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These documents are all you need to start your case.

Look them over to make sure everything is correct. If you see mistakes, you can go back to the questions, correct your answers, and print a new set of documents.

The instructions explain how to "file" the documents in court (this starts your case) and how to "serve" them on the landlord. When you file them at the court house, the court clerk will tell you when the first court date in your case will be, probably a few weeks after you file your case.

(If you asked us to prepare documents to have the court filing fee waived, you will find those documents and instructions at the end of this packet.)

If the court does not waive the filing fee, you will have to pay this fee (\$45) in cash or by money order when you go to court to start your case.

Remember, before your court date you need to put together your evidence to prove your case. Look at the other materials on <http://www.lawhelpny.org/nyc-housing-repairs> for tips on how to do that.

If you win your case but the landlord does not make the repairs or does not stop the harassment, you can go back to court to enforce the court's decision. You do not have to start a new case for that. If this happens, the court clerk can tell you the next steps.

Instructions for Filing Your Documents in Court

These are the documents you will take to court to start your case:

· ORDER TO SHOW CAUSE DIRECTING THE CORRECTION OF VIOLATIONS

· VERIFIED PETITION IN SUPPORT OF AN ORDER TO SHOW CAUSE

1. DO NOT SIGN ANY OF THE DOCUMENTS NOW. The clerk at the courthouse will tell you when to sign them.
2. Take all the documents listed above to the clerk at the courthouse: 1118 Grand Concourse (at 166th Street), Bronx, Lobby, Window 7
3. The court's clerk will:
 - give you a case number ('Index Number') for the upper right corner of the documents;
 - fill in the blanks for Housing Part (court room), hearing date;
 - fill in the deadline by which you must 'serve' the court papers on your landlord; and
 - fill in the inspection time and date.
4. The court's clerk will instruct you to sign the Verified Petition in front of a person there who is qualified to verify your signature. (You will need to have photo ID with you!) Or, if your documents are complete, you could go to a notary public and sign the document in front of the notary before you take it to court.
5. The Judge will sign the Order to Show Cause. You may have to wait a bit at the courthouse for this to happen.
6. After all the papers are filled out and signed, the court clerk will either make copies for you or give you an opportunity to make copies to 'serve.' (You may have to pay for these copies.)
7. Make a copy of all the documents for yourself too. (You can do this after you leave the courthouse.)

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Civil Court of the City of New York

COUNTY OF Bronx

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Housing Part

Index No. HP _____

ORDER TO SHOW CAUSE DIRECTING THE CORRECTION OF VIOLATIONS (H.P. Action)

Joseph S. [REDACTED]
Harold K. [REDACTED]
72 [REDACTED]
New York, NY _____

Tenant(s)/Petitioner(s),

against

*Landlord(s)/Respondent(s) Name and Address
and*

*The Department of Housing Preservation and Development,
(DHPD)*

Premises:

12 [REDACTED]

(Street Address & Apt. No.)

(Borough & Zip Code)

Upon the annexed Verified Petition of the above named Petitioner(s), sworn to on _____:

Let the Respondent(s) or Respondent's attorney(s) show cause at the:

Civil Court of the City of New York

Housing Part:

Located at: Bronx County

On: _____ at 9:30 AM,

or as soon thereafter as counsel may be heard, why an Order should not be made:

DIRECTING the Respondent(s) to correct the violation(s) alleged in the annexed Verified Petition, and upon failure to do so within the time set for certifying the correction of such violation(s) pursuant to Section 27-2115(c) of the Administrative Code of the City of New York, for an order directing the DHPD to enter a judgment against the Respondent(s) for the penalties stated in Section 27-2115(a) of the Administrative Code and/or granting such other and further relief as may be just.

Service of a copy of this Order, together with the annexed Verified Petition, upon the Respondent(s) (by Certified Mail, Return Receipt Requested/personally) and also upon the Department of Housing Preservation and Development by Certified Mail, Return Receipt Requested, on or before _____, as permitted by Section 27.2115(j) of the Administrative Code, shall be deemed good and sufficient. Proof of such service may be filed in the Clerk's Office of Housing Part before the return date of this Order to Show Cause, or on the date of trial with the Clerk in the Part indicated above.

