
 - Not an owner
 - No violations
 - **Economic Infeasibility** (cost of repairs exceeds value of property)
 - **Conditions corrected** (mere testimony not enough—need doc evidence)
3. Defenses do NOT include:
 - Lack of prior notice
 - Vacate order

TENANT'S BURDEN OF PROOF

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1. Petitioner is a tenant or “a person having a lawful right in the premises.”
 - Leases, rent receipts, testimony, photos, video
2. Respondents are owners
 - Certified copy of HPD property registration form or deed
3. Service
 - Certified copies of HPD’s affidavits of service; proof of mailing notice(s) of violation
4. Conditions constitute violations
 - Computer print out of HPD violations record or visual display of HPD records on court computer; reports of court-ordered inspections; photos; video; testimony
 - Existence and Absence of violations on report—prima facie, but rebuttable proof violations do/don’t exist.

ORDER TO CORRECT

1. If you succeed, the court will issue an order to correct
2. Similar to HPD consent order form
3. Sets forth deadline for repairs and potential penalties

PART 2.6:

ENFORCEMENT

ENFORCEMENT

1. Service

- Serve on each respondent and respondent's counsel. Even though case law says it's not needed, CPLR § 5104 requires service of a certified order to pursue contempt.

2. Re-inspection by HPD

3. Motion for Contempt or Civil Penalties

CONTEMPT/PENALTIES (1)

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1. When to bring—if LL fails to comply. Do this as soon as possible

1. Contents
 - Copy of order
 - HPD printout
 - Tenant affidavits
 - New photos
 - New correspondence

2. Relief sought

CONTEMPT/PENALTIES (2)



Service

Type of Relief	Type of Service & Timing
Civil Penalties (fines payable to HPD)	Serve respondent's attorney 8 days before hearing (add 5 days for mail service). If filing with motion for contempt, follow service requirements below.
Civil Contempt (fines payable to aggrieved party)	Service on respondent and respondent's attorney, 10-30 days before hearing. (Add five days for mail service).
Criminal Contempt (fines payable to City and imprisonment for willful disobedience)	Personal service on each respondent separately. Service on attorney should be made also.
HPD should be served by mail with copies of motion. Affidavit by server and certified mail receipts should be provided to court on return date.	

CONTEMPT/PENALTIES (3)

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1. Settlement
 - Virtually any terms to which the parties agree
 - Could include rent abatement and correction of NVR conditions
2. Hearing
 - Proof of harm
 - Contempt is discretionary
3. Relief
 - Contempt findings are rare
 - Civil penalties are NOT discretionary, but HPD may settle
4. Enforcement of money judgments by HPD

PART 3:

HARASSMENT CASES

HARASSMENT

Harassment, as defined by NYC Admin. Code § 27-2004(a)(48), is any act or omission by an owner that causes or intends to cause tenant to be constructively evicted or give up rights, and includes 1 of the following:

- Using force or threats of force against lawful occupant;
- Repeated interruptions of essential services that impair habitability;
- Repeated failure to timely correct hazardous or immediately hazardous violations (i.e., B or C violations)
- Repeatedly bringing frivolous litigation;
- Removing possessions;
- Removing doors or locks;
- Other enumerated infractions.

HARASSMENT (2)

The Court will NOT hear harassment claims (and may cross out claims in an OSC or refuse to sign the OSC) related to:

- Actions of another tenant or neighbor. The Court will only hear harassment claims related to behavior of the landlord or its agents (e.g. superintendent, property manager).
- Rent demands if a tenant legitimately owes rent, or threats to commence an eviction proceeding if a landlord has a legitimate basis (e.g. nonpayment of rent or non-renewal of lease in a unregulated apartment).
- Any harassment claim when a tenant lives in a building of 2 or fewer units, a “private dwelling” (HMC 27-2004(6) and HMC 27-2004(48)).

HARASSMENT (3)

Local Law 7 (2008) NYC Admin. Code 27-2004:
Prohibits LL's from harassing tenants and allows
tenants to bring harassment claims in an HP
proceeding.

- Same parties and procedures as regular HP.
- No inspection unless lack of services/repairs is the harassment.
 - If it is, at least one of the conditions must have been a previously recorded violation.

HARASSMENT: CIVIL PENALTIES

1. NYC Admin. Code 27-2115
2. Class “C” (immediately hazardous) condition
3. Civil penalties between \$2,000-\$10,000 for each violation
 - If there was a prior harassment finding within past 5 years, civil penalties between \$4,000-\$10,000 for each violation
4. HPD must post on its website the following information:
 - Address of the building
 - Name of the property owner
 - Civil penalty imposed
 - Date of civil penalty
 - Whether a restraining order was issued to prevent the landlord from engaging in harassment under Admin. Code 27-2005

PART 4:
PRACTICE NOTES &
MISCELLANEOUS

REPRESENTING MULTIPLE UNITS

1. Same rules apply, across the board.
2. More work because more units to coordinate.
3. Must screen for conflicts and eligibility of new clients.
4. Can resolve building-wide issues.
5. Depending on number of units at issue, may decide not to focus on every issue in every apartment, but rather on systemic problems.

HP CASES INVOLVING NYCHA BUILDINGS

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- **HPD does not issue violations.**
- **HPD inspection report will not appear online, but it will be available in the court file.**
- **HPD attorneys do not appear on HP cases involving NYCHA buildings.**
 - **HPD is still a respondent in these cases.**
- **All boroughs, except Staten Island, have a NYCHA Part.**

MOLD IN NYCHA BUILDINGS

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- **Special procedures apply to NYCHA cases involving mold. *Baez v. NYCHA*, 13-cv-8916 (S.D.N.Y.)**
- **Please see relevant exhibits in the manual if you have a case that fits this bill.**
- **Please also confer with your mentor at LSNYC on this topic.**

A NOTE ON EMAIL

- Phone should be primary method of contact
 - Most of our clients aren't frequent emailers.
 - Phone allows for direct communication.
- Be careful about CCing
 - Separate chains for emails with clients, emails with your team, emails with opposing party attorney (OPA).
 - No need to CC me on each email, just CC the legal server email for your case.
- Emails with opposing counsel should be short and professional
 - No representations about settlement until talking to your client/mentor.

WORKING EFFECTIVELY WITH OUR CLIENTS

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1. Legal Services NYC serves—and you will be assisting—vulnerable people with few options.
2. Extremely low-income. Many other crises may be going on.
3. Some clients may miss appointments, either because they can't afford the cost of traveling, or because of work, public benefits appointments, or child care issues.
4. For many clients, LSNYC, and you, are the first people to ever assist them in legal matters, and champion their cause.
5. Consider taking steps to make meetings easier—pay for MetroCard, meet downstairs, etc.
6. Phones may run out of minutes.
7. Please be kind, be patient, and reach out to LSNYC if you have trouble with any client. We are happy to help.

WORKING TOGETHER

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LSNYC Mentor

- help brainstorm ideas for pleadings/ litigation strategy
- review pleadings before filing
- provide additional resources and connect with support

Pro Bono Attorney

- meet client
- draft pleadings and file via NYCSEF
- handle all client communication
- negotiate with landlord's counsel
- restore case as necessary

THANK YOU!

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