

## INFORMATION ON ANSWERING A NOTICE OF PETITION AND PETITION IN A HOLDOVER CASE

If you are in court for a holdover case, you have the right to answer and tell the court the legal reasons why you should not have to move. The legal reasons are called defenses. You will have to prove your defenses to the Judge.

Below are some possible defenses. You can have more than one defense depending on the facts of your case. You can have defenses that are not listed here. Tell the clerk or the Judge all your defenses. If you do not tell the court about a defense in your answer you might not be able to talk about it later in your case.

For information on answering a Notice of Petition and Petition in a nonpayment of rent case, go to: [http://www.nycourts.gov/CourtHelp/pdfs/Eviction\\_Handout.pdf](http://www.nycourts.gov/CourtHelp/pdfs/Eviction_Handout.pdf).

General Denial. I am not certain that the Petition is correct.

### SERVICE

- I did not get both the Notice of Petition and Petition.
- I got the Notice of Petition and Petition, but the papers were not delivered the way the law says.
- I did not get a Notice required by law before the landlord started the case

### PARTIES

- My name is listed wrong in this case.
- My name is not on the Notice of Petition and Petition
- The tenant listed is dead.
- The Petitioner is not the Landlord or Owner of the building or otherwise a proper party.

### APARTMENT/HOUSE

- I fixed the problem that the Petitioner is complaining about.
- The conditions or behavior that the Petition is complaining about are not that bad.
- The conditions or behavior that the Petition is complaining about are not true.
- There are or were conditions in the apartment and/or building/house that need to be repaired and/or services that need to be restored.  
Conditions in the apartment/house: \_\_\_\_\_.
- My home is not listed correctly on the court papers:  wrong apartment/house number  wrong or missing information about rent regulation or laws that cover me.

### OTHER

- Petitioner accepted rent from me after the date in the Notice of Termination.
- Petitioner started this case to retaliate for my actions taken in the past year.
- The Petitioner has harassed me by: \_\_\_\_\_
- I serve in the military.  I am dependent on someone in the military.
- Other defense / answer: \_\_\_\_\_

### COUNTERCLAIMS

I seek a judgment and/or order against the Petitioner.

- The Petitioner owes me \$\_\_\_\_\_ because I paid for repairs or services.
- The Petitioner owes me \$\_\_\_\_\_ for rent overcharges.
- The Petitioner owes me an abatement on the rent for failing to provide services.
- The Petitioner should be fined for harassing me.