



Legislation Details (With Text)

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Title: Resolution calling upon the Housing Part of the Civil Court of the City of New York to prominently display the Housing Court Bill of Rights and to make copies available to the litigants in the 160,000 new eviction cases calendared annually.

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Res. No. 859

Resolution calling upon the Housing Part of the Civil Court of the City of New York to prominently display the Housing Court Bill of Rights and to make copies available to the litigants in the 160,000 new eviction cases calendared annually.

By Council Members Foster, Brewer, Fidler, Gentile, Gonzalez, James, Koppell, Mealy, Recchia Jr., Stewart, Jackson, Garodnick, Mark-Viverito, Reyna, Gerson and Dilan

Whereas, The Housing Part of the Civil Court, generally referred to as the Housing Court, handles residential landlord and tenant cases with over 300,000 residential cases filed each year; and

Whereas, The vast majority of the litigants involved in the 160,000 new eviction cases calendared each year in the Housing Court are overwhelmingly not represented by attorneys and often have little knowledge of their legal rights; and

Whereas, In February 2007, the Brennan Center for Justice at the NYU School of Law and ActKnowledge at the Center for Human Environment at the City University of New York Graduate Center

released a study which found that more than 76% of tenants facing eviction did not have legal representation; and

Whereas, The study also found that approximately 5,000 low income seniors go before the court each year with no legal representation, 67% of tenants facing eviction had annual incomes of less than \$25,000, and 49% of tenants facing eviction were African-American, 27% were Latino and 2% were Asian; and

Whereas, The City-Wide Task Force on Housing Court, Inc., a non-profit coalition that was established to address the systemic challenges to justice in New York City's Housing Court, developed a Bill of Rights for New York City's Housing Court litigants; and

Whereas, The Housing Court Bill of Rights covers rights concerning translators, proper notification, adjournments, mediation, court files, stipulations, and satisfaction of judgments; and

Whereas, The Bill of Rights states that:

1. You have the right to a translator, free of charge, if you need one.
2. You have the right to be notified of the case against you in a specific way. You must receive notice of your case according to certain rules (for example, you must be "served" the papers correctly) and the notice must be specific and accurate. Cases in housing court cannot be continued if you have not received certain notices and/or these notices do not include required information.
3. You have the right to at least one adjournment to seek legal counsel. An adjournment is a delay in your case.
4. You have the right to request repairs and to request an inspection. You have the right to a habitable apartment. Lack of repairs or services may constitute a breach of the warranty of habitability. Code enforcement inspectors from the city's Department of Housing Preservation and Development conduct inspections. They will issue violations according to standards established by law.
5. You have the right to refuse to speak with a landlord's attorney or sign a stipulation outside the courtroom. A stipulation is an agreement that indicates how the tenant and landlord have agreed to resolve the dispute. Before you sign a stipulation, you have the right to go before the judge to have it explained to you and/or ask any questions.
6. You have the right to conference your case with the court attorney. The court attorney works for the court and will mediate a meeting between you and the landlord or the landlord's attorney.
7. You have the right to a trial. If you lose the trial, you may be ordered to pay the rent arrears within five days.
8. You have the right to present evidence and/or witnesses. Evidence may include photos of problems in an apartment, violation reports issued by the city, videotapes and testimony.
9. You have the right to view your court file. Your court file is public property. Anyone can look at it. You can obtain it in order to copy documents contained in it.
10. You have the right to submit an order to show cause. An order to show cause is a request to the court to reopen the case for some reason. You may need to reopen your case if you need more time.
11. You have the right to a "satisfaction of judgment" - a document that indicates that you paid off a judgment entered in housing court.

Whereas, In order to prevent unnecessary and costly evictions, the City must raise awareness and educate the public on their rights; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Housing Part of the Civil Court of the City of New York to prominently display the Housing Court Bill of Rights and to make copies available to the litigants in the 160,000 new eviction cases calendared annually.

CFP
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