

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING & BUILDINGS
JOINTLY WITH THE COMMITTEE ON AGING

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April 30, 2014
Start: 10:14 a.m.
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HELD AT: Council Chambers
250 Broadway - Hearing Room,
14th Fl

B E F O R E: JUMAANE D. WILLIAMS
Chairperson
Committee on Housing & Buildings

MARGARET S. CHIN
Chairperson
Committee on Aging

COUNCIL MEMBERS:
Committee on Housing & Buildings
Antonio Reynoso
Eric A. Ulrich
Helen K. Rosenthal
Mark Levine
Rafael L. Espinal, Jr.
Ritchie J. Torres
Robert E. Cornegy, Jr.
Rosie Mendez
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Chaim M. Deutsch
Deborah L. Rose
Karen Koslowitz
Maria Del Carmen Arroyo
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A P P E A R A N C E S (CONTINUED)

Anne Marie Santiago
Associate Commissioner
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Ian Davie
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Pratt Area Community Council

1 COMMITTEE ON HOUSING AND BUILDINGS
2 JOINTLY WITH THE COMMITTEE ON AGING

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3 CHAIRPERSON WILLIAMS: Good morning, and
4 welcome everyone to this joint hearing of the
5 Committee on Housing and Buildings and the Committee
6 on Aging. My name is Jumaane Williams. I'm the
7 Chair of the Committee on Housing and Buildings. I'm
8 joined today by my wonderful colleague Council Member
9 Margaret Chin, the Chair of the Committee on Aging,
10 and we're also joined by Council Member -- Oh, I was
11 about to do that [sic] -- by Council Member Paul
12 Vallone. Today, we'll be holding our first hearing
13 on Intro 129, which deals with tenant harassment.
14 This bill was sponsored by my fellow Chair, Council
15 Member Chin. She's going to walk us through it in a
16 moment.

17 Before she does it, I just want to say
18 that we are hearing this bill because the Council is
19 very concerned about tenant harassment. Now, it's no
20 secret that landlords don't like rent regulation. I
21 hope that isn't going to come as some shock to
22 someone here. But there are some landlords -- not
23 all of them -- but some of them that are a little too
24 eager to get their tenants to move out so they can
25 get their apartments deregulated. And those

3 landlords are willing to harass their tenants to get
4 them out.

5 They are willing to do this -- to do
6 things like being -- like bringing frivolous and
7 repeated lawsuits against a tenant, sending tenants
8 false notices saying their rent is unpaid; accuse the
9 tenants of subletting when they haven't, and that --
10 and what's maybe the worst refusing to do basic
11 maintenance and repairs. This kind of harassment is
12 unacceptable. It's bad enough that because of
13 URISTAT [sp?], the City can't extend the tenant
14 protections provided by Rent Regulations.

15 But we cannot sit by, and allow landlords
16 to further erode those protections by bullying
17 tenants out of their homes. As having started my
18 career in tenant organizing and working with tenants,
19 I know first hand a lot of the harassment issues that
20 are happening. I'm very glad that my colleague here
21 has this bill here. I'm excited that I can be a
22 Chair at a time like this to help get this bill
23 moving forward. With that said, I'm going to ask my
24 fellow Chair to give her opening remarks about the
25 bill.

3 CHAIRPERSON CHIN: Thank you, Chair
4 Williams. Good morning.

5 CHAIRPERSON WILLIAMS: Good morning.

6 COUNCIL MEMBER CHIN: I'm Margaret Chin,
7 Chair of the Aging Committee. I'm the sponsor of
8 Intro 129. I want to thank Council Member Williams
9 for holding this hearing together with the Aging
10 Committee. Housing issues are near and dear to the
11 hearts of seniors. So I'm really pleased we were
12 able to get both committees here today, and hopefully
13 not the last time. A year ago the Committee on Aging
14 held a hearing on harassment of senior tenants. The
15 testimonies we heard were disheartening. We were
16 told again and again that harassment of elderly
17 tenants was on the rise despite the enactment of the
18 Tenant Protection Act.

19 We heard from one group representing a
20 senior whose landlord began renovating the building
21 around his unit. They called Adult Protective
22 Services to report that the tenant was living in
23 unsafe conditions. Once senior told us that the
24 stress of dealing with harassment from her landlord
25 was causing her hair to fall out. For many landlords
the fines they might receive for harassing their

3 tenant is just the cost of doing business. We all
4 know that the temptation to kick out rent regulated
5 tenants for a market rate renter isn't going away.

6 So unless we continue to fight for tenant
7 rights, we're going to continue to hear stories like
8 this. It's time that we try to level the playing
9 field between tenants and landlords, and Intro 243
10 would make two important -- Intro 129 would make two
11 important amendments to the Tenant Protection Act to
12 help us get there. First, it would substantially
13 increase the fines landlords face from \$1,000 to
14 \$5,000 and up to from \$5,000 to \$10,000. Second, it
15 would require HPD put more information on their
16 website about landlords that have been found to have
17 harassed their tenants.

18 If you are entitled to find out whether a
19 building has a history of bed bugs, there's reason
20 you shouldn't be able to learn whether the landlord
21 of apartments that you are looking at has been fined
22 for harassing tenants. I'm eager to hear from the
23 Administration on this bill, and hope that today is
24 just the first step towards the Council taking action
25 to improve the Tenant Protection Act. I also wanted
to thank our Committee Counsel Kelly Tower [sp?], and

3 our Legislative Financial Analyst Tahini Sephora
4 [sp?] for helping to organize this hearing, and we're
5 looking forward to hearing from the Administration.
6 Thank you.

7 CHAIRPERSON WILLIAMS: I was going to
8 thank myself last, but since you did, I will. I want
9 to thank Nick Smith from my office. Jim Arpotino
10 [sp?], Jose Conte [sp?], Sarah Argosato Dom [sp?] and
11 Ed Atkin from the Committee staff for their work on
12 this. We are at this time going to have our first
13 panel who is already seated, Deborah Rand and Ann
14 Marie Santiago from HPD. I just want to remind
15 everyone who would like to testify today to please
16 fill out a card with the sergeant at arms, if you
17 would like to testify. And I would ask the Panel to
18 please raise your right hand. Do you swear or affirm
19 to tell the truth, the whole truth, and nothing but
20 the truth before the Committees today?

