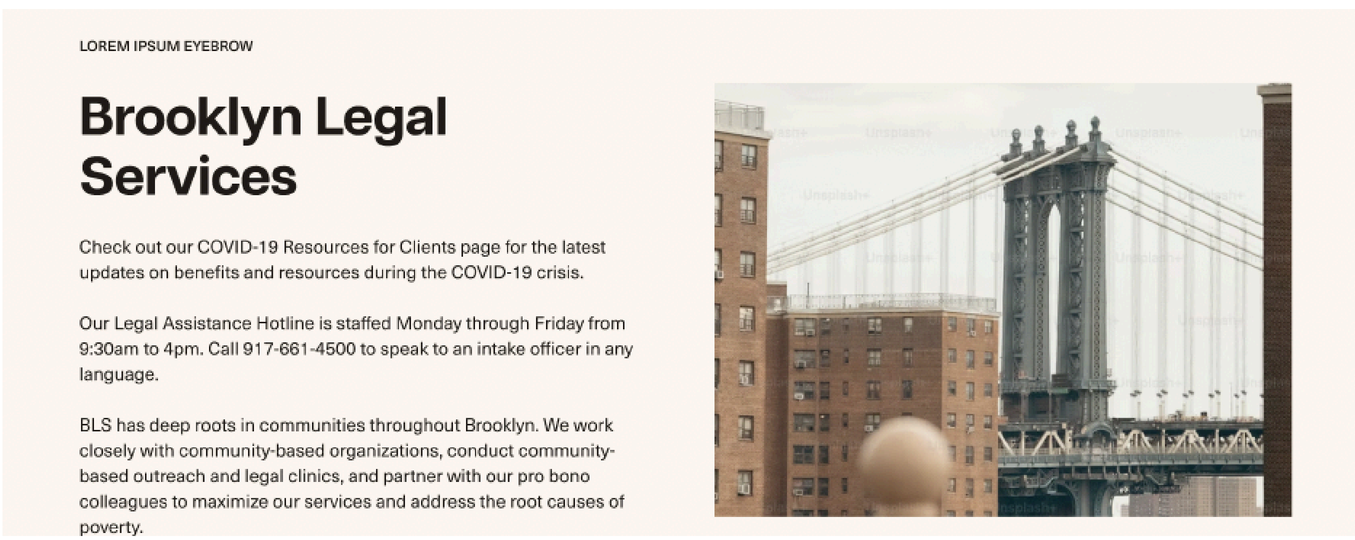
Practice Area Page Outline

- **Status**: Ready for Internal Review
- **Who will be entering this content into the site?**: LSNYC
- **Page layout type**: Default
- You can view all blocks here, with guidance on usage.

Default Page Toppers:

Includes a header, optional image, and optional body text.



Header Text *Maximum 100 characters*	Housing & Foreclosure

Body Text *Maximum 500 characters*	Is your landlord trying to evict you? Do you need repairs in your apartment? Did you receive a 90-day pre-foreclosure notice? Are you the victim of deed theft or scams? If you are having issues with your apartment or home, Legal Services NYC is here to help. Legal Services NYC is at the forefront of the fight to prevent evictions, preserve safe and affordable housing, and protect homeowners from scammers and foreclosures. Our dedicated advocates engage in zealous tenant representation, working citywide to defend, enforce, and further tenants' rights, as well as to preserve homeownership in gentrifying neighborhoods. Through a multifaceted docket of defensive and affirmative litigation; representation in administrative proceedings; and outreach and know-your-rights events, the advocates at LSNYC work to strengthen tenants' rights and homeownership in and beyond New York City. **Note**: If you have a court date for an existing eviction case, you must attend that hearing in housing court and will be assigned representation through NYC's Right to Counsel program in court. **For free legal help, call Legal Services NYC at 917-661-4500 Monday through Friday from 9:30 a.m. to 4 p.m. Learn more about our intake process here.**
Eyebrow Text *Maximum 40 characters*	
Photo URL *Dimensions: 1200 x 900 px* *Aspect Ratio: 4:3*	

Page Copy:

FREQUENTLY ASKED QUESTIONS

How can I stop an eviction?

If you received a "notice of petition - non-payment" or "notice of petition - holdover" from your landlord, that means your landlord has initiated legal proceedings to evict you from your apartment. You must answer the petition in person at the Housing Court Clerk's office. The Clerk will then provide you with a court date. You should try to find a lawyer to help you during this time. If you meet eligibility requirements, you may be assigned a free housing attorney through NYC's Right to Counsel program in housing court, which Legal Services NYC staffs on certain days. If not, there are many *pro se* resources available to help tenants navigate the process without representation. There are also many eviction defenses and ways to stay in your apartment, so don't lose hope. Also, only a marshal or sheriff can evict you, and your landlord must bring you to court and get a judgment first.

Learn more here.

How can I force my landlord to make repairs?

Every tenant has the right to decent, safe housing. To enforce that right, you can take the following steps:

1. Contact your building super AND building management:

   - Call your building super, or visit your building super in person.
   - Call or email building management.
   - If you cannot reach building management by phone or email, send them a letter that describes the conditions in need of repair.
     - To find the business mailing address of your management office, visit Who Owns What in NYC? and enter the address of your apartment building in the search box.

2. Call 311 immediately to report the conditions to the city enforcement agency.

3. If you live in a NYCHA development, NYCHA repairs can be requested by calling the Customer Contact Center at 718-707-7771, using the **MyNYCHA** portal, or going to a **walk-in location**.

