

LANDLORD/TENANT ANSWER IN PERSON FACT SHEET (CIV-LT-91)



#8: RENT OVERCHARGE: NYCHA

Defense # 8 says: The Petitioner owes money to the Respondent because of a rent overcharge.”

NYCHA can only charge you the correct rent amount. If you are a NYCHA tenant, the proper and legal rent amount is based on family income. Your rent is calculated when you first move in and then one time a year after that. The legal rent will usually be one of these amounts:

- If you get public assistance, your rent is the higher of 30% of your family's monthly income, after allowable deductions, or the scheduled welfare rent, or
- If you don't get public assistance, then your rent is 30% of your family's monthly income, after allowable deductions.

All NYCHA housing has flat or ceiling rents, a limit on how high the rent can go, and you can decide to pay the flat rent and not the rent calculated annually based on income. Family income includes income from all household members during the past twelve months. Annual income includes wages and salaries, pensions, child-support payments, social security, public assistance, and SSI. NYCHA asks you to prove your income every year and if you do not prove your income, it can result in a big increase in your rent.

You are being overcharged if NYCHA has raised the rent more than allowed by law. If NYCHA has overcharged you and you have paid more than the legal rent, you have an overcharge defense and counterclaim. When you go to court, tell the judge or court attorney that NYCHA has overcharged you. NYCHA has to prove to the court that the rent is correct. You should also bring any lease renewals, letters, or any other information that proves your claim.

If the judge says that you have been overcharged and the overcharges are more than the rent in the petition, then you must give the City of New

York a Notice of Claim form before you make your claim in order to get the remaining overcharge award. If the court says the overcharges are less than the rent in the petition, the court will award the owner or landlord a judgment for the rent and subtract the overcharge award.