



LEGAL
SERVICES

INCORPORATED

How Can I Get Repairs from My Landlord?

HOW CAN I GET REPAIRS FROM MY LANDLORD?*

- (1) Ask your landlord in writing by yourself
- (2) Get together with other tenants in your building and write a joint letter to the landlord
- (3) Make a complaint to a government agency
- (4) Take your landlord to court
- (5) Force your landlord to take you to court

* NOTE:

- For **NYCHA/public housing**, see separate MFY Fact Sheet “How Can I Get Repairs If I Live in a NYCHA Apartment?”
- If your apartment is **NOT rent-regulated** (rent-controlled or rent-stabilized), **speak to a community agency or an attorney BEFORE** you advocate for repairs from your landlord.

TIP: Whichever way you choose, ALWAYS keep **written records**.

- Copy all letters and court papers.
- Keep track of dates that you ask for repairs.
- TAKE PHOTOS!**
- If something is fixed, write down the date.
- If you have a HEATING problem, **keep a log** of the outside temperature and the temperature in your apartment every day.

WHAT IS THE BEST WAY?

No one way is right or wrong. Each way is different. Some ways will work with certain landlords, but not with others. Sometimes using more than one way at a time brings the most success. Other times starting one way and, if that way fails, going on to another way gets the best results. It will depend on your personal situation.

HOW DO I START?

In general, it is best to **begin by writing to your landlord** either by yourself or with other tenants; if you have to go to a government agency or a court, your letter will help prove that the landlord knew about the problem.

(1) Asking Your Landlord in Writing by Yourself

This way involves sending your landlord a formal request for repairs. The letter should list the repairs needed, set a deadline for the landlord to make them, and state that if the repairs are not made by that date, you will be forced to use legal means to get those repairs.

The letter is best **sent with your rent**. This makes it less likely that the landlord will say it didn't know about the repairs. **A sample letter might look like this:**

March 30, 2005

Dear Landlord:

Enclosed is my rent for April, 2005. As I have told the super several times, I need repairs in my apartment and in the public areas of the building. He keeps saying he will do them, but he never has. These repairs are

Bathroom

- (1) hot-water faucet in tub leaks
- (2) floor tiles broken

Kitchen

- (3) mouse droppings next to stove

Common Areas

- (4) second-floor public hall light broken
- (5) entrance door lock defective

If these repairs are not made by April 15, 2005, I will have no choice but to use my legal remedies to get the repairs done. I hope you do not force me to do so. Please contact me as soon as possible to arrange a mutually agreeable time to have these repairs made.

Sincerely,

Jane Doe (Apt. 4)

(2) Getting Together with Other Tenants

This way involves getting together with others in your building to talk about needed repairs and coming up with a plan to get them. A tenants' association is usually formed and a master list of building and apartment repairs is drawn up. The more tenants that get involved, the more pressure you can bring against the landlord.

YOU HAVE THE RIGHT TO ORGANIZE A TENANTS' ASSOCIATION. IT IS AGAINST THE LAW FOR THE LANDLORD TO INTERFERE WITH THIS RIGHT. The Lenox Hill Neighborhood Association has a manual with helpful practical tips walking you through the process: go to <http://www.tenant.net/Organize/> or call (212) 744-5022.

The tenants' association then writes a letter to the landlord. **A sample letter might look like this:**

March 30, 2005

Dear Landlord:

We write to you as the Tenants' Association in order to get repairs since individual attempts to do so have failed. Attached please find a list of repairs in various tenants' apartments and in the common areas of the building.

If these repairs are not made by April 30, 2005, we will have no choice but to use our legal remedies to get those repairs done. Please contact us as soon as possible to set up a schedule for making them.

Sincerely,

Tenants' Association

John Doe (Apt. 3F) & Jane Roe (Apt. 4B)

[Don't forget to attach your repair list to the letter]

(3) Making a Complaint to a Government Agency

a. **City Agencies** make inspections, write up violations, and fine the landlord for not making certain repairs. Complaining to a city agency can force a landlord to make repairs and can help you document your case if you have to resort to court intervention.

