



Tenant Dignity and Safe Act of 2023

As of December 2023, tenants now possess the ability to unilaterally commence landlord tenant proceedings against landlords of residential properties to repair building conditions that are violations of applicable state or local housing standards and/or constitute a breach of warranty of habitability in any city, town/justice, or county court in Westchester County.

Previously, if tenants wanted to claim any rent abatement or compel repairs to be made, they would normally only be allowed to do so once a landlord commenced an eviction proceeding against the tenant. Similarly, if tenants believed building code violations existed they were restricted in only filing complaints with the local Department of Buildings and it would be left to the Department of Buildings to determine whether a municipal code violation action would be instituted against a landlord.

Under the new law, tenants can now unilaterally file a notice of petition and petition, similar to an eviction proceeding, alleging building code violations and/or violations of the breach of warranty of habitability.

Once a notice of petition and petition is filed by the tenant it is also served on the landlord with a Court date for the landlord to appear and answer the Petition. A copy of the notice of petition and petition is also transmitted by the Court to the local Department of Buildings to appear in Court as well, which can include inspections of the property by the Department of Buildings. Landlords are entitled to raise defenses and/or a trial if they dispute allegations contained in a Petition.

The Court can issue a judgment ordering the landlord to repair conditions that are in violation of applicable housing standards and/or breach of warranty of habitability.

Courts may also be able to issue a rent abatement or rent reduction for the time period that the alleged conditions exist.

If you have been served with a Notice of Petition and Petition from your tenant asking you to make repairs, do not hesitate to contact our office to discuss.

Email James today at jdibbini@dibbinilaw.com to review the specifics of your transaction for a more precise estimate or to represent you on your next purchase or sale.

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