21 DEBORAH RAND: Yes.

22 ANN MARIE SANTIAGO: I affirm.

23 CHAIRPERSON WILLIAMS: Thank and you can
24 start when -- at your leisure.

25 ANN MARIE SANTIAGO: Good morning,
Chairman Williams and Chairwoman Quinn -- Chin. I'm

3 sorry. And members of the committee. My name is
4 Anne Marie Santiago and I'm HPD's Associate
5 Commissioner for Enforcement and Neighborhood
6 Services. I am joined by our Assistant Commissioner
7 for Housing Litigation, Deborah Rand. We appreciate
8 the opportunity to testify on Council Bill 129
9 related to penalties and reporting cases of tenant
10 harassment. I will offer some suggestions for the
11 Council's consideration to improve the bill and make
12 it easier to implement. But first, I would like to
13 explain some of our department's work to protect
14 tenant's from harassment.

15 In 2007, the City Council passed the
16 Tenant Harassment Legislation, which was codified in
17 the Housing Maintenance Code creating an option for
18 tenants to bring a claim for harassment against
19 property owners in Housing Court. Some of the
20 actions that qualifies harassment under this
21 legislation include:

22 Using force while making threats against
23 a lawful occupant;

24 Repeated or prolonged interruption of
25 essential services;

3 Using frivolous court proceedings to
4 disrupt a tenant's life or force eviction; and

5 Removing the possessions of a lawful
6 occupant, or any other act designed to disturb a
7 lawful occupant's residence.

8 HPD worked very closely with the City
9 Council and tenant advocates in crafting this
10 legislation. This is one of many instances where HPD
11 has collaborated with the Council and with tenants
12 and their representatives to ensure the preservation
13 of the City's affordable housing stock. It is
14 important to note that tenants and not HPD initiate
15 tenant harassment cases in Housing Court. HPD's
16 Housing Litigation Division also does not conduct
17 independent investigations related to harassment in
18 connection with Housing Court cases.

19 HPD generally does not take any position
20 in such cases where the claims do not involve
21 physical conditions. HPD may seek to settle the
22 matters. However, when they are disputed the cases
23 are generally referred to the court and handled by
24 the judge or the judge's court attorney. When HPD
25 does participate in trials, where there are no
outstanding violations, the HLD attorney may seek to

3 elicit the facts from witnesses to aid the court in
4 make its determination. In cases where there are
5 violations, HPD seeks corrections of those
6 violations.

7 Civil penalties when sought in connection
8 with harassment may be sought by the tenant, but are
9 awarded to HPD on behalf of the City. Since the
10 Harassment Law as passed, HPD's litigation management
11 system records indicate that 3,206 cases claiming
12 harassment had been initiated. Of the 3,206 cases,
13 the majority of the cases, 2,195 are discontinued,
14 dismissed, or withdrawn. 608 cases were settled. It
15 is unlikely that a property owner will settle if the
16 settlement includes admitting harassment. So we are
17 not revealing those cases for a finding. Only 44
18 cases have a disposition in our database that
19 indicates that there may be a finding by the judge
20 about harassment.

21 The other cases were resolved in a
22 variety of ways. In order to determine whether there
23 is such a finding or civil penalty related
24 specifically to a finding of harassment, HLD staff
25 will have to manually review the court orders. On a
cursory review, we reviewed 32 cases, which were

2 initiated since 2012 in preparation for this hearing,
3 and found that all but three of the cases were
4 initiated against owners of properties with four or
5 fewer units.

6 Those 32 were initiated in the following
7 boroughs: 23 in Queens; six in Brooklyn; and three in
8 the Bronx. Findings of harassment were generally
9 made only after a default by the property owner,
10 meaning that the property owner failed to appear in
11 court. Although we do not oppose this section of the
12 bill increasing civil penalties, we would advise the
13 Council that in our experience, judges are less
14 likely to impose these higher civil penalties
15 especially on landlords of small buildings.

16 Overall, HPD supports the measure that
17 protects the rights of tenants to live safely and
18 peacefully in their homes. We would offer only the
19 following suggestions to improve legislation, and
20 reduce some administrative hurdles. The second
21 section of the bill requires HPD to post information
22 on our website related to findings of tenant
23 harassment. HPD already provides important
24 information about litigation on our website. Anyone
25 can research for an address to retrieve complaint

3 violation, litigation, property registration, and
4 emergency repair charge information. The litigation
5 information already includes the case type, the date
6 the case was opened, the current status, whether it's
7 open or closed, and whether a judgment is
8 outstanding.

9 HPD could enhance this existing reporting
10 by clearly indicating when part of the tenant's claim
11 is for harassment. Often, claims of harassment are
12 made in conjunction with claims of poor conditions,
13 and currently our website does not distinguish the
14 two claims. Information about any civil penalty
15 imposed on the date of the judge's orders
16 specifically related to a filing of harassment, can
17 be provided. However, it should be noted that since
18 most of the awards are upon default, and not after a
19 contested trial, they maybe subject to challenge.

20 The proposed legislation requires HPD to
21 post information regarding the findings and civil
22 penalties within 30 days of the finding. As HPD may
23 not receive notice of a finding within 30 days, we
24 request that this timeline be extended to 90 days in
25 the final legislation so that we can reasonably
comply with the requirement.

3 Finally, this amendment will require an
4 update to our data system as well as to our web
5 application. Giving competing needs for our
6 technology resources, we request the implementation
7 date for the legislation be extended to 180 days.
8 Thank you for the invitation to testify today. I or
9 Assistant Commissioner Rand would be happy to answer
10 any questions from the committee.

11 CHAIRPERSON WILLIAMS: Thank you very
12 much. I'm going to in a second defer to Co-Chair so
13 she will have the opportunity ask if there are
14 specific questions since it's her bill. I did want
15 to follow up on something to be sure I understood
16 clearly. We're looking at you said records indicate
17 3,206 cases claiming harassment.

18 ANNE MARIE SANTIAGO: Uh-huh.

19 CHAIRPERSON WILLIAMS: From which time
20 period?

21 ANNE MARIE SANTIAGO: That's since the --
22 that was implemented from 2008.

23 CHAIRPERSON WILLIAMS: And 2,195 were
24 discontinued or dismissed, and 608 cases were
25 settled. It is unlikely that a property owner will
settle if the settlement includes any harassment. So

2 you're not reviewing those for a finding? You're not
3 reviewing those -- the 2,195?

