

housing answers

for residents
of public housing

SUMMER 2008

getting repairs

Center for Benefits and Services

**Community
Service
Society** | Fighting Poverty
Strengthening
New York

Your right to a safe, habitable apartment

All tenants in New York City—including tenants living in public housing owned and run by the New York City Housing Authority (NYCHA)—have the legal right to safe, sanitary housing that is kept in good repair. This guide covers the steps you can take to get the repairs you need in your apartment and building. It also tells you what to do if NYCHA charges you for repairing “tenant-caused” damages, when you disagree with the charge. Finally, this guide tells you how you can find out about upcoming capital improvement projects in your building or development.

How do I request a repair in my apartment?

NYCHA is changing the way it handles requests for repairs made by tenants. Under the “old” system, you would go to your management office and fill out a work ticket. The maintenance/repair workers would show up at your apartment to do the repair whenever they could. You would not necessarily know when they were going to come. Under NYCHA’s “new” system, tenants call the **Centralized Call Center** to request a repair, and are given an appointment for the work to be done. The Centralized Call Center now serves tenants in all five boroughs.

You should call NYCHA’s **Centralized Call Center** 718.707.7771 (open 24 hours/day, seven days/week) to request a routine repair OR to report a maintenance emergency such as lack of heat, flooding, elevator breakdown, or other hazardous condition. A Customer Service Representative will create a “work ticket” and, for routine repairs, schedule an appointment with you for the work to be completed. She will also give you her name. If you are reporting an emergency condition, the representative will either contact the Manager of your development, or, if the Management Office is closed, will dispatch someone from NYCHA’s Emergency Services Department.

TIP: Make sure you get either the work ticket number (if you’re calling on the phone), or a copy of the actual work ticket—you will need it for future reference. Make a note of the number.

TIP: If you have called the Centralized Call Center and received an appointment for a repair to be done in your apartment, make sure you are at home to admit the workers on the day and time of the appointment. (Or you can designate a responsible adult to be home to provide access, and let your management office know you have done so.) If no one is able to be at home, call the Centralized Call Center to reschedule the appointment.

What if NYCHA says that I or someone in my household caused the repair problem?

If the maintenance staff that respond to your repair complaint think that the damage was “tenant-caused,” then NYCHA will do the repair, but will charge you for it. When NYCHA charges you for a repair, they are supposed to send you a “Sales and Services Charge Letter” explaining the charge at least ten days before your next rent payment due date. If you think you are

not responsible for the damage and you want to challenge the charge, you need to file a grievance within the first 10 working days of the month in which the charge is due OR within 14 working days after receiving a "Fourteen Day Notice of Right to Grievance," whichever is later.

NYCHA will apply any rent money you pay toward outstanding repair charges, unless you specifically ask them not to. So if you get a "Sales and Service Charge Letter" from NYCHA and you disagree with it, it is important to file a grievance right away. Your grievance letter should say that you do NOT want your rent payments applied to the repair charge. You should also make a note on your rent check or money order that the payment is for rent only (e.g.: "June 2008 rent ONLY").

What if NYCHA doesn't make the repair?

There are several steps you can take if NYCHA does not make the needed repair correctly, or in a "reasonable" amount of time, dependent on the type of repair:

- You can file a grievance.
- You can get together with other tenants in your development, or work with the Tenant Association to put pressure on NYCHA to fix the problem.
- You can sue NYCHA for repairs in Housing Court in a Housing Part action.
- You can withhold (hold on to) your rent and force NYCHA to take you to court.

WARNING: Withholding your rent is a very risky strategy—talk to a lawyer or call CBS (212.614.5552) for advice before you try it! If you withhold your rent, you risk getting evicted or damaging your credit rating for other housing. Make sure to save the entire amount.

Before you choose a strategy, please read the following sections carefully. There are pros and cons to each strategy—and some are more difficult than others. Usually it makes sense to file a grievance as your first step. Filing a grievance is the easiest way to start and doesn't put you at risk of losing your apartment. If a grievance doesn't help, other strategies may be more effective—or you may decide to try two or more strategies at the same time.

TIP: Keep good records of your repair problem and the efforts you make to get it corrected.

- Keep copies of any letters you send to your Housing Assistant, Housing Manager, or Borough Director.

- Keep notes with names, times and dates about any phone or in-person conversations you have with NYCHA employees about your problem.
- Take photos of the problems/bad conditions, and label and date the pictures.
- If you are not getting adequate heat, call **311** immediately and keep a daily log of the temperature outside and in your apartment. (You can get an indoor/outdoor thermometer at most hardware stores. A laser thermometer costs a little more but is very accurate.)
- If you have a scheduled repair appointment and the workers don't show up, call again and keep notes about repeated phone calls.

