

# YOUR DAY IN COURT

## WHAT CAN HAPPEN WHEN THE JUDGE HEARS YOUR CASE?

### LANDLORD DOES NOT COME TO COURT

#### Inquest

This is where the judge hears evidence from you (the petitioner) to decide whether to order the landlord to make the repairs or stop the harassment.

In an inquest, make sure that the judge sees:

- The affidavits of service you brought to court
- The HPD inspection report
- Any evidence you have brought to court with you

### LANDLORD DOES COME TO COURT

#### **A: You and the landlord and HPD agree to adjourn the case.**

This might happen if:

- You have more evidence you could show the landlord
- HPD missed some violations and agrees to inspect again.

If this happens, the HPD attorney or court attorney might ask you to sign an agreement to adjourn the case. Only sign if you agree to the adjournment. And make sure you get a copy of the agreement.

#### **B: The landlord agrees to fix all of the bad conditions in your apartment.**

If that happens, you would enter into an agreement called a “Consent Order to Correct” or a “Stipulation”. You must get a copy of that agreement and it should:

- List what the landlord is agreeing to fix
- State how long the landlord has to make the repairs
- State what you can do if the landlord does not fix things on time or properly

#### **C: The landlord agrees to fix some of the bad conditions in your apartment but not all of them.**

In this situation, there will be two things that happen:

- For the conditions the landlord agrees to fix, you enter into an agreement called a “Consent Order to Correct” or a “Stipulation”. That agreement should:
  - List what the landlord is agreeing to fix
  - State how long the landlord has to make the repairs
  - State what you can do if the landlord does not do the repairs on time or properly
- For the other problems that the landlord refuses to fix, your case can be scheduled for a trial at a later date. (See below for more information about trials.)

A trial will also be scheduled if your case is about harassment and the landlord won't admit to the harassment.

#### **D: The landlord does not agree to fix any of the bad conditions and is unwilling to admit to harassment.**

If this happens, your case will definitely be scheduled for a trial at a later date. See below for more information about trials.

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## IF YOUR CASE IS SCHEDULED FOR A TRIAL AT A LATER DATE

A trial happens where the parties in a case cannot come to an agreement to resolve the case so they ask the judge to receive evidence and decide the case.

### Make sure you have all of your evidence ready to bring with you at the next court date

- If some of your bad conditions were not recorded as violations by HPD, you will need your own independent evidence (such as photos) for those things.

If you have any witnesses, make sure they come to court with you for the trial.

On the day of your trial, follow the same check in procedure above when you arrive at court.

The HPD attorney will probably try to resolve your case again before the trial starts.

- If you and the landlord's attorney and HPD cannot agree on a settlement then the trial will proceed.

## NEXT STEPS AFTER COURT...

### IF THE LANDLORD AGREES TO MAKE THE REPAIRS OR IF THE COURT ORDERS THE LANDLORD TO MAKE THE REPAIRS THESE ARE YOUR NEXT STEPS:

#### If the landlord completes the repairs on time and they are done well:

- You don't need to do anything else!
- But you should still keep a copy of all of the documents from your case just in case these issues arise again.

#### If the landlord doesn't do the repairs on time or they are done badly you can make a contempt motion.

This is an application to the court asking the judge to penalize the landlord for not doing what was ordered or agreed previously. Here are the steps you should take to make the contempt motion:

- Call 311 to report your bad conditions again. Make sure you are home when HPD come to inspect your apartment.
- Go to the Clerk's Office at Housing Court (the same place you went to when you first started your case). There is a Pro Se Contempt Form you can get there. Fill it out and file it with the Clerk.
- Serve a copy of your contempt motion on HPD and the landlord, just like you did when you started your case. Follow the same process for service and make sure you complete affidavits of service to take to court with you.

- When you get to court, follow the same check in process you did on your first court date. (See above.)
- Make sure you speak with the HPD attorney — HPD will have to approve any settlement, because they collect any penalties from your landlord..
- If the landlord says that they made the repairs then you might need to show the judge evidence that the repairs still need to be made (that's why it is important to call 311 before you go back to court for contempt).
- Settlement: You can settle your contempt motion with the landlord. You can also ask for money off your rent as part of that settlement.

### What Can You Get From a Contempt Motion?

- An order from the judge forcing the landlord to make repairs.
- Civil Penalties: these are fines that the landlord must pay to the city. Each violation can be a separate fine.
- Civil Imprisonment: the court could order the Landlord imprisoned until repairs are completed. This only happens in extreme cases.
- A payment of damages if you can prove you have been injured by the landlord's failure to make repairs.



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