

General Information for Filing an Article 7-D Petition

Can I ask a court to order my landlord to make repairs to my unit?

New York Real Property Actions and Proceedings Law (RPAPL) Article 7-D allows tenants to file a lawsuit against their landlord for a Court order to make repairs to the leased unit. A tenant can file this lawsuit without a lawyer. The New York State Unified Court System has published forms that can be completed by a tenant and filed in Court. You are required to complete and file both the “[Notice of Petition for Judgment Directing Repairs](#)” and “[Petition for Judgment Directing Repairs](#)” with the Court.

Where can I file an Article 7-D lawsuit?

The lawsuit must be filed in the county court, district court, city court, town court, or village court where the unit is located. A filing fee may apply.

Who can bring the Article 7-D lawsuit?

The person(s) who are bringing the lawsuit are called “Petitioners.” One or more tenants may be listed as Petitioners in an Article 7-D lawsuit. Each Petitioner must meet the following criteria to bring the lawsuit: (1) the person currently occupies the unit, (2) the person has occupied the unit for the past 30 days, and (3) the person has an agreement to lease the unit (this may be a written lease or verbal agreement).

Who can I sue in an Article 7-D lawsuit?

The person being sued in a lawsuit is called a “Respondent.” You may list more than one Respondent in an Article 7-D lawsuit. The Respondent(s) in an Article 7-D lawsuit is any person legally responsible for maintaining the living conditions of the property. The most common Respondent is the landlord as the owner of the property. A list of other possible Respondents is available on Page 2 of the “[Petition for Judgment Directing Repairs](#).”

What can I sue for?

An Article 7-D lawsuit allows the Court to issue three types of judgments. First, you may ask the Court for an order to make the Respondent complete specific repairs. Second, you may ask the Court to give you a monetary award, which is calculated as: the amount of rent you paid while the unrepaired conditions existed minus the actual value of the unit in the unrepaired condition. Third, you may ask the Court to reduce your rent going forward until the specific repairs have been made.

What repairs can I ask the Court to order be completed?

You may ask the Court to order repairs in your unit for conditions that are dangerous, hazardous, or harmful to your life, health, or safety. You may also ask for repairs for conditions that violate the housing code for your jurisdiction. You may not ask the Court to order repairs for damage that you or your guests caused.

Some examples of conditions that you can request to be repaired in this lawsuit are: pest and rodent infestations; broken toilets; lack of hot water; broken windows; water or sewage leaks; holes in the floors, walls, or ceilings; broken stairs; lack of heat; electrical issues; and more.

How do I fill out the “[Notice of Petition for Judgment Directing Repairs](#)”?

Fill in the name of the Court and County where you will be filing the lawsuit. The lawsuit must be filed in the county court, district court, city court, town court, or village court where the unit is located. For example, "Jamestown City Court, County of Chautauqua."

List the names of the Petitioners and the names of the Respondents.

The Index Number is the case number issued by the Court. The Court will provide this to you at the time the documents are filed.

Fill out the property address for the unit where the repairs need to be made.

The Court will fill out the Court time, date, address, and courtroom number when you file the documents.

The bottom of Page 1 contains lines for "Name" and "Address." List the name and address of each Respondent. This is the location where service of the documents can be completed.

If you have filled out the forms without the assistance of a lawyer, you may disregard "Section A". The Court will complete "Section B" when you file the documents.

How do I fill out the "Petition for Judgment Directing Repairs"?

Fill in the name of the Court and County where you will be filing the lawsuit. The lawsuit must be filed in a jurisdiction that contains the unit. For example, "Jamestown City Court, County of Chautauqua."

List the names of the Petitioners and the names of the Respondents.

The Index Number is the case number issued by the Court. The Court will provide this to you at the time the documents are filed.

Fill out the address of the unit where the repairs need to be made. Check the box that indicates how many total units are in the building.

Fill out the “Name”, “Address”, and “Move-in Date” for each Petitioner filing the lawsuit. You may also fill out “Phone,” but it is not required. If there is a related case against you, such as an eviction case regarding the same unit, you must indicate such and provide the “Index Number” and “Next Court Date.” If there are more than four Petitioners, you can use the “[Petitioner Information Addendum](#)” to complete the information for the additional Petitioners.

List the “Name” and “Address” of the Respondent(s). Also, check the type of address listed and the role of the Respondent. You may check more than one box. If there is more than one Respondent, you may use the “[Respondent Information Addendum](#)” to record the information of the additional Respondents.

Under the heading “Facts of the Case” on Page 3, write the amount of your monthly rent. In the space below paragraph 2, list all of the repairs that need to be made to your unit. Be specific about the severity of the condition and location within the unit. Keep in mind, the Article 7-D lawsuit is specifically to request repairs for conditions that are dangerous, hazardous, or harmful to your life, health, or safety, and for conditions that violate your local housing code.

On Page 4, indicate what type(s) of judgment you are asking the Court to make. You may check more than one box. The first request is for the Court to order the Petitioner to make the repairs to the unit listed in the previous section. The second requests that the Court reduce your monthly rent going forward to a specific amount until the repairs have been completed. You may request an amount that you believe reflects the value of the unit in its unrepaired condition. The third requests a monetary award calculated as: the amount of rent you paid while the unrepaired

conditions existed minus the actual value of the unit in the unrepaired condition. You may request an amount that you believe reflects the difference in the rent you paid and the actual value of the unit in the unrepaired condition. The fourth request is for any other judgment you would like the Court to order.

Every Petitioner must complete the “Verification” in front of a Notary Public.

I filled out the “[Notice of Petition for Judgment Directing Repairs](#)” and the “[Petition for Judgment Directing Repairs](#).” What should I do next?

Bring both documents to the Court to file the lawsuit. You may need to pay a filing fee. The Court will complete its sections of the documents. The Court will give you a court date. You are then responsible for serving both the completed “[Notice of Petition for Judgment Directing Repairs](#)” and the “[Petition for Judgment Directing Repairs](#)” on each of the Respondents.

How do I serve each of the Respondents?

You are required to make sure the completed “[Notice of Petition for Judgment Directing Repairs](#)” and the “[Petition for Judgment Directing Repairs](#)” are served on each of the Respondents. A person listed as a Petitioner may not serve the documents. The Court will dismiss the lawsuit if the documents are not properly served on the Respondents. Because the process is difficult, many individuals choose to hire a “process server” who will complete the service for them. The Court may be able to direct you to a local process server or you can research one in your area. If you choose to complete the service on your own, the New York State Unified Court System has published a guide [here](#). Be sure to thoroughly read the guide to ensure the documents are properly served.

An Article 7-D lawsuit requires the documents to be served at least 10 days before the court date, but not more than 17 days before the court date. If the service is not completed during this time frame, the Court will dismiss the case.

The person who completes the service must file an Affidavit of Service with the Court to document that proper service was completed.

What happens on the court date?

Be prepared for a hearing to determine the repairs that need to be made in the unit and the amount of monetary judgment to be awarded, if any. You should bring photos of the conditions, communications between you and the Respondent(s) regarding the conditions or requests for repairs to be made, notices of code violations, receipts for any repairs you have made, and other material to submit as evidence. You may also bring witnesses who can testify as to the conditions of the unit. Please be sure to have all of the evidence printed for the Court's consideration, and bring any video or audio recordings on a flash drive. The Judge will not view evidence on a cell phone or laptop.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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[Housing](#)

[Article Legal Information](#)

[Print](#)

[Table of Contents](#)

NEWS

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