

Effective December 30, 2023, a new law, Article 7-D of the Real Property Actions and Proceedings Law (RPAPL), allows tenants in New York to sue their landlords for repairs to unsafe living conditions and reduced rent until the repairs are made.<sup>1</sup>

The new law does not cover unsafe conditions caused by the tenant or their guests.

Before filing in court, you must try to work it out with your landlord first. Keep written proof, such as text messages or emails, showing that you asked for repairs. The landlord has to know about the problems and have a chance to correct them.

The repair issues must be serious ones that are dangerous to health and safety. If DSS or Section 8 stopped paying rent due to the repair issue, it is likely serious enough to file a repair petition in court.

Information about how to file a repair claim on your own, without a lawyer, is available from the Office of Court Administration. You can find information online at: <https://www.nycourts.gov>.

Before attempting to file on your own, call Legal Aid to be screened for eligibility. We may be able to represent you in court!

**Apply  
Online**



<sup>1</sup> Article 7-D does not cover properties in the counties of Nassau, Suffolk, Richmond, New York, Bronx, Kings, or Queens.

## OUR LOCATIONS

Main Office - Utica  
120 Bleecker Street  
Utica, New York 13501

Syracuse  
221 South Warren Street, Suite 310  
Syracuse, NY 13202

Binghamton  
105 Court Street, 3rd Fl.  
Binghamton, NY 13901

Watertown  
215 Washington Street, Suite 202  
Watertown, NY 13601

Oswego  
335 West First Street, Suite 2  
Oswego, NY 13126

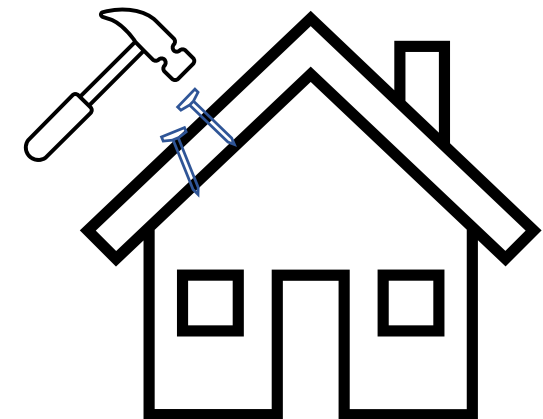
Oneonta  
189 Main Street, #3  
Oneonta, NY 13820-3510

Farmworker Law Project (statewide)  
P.O. Box 282  
Wappingers Falls, NY 12590



*Making Justice Accessible*

## Filing A Petition For Repairs



**Legal Aid Society of Mid-New York, Inc.**

Housing Preservation Line: (315) 793-7083  
HelpLine: (877) 777-6152  
[www.lasmny.org](http://www.lasmny.org)

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### WHO CAN SUE?

- One or more occupants who have lived on the property for 30 or more consecutive days.
- Anyone who meets the 30-day occupancy test is considered a tenant under this law.

### WHO CAN BE SUED?

- The owner of the property.
- A public housing authority or governmental body that owns or manages the property.
- Anyone with the legal obligation to maintain the property.

### WHAT CONDITIONS?

NY law requires landlords to keep all rental spaces and common areas “fit for human habitation and for the uses reasonably intended by the parties” and make sure that occupants are not “subjected to any conditions which would be dangerous, hazardous or detrimental to their life, health or safety.”

This obligation is called the warranty of habitability.

- Any condition of the property that violates the warranty of habitability.
- Any condition of the property that violates local or state housing standards.

### WHERE & HOW TO FILE?

- You must file in the county, town, village, or city court where the property is located.
- Check the tax assessment rolls online to be sure where the property is located.
- File a [Notice of Petition](#) and a [Petition](#) with the clerk of the court.

- The fee to file is \$45 in city courts and \$20 in town and village courts.
- Fee waiver is possible.

#### The Notice of Petition must:

- Specify the time and place of the hearing.
- State that if the respondent fails to appear at the time and place stated to interpose any defense, the respondent may be precluded from asserting such defense.
- Be issued by an attorney, judge, or court clerk.

#### The Petition must:

- **State your interest in the property:** “I am a tenant at *[insert your address]*, and I have lived here for *[insert length of time]*”
- **Describe the Premises:** The property is a *[describe the size of the house—one, two, 3 family]* located at *[insert your address]*.
- **State the facts upon which the proceeding is based:** *[Describe each repair problem and how long the problem has existed.]*
- **State the relief sought:** “I am asking for an order telling the Landlord to repair the conditions described above, a monetary judgment for the difference between the actual rent and the rent I was charged, and an order reducing the rent until the conditions are repaired.”
- Be **verified**, which means signed before a Notary Public and contain the following language: “The Petition is true to my knowledge, except as to matters alleged on information and belief, and that as to those matters, I believe them to be true.”

### WHAT RELIEF IS AVAILABLE?

- An order to repair the unsafe conditions.

- A monetary judgment for the diminished value of the property.
- An order reducing future rent until violations are fixed.

### WHEN & HOW TO SERVE?

- The Notice of Petition and Petition must be served at least 10 days before and not more than 17 days before the first court appearance.
- An adult who does not live at the property must serve the Notice of Petition and Petition. Handing the papers to the respondent(s) (landlord/owner) is always best.
- The Notice of Petition and Petition may be served by certified and first-class mail to the address where local property tax bills are sent.
- Proof of Service must be filed with the court within 3 days.

### HOW DO I PROVE MY CLAIM?

You can prove the unsafe conditions with:

- ✓ **Testimony:** Testify yourself under oath to the conditions in the apartment. Also, individuals who saw the conditions like your friends, family, and other members of the household can testify.
- ✓ **Documents:** Bring codes/inspection reports, letters, emails, or text messages to the landlord or from the landlord about the unsafe conditions.
- ✓ **Photo or Videos:** Bring photographs or videos showing the unsafe conditions.

You must prove your case by a “preponderance of the evidence,” which means more likely than not that condition(s) constituting a violation of applicable state or local housing standards and/or a breach of the warranty of habitability exist on the premises.