4 ANNE MARIE SANTIAGO: Either, right. If
5 it was withdrawn or dismissed --

6 CHAIRPERSON WILLIAMS: [interposing] I
7 see.

8 ANNE MARIE SANTIAGO: -- then there was
9 no finding, and also if it was settled, then there
10 would most likely be no admittance of harassment.

11 CHAIRPERSON WILLIAMS: [interposing] I
12 see. So the settlements don't admit harassment?

13 ANNE MARIE SANTIAGO: Correct.

14 CHAIRPERSON WILLIAMS: But those settled
15 for financial?

16 ANNE MARIE SANTIAGO: They could have
17 been settled either for an order to correct--

18 CHAIRPERSON WILLIAMS: [interposing] I
19 see.

20 ANNE MARIE SANTIAGO: --or for penalties.
21 Most like for an order to correct.

22 CHAIRPERSON WILLIAMS: So only 44 have a
23 disposition, which are available to indicate that
24 were made on harassment, and then of those 44, you're
25 talking about 32?

3 ANNE MARIE SANTIAGO: Correct.

4 CHAIRPERSON WILLIAMS: And those have
5 been initiated since 2012?

6 ANNE MARIE SANTIAGO: Yes.

7 CHAIRPERSON WILLIAMS: So I was
8 interested -- so you said most of three have been
9 less -- four or fewer units where they weren't rent
10 stabilized?

11 ANNE MARIE SANTIAGO: Correct.

12 CHAIRPERSON WILLIAMS: So do you know
13 what we think owners, why they were harassing as
14 opposed to just trying to evict a tenant, which is a
15 little easier? Not, a little easier, but you have an
16 easier claim. You can just claim it back a lot
17 easier than you can in another neighborhood. But do
18 you know why those tenants were being harassed, or
19 what the changes were?

20 DEBORAH RAND: I actually reviewed the
21 files, and almost all of them were on default. It
22 looked like the landlord had --

23 CHAIRPERSON WILLIAMS: I'm sorry, were on
24 default?

25 DEBORAH RAND: That means the landlord
didn't appear.

3 CHAIRPERSON WILLIAMS: I see.

4 DEBORAH RAND: The determinations were
5 almost entirely on default of these. They were
6 buildings that were small buildings. Some of them
7 may have been illegal threes and fours. They -- it
8 appeared that the claims involved shut off of
9 electricity, shut off of services, or verbal
10 harassment. I imagine that while it appears like
11 it's easy to evict a tenant, there are in my
12 experience many owners would think it's easier to
13 shut off services, and make someone leave.

14 None of these cases -- Well, no, two
15 other cases were restored for non-compliance because
16 when the judge issues the order finding harassment
17 they issue the penalties, and they also issue an
18 order mandating no further harassment. In the cases
19 I reviewed, my memory is only two of them were
20 restored by the tenants for non-compliance with the
21 order. Now, that could be because the tenants left,
22 but it does appear that those were the only two that
23 were restored.

24 The owner didn't even appear on the
25 restoration day. There were additional penalties
imposed, but I don't know why. The three buildings

3 that were bigger than four units were a four-unit
4 build -- a six-unit building, and I think a 49-unit
5 building. And in those buildings, they were not
6 restored. I think they were resolved with a finding
7 and a fairly low civil penalty actually. The higher
8 civil penalties seemed to be when the tenants came
9 back. Almost all of this, just so you know, the
10 judge went for the lowest civil penalty, the \$1,000.
11 And on the ones that were restored, it was the second
12 time that they issued the \$5,000. It didn't seem
13 like judges were willing to impose the higher penalty
14 the first time.

15 CHAIRPERSON WILLIAMS: Thank you. Let me
16 just rephrase. I shouldn't have used the word
17 "easier." It can be difficult to evict a tenant.
18 But I want to say that there are claims that can be
19 used in one to fours that can't be used in the higher
20 units, and they're not rent regulated. And there's
21 easier ways that you could not that you could not
22 when you're when you're releasing the other things.
23 So that's what I meant to say that there are other
24 claims that can be used, and so I was wondering why
25 they were doing the harassment method.

3 We've been joined by Council Member
4 Koslowitz, Council Member Rodriguez, and Council
5 Member Cornegy. I think I got everybody. I have
6 some questions, but I want to defer to Council Member
7 Chin. And then I will have some additional
8 questions, and then we will go to our colleagues who
9 have questions who will be Vallone and Cornegy.
10 Thank you.

11 COUNCIL MEMBER CHIN: I just thought of
12 something, and I defer to my colleagues because I
13 have to go into another hearing that's also going on.
14 So, do you believe that -- I mean we're -- in this
15 bill we are asking to raise the penalty. So if
16 judges are only asking for the lowest ones, and now
17 it's \$5,000 instead of \$1,000. Wouldn't that be
18 effective in terms of really sending a stronger
19 message that is not -- you know, that's cheap to
20 harass tenants?

21 ANNE MARIE SANTIAGO: I think it's been
22 our experience that the judges in determining that
23 there is a finding of harassment are going to
24 consider what the penalty would be when coming to
25 that finding. And they're going to make a
determination to fine or not, and they may determine

3 to not fine, if it's going to be a \$5,000 penalty
4 against a small landlord. Rather than fine if it was
5 a \$1,000 penalty small landlord.

6 DEBORAH RAND: All right. Can I just say

7 --

8 ANNE MARIE SANTIAGO: Uh-huh.

9 DEBORAH RAND: To me, in my experience I
10 think raising the maximum is really effective, but if
11 you bug -- if you raise the minimum, I think what
12 Anne Marie Santiago just testified to is what's going
13 to happen. In fact, when reviewing these cases, I
14 found instances where the judge awarded less than the
15 minimum, even though the minimum is set forth in the
16 statute.

17 COUNCIL MEMBER CHIN: The judge will
18 still have that ability anyway, but think that -- I
19 mean do you really think that -- the Tenant
20 Protection Act was passed in 2007 and 2008. So has
21 it been effective in terms of protecting tenants from
22 harassment, evictions?

