

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Poor Person Petitions -
Free Index Numbers for HP Actions

Class: DRP-132
Category: LT-10/AD-40.3
Eff. Date: Nov. 16, 1992

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BACKGROUND:

Following the Administrative Code, § 27-2115, an HP Action may be commenced by a tenant. This normally requires the payment of a filing fee, but such fee may be waived when the petitioner qualifies as a poor person.

When an HP Action is brought, more than one tenant may become a party under one single case simply by filing a petition and attaching it to the Order to Show Cause. Recently an issue has arisen which requires that we make the practice uniform in all counties. The issue can be framed as follows:

When a free index number is permitted, can persons who can afford to pay be permitted to become part of the action?

We believe that the answer to the above question is NO, and make the following directive.

DIRECTIVE OF THE ADMINISTRATIVE JUDGE:

A Poor Persons Order which grants a free index number on any HP Action applies only to the individual who has been granted such relief.

The Chief Clerk is directed to promulgate any and all procedures necessary to implement this directive.

Dated: November 12, 1992

Jacqueline W. Silbermann
Administrative Judge

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CLERKS PROCEDURES:

Following the directive of the Administrative Judge, the following procedures are to be followed in Civil Court.

1. Any person who wishes to begin an HP Action must pay for an index number.
2. The fee may be waived upon the application of a poor person, following our regular procedure, or upon the filing of an affidavit by a legal services provider as outlined in LSM-118.
3. Under an HP Action with a paid index number, any number of persons may become petitioners. Administrative Code § 27-2115.
4. Under an HP Action with a free index number, only one person may become a petitioner.
5. In any situation in which there is more than one person who wishes to begin an HP Action as a poor person, each one of these persons will require a separate poor persons affidavit or affidavit by a legal services provider, and each case will be assigned a separate index number.
6. No HP Action which has been assigned a free index number may have petitioners joined at a later date, as is the practice with paid HP Actions.
7. Each subsequent petitioner must either:
 - a) file for individual poor person status in order to obtain a free HP index number,
 - b) pay for an index number, or
 - c) join with someone who has begun an HP action with a paid index number under b) above.

Dated: November 13, 1992

Jack Baer
Chief Clerk