If the Respondent is registered with the Department of Housing Preservation and Development, personal service or mailing may be made to the Respondent at the address indicated in such registration.

Mailing to the DHPD shall be made to the:
Department of Housing Preservation and Development
Housing Litigation Bureau
100 Gold Street
New York, NY 10038

Date

Judge, Housing/Civil Court

Civil Court of the City of New York

County of Bronx

Index No. HP _____

Housing Part

**VERIFIED PETITION IN SUPPORT OF AN
ORDER TO SHOW CAUSE**

Directing the Correction of Violations
(NYCCCA Section 110(a) and Administrative
Code of the City of New York Section 27-2115)

Joseph S [redacted] *Tenant(s)/Petitioner(s),*

-against-

Harold K [redacted] *Landlord(s)/ Respondent(s)*

12 [redacted]

(Address of Tenant/Petitioner)

New York, NY Apt. # 27

and

The Dept. of Housing Preservation and Development
(DHPD)

PETITION

1. I, Joseph S [redacted], the Petitioner, am the tenant/person of the above apartment/unit.
2. The Respondent(s) is/are the owner(s) or agent(s) of the owner of the subject premises:
3. The Respondent(s) has/have violated the Administrative Code of the city of New York, in that the following condition(s) presently existing in my apartment/unit has/have not been corrected: (list conditions)

1) <u>Bathroom, rotten floor from leaking toilet</u>	4) <u>See 2 in Addendum</u>	7) _____
2) <u>See 1 in Addendum</u>	5) <u>Kitchen, mold on walls</u>	8) _____
3) <u>Bedroom 1, mold on walls</u>	6) _____	9) _____
4. Administrative Code of the City of New York, Section 27-2115 **Allegations.**

Tenant's Initials

JS I have filed a complaint with the Division of Code Enforcement. The Division issued a Notice of Violation. More than 30 days have elapsed. Said violation has not been cured nor has a certification of Correction been filed with the Division of Code Enforcement.

_____ I have filed a complaint with the Division of Code Enforcement. More than 30 days have elapsed. The Division has failed to issue a Notice of Violation.

JS In accordance with the Directive of the Department of Housing Preservation and Development of February 11, 1997, and because the above listed conditions constitute an emergency or a danger to the life, health and safety of the tenant(s), I request that prior notification to the Department of Housing Preservation and Development be waived.

5. I have requested of the clerk of Housing Court that an inspection of the premises by the Division of Code Enforcement be ordered. I further request that:
 - a) if no inspection report is available on the date of the hearing, testimony be taken and a violation be placed; and
 - b) an order be made directing the owner to correct the violation, and upon the failure to do so within the time set for certifying the correction of such violation pursuant to 27-2115(c) of the Administrative code, for an order directing the entry of a judgment against the Respondent(s) for penalties as stated in Section 27-2115(a) of the Administrative Code.
 - c) permission be granted to serve the papers myself
6. I have ~~have not~~ made prior application for the relief sought herein.

_____ Date

_____ Signature of Tenant(s)/Petitioner(s)

VERIFICATION

State of New York, County of _____, ss.:

_____ being duly sworn, deposes and says:

I am the petitioner named above, I have read the petition and know the truth of the statements except as to those matters alleged to be on information and belief, and as to those matters I believe them to be true.

