

STATE OF NEW YORK
COUNTY OF _____
CITY/DISTRICT/TOWN/VILLAGE COURT _____

_____ Petitioner(s)/Landlord(s) Index/Docket No.: _____

-against-

_____ Respondent(s)/Tenant(s)

**TENANT'S ANSWER and
COUNTERCLAIMS to
NONPAYMENT CASE**

_____ Respondent(s)/Under-Tenant(s)

State of New York
County of _____ }

_____, being duly sworn, deposes and says:

ANSWER

- 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 was served fewer than 10 days or more than 17 days before the return date.* outside NYC only.
- I did not get a written rent demand.
- I got the written rent demand, but it was not delivered the way the law says.
- I got a written rent demand, but it gave me less than 14 days' notice to pay the rent.

PARTIES

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

RENT

- The landlord never sent me a notice by certified mail that my rent was 5 days overdue as required by RPAPL 235-e.
- I have paid all or some of the rent to the Petitioner.
- I, or a person or agency on my behalf, tried to pay the rent, but the Petitioner refused to accept it.
- The monthly rent asked for is incorrect or is not the amount on the current lease.
- My landlord increased my rent after accepting ERAP funds.
- The Petitioner owes money to me because of a rent overcharge [this is only applicable to rent regulated units].
- The Petitioner is asking for non-rent charges, such as additional fees, late charges and penalties that are not permitted in the case.
- My rent was increased by more than 5% after October 12, 2019, and I got no written notice or did not get enough advance written notice.

APARTMENT/HOUSE

- The Petitioner has breached the warranty of habitability as 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:

- I have advised Petitioner of these conditions, but the Petitioner has not corrected them.
- 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.
- The Petitioner does not have the right to rent the premises/collect rent for the premises pursuant to local laws.

DEFENSES RELATED TO COVID-19

- I applied for the Emergency Rental Assistance Program (ERAP) and the status of my application is:
 - Pending. This proceeding must be paused.
 - Approved. This proceeding must be dismissed because arrears were paid by ERAP or the judgment amount sought must be modified to reflect the ERAP payment.
 - Provisionally approved and my landlord has either refused payment or has not timely provided the necessary information or documentation before 180 days. My landlord cannot collect the amount sought in the Petition and cannot evict me for this unpaid rent.
 - Denied, but I submitted an appeal that is pending. This proceeding must be paused.
- I did not receive a Tenant's Declaration of Hardship During the COVID-19 Pandemic in 14 point type from the Petitioner with any alleged rent demand and/or the Notice of Petition and Petition that were served before January 15, 2022.
- The Tenant's Declaration of Hardship During the COVID-19 Pandemic allegedly served before January 15, 2022, did not contain a list of all not-for-profit legal services providers actively handling housing matters in my county.
- I am protected by the Tenant Safe Harbor Act because I suffered financial hardship during

the COVID-19 covered period (March 7, 2020 through January 15, 2022), and so, I cannot be evicted for rent that accrued during that time.

OTHER

- The Petitioner has harmed me by waiting too long to bring this case (laches).
- The Petitioner has harassed me and interfered with my quiet enjoyment of the premises by:

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- The Petition seeks the HUD or Housing Authority Section 8 part of the rent.
 - The petitioner did not notify HUD or the Housing Authority about this case.
 - The landlord is refusing to sign forms needed by an agency to resolve my case.
 - The landlord started this case in response to a complaint I made about my tenancy or apartment, my assertion of my rights as a tenant, and/or my participation in a tenant's organization.
 - I currently serve in the military I am dependent on someone currently serving in the military.
 - Other defense / answer: _____
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COUNTERCLAIMS

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

- The Petitioner owes me \$_____ because I paid for repairs or services.
- The Court should award me an abatement of rent because the Petitioner has breached the warranty of habitability by failing to make repairs and/or provide services.
- The Court should award me an abatement of rent because the Petitioner has harassed me and interfered with my quite enjoyment of the premises.
- The Petitioner owes me \$_____ for rent overcharges [this is only applicable for rent regulated units].

VERIFICATION

I am the respondent in this case and I've read this Answer and know what it says and know that it is true or believe it to be true.

Date

Signature

Print Name

Sworn to me before this _____
day of _____, 20____

Notary/Clerk