**** You can reach city agencies by calling 311 ****

- **New York City Department of Housing Preservation & Development (HPD):** enforces maintenance laws, such as heat and hot water, falling ceilings, faulty plumbing, superintendent services.
- **New York City Department of Buildings (DOB):** enforces building, zoning, electrical, and elevator laws.
- **New York City Department of Health and Mental Hygiene (DOH):** enforces public health laws, such as rodent control.
- **New York City Department of Environmental Protection (DEP):** enforces clean air, clean water, and noise laws.

b. **State Agency: The New York State Division of Housing & Community Renewal (DHCR)** decides complaints on such questions as lack of repairs and reduction of services in **rent-regulated apartments**. If DHCR finds a problem with repairs and services, it has the power to **reduce the rent** until the problem is fixed. You can reach DHCR at **718-739-6400** or go to <http://www.dhcr.state.ny.us/>.

A DHCR order is NOT automatically enforced; if you get an order, you may need to consult with an attorney about how to enforce it.

(4) Taking Your Landlord to Court

This way involves **suing your landlord** in a special part of the Housing Court. The lawsuit--an **HP** (housing part) **action**--asks the court to order your landlord to make repairs. You can do this alone or together with other tenants in your building.

The court has special forms that must be used to start an HP action. You will need to know your landlord's name and street address and to list the conditions that need to be fixed. Call or go to your local Housing Court and the clerk will help you fill out the forms; call **(646) 386-5750** or find your local court at <http://nycourts.gov/courts/nyc/housing/locations2.shtml#ny>.

Once you file your lawsuit, HPD does an inspection before the first court date to see if the conditions that you list are serious enough to violate the law. You should also be sure to **bring your own records and photos to court**.

Repairs can be ordered by the Court if you win a trial or by stipulation (agreement between you and the landlord) instead of a trial. If the landlord still does not make the ordered repairs, you can bring a **contempt proceeding** and ask for money penalties, or even for the landlord to go to jail.

NOTE: For **very bad conditions** (dangerous to life, health, and safety; essential services not provided; the landlord is harassing you), you may consider a **7A Proceeding** to ask the Court to appoint an outside person to run your building and make repairs. **One-third or more of the tenants** in the building must join together to bring this lawsuit, or you can ask to see if the New York City Department of Housing Preservation and Development (HPD) will bring it for you. Unless HPD brings the suit for you, **you will need a lawyer to help**.

(5) Forcing Your Landlord to Take You to Court

This way involves **withholding your rent** because repairs are not being made.

You should ALWAYS put all the rent you withhold in a safe place where you will not spend it.

The landlord might make the repairs in response to your withholding rent and then you can negotiate with the landlord about how much of the withheld rent to pay. The landlord might also **take you to court** because you are not paying rent, and **try to evict you**.

- **In your response** to your landlord's court papers, state your **defenses**, which include the **conditions that have not been fixed**, and **ask for abatement** (less rent) for the time you were forced to live with the conditions. You can also **ask the court to order an inspection**.

DO NOT MISS ANY COURT DATES or the court could find you in default and **evict** you.

You must put aside the full amount of your rent so that you can get it at a moment's notice in case the court orders you to pay it to your landlord. **This may happen even before you have a trial**. If you do not have all the money that you were supposed to save, **you may be evicted from your home**.

Some landlords will wait a long time to sue. It is VERY IMPORTANT to continue to save ALL of the money you are withholding in rent or you could be evicted.

Repairs can be ordered by the Court after you win a trial or by stipulation (agreement between you and the landlord) instead of a trial. If the landlord still does not make the ordered repairs, you can bring a **contempt proceeding** and ask for money penalties, or even for the landlord to go to jail.

If, however, your case does not go well and you have an attorney's fees provision in your lease, **you may have to pay your landlord's attorney's fees**, and you could be **evicted** if you cannot pay the back rent.

WILL MY RENT GO UP BECAUSE OF THESE REPAIRS?

**You have the right to repairs without your rent going up.
You can refuse to sign anything that agrees to a rent increase because of repairs.**

If your apartment is **rent-regulated** (rent-controlled or rent-stabilized), your rent should **NOT** go up because of repairs. (For **building-wide improvements**, DHCR can grant a rent increase for each apartment based on a "major capital improvement" (MCI), but **ONLY** DHCR can approve it.)

Protect Your Children from Lead Poisoning

In 1978, the use of lead paint in residential housing was outlawed in the United States. If your building was constructed before 1978, any peeling or deteriorating paint may be a health hazard. For more information on protecting your children from lead poisoning, request the MFY Fact Sheet Titled: "Protecting Your Children From Lead Poisoning."