4. If these methods do not result in repairs, consider withholding rent until the conditions are fixed, or initiating a lawsuit called an HP action to obtain repairs.

Learn more here.

Are you being harassed by your landlord?

Tenant harassment is when a landlord takes action to force any tenant to leave their home or give up their rights. This includes the use of force or threats to use force, interrupting services like heat, hot water, power and more.

If you are being harassed by your landlord, you can start a court action called an HP action to get a court to order your landlord to stop and to impose penalties on the landlord. If you are a rent-regulated tenant, you can also file a harassment complaint with DHCR, which may result in an order to stop, fines for the landlord, and your rent being frozen until there is compliance.

Learn more here.

What is the new Good Cause Eviction Law?

NYC tenants who are not already protected by rent regulations may have new protections from large rent increases or evictions without good cause under the new Good Cause Eviction Law that is effective as of April 20, 2024. There are exemptions for properties that are owner-occupied or owned by small landlords, units that have high rents, and units built after 2009.

Learn more here.

What are my tenant rights?

All tenants in New York City have many rights, including the right to safe and habitable housing, freedom from discrimination and harassment, and due process before they can be evicted (which means that you cannot be evicted without being taken to court and having the right to a trial). Tenants of regulated housing — like rent-controlled or rent-stabilized apartments buildings receiving a tax benefit, or public housing — have additional rights related to the amount their rents can increase, when they are entitled to a lease in their name, and what grounds the landlord can use to refuse to renew their lease.

Learn more here.

I'm a NYCHA resident. What do I need to know about NYCHA's rent adjustment process?

In 2021, LSNYC settled a lawsuit with NYCHA over their failure to timely and accurately reduce tenants' rent who experienced an income drop, which is their obligation under the law. The settlement requires NYCHA to reduce tenants' rents within 60 days after they request an "Interim Recertification" and document their loss of income. It also prevents NYCHA from starting a nonpayment eviction case, or a termination proceeding based on Chronic Rent Delinquency, until it has resolved Interim Recertification or Rent Grievance requests by tenants. This means that tenants cannot be evicted for not paying their old rent while they are waiting for NYCHA to calculate their new rent.

Learn more here.

How can I protect against deed thefts and loan scams?

If you are behind on your mortgage or property taxes, beware of scammers asking you for money up front to get you a loan modification. There are free housing counseling agencies who provide that help, and New York law prohibits charging in advance for help with loan modifications. Many scammers will try to trick you into signing papers to transfer ownership of your property to them or others, telling you that they are going to help you save your home. Never sign any papers without seeking advice from a lawyer that you have contacted on your own.

Learn more here.

What do I do if I receive foreclosure papers?

A foreclosure is a lawsuit brought against you to take your home. A foreclosure can be brought by your mortgage lender, claiming that you failed to pay (“defaulted”) on your mortgage loan. A foreclosure can also be brought against you if you get behind on your property taxes or your water bill. At least 90 days before starting a foreclosure case, the bank or the company that services your mortgage for the bank must send you a letter called a “90-day notice” by regular and certified mail. The 90-day notice tells you that you are in default and the amount of money you would have to pay to catch up. It will also provide information about local housing counseling agencies who may be able to help you work with your lender to prevent the lender from starting a foreclosure case against you.

If you have not resolved the payment issue with your lender after you have received a 90-day notice, the lender (or the mortgage servicing company that works for the lender) will start a foreclosure case by filing in court and delivering a summons and complaint to you . Do not ignore those papers — you should seek help from an attorney right away if you are served with court papers, even if you are already working with your lender, and even if the lender (who will be the plaintiff in the court case) tells you not to bother. If you do not send your answer to the plaintiff’s attorneys and to the court, you may lose the ability to defend the court case. You may be eligible for free help in answering the complaint from lawyers with experience in defending against foreclosure actions.

Learn more here.

How can I prevent foreclosure with a reverse mortgage?

Many senior homeowners with reverse mortgage loans are at risk of foreclosure, often because of non-payment of taxes or property insurance. If you’ve fallen behind, you may be able to get back on track with emergency assistance or a repayment plan. Check out these tips and facts to better protect your home against foreclosure when you have a reverse mortgage.

Learn more here.

Can a lender foreclose on my co-op?

Foreclosures on co-ops happen much quicker than it does for houses, condos, or other real property because it does not require going to court. For example, failure to make monthly payments to the co-op's lender or a failure to make required co-op maintenance payments (including special assessments) owed to the co-op, can lead to foreclosure by the lender. If you receive a 90-day notice or a notice of foreclosure, you should seek help right away!

Learn more here.

Can unpaid property taxes and water bills lead to foreclosure?

Yes, you are AT RISK if you are behind on your property taxes or water/sewer charges. Unpaid amounts become tax liens that may be sold in a tax lien sale and may lead to foreclosure. Although New York City paused tax lien sales during the pandemic, discussions are underway to restart the sales. You may be able to work out a repayment agreement or defer paying your property taxes with the city to avoid foreclosure.

Learn more here.

What if my Homeowners Association (HOA) is suing me?

Sometimes owning a home can present problems. Not only can your neighboring homeowners cause you concern, but the homeowners association ("HOA") can be difficult to deal with, too. Arming yourself with the basic information about HOAs and how they work could help you prevent problems or unnecessary legal action.

Learn more here.