23 ANNE MARIE SANTIAGO: I think we feel
24 that the claim has been helpful to tenants, right. Be
25 able to make that claim in Housing Court about
harassment, whether or not there's eventually a

2 finding. So to that extent, we do believe that it's
3 been helpful to tenants. And whatever the penalty
4 is, as you said, the judges will make their decision.
5 It is a strong statement to increase the penalty from
6 a legal standpoint for us to say yes, it should be
7 \$5,000. I don't think we have any concern in terms
8 of making that statement.

9 COUNCIL MEMBER CHIN: The other thing I
10 guess generally is that -- I mean we're trying to
11 strengthen laws that can really help protect tenants.
12 So I mean from your experience what else can you --
13 what else do you think that we do as a legislative
14 body to really do something more.

15 ANNE MARIE SANTIAGO: [interposing] And I
16 think that --

17 COUNCIL MEMBER CHIN: [interposing]
18 Especially seniors because when we talk about the
19 harassment, as it was laid out in the original bill,
20 it's lack of services. And a lot of times that how
21 landlords do that. They turn off the heat. They
22 don't do repairs, and those are forms of harassment
23 that's really more common than costing a resident
24 hour or knocking on their door constantly. But these
25 go on everyday.

3 ANNE MARIE SANTIAGO: And I think we do
4 take strong stance. We didn't talk about all the
5 other work of the Housing Litigation Division to
6 bring litigation on cases where there are no
7 services, or where there are significant numbers of
8 violations. That work is very important, and
9 certainly we continue to do that work everyday, as do
10 a lot of the organizations here. And that is a
11 strong defense against that type of harassment. We
12 continue to do emergency repair work to restore
13 services when services are turned off.

14 Specifically, on the topic of harassment,
15 though, we are looking at other options, and we would
16 be happy to meet with you, and hear any ideas that
17 your office has as well, about strengthening
18 harassment specifically. But in terms of supporting
19 tenants for being harassed due to physical
20 conditions, our inspectors are out there everyday
21 responding. We encourage everyone to use 311 to
22 report those conditions so we can go out there. We
23 can document them if the tenant has the will to go to
24 Housing Court, but if they don't so that we can
25 pursue legal action as necessary.

3 COUNCIL MEMBER CHIN: Okay. I'll come
4 back with other questions. So you can go back to
5 your other colleagues.

6 CHAIRPERSON WILLIAMS: Okay. Thank you.
7 So of the 608 cases that are settled, do you know
8 what those claims were? Did they come from multiple
9 families? Did they come to larger buildings?

10 DEBORAH RAND: I did not review the 608,
11 but I suspect that those included an array of
12 violations and claims of verbal harassment. They
13 were both harassment and violation claims. Those
14 were settled probably with prospective orders that
15 you shouldn't harass, and with orders to correct.

16 ANNE MARIE SANTIAGO: We can certainly
17 get information on the average size of those
18 buildings.

19 CHAIRPERSON WILLIAMS: Thank you. And of
20 the 2,195 that were discontinued, dismissed, or
21 withdrawn, do we know the breakdown of which was
22 continued, which were dismissed, and which were
23 withdrawn?

24 ANNE MARIE SANTIAGO: No, and again we
25 can provide that information.

3 CHAIRPERSON WILLIAMS: Okay, and then
4 you said the judge sometimes levied fines that were
5 less. They can legally just ignore statute and give
6 them a minimum -- less than the minimum?

7 DEBORAH RAND: I can't speak for the
8 judges.

9 CHAIRPERSON WILLIAMS: Okay. Thank you.
10 We have questions from Council Member Vallone and
11 then Cornegy. Oh, we've also been joined by Council
12 Member Reynoso. Your question is.

13 COUNCIL MEMBER VALLONE: Good morning and
14 thank you. And I also want to highlight that Council
15 Member Chin, who as our Chair of Aging we've also put
16 in requests for mandatory representation for our
17 seniors when facing eviction. And I think that she
18 reported that they're doing that, because this is one
19 of those areas where a senior could face harassment
20 or not have the ability to have legal representation
21 to fight off a landlord. So we are taking more
22 progressive steps in those areas.

23 I think a couple of things we could maybe
24 ask you advice or address. Raising the minimum fine
25 sometimes for a landlord of one to four families,
there are good tenants, there are bad tenants. There

2 are good landlords, and there's bad landlords. So I
3 think we have to try to find a way to balance that.
4 And there may be a situation where one to four-family
5 landlord with a \$5,000 fine you're going to lose the
6 home, and you're not going to be able to provide
7 apartments also. So of these 44 cases that went to
8 disposition, and the 608 that settled, it sounds like
9 we need more information there. Is that so?

10 DEBORAH RAND: Well, of the 44 -- of the
11 32 that were -- we looked at the 32 files since 2012.
12 There were 32 of the 44 with dispositions finding
13 harassment that were filed in 2012-2013 and this
14 year. And of all of those, there were findings of
15 harassment, but in most of those the owner didn't
16 appear. So I don't know that we would find any more
17 information. In terms of the ones that were settled,
18 they were clearly resolved with some agreements
19 between the owners and the tenants as to what the
20 future conduct would be.

21 COUNCIL MEMBER VALLONE: Is there any
22 information on repeat offenders? So a landlord who
23 has had multiple claims of harassment in one or
24 additional buildings?

3 ANNE MARIE SANTIAGO: Yes, we can
4 certainly look at that as well. Again, we did a very
5 cursory review of the data in preparation for the
6 hearing, but we can certainly provide you with that
7 information.

8 COUNCIL MEMBER VALLONE: I think as a
9 Council body we're a very frustrated with the -- what
10 do you call it, slum landlords, or landlord who just
11 continually abuse. These are the ones that I want to
12 see the fines raised through the roof. Somebody who
13 just arrogantly didn't show up at a hearing, or said,
14 "Whatever. It's the cost of doing business." Those
15 are the ones where the judges should have the ability
16 to raise -- You know, this is the third time, Mr.
17 Smith, that you've failed to address a harassment
18 charge. If it's the first time landlords like with
19 any first-time case, I think there should be some
20 discretion there I think in working out settlements.
21 It's the repeat offenders, I'd like to see this law.

