



**JAMES G. DIBBINI
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Attorneys At Law
TRUST. COMMITMENT. INTEGRITY.



What is an Article 78 Proceeding?

An Article 78 proceeding is a special type of legal action brought in New York State Supreme Court used to challenge the decisions, actions, or inactions of state and local government agencies or officials. Named after Article 78 of the New York Civil Practice Law and Rules (CPLR), this proceeding serves as a powerful tool for individuals, property owners, and businesses seeking to contest arbitrary or unlawful determinations made by public entities.

4 Types of Article 78 Proceedings:

- Mandamus to Compel
 - Agency, State or an Official has failed to do something that is required by the law.
- Mandamus to Review
 - Agency, State or an Official has issued a decision that is arbitrary and capricious.
- Certiorari to Review
 - Agency, State or an Official made a determination that was not supported by substantial evidence.
- Prohibition
 - Agency, State or an Official has gone beyond its lawful authority.

These proceedings often involve disputes with:

- Municipal building departments
- Rent regulation agencies (e.g., DHCR)
- Zoning boards or planning commissions
- Licensing authorities (e.g., liquor, taxi/limo, contractor licenses)

Examples of Article 78 Cases:

- A landlord challenges a decision by the DHCR disallowing a rent increase.
- A homeowner contests a zoning board's denial of a variance request.
- A contractor disputes the revocation of a business license.
- A tenant or property owner seeks to compel an agency to respond to a timely application or FOIL request.

Timing is Critical:

Article 78 proceedings are subject to strict time limits, often requiring action within 4 months of the challenged decision. Missing a deadline can bar your right to seek relief, so prompt legal consultation is crucial.

We Are Here to Help:

At James G. Dibbini & Associates, P.C., we have extensive experience navigating complex interactions with government agencies on behalf of property owners, landlords, tenants, and businesses. If you believe you have been unfairly treated by a government agency or are considering filing an Article 78 petition, we are ready to assist you with prompt, knowledgeable representation.

Email James Dibbini now at jdibbini@dibbinilaw.com or call at 914-240-8270.

The attorneys at James G. Dibbini & Associates, P.C. collectively have over 60 years of experience providing legal services in the areas of:

- [Landlord & Tenant Law](#)
- [DHCR Representation](#)
- [Business Formations](#)
- [Commercial & Residential Real Estate Closings](#)
- [General Business Law](#)
- [Civil Litigation](#)
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