

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES & PROCEDURES

Subject: Answers in Non-Payment Proceeding

Class: CCM-135

Category: LT-10

Eff. Date: April 28, 1997

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BACKGROUND:

For many years the question asked of respondents in non-payment proceedings has been "Do you owe the rent?" This question assumes that the rent is due and focuses only on that issue, excluding other possible defenses. This issue has been raised by several organizations serving respondents and we agree that the initial question should be broader.

In order to standardize procedure City-wide, the following rules are to be implemented.

POLICY:

1. When a respondent in a non-payment proceeding chooses to answer orally before the clerk, the clerk is to ask the following question:

Do you have any defenses to this proceeding?

2. If this question fails to elicit any defenses, the clerk should then ask:

Do you owe the rent claimed on the proceeding?

3. The clerk is then to inscribe the substance of the answer on the petition.

Jack Baer
Chief Clerk