22 ANNE MARIE SANTIAGO: And we have that
23 repeat offender type methodology to address other
24 conditions like heat and hot water recent legislation
25 within the past few years. It raises the civil

2 penalty for repeat offenders. So there is precedent
3 for that.

4 COUNCIL MEMBER VALLONE: [interposing] We
5 think that will help with on --

6 ANNE MARIE SANTIAGO: [interposing] And
7 we could go to that, if you want. [sic]

8 COUNCIL MEMBER VALLONE: -- in this area
9 also, in this -- ?

10 DEBORAH RAND: No, in this area what I
11 did see is actually it's not since 2012, but we had a
12 case in Queens where the initial finding of
13 harassment was in maybe 2008 or 2009, and the judge
14 at that time, that was tried very vigorously by both
15 sides and by HPD. There was finding in the first in
16 my memory the judge imposed a \$1,000 fine. The
17 tenant brought it back. The second time the judge
18 found harassment again, and imposed \$3,000; and the
19 third time the judge imposed \$5,000, and frankly the
20 landlord finally fired their super who was the
21 harasser. But I do think having an increased maximum
22 would be helpful. I mean because there are people --
23 they aren't that often -- but there are people who
24 the tenants bring back repeatedly. And so, you can
25 increase the fines.

3 COUNCIL MEMBER VALLONE: I think we'd
4 like to --

5 DEBORAH RAND: The civil penalties. I'm
6 sorry.

7 COUNCIL MEMBER VALLONE: Yeah, I'd like -
8 -

9 DEBORAH RAND: I used the word "fines."
10 It's civil penalties.

11 COUNCIL MEMBER VALLONE: I'm leaning
12 toward that type of approach, and I also think this
13 is on your case -- your caution about the judges,
14 they can't just really dismiss. If the minimum is
15 there, they've got to follow that unless we give them
16 in the code or statute an exception. Like if there's
17 a situation where a judge is allowed to take into
18 consideration a settlement, or egregious situations,
19 or financial stress of the landlord or the tenant,
20 they can then reduce. But if we don't give that out,
21 they can't just change the statute. Thank you very
22 much.

23 CHAIRPERSON WILLIAMS: You know, actually
24 I'm looking for that. The judges are just kind of
25 ignoring the laws that we passed. That could be a
26 problem. So we need to look and see if they're

3 actually following the law that we passed. Just to
4 follow up on something that the council member
5 mentioned. How many -- do we know how many of the
6 cases that were brought whether or not they were
7 dismissed were seniors?

8 ANNE MARIE SANTIAGO: We don't collect
9 information the age of the tenant who is filing the
10 case.

11 CHAIRPERSON WILLIAMS: And I agree and I
12 share many of the concerns that you mentioned about
13 small landlords and the results of a \$5,000 hit. And
14 I've often tried to see if we can, Council Member
15 Vallone, even put in guidelines for purposes and
16 other purposes split. And because the way the laws
17 is set in the state, a lot of times we can't split.
18 We can't differentiate between a small landlord or a
19 larger landlord. I don't know if that's the case
20 here. We can look into it, but my guess is that it's
21 -- we can't differentiate between who it is. But
22 we're interested to look into that. But I also agree
23 we just want to be careful. The purpose of the law
24 is to change the behavior, not to destroy someone if
25 we don't have to. So I fully agree with that as

3 well. Council Member Cornegy and then Council Member
4 Reynoso.

5 [Pause]

6 COUNCIL MEMBER CORNEGY: Good morning.

7 So it's always great to sit next to Paul. As an
8 attorney, I get to cheat off of his paper. But as a
9 former policy analyst or agent, this is incredibly
10 important to me. And as a council member who has one
11 of the only aging improvement districts in this
12 community, I'm excited about the law. It's just in
13 my district I find I have a lot of seniors who are
14 very proud, and don't know that they even have this
15 recourse available, and are not accustomed to
16 actually having advocacy on anything. So they're
17 former employees and people who've had some standing
18 in the community, and don't know that this is
19 available. So I'd definitely like to partner with
20 your office to make sure that we get the information
21 out and in the hands of people that could really use
22 it. So thank you.

23 ANNE MARIE SANTIAGO: Thank you.

24 CHAIRPERSON WILLIAMS: Council Member
25 Reynoso.

3 COUNCIL MEMBER REYNOSO: Good morning,
4 and thank you guys for being here, and it's been an
5 eventful couple of weeks for us. I've been working
6 alongside HPD, the Department of Buildings, and DHCR.
7 Who else was there? The DA's Office, the Mayor's
8 Office, and the City Council in an effort to really
9 start addressing the issue of harassment specifically
10 in Bushwick where the rents have increased so much,
11 almost \$3,000 in some cases for a one-bedroom in
12 Bushwick that landlords use the cost of doing
13 business to harass a portion of it. The fines are a
14 cost of doing business to them.

15 And then they go to court, and they have,
16 you know, judges that don't lay down the law or bring
17 justice to these landlords. It is very easy to
18 dismiss a case against a landlord for these tenants.
19 I originally thought that Housing Court was built
20 specifically to protect tenants. What we have now is
21 a system that absolutely protects landlords. I do
22 want to say that there is a lot of work that we can
23 all do in an effort to address this issue, and
24 specifically in Bushwick I just have to say, and now
25 that start, by the way in Bushwick and that start.

3 The landlords -- the fines that they are
4 currently receiving are not doing any good. It
5 doesn't hurt them enough. I'm not trying to go after
6 the one to four or five new homes. That's not what
7 we're trying to do here. There are players in this
8 game that are very clear to us who they are, and at
9 this point they're criminal. We have seven cases,
10 for example, in our district where the landlords were
11 doing construction while the people were living in
12 their homes.

13 Now, they have no kitchen, no bathroom.
14 They're using the restroom in the neighbor's homes,
15 and he's done this in almost ten buildings. And he's
16 still doing these terrible conditions that are
17 unbearable that none of us in this room would ever
18 consider living in. The fines mean nothing to him.
19 The judge dismissed a recent case when he did go to
20 court. ECB is another issue, the Environmental
21 Control Board. When we talk about harassment, and
22 the work that we're trying to do in the City Council
23 to truly protect tenants, we are so far away.

