

KNOW YOUR RIGHTS

TENANT HARASSMENT IN NEW YORK CITY

Background

In 2008, the city passed Local Law 7 (aka Tenant Protection Act) which made landlord harassment against tenants a housing code violation. The law allows tenants to sue their landlords in Housing Court if they are being harassed

1. What is the legal definition of harassment?

The term “harassment” refers to any act or omission that causes or is intended to cause any person lawfully entitled to live in a room or apartment to give up their apartment or any of their rights in relation to the room or apartment.

2. What are some common types of harassment?

Harassment may include:

- using force or threats of force
- stopping or interrupting essential services
- bringing baseless, frivolous court cases
- removing possessions from the dwelling unit
- removing the door of the dwelling unit
- breaking or changing the lock of a dwelling unit without supplying a new key
- Anything else that causes or intends to cause the lawful occupant to vacate or to give up any legal rights related to occupying the dwelling unit

3. Can tenants sue their landlord for harassment?

Yes. Tenants may file a Housing Part (“HP”) harassment petition, in the Housing Court of the county they live in. Tenants may also include complaints of any needed repairs when they file the HP.

4. How do tenants initiate a lawsuit alleging harassment in Housing Court without an attorney?

Tenants should go to Housing Court where the court clerk will tell give them the necessary forms to fill out.

On the forms, the tenant fills out the name and address of the landlord, or the managing agent, or both, and lists all the incidents of harassment, including dates and details, along with conditions in need of repair in their apartment and public areas of the building.

Tenants may also request an inspection of the conditions from the New York City Department of Housing Preservation and Development (HPD) by filling out a Tenant’s Request For Inspection.

After the tenant returns the completed forms to the clerk, a judge will assign a date for the inspection of conditions and a date to return to court.

The judge or clerk will tell the tenant how to serve a copy of the papers on the landlord and any other parties named, including HPD. HPD is, a mandatory party in all harassment actions and must also be served.

There is a \$45.00 fee to file the case, but if the tenant cannot afford it, they can ask the court to waive the fees.

5. How do tenants prove they have been harassed?

Evidence of harassment can include:

- any records or logs kept of the

- harassment,
- letters or emails from or to the landlord,
- record of complaints to the landlord,
- record of complaints to government agencies,
- pictures or videos of harassment,
- tenant and witness testimony.

Remember, the more specific and detailed evidence, the stronger the case will be.

6. What happens if the tenant wins a harassment case?

If the Court finds the tenant has been harassed, it will order the landlord to cease the harassment against the tenant.

The court may also fine the landlord between \$1,000 and \$5,000 per harassment incident. These fines are paid to the city and not the tenant. The Court can also determine the harassment is a violation of the Housing Code.

If the Court’s order is violated, the tenant may go back to court to request that the court impose additional civil and criminal penalties.

7. What happens if the tenant loses the court case?

If a tenant commences three consecutive harassment cases in a ten year period and they are deemed frivolous by the Housing Court, the landlord may seek a court order to prevent the tenant from bringing future harassment cases. The Court may also order the tenant to pay the landlord’s attorney fees.

8. Can a tenant being sued by their landlord raise harassment before the judge or court?

Yes. Tenants may raise harassment as a

counterclaim in any eviction proceeding, however, while lack of repairs is a defense in a nonpayment proceeding, harassment is not a defense in either a non-payment or holdover eviction proceeding.

9. Can tenants get help without going to court?

Yes. Rent regulated tenants can also go to New York State Office of Homes and Community Renewal (“HCR,” formerly DHCR) for assistance with issues of harassment. Their website is: <http://www.nyshcr.org>

HCR has several complaint forms for different issues, and tenants may want to utilize more than one of them. Like Housing Court, HCR can assess penalties and issue an order against the landlord.

Owners found guilty of harassment by HCR are subject to fines imposed of between \$1,000 and \$5,000 for each offense.

Moreover, once there has been a finding of harassment, HCR will not permit future rent increases, until such finding is lifted by HCR order.

10. The landlord is harassing many tenants in a building. What can they collectively do?

If multiple tenants in a building are being harassed, the tenants can bring a single group harassment action in Housing Court, or file a group harassment complaint with HCR.

11. What other options do tenants have if the landlord is treating them poorly?

If the harassment is discriminatory, e.g. based on a tenant’s identity, the tenant may file a complaint with the Human Rights Commission. Some protected

identity categories include, but are not limited to: race, age, gender, sexual orientation, and disability. There are many federal, state, and local laws that protect against housing identity-based harassment. Tenants can call 311 for more information.

12. What can tenants do if the harassment consists only of the failure to do repairs?

Tenants can call 311 to report the conditions to HPD. HPD may issue fines if the violations are not corrected.

The tenant may also go to housing court and file an “HP” proceeding solely for repairs.

13. What can tenants do if the harassment is also a crime?

If the tenant suspects the harassment is criminal, tenants should report it to the police. An example would be if the landlord uses violence. However, if the tenants are not sure, they can consult with a lawyer or the police department.

KNOW YOUR RIGHTS

TENANT HARASSMENT IN NEW YORK CITY



MAKING THE CASE FOR HUMANITY

The Legal Aid Society
199 Water Street
New York, NY 10038
Phone: 212-577-3300
Fax: 212-509-8432
www.legal-aid.org



MAKING THE CASE FOR HUMANITY

©2017 The Legal Aid Society All Rights Reserved.