

ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

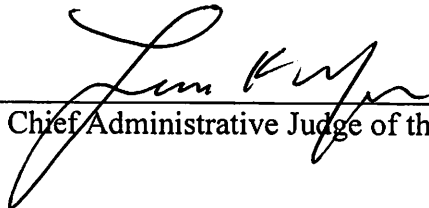
Pursuant to the authority vested in me, with the advice and consent of the Administrative Board of the Courts, I hereby revoke section 208.42(d) of the uniform rules for the New York City Civil Court (22 NYCRR §208.42(d)), relating to an example of a notice of petition in a proceeding under article 7 of the Real Property Actions and Proceedings Law on the ground that the respondent has defaulted in the payment of rent, and promulgate in its place the following new section 208.42(d):

Section 208.42(d):

Real Property Action and Proceedings Law §732 shall be applicable in this court in a proceeding brought on the ground that the respondent has defaulted in the payment of rent. The chief administrator of the courts shall promulgate, and post on the Unified Court System website, a form as an example of the notice of petition for use in such proceedings.

\* \* \*

Further by the power vested in me, I hereby promulgate an example of the notice of petition pursuant to section 208.42(d) of the uniform rules for the New York City Civil Court (22 NYCRR §208.42(d)), for use in proceedings under article 7 of the Real Property Actions and Proceedings Law on the ground that the respondent has defaulted in the payment of rent, as set forth in Exh. A. This order shall take effect on January 1, 2018.

  
\_\_\_\_\_  
Chief Administrative Judge of the Courts

Dated: November 8, 2017

AO/168/17

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF \_\_\_\_\_

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Petitioner (Landlord),

Index No. L&T \_\_\_\_\_

-against-

**Notice of Nonpayment  
Petition**

Respondent (Tenant),  
Address:

Petitioner Business Address:

Respondent (Undertenant).  
Address:

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**Your landlord is suing you for nonpayment of rent.**

1. Your landlord has started an eviction nonpayment case against you for rent the landlord claims you owe. The landlord's reasons are given in the attached Petition.
2. Your landlord is asking this Court for:
  - a money judgment for \$\_\_\_\_\_, plus interest from \_\_\_\_\_, 20\_\_, and
  - permission to evict you from your home if you do not pay the money judgment.
3. You have a right to a trial. But first you must Answer the Petition by going to the landlord-tenant Clerk's Office at: \_\_\_\_\_, \_\_\_\_\_, New York. You must do this within **5 days** after the date these papers were given to you or a person who lives or works in your home, or were posted at your home at:

Address or description of the premises

**Warning!** If you don't Answer the Petition within 5 days, a judgment may be entered against you. If that happens, the landlord will have the right to evict you.

4. Your Answer should say the legal reasons that you don't owe all or part of the rent. The legal reasons are called defenses. You can also say any claims you have against the landlord. You will have to prove your defenses and claims in court. To Answer the Petition you must either:
  - Go to the landlord-tenant Clerk's Office and tell the Clerk your Answer, or
  - Give the landlord-tenant Clerk your Answer in writing (Form No. Civ-LT-91a).Information to help you Answer the Petition is attached (Form No. Civ-LT-92).

**Important!** If you don't tell the Clerk about a defense in your Answer you might not be able to talk about it later in this case or any other case.

5. When you Answer the Petition, you will get a date to come back to Court 3 to 8 days later.
6. If your name is not on this Notice but you live in the home listed above, you have a right to come to Court and Answer the Petition.

7. Available Resources:

- **Language Help:** If you don't speak English well you have a right to a free court interpreter. Tell the Court Clerk you need an interpreter, or call 646 386-5670. To read a translation of this Notice in another language visit: [www.nycourts.gov/housingnyc](http://www.nycourts.gov/housingnyc). For information on evictions:

**646 386-5750:** Informations concernant les expulsions • বেদখলের তথ্য • 迫迁相关信息  
 迫遷相關資訊 • Информация о выселении • معلومات بشأن حالات الطرد  
 بے دخلیوں کی معلومات • Enfòmasyon Konsènan Degèpisman • Información sobre desalojos