Heat Law

Heating Season starts October 1st and ends May 31st.

During the day (6am–10pm): when the **outside** temperature is BELOW 55 degrees, the **inside** temperature must be AT LEAST 68 degrees.

At night (10pm–6am): when the **outside** temperature is BELOW 40 degrees, the **inside** temperature must be AT LEAST 55 degrees.

Call 311.

Filing a Grievance

You can file a grievance by writing a letter to your Housing Manager. Write "Grievance" at the top of your letter. Describe the problem in your apartment, the dates you reported it and your work ticket number(s), and ask for a meeting to discuss it. Say that you want the Manager to respond to you within 10 business days. Deliver the letter to your Management Office and get your copy of the letter dated and stamped "received."

If you are not satisfied with the Manager's response (or if you get no response within 10 business days), write a letter to the Director of the Borough Management Office (see addresses listed below). Include a copy of your grievance letter. Send the letter by certified mail, return receipt requested, so you will have proof your letter was received. Make sure you keep a copy of the letter for yourself and any attachments accompanying your letter.

You have **only 10 days to appeal** a Housing Manager's decision to the Borough Director level.

If the Borough Director does not respond in a satisfactory way, you have 10 days from sending this letter to request a hearing before a Hearing Officer at NYCHA's main office at 250 Broadway in Manhattan. Call CBS' tenant help line at 212-614-5552 for more information about how to do this, or see our *Housing Answers* Guide "Solving a Dispute with NYCHA: The Grievance Process" for details.

Borough Directors

Manhattan

Robert Knapp
New York City Housing Authority
Manhattan Borough Management
1980 Lexington Avenue
New York, NY 10035
212.427.8542

Bronx

Michael Cornelius
New York City Housing Authority
Bronx Borough Management
2430 Boston Road
Bronx, NY 10457
718.409.8626

Brooklyn

Marguerite Mann
NYCHA
Brooklyn Borough Management
816 Ashford Street
Brooklyn, NY 11207
718.649.6400

Queens / Staten Island

Carolyn Jasper
NYCHA
Queens Borough Management
90-20 170th Street
Jamaica, NY 11433
718.657.8300

Getting together with other tenants to pressure NYCHA

This strategy makes sense if many tenants have repair issues, or there are chronic problems throughout the building. Try getting other tenants involved and making demands on NYCHA as a group. If your development already has a Tenant Association, contact the President and other officers. Work with them to survey repair needs throughout your building. They can then request a meeting with the Housing Manager to present the list and demand a timeline for repairs. If you do not have a Tenant Association, you have the right to organize one.

While there is no way for tenants to file a "group grievance," it may help if many tenants file individual grievances about the same chronic repair issue.

Taking NYCHA to court

You can sue NYCHA in Housing Court for repairs by bringing an HP (Housing Part) action. You can bring an HP Action by yourself, or as a group with other tenants in your building.

How do I start an HP Action?

You can start an HP action by going to the clerk's office in the Housing Court in your borough (see addresses listed below). You will have to fill out some forms, list the problems in your apartment or building, and carefully follow the directions you are given for delivering the papers to NYCHA and to the NYC Department of Housing Preservation and Development (HPD). Before your court appearance date, HPD will inspect your apartment or building to verify the conditions you are describing.

TIP: HPD does not record violations (bad conditions which violate the Housing Maintenance Code) in public housing, the way it does in private housing. But HPD will do an inspection if you file a HP Action, and will produce an inspection report that you can use as evidence.

TIP: When filling out the HP petition at Housing Court, make sure you list ALL the problems in your apartment in detail. The HPD inspector may only include bad conditions in his/her inspection report if they were included in your HP petition.

Do I have to pay to start a HP Action?

There is a \$45 filing fee, but this can be waived if you can't afford it and you can show proof of limited income: public assistance, social security, SSI, etc. To get the filing fee waived, ask about "poor person's relief."

What happens when I get to court?

You will need to bring to court, on the appointed day, detailed evidence (including letters, lists of complaint calls to NYCHA, code inspection reports, photographs, etc.) about the repair problem, in case you have to present your case to the judge. If the HPD inspection report lists bad conditions, the lawyer for NYCHA will often sign a stipulation (an agreement) to fix them. Make sure the stipulation includes the dates that you'll need to provide access for the workers. If NYCHA won't sign a stipulation, you can go before the judge.

TIP: At your first court appearance, find out if there is an HPD lawyer assigned to your case. If there is, introduce yourself, and get his or her name and telephone number. While the HPD lawyer represents the City, not you, he or she can be helpful, especially if NYCHA fails to make a repair as agreed.

What if NYCHA agrees to make repairs, but then doesn't do it?