24 We are so far away from doing it the
25 right way. And I'm glad that HPD is in conversations
with us, and the small task force that is starting in

3 just positions locally. But I would just recommend
4 that all Council members -- They have other issues of
5 harassment. Especially extreme harassment, which is
6 going on now. They're drilling holes, craters in
7 living rooms while people are living in them. You
8 HPD and you ask for someone to help you set something
9 up so you can start attacking issues locally.

10 Because we're so far away from doing this
11 the right way that I'm really grateful for you,
12 Chair, and the rest of this Committee for bringing to
13 light the issue of tenant harassment. I must say I
14 don't necessarily think the law that was passed
15 before in regards to -- One second, to harassment --
16 the Tenant Protection Act, in my district
17 specifically the matter is all managing. So thank
18 everybody for coming, and I guess members have
19 noticed that you have question, and thank you Chair.

20 CHAIRPERSON WILLIAMS: Thank you, council
21 member. I have two quick questions. Aside from the
22 venue Tenant Protection Act, what are other ways we
23 can help prevent harassment and hold landlords
24 accountable? And kind of similar: Does the
25 Administration have any other plans to pursue new
policies regarding to tenant harassment?

3 ANNE MARIE SANTIAGO: And I think if I
4 could fill in Council Member Reynoso and Council
5 Member Cornegy, who is there as well, we are starting
6 to look at other options to discuss. Both internally
7 and with the Council, with the Mayor's Office, with
8 the Brooklyn Borough President's Office, who also
9 represented that; Congresswoman Balasko to really
10 look at what other options we can consider. And
11 certainly again as we go through these discussions,
12 we'd be happy to obviously to keep the Housing and
13 Buildings Committee involved as well as the Committee
14 for the Aging. As we know, you're very interested in
15 this issue. So we don't have any substantive to put
16 -- anything substantive to put on the table to you
17 today, but this is definitely a work in progress.

18 CHAIRPERSON WILLIAMS: Thank you, and
19 we've been joined by Council Member Levine and Rose,
20 and I'll pass it back to Council Member Chin. If
21 anyone else has any questions, please let us know.
22 Otherwise, after Council Member Chin, we're going to
23 release the panel.

24 COUNCIL MEMBER CHIN: Well, I think we're
25 also going to hear from a lot of the advocates, and
we've got some real examples on the ground, but it is

3 set. And even though the board -- we try to improve
4 on it, it is very difficult to get people to go to
5 court. I mean the whole idea of like - - Especially
6 for an immigrant community, and we talk about the
7 seniors. And also I think that down the road HPD as
8 a city agency really needs to take a more stronger
9 and aggressive role in terms of really helping
10 tenants.

11 So that not necessarily it's like that
12 they have to go and initiate the court action. But
13 the minute that they file a complaint - - I mean
14 really for all of these residents, the fact that they
15 called 311 is a big step. So that following up on
16 these repair issues is significant. And in my
17 district I think the issue of -- you know, we have a
18 lot of harassment in the way of not fixing the
19 building. It gets to the point where the building is
20 so bad that there's fires or they vacate. Then the
21 landlord is just like, Wow, we won the lottery.

22 Now everybody is out of the building.
23 And their took their sweet time to try to fix the
24 building. Maybe not fix the building for years, or
25 it gets so bad that they get to tear down the
building, and never build it back, and we've lost

3 affordable housing. And meanwhile, the City is paying
4 for the shelter like for housing we spend. So, I
5 think besides legislation if HPD can really take on a
6 more aggressive role in doing emergency repair, and
7 doing any kind of repair. And just billing it back
8 to the landlord, and if they don't pay, then put a
9 lien on the building. I mean a more aggressive
10 approach.

11 ANNE MARIE SANTIAGO: Right.

12 COUNCIL MEMBER CHIN: And I think that in
13 terms of resources, you might look at how to increase
14 resources so that you can do more of this emergency
15 repair that you could just step in and sort of take
16 over, and fix the conditions in the building.

17 ANNE MARIE SANTIAGO: [interposing] Uh-
18 huh, and I think --

19 COUNCIL MEMBER CHIN: I believe that that
20 will go a long way

21 ANNE MARIE SANTIAGO: Right, and not to
22 trump the housing plan, but I'm sure we're all aware
23 that the housing plan is being released tomorrow, and
24 enforcement is going to be a key part of what we're
25 doing going forward. So certainly we expect that
we will reinvest resources in doing enforcement in

3 continuing to bring litigation, and continuing to do
4 emergency repair. Again, any ideas you have on how
5 to get people to even call 311, which is kind of the
6 same for some people who are going Housing Court as
7 the council member -- the other council member said
8 as well is call us.

9 So we can go in, and then you can see we
10 have the Proactive Preservation Program or we have
11 been without a specific complaint from a tenant going
12 to a building and looking at the whole building, and
13 dealing with the landlords on that level. We do have
14 the Alternatives Enforcement Program, which is
15 obviously the most extreme case, but we're trying to
16 creep in a little and catch buildings before it gets
17 there, right. Which is Proactive Preservation, and
18 we are moving in that direction. So I appreciate
19 your support of our enforcement efforts, and
20 certainly that's going to be something going forward
21 that we're going to put even more effort into it.

22 DEBORAH RAND: I just want to say that we
23 have had some success working with your office
24 actually on the Grand Street building where even
25 after there was a fire in the neighboring buildings,

3 and a vacate, working with an Asian-American League -
4 What as it.

5 COUNCIL MEMBER CHIN: That was ours.

6 [sic]

7 DEBORAH RAND: Yeah, and with John Gorman
8 and your office, we were able to get the tenants back
9 in their homes, and get the building fully renovated.
10 It took a while, but we really did get the owner to
11 make the repairs. So it's a tough road, and I think
12 what Anne Marie said is important, but also we are
13 having some successes, and not to diminish those
14 successes, but you've been involved with them, all of
15 us have been involved there.