Sworn to before me this _____ day of _____, 20____

_____ Signature of Court Employee and Title

_____ Signature of Tenant(s)/Petitioner(s)

Instructions for Your Request to Not Pay the \$45 Court Filing Fee

You should have these documents:

· AFFIDAVIT IN SUPPORT OF AN APPLICATION TO PROCEED AS A POOR PERSON AND TO WAIVE COURT FEES

· EX PARTE ORDER GRANTING LEAVE TO PROCEED AS A POOR PERSON AND TO WAIVE COURT FEES

1. DO NOT SIGN THE AFFIDAVIT NOW. The court clerk will have you sign it in front of a person that is qualified to verify your signature. (You will need to have photo ID with you!) Or you can go to a notary public and sign the document in front of the notary, before you take the documents to court.
2. You will also need to bring to court proof of your income, such as a W-2 form or paystub for employment income, or an award letter for public assistance.
3. Take these two documents and your proof of income to the court along with your other court papers when you file your case. You will have to get this Order signed by the judge before you can file your case. The clerk will tell you the steps.
4. After the judge signs the Ex Parte Order, you can file the rest of your court papers. If the judge denies your petition, you will have to pay the \$45 fee in cash or by money order or certified check, not a personal check.
5. You do not need to serve a copy of these two papers--your Affidavit in Support and the Ex Parte order--on the landlord, the managing agent or HPD. These documents are just for the court. Once you have filed them with the court, you are done with them.

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Civil Court of the City of New York

County of Bronx

Housing Part

In the Matter of the Application of

Joseph S [REDACTED]

to prosecute as a poor person against

Harold K [REDACTED]

State of New York, County of Bronx, ss.:

Joseph S [REDACTED], being duly sworn, deposes and says:

PRINT YOUR NAME

1. I am the party named as Tenant/Petitioner in the above titled action.

2. I reside at 124 [REDACTED] New York, NY

3. I seek to proceed in the above titled action.

4. I have a good and meritorious cause of action in that my landlord has broken the law by not making repairs to my apartment and I have evidence to show this

5. I request that an Order be granted:

- waiving any and all statutory fees for the defense or prosecution of the action,
- waiving the fee for the filing of a Notice of Appeal
- other (Specify) _____

6. I make this application based on CPLR §1101. I do not have, nor am I able to obtain, the funds needed to pay the court fees. I will be unable to proceed unless the Order is granted.

7. I am not a recipient of Public Assistance from the Department of Social Services of the City of New York.

8. I have no income other than the sum of \$ 1,000 per every 2 weeks from janitor
and expenses including \$ 0 monthly rent, \$ 50 monthly utilities and \$ 250 other itemizable expenses.

9. I own no property of any kind except necessary personal wearing apparel and

[Indicate other property and the value of such property]

10. No other person is beneficially interested in the recovery sought.

11. a) I have not made a previous application for this or similar relief.
 b) I have made previous application(s) for this or similar relief, but I am making this further application because _____

Sign your name _____

Sworn to before me this _____ day of _____, 20____

Print your address _____

125 [REDACTED]

Signature of Court Employee and Title

New York, NY _____

Telephone Number 952 [REDACTED]

Civil Court of the City of New York

County of Bronx

Housing Part

Index Number _____

Joseph S [REDACTED]

Claimant/Plaintiff/Petitioner(s)

Harold K [REDACTED]

Defendant/Respondent(s)

EX PARTE ORDER

GRANTING LEAVE

TO PROCEED AS A POOR PERSON

AND TO WAIVE COURT FEES

Upon the annexed affidavit of Joseph S [REDACTED]

sworn to on _____, and it appearing that said applicant has a good and meritorious cause of action for _____ and that s/he is unable to pay the costs, fees and expenses necessary to proceed in this action, and that there is no other person beneficially interested in the recovery sought, it is hereby

ORDERED, that the applicant is permitted to proceed in this action as a poor person, and it is further

ORDERED, that where a formal complaint is necessary it is waived, and it is further

ORDERED, that: ___ any and all statutory fees for the defense or prosecution of this action are **waived**,

___ the statutory fee for filing a Notice of Appeal in this action is **waived**,

and it is further

ORDERED, that in the event of any recovery in favor of the applicant, the recovery shall be paid to the Clerk of the Court to await distribution pursuant to Court Order and that the Order of Distribution shall provide for the payment of the costs and fees which would have been paid had the applicant brought this cause of action other than as a poor person, and it is further

ORDERED, that service by the applicant of this Order and supporting papers upon the adversary party(ies), if any, and upon the Corporation Counsel of the City of New York at 100 Church Street, New York, NY 10007, by First Class mail with Certificate of Mailing shall be sufficient.

