

## Client Information

Last Name		First Name		D.O.B.	
Client's Phone No.		Client's Email			

Housing Info	<input type="checkbox"/> Rent Stabilized or Rent Controlled (circle one)	<input type="checkbox"/> SRO (Single Room Occupancy )
	<input type="checkbox"/> Market-rate Housing	<input type="checkbox"/> Illegal Boarding House (3/4 House)
	<input type="checkbox"/> Public Housing (NYCHA/HUD)	<input type="checkbox"/> Adult Home/Nursing Home
	<input type="checkbox"/> Section 8 (Voucher or Project)	<input type="checkbox"/> Owned
	<input type="checkbox"/> Transitional Shelter (e.g., Bowery)	<input type="checkbox"/> None / Homeless
	<input type="checkbox"/> Temporary Shelter	<input type="checkbox"/> Other _____
Rent	\$ _____ week/month	Move-in date
Household members (names and DOBs)		
What is the income of the other household members?		
Is anyone in the apartment disabled &/or a senior?		
Is anyone in the household in the military or dependent on someone in the military?		

Directions for using this guide: Identify the relevant issue and ask client questions from that section. Enter the information on the original intake sheet and attach this sheet to the original. Note: All references to "Scherer" refer to Residential Landlord-Tenant Law in New York by Andrew Scherer. A copy of this treatise is available at every Legal Aid Desk. In addition, you should refer to the Volunteer Resource Manual binder for specific housing related issues.

<b>Is there an active court case?</b>  Case Information	<input type="checkbox"/> Did tenant receive a predicate notice? (notice to quit, notice to cure, notice of termination, notice of non-renewal of lease). See Scherer Chapter 8. <input type="checkbox"/> Did tenant receive personal or substitute service? Was service proper? See Scherer 7:173 – 193. <input type="checkbox"/> Ask tenant for copies of predicate notice, petition, answer and any in-court stipulations. <input type="checkbox"/> Case Index Number _____. County _____. <input type="checkbox"/> Next court date: _____.
<b>Nonpayment proceeding</b>  See Scherer Chapters 9 & 12	<input type="checkbox"/> Did tenant receive a rent demand? Was in oral or in writing? <input type="checkbox"/> If a case has commenced, did tenant respond to petition? When? <input type="checkbox"/> What defenses, if any, does tenant believe he or she has to the case? <input type="checkbox"/> Has the tenant appeared in court on this matter? What happened on each occasion? <input type="checkbox"/> What is the source of inability pay rent? E.g., lost job, too expensive, lost public benefits, etc. <input type="checkbox"/> How is the rent paid? E.g., money order, check, direct deposit, public assistance, etc. <input type="checkbox"/> Does the tenant think he or she owes rent? If so, how much? <input type="checkbox"/> Has the client been the subject of a non-payment proceeding in the past 3 years? If so, how many? How were the cases resolved? <input type="checkbox"/> If all the arrears were paid off, would the tenant have the ability to pay ongoing rent? <input type="checkbox"/> What outcome does tenant want from lawsuit? E.g., stay in the apartment, time to move out, get repairs, etc.
<b>Repairs/ Warranty of Habitability</b>  See Scherer 12:65 et seq.	<input type="checkbox"/> Does the apartment need repairs? If so, describe the conditions in the apartment. <input type="checkbox"/> Has tenant asked the landlord to make the repairs? How was request made? In writing or orally? <input type="checkbox"/> Has tenant called 311 to complain about the conditions in the apartment and if so, has HPD made an inspection? What were the results? <input type="checkbox"/> Does tenant have photos of the conditions? <input type="checkbox"/> Has tenant withheld rent to force the landlord to make repairs? When did tenant begin withholding? Does tenant have the rent owed to landlord?