16 COUNCIL MEMBER CHIN: Well, yeah, I mean
17 I remember that one, but the whole -- what really got
18 me on that one is that yes we got one building fixed,
19 but we lost two buildings. And if we can have a more
20 aggressive HPD, we would have been able to take that
21 site, and build affordable housing on it. Rather
22 than now seeing a commercial unit and a commercial
23 space in there, and the landlord is making money. He
24 didn't lose anything, you know, but hundreds of
25 people were vacated, and the city had to and a non-
profit organization had to take up the slack and

3 I'm asking for a little more aggressive. And when
4 things happen we can take those opportunities and
5 really build more affordable housing. So I'm looking
6 forward, we're looking forward to seeing the Mayor's
7 plan tomorrow. So, thank you.

8 [Pause]

9 CHAIRPERSON WILLIAMS: We've been joined
10 by Council Member Torres and Council Member Treyger.
11 I know Council Member Rose has a question.

12 COUNCIL MEMBER ROSE: Thank you. Good
13 morning, and you probably -- you might have addressed
14 this, but I'm really concerned that landlords play
15 this game where they turn off the electric and the
16 water, and the heat. They know that HPD will turn it
17 on. So, it seems to me this little game, and they
18 know that they'll turn it on before it becomes a
19 critical situation for the residents that live there.
20 What are you doing to combat that, the back and
21 forth, this game where they know that it will be
22 restored, and so -- and they really don't take any
23 measures to avoid that?

24 ANNE MARIE SANTIAGO: You mean that HPD
25 will restore the service?

3 COUNCIL MEMBER ROSE: Yes, that HPD will
4 restore the service.

5 ANNE MARIE SANTIAGO: Well, when we
6 restore the service, we bill the landlord and there's
7 actually a pretty hefty administrative fee associated
8 with that bill.

9 COUNCIL MEMBER ROSE: But these -- this
10 is a strategy that they use repeatedly. Is there
11 something like if this happens a certain number of
12 times that the enforcement will be maybe to take over
13 the housing? What can be done to keep landlords from
14 using this strategy time and time again?

15 DEBORAH RAND: Well, I mean one of the
16 things that we do in litigation is for extraordinary
17 cases we don't have the ability to it in massive
18 numbers of buildings. But HPD does bring 7A cases
19 seeking to have an administrator appointed to take
20 over the management of the building. Those are
21 litigated, and sometimes owners vigorously oppose
22 them. But to that extent then the owner cannot go in
23 and do that, and that's one of the things -- one of
24 the elements of proof for a 7A is that an owner has
25 repeatedly not managed a building properly.

3 COUNCIL MEMBER ROSE: And so at what
4 point do you consider a 7A as the alternative?

5 DEBORAH RAND: Well, normally we get a
6 referral either from a tenant advocacy group or from
7 an office of a council member or from internal -- our
8 Neighborhood Preservation or code, and then the 7A
9 evaluates the building, but that's it.

10 COUNCIL MEMBER ROSE: So there's nothing
11 that automatically triggers that?

12 DEBORAH RAND: Before -- let me speak
13 specifically to heat and hot water because that's a
14 very common one, right? Certainly, there are pre-
15 civil penalties. We also have an inspection fee that
16 starts getting levied against a landlord the third
17 time that we go out and the heat isn't on, two
18 consecutive heat season. So there are increasing
19 penalties on that end. We also -- our Division of
20 Neighborhood Preservation goes out and does assess
21 these buildings once we see that they're repeat
22 offenders.

23 The Division of Neighborhood Preservation
24 has a number of options after they go out if they see
25 that there is -- whether it's more of a harassment
issue, or whether it's a condition, a physical

2 conditions issue, they can refer the building to our
3 proactive preservation program, which does mean
4 stepped up enforcement. It usually results in a full
5 building inspect. It can result in a referral for
6 litigation. It can result in a referral for 7A. So
7 we have a number of options that we can take as we
8 see things escalating. Part of the issue is are
9 people calling us?

10 COUNCIL MEMBER ROSE: So is there a
11 length of time that a landlord would be in a 7A
12 Program? Is there -- I mean.

13 ANNE MARIE SANTIAGO: No. So I mean 7A
14 is going to depend on what the work is that needs to
15 be done, how long it takes the administrator to do
16 that work. How the case is litigated, if the
17 landlord comes back.

18 COUNCIL MEMBER ROSE: And then we give
19 him back a good building that's been --

20 DEBORAH RAND: [interposing] It's no --
21 just to clarify.

22 COUNCIL MEMBER ROSE: Yeah, let me ask
23 you.

24 DEBORAH RAND: [interposing] I just want
25 to explain the process for a building to go out at

3 7A. It's usually the new owner, but possibly the old
4 owner has to make a motion to the court for
5 discharge, and the court evaluates. And generally
6 the standard is the court looks to see if the owner -
7 - First of all, if the work that led to the 7A has
8 been completed. Second of all, if the owner has paid
9 off his liens.

10 Third of all, if the owner has a plan for
11 the proper operation of the building in the future.
12 That's a court decision. We have traditionally, but
13 now always, opposed discharge. We sometimes support
14 discharge, but generally we oppose it. But it's not
15 up to us, the discharge. It's up to the court. And
16 it's the result of a motion by an owner either an
17 owner that lost the building, but more generally it's
18 a new owner.

19 COUNCIL MEMBER ROSE: Thank you. I just,
20 you know, I just think that we should look at ways
21 that we can really enforce something because of these
22 bad actors. I think repeated bad actors should not
23 be allowed to be landlords at some point.

24 ANNE MARIE SANTIAGO: That's right the
25 ability of --

3 DEBORAH RAND: [interposing] That's a
4 regulatory issue.

5 DEBORAH RAND: --HPD, too.

6 COUNCIL MEMBER ROSE: As far as I know,
7 at this point there isn't such a law on the books.
8 So it's sort of in your ballpark. Thank you, Chair.

9 CHAIRPERSON WILLIAMS: Well, in the
10 State's ballpark, but we can hear to start an appeal,
11 though, which we should. Council Member Torres and
12 then we have some questions.

13 COUNCIL MEMBER TORRES: If I'm repeating
14 questions, I apologize. I imagine -- Well, first I
15 thank you for your testimony. I imagine most of the
16 suits that you bring are against property owners
17 relating to housing code violations. But I imagine
18 what percentage of your suits are relating to
19 harassment?