This ORDER is signed without prejudice to the Corporation Counsel's right to controvert poor person status.

Date

Judge, Civil/Housing Court

Instructions for Serving the Court Papers in a Lawsuit for Repairs or Harassment

Alert: These instructions apply only to a suit in New York City Housing Court against your landlord to get repairs or to stop harassment. The court rules are different for other types of cases.

"Serving" the court papers means delivering them to the other parties in the case in a way that the court rules permit. You do this AFTER you have filed the court papers to start your case.

Serving the papers is mandatory and your case cannot proceed until you have completed the service.

You must serve the court papers on: 1) the landlord 2) the management company (if you are suing them) and 3) the City Department of Housing Preservation and Development (HPD).

You can serve the court documents on the landlord and the management company by Certified Mail Return Receipt, or by hand delivering them. If your landlord or managing agent is a company, we recommend you use Certified Mail Return Receipt, since it can be tricky to hand deliver to the right person. You must serve HPD by Certified Mail Return Receipt.

The court will write your deadline to "serve" the court papers in the Order to Show Cause when you first file your case.

Be sure you get the documents delivered to the other parties by the date written in the Order.

The documents you need to serve:

(You do not serve the Affidavits of Service. If you filed papers to ask the court to waive the \$45 filing fee, you do not need to serve that fee waiver petition and order.)

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STEP 1: Serving the Landlord and Management Company

By Mail:

- Mail a copy of all the court documents by Certified Mail Return Receipt to the landlord. If the landlord is a company, be sure to use the company address.
- If you are suing the management company also, separately send a copy of all the documents to the management company, also by Certified Mail Return Receipt.

By Hand Delivery:

- If your landlord is a person (not a company), you or someone else can hand the documents directly to the landlord at any location: at the landlord's office, when you see the landlord at the building, etcetera.
- Make a note of the date, time and place you or the other person handed the documents to the landlord: you will need to write this in the Affidavit of Service.
- If you are suing the managing agent, do the same for the managing agent.

STEP 2: Serving HPD

- Mail a copy of the documents by Certified Mail Return Receipt to:

Department of Housing Preservation and Development
 Housing Litigation Bureau
 100 Gold Street
 New York, NY 10038

STEP 3: Filling Out the Affidavits of Service

You should have two Affidavits (one regarding the landlord and one regarding HPD). If you are also suing the management company, you need an Affidavit for them also.

1. After you have mailed or delivered the documents, write the name of the person who mailed or hand delivered the papers (you or whoever did it) on the line above "name of person serving papers."
2. On the next line, write the address of the person that mailed or delivered the documents.
3. After the words "That on" write the date and time that you or the other person mailed them or the date and time they were hand delivered).
4. After the word "upon" write the name of the person or company you mailed the documents to. You need to fill out a separate Affidavit for each party you served: the landlord, the management company (if you're suing them), and HPD.
5. After the words "located at" write the address that you mailed the documents to or where you hand delivered them.
6. Check the box for how you served the papers. ("Personal Service" means hand delivery.)
7. Do not sign the Affidavits until you or the person who served the papers is in front of a notary public. The signatures must be notarized.
8. Attach the certified mail receipts to the Affidavits (if you served by mail) and take the signed Affidavits of Service to court on your first court date.