- **ADA Help:** If you need special accommodations to use the court because of a disability, tell a Court Clerk or ADA contact person listed at: <http://www.nycourts.gov/COURTS/nyc/housing/services.shtml#ada> or call 646 386-5300 or 711 (TTY).
- **Financial Help:** If you owe the rent and don't have the money, contact HRA's Infoline at (718) 557-1399 for more information about getting help to pay the rent.
- **Legal Help:** The court does not give you a lawyer. If you do not have money to hire a lawyer, contact the Legal Aid Society 212 577-3300 or Legal Services 212 431-7200 or visit LawHelpNY at [www.lawhelpny.org](http://www.lawhelpny.org). If you have money to hire a lawyer, you can contact the New York City Bar Legal Referral Service at 212 626-7373.
- **Help at the Courthouse:** There is a Help Center in the courthouse where you can speak to a Court Attorney or a Volunteer Lawyer.
- **Online Help:** Visit the Housing Court's website at: [www.nycourts.gov/nychousing](http://www.nycourts.gov/nychousing) (also available in Spanish and Chinese) or visit LawHelpNY at [www.lawhelpny.org](http://www.lawhelpny.org).

**Postponements and Rent Deposits.** In court, you can ask to postpone your case. But, if your case is not finished 30 days after the first court date, or you ask to postpone the case twice, the court can order you to deposit money in court or make a rent payment to the landlord. If you don't do this, the landlord may get a judgment against you without a trial. If you fail to make future payments ordered by the court, your case may go to trial right away. RPAPL Sec. 745.

**After Judgment.** If the court orders a judgment against you after a trial, the court may give you up to 5 days to pay the judgment and not be evicted. Once the warrant of eviction is issued, the landlord can still evict you even if you pay the rent. After the warrant is issued, you will get a Notice of Eviction from a Marshal giving you at least 72 hours to move. If you don't move you will be evicted. RPAPL Sec. 749(2).

City of New York, County of \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_

Clerk of the Civil Court of the City of New York: \_\_\_\_\_

Petitioner or Attorney for Petitioner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

**INFORMATION ON ANSWERING A NOTICE OF PETITION AND PETITION  
(EVICTION/DISPOSSESS PAPERS for NON-PAYMENT of RENT)**

If you are in court for a "Non-Payment" case, because the Landlord claims you owe rent, you have the right to tell the Court the reason(s) why the rent may not be owed. Below are some reasons, called defenses, which the Court can consider in deciding how much rent you may owe to your Landlord. Tell the Clerk any reason(s) which you believe you are able to prove to the Judge. You may go to the Help Center if you need more information to help you answer in your case.

**SERVICE**

1. I did not receive a copy of the Petition and Notice of Petition (Eviction papers/Dispossess).
2. I did not receive the court papers correctly as required by law. *(See a Housing Court Counselor (Pro-Se Attorney) or seek legal advice if you think you did not receive the eviction papers properly.)*

**PARTIES**

3. My name is not correct, is wrong or is missing from the court papers. The tenant is dead.
4. The Petitioner is not the Landlord or Owner of the building, or otherwise a proper party.

**RENT**

5. I was not asked, either orally or in writing, to pay the rent before the Landlord started this case.
6. I tried to pay the rent, but the Landlord refused to accept it.
7. The monthly rent being requested is not the legal rent or the amount on the current lease.
8. The Landlord owes money to me because of a rent overcharge. I paid for repairs or services.
9. The rent, or a portion of the rent, has already been paid to the Landlord.

**APARTMENT**

10. There are conditions in the apartment/building/house which need to be repaired and/or services which the Landlord has not provided.
11. The petition does not describe the apartment/house correctly: wrong apartment/house number; wrong or missing program(s)/and or laws covering my tenancy.
12. The apartment/house is an illegal apartment.

**OTHER**

13. Laches: the petition comes as a surprise, the landlord knew for a long time that I owed the rent and waited too long to bring me to court. This delay has caused me harm.
14. I am not certain the petition is correct.
15. NEW YORK CITY ONLY The Petitioner has harassed me \_\_\_\_\_.
16. I am in the military /dependent on someone in the military.
17. The petition seeks the HUD OR Housing Authority Section 8 part of the rent. The petitioner did not notify HUD OR Housing Authority about this case. Other \_\_\_\_\_.
18. I seek a judgment and/or order based upon the above defense(s). \_\_\_\_\_
19. Other counterclaim(s): *(Please tell the Clerk any other reason(s) why you believe you do not owe your Landlord some or all of the rent or tell the clerk if you wish to file a counter claim).*