



LEGAL

SERVICES

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How Can I Get Repairs If I Live in a NYCHA Apartment?

HOW CAN I GET REPAIRS FROM THE NEW YORK CITY HOUSING AUTHORITY (NYCHA)?*

- (1) call NYCHA to put in a ticket for repairs
- (2) ask NYCHA in writing by yourself
- (3) get together with other tenants in your building and write a joint letter to NYCHA
- (4) use NYCHA's grievance procedures
- (5) take NYCHA to Court
- (6) force NYCHA to take you to Court

* NOTE: For repairs in an apartment that is **NOT NYCHA/public housing**, see separate MFY Fact Sheet "How Can I Get Repairs From My 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.
- NEVER sign for repairs until you are sure that **ALL of the repairs listed on the paper** have been made **satisfactorily**. Be polite but firm if a repairperson insists that you sign before you are satisfied.

WHAT IS THE BEST WAY?

No one way is right or wrong. Each way is different. 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. The way you choose will depend on your personal situation.

HOW ARE THESE WAYS DIFFERENT?

(1) Call NYCHA to Put in a Ticket for Repairs

NYCHA has a centralized number for residents to call to put in a ticket for repairs. Be sure to include everything that needs to be done.

(2) Ask NYCHA in Writing by Yourself

This way involves sending NYCHA a formal request for repairs. The letter should list the repairs needed, set a deadline for NYCHA 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.

Take the letter to the management office and **insist on proof that it was delivered**, such as a date stamp on your copy of the letter. **A sample letter might look like this:**

April 30, 2009

Dear Management Office:

As I have told the office several times, I need repairs in my apartment and in the public areas of the building. No one has ever come to make them. These repairs are:

Bathroom:

1. hot water faucet in tub leaks
2. floor tiles are broken

Kitchen:

3. mouse droppings next to the stove

Common Areas

4. second-floor public hall light is broken
5. entrance door lock is defective

If these repairs are not made by May 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 (Bldg. 2, Apt. 2A)

(3) Get Together with Other Tenants

This way involves getting together with others in your building or your project to talk about needed repairs and to come 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 who get involved, the more pressure you can exert against NYCHA.

YOU HAVE THE RIGHT TO ORGANIZE A TENANTS' ASSOCIATION. 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 NYCHA. **A sample letter might look like this:**

March 30, 2009

Dear Management Office:

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]

(4) Use NYCHA's Grievance Procedures

This way involves using NYCHA's grievance procedures after attempts to get repairs from the management office have failed. **Ask for a conference with the Project Manager** and tell the manager the conditions that need to be fixed.

If you disagree with the Project Manager's decision, you must be careful to meet the **very short deadlines** for making a written request for a District Manager review and later for a formal hearing at NYCHA's central office. **See separate MFY Fact Sheet "What Do I Do If I Disagree with Something the New York City Housing Authority Does?"**.

If you use the grievance process and do not agree with the result you can still take NYCHA to court.

(5) Taking NYCHA to Court

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

The Court has special forms that must be used to start an HP action. You will need 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, New York City Department of Housing Preservation and Development (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 NYCHA) instead of a trial. If NYCHA still does not make the ordered repairs, you can bring a **contempt proceeding** and ask for money penalties.

(6) Forcing NYCHA 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.

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

- **In your response** to NYCHA'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 you could be **evicted**.

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 NYCHA. **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.**

It is VERY IMPORTANT to save ALL of the money you are withholding in rent or you could be evicted.

Repairs can be ordered after you win a trial, or by stipulation (agreement between you and the NYCHA) instead of a trial.

Be sure that any agreement you sign mentions repairs so that NYCHA cannot claim later that you did not pay your rent on time without a good reason.

If NYCHA still does not make the ordered repairs, you can bring a **contempt proceeding** and ask for money penalties.

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."