S T A T E O F N E W Y O R K

3550

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Judiciary

AN ACT to amend the New York city civil court act, in relation to requiring the housing court to provide certain information to tenants

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 110 of the New York city civil court act is amended by adding a new subdivision (q) to read as follows:

(Q) THE PETITIONER SHALL INCLUDE IN BOLD PRINT AT THE END OF THE PETITION THE FOLLOWING NOTICE OF INFORMATION TO THE RESPONDENT:

(1) CLERKS OF THE HOUSING COURT CANNOT DETERMINE THE VALIDITY OF CASES.

(2) RESPONDENT HAS A RIGHT TO TRIAL.

(3) THE TENANT MAY AT ANY TIME GO TO A PRO SE CLERK FOR INFORMATION REGARDING HOUSING COURT PROCEDURE AND ASSISTANCE IN FILING COURT PAPERS.

(4) THE TENANT SHOULD ASSERT ANY DEFENSE, INCLUDING, BUT NOT LIMITED TO, LACK OF NECESSARY REPAIRS AND MAY ASSERT ANY COUNTERCLAIM OR CLAIM FOR OFFSET AGAINST RENT IN HIS OR HER ANSWER.

(5) THE TENANT MAY, BUT DOES NOT HAVE TO, REQUEST THE HOUSING, PRESERVATION AND DEVELOPMENT OFFICE TO INSPECT THE PREMISES TO CONFIRM ANY CLAIM OF DANGEROUS OR UNHEALTHY CONDITIONS WHICH THE TENANT BELIEVES MAY AFFECT THE AMOUNT OF RENT DUE.

(6) THE OFFICE OF COURT ADMINISTRATION SELLS INFORMATION TO RESIDENTIAL TENANT SCREENING COMPANIES, WHICH RESULTS IN THE TENANT'S NAME APPEARING ON NATIONWIDE REPORTS SOLD BY THESE COMPANIES TO PROSPECTIVE LANDLORDS. THIS MAY RESULT IN A TENANT BEING BLACKLISTED AND HAVING DIFFICULTIES GETTING ANOTHER APARTMENT. INFORMATION FROM HOUSING COURT CASES MAY ALSO BE OBTAINED BY THE MAJOR CREDIT REPORTING COMPANIES WHICH MAY AFFECT A TENANT'S CREDIT SCORE.

(7) LEGAL FEES, LATE FEES AND ANY OTHER FEES MAY ONLY BE IMPOSED AFTER A TRIAL BY A HOUSING JUDGE IF THEY ARE ESTABLISHED IN A WRITTEN LEASE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD00794-01-3

AND THEY ARE NOT CONSIDERED PART OF ANY RENT DUE UNLESS THE LEASE EXPRESSLY ESTABLISHES THEM AS SUCH.

(8) ONLY A HOUSING JUDGE MAY ISSUE A WARRANT TO EVICT A TENANT AND ONLY A MARSHAL OR SHERIFF IS AUTHORIZED TO USE FORCE TO EXECUTE A WARRANT. THE LANDLORD AND TENANT MAY AGREE TO TERMINATE THE TENANCY PRIOR TO THE ISSUANCE OR SERVICE OF A WARRANT, BUT NO ONE MAY COMPEL A TENANT WITHOUT HIS OR HER CONSENT TO ABANDON THE TENANCY.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.