If NYCHA does not do the repairs within the timeframe agreed to, you can return to court and ask the judge to hold NYCHA in contempt and impose fines. To do this, you will need to file an "Order to Show Cause for Contempt of Court." At this point, if you don't already have a lawyer helping you, you should try to get one. Or you can get advice from CBS helpline: 212.614.5552 or another tenant-advocacy group, or from the Citywide Task Force on Housing Court (see info on page 8). Without a lawyer, tenants tend to have to come back to court many times before they are able to get judges to impose any sanctions on NYCHA.

TIP: If NYCHA fails to make repairs that it agreed to, you can ask the judge to "deem" the bad conditions in the HPD inspection report as violations.

Then you can ask the judge to impose fines on NYCHA for violation of the Housing Maintenance Code.

Housing Courts

Brooklyn

141 Livingston Street
Brooklyn, NY 11201
718.643.7528

Bronx

1118 Grand Concourse
Bronx, NY 10451
718.466.3025

Red Hook Justice Center

88 Visitation Place
Brooklyn, NY 11231
718.923.8270
(for residents of Red
Hook Houses)

Harlem Community Justice Center

170 East 121st Street
New York, NY 10035
646.386.5750
(for tenants living in zip codes
10035 and 10037)

Queens

89-17 Sutphin Blvd.
Jamaica, NY 11435
718.262.7145

Staten Island

927 Castleton Ave
Staten Island, NY 10301
718.390.5420

Manhattan

111 Centre Street
New York, NY 10013
646.386.5500

Withholding Rent: Beware

Withholding your rent is a strategy of last resort if all else fails to get needed repairs made. It puts you at risk of being evicted for nonpayment of rent. In addition, withholding rent could make it difficult for you to rent another apartment in the future and might damage your credit rating.

BEFORE withholding your rent, you should consult with a housing lawyer or call CBS for advice. If you decide to withhold your rent, you must set aside all the rent money you withhold and not spend it, because you will be required to pay back all or some of it at a later date. It is best to set it aside in a bank account or money orders.

What will happen if I withhold my rent?

NYCHA will bring a non-payment eviction proceeding against you in Housing Court. You will have an opportunity to present your evidence of bad conditions, and can ask for an inspection by the City Department of Housing Preservation and Development (HPD). You can also ask for a reduction in rent, called an abatement, for the time you had to live with the bad conditions. When you arrive in court, NYCHA's lawyer might ask you to sign a "stipulation," an agreement that NYCHA will make the needed repairs and that you will pay the back rent you owe. You can agree to pay part of the rent you owe right away and the rest after the repairs are made. If you cannot come to an agreement, you will go to trial before a judge. **We do not recommend withholding rent for repairs unless you have a lawyer to advise you and represent you in court.**

Where can I learn more about HP Actions, non-payment cases, and how Housing Court works?

The City-Wide Task Force on Housing Court provides information and advice to unrepresented tenants involved in Housing Court. The Task Force has staffed information tables at each of the borough housing courts every day from 9am to 12 noon, Mon-Fri. The Task Force also takes calls to its hotline 212.962.4795 every day from 2-5pm, and has written information available on its website: www.cwtfhc.org. You can also call for CBS's Tenant Advocacy Helpline at 212.614.5552 for more information.

How can I find out about major repairs or improvements planned for my building or development?

Ideally, the Housing Manager for each development should keep tenants in that development informed about up-coming major repairs or improvements. If they do, it will usually be through the Tenant Association officers. Many TA Presidents will pass along this kind of information at Tenant Association meetings. The Housing Manager or other NYCHA employees may attend TA meetings to report on such issues.

Information about upcoming major capital projects can also be found on NYCHA's website: <http://www.nyc.gov/html/nycha/html/home/home.shtml>. NYCHA's main office at 250 Broadway or by calling 212.306.4273

The Community Service Society's Center for Benefits and Services provides comprehensive assistance to individual clients and to community based organizations throughout New York City. Its Tenant Advocacy Program helps low income New Yorkers qualify for and retain affordable federally subsidized housing. We empower tenants with the information they need to solve problems. In addition, we provide technical assistance to community based organizations to help them better serve their clients throughout the city.

For more information, contact
Center for Benefits and Services
Community Service Society
105 East 22nd Street
New York, New York 10010
For assistance call the CBS Helpline: 212.614.5552
Or visit our website at www.cssny.org

Other titles in this series:

Adding Someone to Your Lease
What to Do if You Fall behind in Your Rent

[forthcoming]

Avoiding Eviction: Termination Proceedings
Solving Disputes with the NYCHA Grievance Process
HUD Subsidized Housing: Owner Opt-outs and Enhanced Vouchers

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