COUNTY OF Bronx

Housing Part

Index No. _____

Joseph S [REDACTED]

Petitioner(s),

against

Harold K [REDACTED]

Respondent(s),

**AFFIDAVIT OF SERVICE
OF
ORDER TO SHOW CAUSE
AND
AFFIDAVIT IN SUPPORT (LT)**

State of New York, County of Bronx ss.:

Joseph S [REDACTED] being duly sworn, deposes and says:
(Tenant-Petitioner)

I am over 18 years of age and the Respondent is a party to this action. At _____ AM/PM
(the Respondent is/not a party to) (Time)

on _____ I served the annexed ORDER TO SHOW CAUSE and AFFIDAVIT IN SUPPORT in this matter on:
(Date)

1. Harold K [REDACTED]
(Landlord Name)

Known to me to be Respondent
(Respondent/Landlord)

- (a) Delivering a true copy to him/her/them at the following address:

- (b) Delivering a true copy to his/her/their attorney(s) or managing agent(s) at the following address:

Description of Individual Served in Person:		
Sex: _____	Color of Skin: _____	Color of Hair: _____
Approximate Age: _____	Approximate Weight: _____	Approximate Height: _____

- (c) Mailing a true copy, properly sealed and enclosed in a post-paid wrapper, by Certified Mail, Return Receipt Requested, in a Post Office of the United States Postal Service within the State of New York, addressed to the respondent owner (or his/her registered managing agent) at the address registered with the Department of Housing Prevention and Development.

AND ALSO SERVED THEM ON

Department of Housing Preservation & Development by:

- (a) _____

Description of Individual Served in Person:		
Sex: _____	Color of Skin: _____	Color of Hair: _____
Approximate Age: _____	Approximate Weight: _____	Approximate Height: _____

- (b) Mailing a true copy, properly sealed and enclosed in a post-paid wrapper, by Certified Mail, Return Receipt Requested, in a Post Office of the United States Postal Service within the State of New York, addressed to:

_____ at:

(Signature of Deponent)

Sworn to before me this _____ day of _____

(Notary Public or Court Employee and Title)

COUNTY OF Bronx

Housing Part

Index No. _____

Joseph S. [REDACTED]

Petitioner(s),

against

Harold K. [REDACTED]

Respondent(s),

**AFFIDAVIT OF SERVICE
OF
ORDER TO SHOW CAUSE
AND
AFFIDAVIT IN SUPPORT (LT)**

State of New York, County of Bronx ss.:

Joseph S. [REDACTED] being duly sworn, deposes and says:
(Tenant-Petitioner)

I am over 18 years of age and _____ this action. At _____ AM/PM
(the Respondent is/not a party to) (Time)

on _____ I served the annexed ORDER TO SHOW CAUSE and AFFIDAVIT IN SUPPORT in this matter on:
(Date)

1. Department of Housing Preservation and Development, Housing Litigation Bureau
(Landlord Name)

Known to me to be Respondent
(Respondent/Landlord)

- (a) Delivering a true copy to him/her/them at the following address:
100 C [REDACTED] New York, NY 10038
- (b) Delivering a true copy to his/her/their attorney(s) or managing agent(s) at the following address:

Description of Individual Served in Person:		
Sex: _____	Color of Skin: _____	Color of Hair: _____
Approximate Age: _____	Approximate Weight: _____	Approximate Height: _____

- (c) Mailing a true copy, properly sealed and enclosed in a post-paid wrapper, by Certified Mail, Return Receipt Requested, in a Post Office of the United States Postal Service within the State of New York, addressed to the respondent owner (or his/her registered managing agent) at the address registered with the Department of Housing Prevention and Development.

AND ALSO SERVED THEM ON

_____ by:

- (a) _____

Description of Individual Served in Person:		
Sex: _____	Color of Skin: _____	Color of Hair: _____
Approximate Age: _____	Approximate Weight: _____	Approximate Height: _____

- (b) Mailing a true copy, properly sealed and enclosed in a post-paid wrapper, by Certified Mail, Return Receipt Requested, in a Post Office of the United States Postal Service within the State of New York, addressed to:

_____ at:

(Signature of Deponent)

Sworn to before me this _____ day of _____

(Notary Public or Court Employee and Title)

Addendum

1. Bathroom, mold growing on bathroom walls
2. Kitchen, rotten floor from dishwasher leaks

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