



NEW YORK  
CITY BAR

**REPORT BY THE HOUSING COURT COMMITTEE**

**RECOMMENDATIONS TO IMPROVE THE HOUSING COURT’S ENFORCEMENT  
OF HOUSING MAINTENANCE AND STANDARDS**

Fifty years ago, the Civil Court Act created the Housing Part (HP) and birthed Housing Court.<sup>1</sup> In doing so, the legislature found that the “effective enforcement of state and local laws for the establishment and maintenance of proper housing standards is essential to the health, safety, welfare and reasonable comfort of the citizens of the state.”<sup>2</sup>

The Civil Court Act prescribed a clear directive: Housing Court is mandated to be “devoted” to the “enforcement ... and maintenance of housing standards.”<sup>3</sup>

Now, almost a half century later and in the midst of a pandemic, housing issues are at the forefront of public concern. The Housing Court Committee of the New York City Bar Association has a unique opportunity to use this historic time to advocate for the needs of Housing Court, its directive, purpose, and its users: those who must avail themselves of the radical powers of the Court for housing justice.

**I. BACKGROUND**

Housing Court, while intended to focus on housing standards, quickly became an eviction apparatus. In a 1979 law review article, Judge Leonard N. Cohen evaluated whether the legislature’s “‘landmark’ effort” to effect the enforcement of proper housing standards was, in fact, working as intended.<sup>4</sup>

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<sup>1</sup> CCA §110 (“A part of the court shall be devoted to actions and proceedings involving the enforcement of state and local laws for the establishment and maintenance of housing standards”).

<sup>2</sup> See Editor’s Notes, CCA § 110, Laws 1972, ch 982, & 1, New York Consolidated Laws Service, Matthew Bender, Inc. (2021).

<sup>3</sup> See *id.*

<sup>4</sup> Leonard N. Cohen, The New York City Housing Court—An Evaluation, 17 Urb. L. Ann. 27 (1979), available at: [https://openscholarship.wustl.edu/law\\_urbanlaw/vol17/iss1/7](https://openscholarship.wustl.edu/law_urbanlaw/vol17/iss1/7)

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

He found that “[d]espite innovative efforts by judges to implement the legislative strategy, the traditional preeminent right permitting a landlord's insistence on swift rent payment in a summary eviction proceeding has overshadowed the Act's purposes. Eviction actions based on rent nonpayment constitute the bulk of the court's caseload. ... The judicial centerpiece remains the landlord's summary relief for rent or possession.”<sup>5</sup>

Today, we know that to still be the case, forty-two (42) years after that article was published, and forty-nine (49) years after the CCA was passed. In 2019, about 181,000 eviction proceedings were filed. Since March 23, 2020, over 7,000 HP cases have been filed.<sup>6</sup>

## **II. RECOMMENDATIONS**

A lack of resources forces the Housing Court to grapple with an existential crisis of demand versus mandate. The Housing Court Committee makes the following recommendations, which would allow Housing Court to keep housing maintenance and standards its “judicial centerpiece.”

### **1. Assign Multiple HP Part Judges**

The Housing Court Committee recommends that the Court continue to assign more than one judge to the HP part. In the Bronx and Kings Counties, over 4,000 HP cases have been filed since March 2020. Over 2,000 cases for one judge is an impossible docket to keep. Hiring more judges, and assigning more than one judge to the HP part, can relieve the backlog in the HP parts for case appearances, adjournments, and resolutions.

### **2. Send HP trials to Part Ex**

The Housing Court Committee recommends that the Court continue to send HP proceedings to Part Ex, the expedited trial part, for trials. This procedure can allow HP part judges to maintain control over their calendars to adjudicate cases more efficiently and to allow trials to be calendared and tried faster across multiple trial parts.

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<sup>5</sup> *Id.* at 42.

<sup>6</sup> Office of Court Administration's housing court records, published and publicly accessible via the Housing Data Coalition: <https://github.com/housing-data-coalition/oca>.

**3. Require HP trainings as an obligatory aspect of judicial training seminars for all judges**

The Housing Court Committee recommends that the Court require all Housing Court judges to attend routine HP and Harassment trainings so that all judges are able to handle these cases and trials. Requiring routine HP trainings will allow all the judges to avoid the sharp learning curve of the HP part.

**4. Allow resources such as JustFix to be used for *pro se* litigants, or provide filing resources and facilitation at the physical courthouse**

The Housing Court Committee recommends that the Court allow *pro se* litigants to use resources like JustFix.nyc to effectively and efficiently file HP cases online, by waiving the notary requirement, or by providing free notaries at the courthouse. In the alternative, the Court should provide consistent resources across all boroughs at all the courthouses to help *pro se* litigants file HP cases, including fact sheets, petition forms, free notary services, and access to legal service providers. Allowing these resources will free the HP judges' calendars to avoid dealing with procedural filing issues.

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We believe these recommendations will improve the effectiveness of the Housing Part toward its mandate of enforcing and maintaining housing standards essential to the health, safety, and welfare of the citizens of New York State, and we respectfully urge the Chief Judge, the Office of Court Administration, and the Housing Court Administrative Judges to adopt and implement them. As always, we stand ready to assist in whatever way would be most helpful.

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December 2021