<p><b>Holdover – Nuisance/ Clutter</b></p> <p>See Scherer 8:89 – 8:96</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> What are the conditions alleged? Is there any factual basis to the allegations? E.g., is the apartment messy, but not in a “clutter” type condition?</li> <li><input type="checkbox"/> If a clutter condition is alleged, ask tenant to explain condition of the apartment in his/her own words.</li> <li><input type="checkbox"/> When did the condition begin?</li> <li><input type="checkbox"/> Would tenant accept assistance in curing the condition (cleaning the apartment)?</li> </ul>
<p><b>Holdover – Nonprimary residence</b></p> <p>See Scherer 8:207 – 8:215</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Does tenant live in the apartment 183 days of the year or more? If not, where does tenant live?</li> <li><input type="checkbox"/> Does tenant spend <i>any</i> time in any apartment other than the subject apartment? E.g., weekend home, spends time with family members outside of the city, etc.</li> <li><input type="checkbox"/> Does tenant have mail sent to any residence apart from the subject apartment? If so, which pieces of mail? E.g., bank statements, credit card bills, cell phone bills, tax returns, etc.</li> </ul>
<p><b>Holdover – succession rights</b></p> <p>See Scherer 4:175 et seq.</p>	<p>Note: A tenant has the right to “succeed” to a rent stabilized tenancy if he/she lived in the residence as their primary residence, with the prime tenant, for at least 2 years before the prime tenant vacated the apartment (moved or passed away).</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> How long has tenant lived in the home?</li> <li><input type="checkbox"/> Did the tenant live there as his/her primary residence (183 days/year or more)?</li> <li><input type="checkbox"/> If not, where was tenant living? E.g., traveling for work, away in college, deployed in the military, incarcerated, etc.</li> <li><input type="checkbox"/> Where does tenant receive his/her mail? If the tenant receives mail at both the subject apartment and a different address, identify which pieces of mail (bank statements, cell phone bills, credit card bills, tax returns etc) go to which address. Find out which name the cable bill and electricity bill are in at the subject apartment. Does the tenant have cable or electricity bills in his or her name at apartments other than the subject apartment? If so, find out the details of this situation.</li> </ul>
<p><b>Other potential housing issues</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Illegal sublet. See Scherer 8:163 – 8:170</li> <li><input type="checkbox"/> Chronic rent delinquency. See Scherer 8:82, 8:83</li> <li><input type="checkbox"/> Breach of lease. See Scherer 8:54 – 8:96</li> <li><input type="checkbox"/> Rent over-charge. See Scherer 4:100 et seq.</li> <li><input type="checkbox"/> SCRIE (Senior Citizens) &amp; DRIE (Disability) rent freezes. See Scherer 4:313 et seq., 4:323</li> <li><input type="checkbox"/> Illegal Activity. See Scherer 8:97 – 142</li> <li><input type="checkbox"/> Retaliatory Eviction. See Scherer 11:20 – 27</li> </ul>
<p><b>Termination of Tenancy (NYCHA)</b></p> <p>or</p> <p><b>Termination of Subsidy (Section 8)</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> See Scherer 5:69 and 5:156 for specific groups for termination of tenancy in public housing &amp; Section 8. The grounds generally mirror the above holdover sections. Refer to the relevant section.</li> <li><input type="checkbox"/> NYCHA “Remaining Family Member” status parallels succession rights in rent regulated apartments. See above “Holdover – Succession rights” section &amp; Scherer 5:58 et seq; 5:149 et seq.</li> <li><input type="checkbox"/> Who is listed as the head of household? Who is on the family composition list? Is anyone living in the apartment not on the family composition list? If so, who?</li> <li><input type="checkbox"/> When was the last recertification?</li> </ul>

**Legal Issues**

<p>Problems with</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Nonpayment proceeding</li> <li><input type="checkbox"/> Holdover</li> <li><input type="checkbox"/> Administrative Termination of Tenancy</li> <li><input type="checkbox"/> Administrative Termination of Subsidy</li> <li><input type="checkbox"/> Other _____</li> </ul>
----------------------	---