



How to Get Repairs & Improve Building Conditions

LINDEN MILLER & MIKE LEONARD

THE COMMUNITY DEVELOPMENT PROJECT

Warranty of Habitability

- ▶ “premises are fit for human habitation and for the uses reasonably intended by the parties...[conditions wont be] dangerous , hazardous or detrimental to [tenants’] life, health or safety”

Your Right to Seek Repairs

- ▶ You do not have to be named on the lease, just a lawful occupant
- ▶ Right to repairs is not dependent on payment of rent

Why seek repairs (besides the obvious)?

- ▶ Asserting your rights strengthens them
- ▶ Tenants play crucial role in maintaining decent housing
- ▶ The health of your family
- ▶ Prevent dangers to others

Key Vocabulary

- ▶ **Violations:** “violations” of the housing code or Building Code.
- ▶ **HPD** (Department of Housing Preservation Development): city agency charged with ensuring the health and safety of tenants, placing violations of housing code
- ▶ **DHCR** (Department of Housing and Community Renewal): Administer rent stabilization laws

Filing Complaints

- ▶ Call 311
- ▶ [Justfix.nyc](https://www.justfix.nyc/)

Option 1: HP Actions

- ▶ Lawsuit brought in housing court by individual tenant or group of tenants to get repairs

Pros/Cons of HP Actions

Pros:

- ▶ You are on the offense
- ▶ Can bring as a group
- ▶ Faster than other options
- ▶ Available to all tenants in NYC
- ▶ If the repair deemed a housing code violation, judge will order the landlord to fix it.

Cons:

- ▶ Going to court costs time and energy.
- ▶ Risk of retaliation if not regulated tenant
- ▶ No monetary compensation

Initiating the HP Action

1. Go to housing court in your borough
2. Tell clerk you want to file an HP, fill out the papers they give you
3. Purchase index number (\$45 cash) or ask for “poor person’s waiver”
4. Fill out inspection request form, schedule inspection with HPD
5. After papers are signed by a judge, clerk will give you copies
6. Serve the papers on 1) your landlord, and 2) HPD
 1. Look up building’s Multiple Dwelling Registration for Landlord info

Preparing for Court

- ▶ Gather evidence of conditions (take photos, print copies of communications with landlord)
- ▶ Allow access during HPD inspection

Court date

- ▶ Court date written on Order to Show Cause
- ▶ What to bring:
 - ▶ your copy of the papers
 - ▶ your affidavits of service
 - ▶ evidence of conditions (photos, written correspondence)
 - ▶ Print out of open violations from HPD's website
- ▶ Arrive early (courtrooms open at 9:30am)
- ▶ Most cases settle with agreement to repair – get it “so ordered” by judge
- ▶ You have a right to a hearing

After court

- ▶ Provide access on agreed upon dates
- ▶ Keep records if they don't show up
- ▶ If repairs not completed in time:
 - ▶ go back to court
 - ▶ Ask clerk to restore case for civil penalties and contempt

Option 2: DHCR Complaint of Decrease in Services

- ▶ Rent Stabilized tenants entitled to rent reduction for decrease in services
- ▶ Building wide or individual apartment
- ▶ Rent reduced to last collectible amount prior to latest increase
- ▶ Rent frozen until landlord proves restoration of service

DHCR Proceedings

- ▶ Call 311
- ▶ Provide access for inspection
- ▶ Write letter to landlord notifying them of conditions
- ▶ Fill out “Application For a Rent Reduction Based Upon Decreased Service(s) – Individual Apartment”
 - ▶ nyshcr.org/forms
- ▶ Mail in form
- ▶ Landlord gets chance to respond

Pros/Cons:

Pros:

- ▶ Avoid the costs of court.
- ▶ Everything done by paperwork through the mail.
- ▶ You may be entitled to a rent reduction and freeze.

Cons:

- ▶ Very slow process
- ▶ Not available for market-rate or NYCHA tenants.

Option 3: Withholding Rent

- ▶ Tenant withholds rent based on idea they are not receiving the full value of the apartment.
- ▶ Always stronger in a group! Then it becomes a rent strike

How it works

- ▶ Notify landlord of conditions in writing
- ▶ If not fixed, send landlord another letter (certified, return receipt) stating intent to withhold rent
- ▶ Save ALL your rent
- ▶ Landlord starts eviction case for non-payment
- ▶ In court bring all the saved rent, negotiate abatement

Pros/Cons of Withholding Rent

Pros:

- ▶ All tenants in NYC can use this method to get repairs
- ▶ Unlike an HP proceeding, you can fight to get some rent credited to you.

Cons:

- ▶ Eviction case against you
- ▶ Tenant Blacklist can make it hard to secure future apartment.
- ▶ Landlord chooses timeframe
- ▶ Risk of eviction if you fail to save all your rent
- ▶ No law guarantees your right to deduct repair costs from your rent

Harassment

- ▶ Definition: any act by a landlord that causes or is intended to cause the tenant to vacate or surrender any rights in relation to occupancy:
 - ▶ Threats or illegal eviction
 - ▶ Repeated or prolonged interruptions of services (water, heat etc.)
 - ▶ Repeated frivolous court proceedings
 - ▶ Deliberately causing construction-related problems for tenants: working after hours, blocking entrances, work without a permit, or failing to remove dust or debris

Harassment Claims

- ▶ Can be brought like HP Action
- ▶ Relief: order to stop harassment, damages
- ▶ DHCR complaint for harassment
 - ▶ “Tenant’s Statement of Harassment” found on website
- ▶ DHCR will schedule conference with landlord and tenant
- ▶ Rent may be frozen, fine for landlord

Right to Organize

- ▶ Constitutional right
- ▶ Landlords may not interfere with Tenants' rights to form tenant association. RPL 230.
- ▶ Landlords may not harass, punish or retaliate against tenants for exercising their right to organize.
- ▶ Tenants have right to use common areas of building to meet in during reasonable hours and without obstructing access and in a peaceful manner.

Group Legal Actions

- ▶ Group HP Actions
- ▶ DHCR Rent Reductions
- ▶ Rent Strikes

Other forms of action

- ▶ Protest
- ▶ March
- ▶ Press conference
- ▶ Letter writing campaign
- ▶ Engage electeds
- ▶ Citywide/nationwide housing rights campaigns

Q&A