20 ANNE MARIE SANTIAGO: We don't initiate
21 cases based on tenant harassment?

22 COUNCIL MEMBER TORRES: Okay, you don't?

23 ANNE MARIE SANTIAGO: No.

24 COUNCIL MEMBER TORRES: Okay. I know --
25 do you have any collaboration with Tenant Protection,
even though you know that HGR is not an authority of

3 tenant harassment? So is there any collaboration
4 between CPU and --

5 ANNE MARIE SANTIAGO: [interposing] We
6 have been speaking and meeting with CPU. We have
7 made referrals to them since they started about to
8 years. But I think a lot of their work is
9 confidential from us. But we do have a relationship
10 with the state.

11 COUNCIL MEMBER TORRES: I want to go back
12 to my original question. Do you have the authority
13 to initiate --

14 DEBORAH RAND: [interposing] Actually, I
15 --

16 COUNCIL MEMBER TORRES: -- mitigation
17 regarding harassment or not?

18 DEBORAH RAND: --I believe that the
19 harassment section really falls under the tenant
20 initiated part of the Housing Maintenance Code. I
21 just went to recheck it because that was my
22 understanding. But tenants initiated it, and often
23 when they initiate it, we're always parties to those
24 cases. So when they initiate it, we are involved.

25 COUNCIL MEMBER TORRES: Can I ask -- I'm
not sure if this is an appropriate question. Do you

2 believe that HPD should have that authority? Like if
3 there's a pattern of systematic harassment against
4 tenants much like TPU will initiate action, will HPD
5 do the same?

6 ANNE MARIE SANTIAGO: I think our actions
7 should always be based on conditions, which is
8 something that we factually will know, right. Some
9 cases of harassment are more the tenant said that
10 they owner did this. If it doesn't involve
11 conditions, it's going to be hard for us to initiate
12 that.

13 COUNCIL MEMBER TORRES: Okay. I know
14 that TPU has a habit of using subpoena power, and I'm
15 wondering does HPU have subpoena power?

16 ANNE MARIE SANTIAGO: We do.

17 COUNCIL MEMBER TORRES: And what's the
18 manner in which you've used it, and what's the scope
19 of the power?

20 ANNE MARIE SANTIAGO: We have used it
21 very rarely. I'm not personally familiar with how
22 it's been used, though. So we can get back to you on
23 that, council member.

24 COUNCIL MEMBER TORRES: Okay, that's the
25 extent of my questions. Thank you.

3 CHAIRPERSON WILLIAMS: Thank you.
4 Council Member Treyger.

5 COUNCIL MEMBER TREYGER: Thank you,
6 Chairs Williams and Chin, and thank you I'll say
7 Commissioners from HPD. I represent the district,
8 though it may, it has a very large immigrant
9 community. And what measures does HPD take to address
10 and accommodate the needs of immigrant communities?
11 In my district we have families who speak Chinese,
12 Russian, Spanish, you name it. We have it all. What
13 efforts do you undertake to make sure that their
14 rights are protected?

15 ANNE MARIE SANTIAGO: Well, we have --
16 our Division of Neighborhood Enforcement has -- I'm
17 sorry. Our Division of Neighborhood Preservation has
18 a unit called a Public Outreach and Education Unit,
19 and that unit does do community-based meetings. They
20 do it for both owners and tenants. They can do it in
21 a variety of languages. They'll come and they'll
22 about the various issues affecting either/or party
23 because a lot of this is really about educating the
24 tenants about they have a right to not be harassed,
25 or they have a right to call HPD if there are
conditions.

3 And I think that that's part of the
4 strongest efforts that we can make to make sure that
5 these things don't happen. 311 accepts complaints
6 in, I don't know, 150 languages, 200 languages.
7 Whenever we get a complaint, we recognize that if
8 that language is --I'm sorry, if that complaint is
9 placed in a different language and we do try to
10 outreach to tenants in the language that they
11 indicated to 311. So we are trying to reach out to
12 those communities.

13 COUNCIL MEMBER TREYGER: Well, I will
14 tell you that there is a disconnect because I've
15 organized some buildings to inform tenants of their
16 rights. And many times they're not aware of what
17 their rights are. Unfortunately, not many landlords
18 go out of their way to educate them about their
19 rights. And do believe that HPD needs to really do
20 more aggressive outreach to the diverse communities
21 of our city to inform these tenants of their rights,
22 particularly during heating season.

23 Particularly with regards to paint.
24 Particularly with regards to not, you know, people
25 have a right to have hot water, heat during the cold
season, to have their apartments painted every so

3 often. Not to see mice and rodents so -- But
4 there's a disconnect between what they hear, and what
5 they feel, and what they've seen, and what you're
6 saying here today. And I guess I just feel that we
7 need to do a much better job of reaching the diverse
8 communities of our city.

9 ANNE MARIE SANTIAGO: And certainly, in
10 your case, if you want to contact us directly, we'd
11 be happy to set up. We go to individual buildings.
12 We'll do community organization spaces. If you have
13 a space yourself, we will come to your space, and
14 give our presentation. We usually have a variety of
15 representatives there not only HPD, but we bring HCR.
16 Often the Health Department often attends also on
17 some of the issues; lead-based paint, and in
18 particular window guards we talk about. And we offer
19 that to every Council Member at any time you can
20 contact us, but we certainly recognize that that's a
21 need.

22 COUNCIL MEMBER TREYGER: Your information
23 is provided in various languages?

24 ANNE MARIE SANTIAGO: Yes.
25

3 COUNCIL MEMBER TREYGER: And you have
4 folks who speak different languages who come to these
5 hearings?

6 ANNE MARIE SANTIAGO: Yes, and we usually
7 have the headsets that allow us to translate. We do
8 work with you to know what languages we're going to
9 need for any given event, but certainly we can do
10 that.

11 COUNCIL MEMBER TREYGER: Thank you.

12 ANNE MARIE SANTIAGO: You're very
13 welcome.

14 COUNCIL MEMBER CHIN: I just want to make
15 a comment. Yeah, I think my colleague is really --
16 we can post those events in our community, and I've
17 done one in my district to really get the word out.
18 It is getting people to know about what their rights
19 are, and also we're going to hear from advocates who
20 actually gets a lot of referrals from council
21 members' offices to represent the tenants. Because
22 there are a lot of tools out there. I mean even the
23 HP action is something that tenants in the building
24 can utilize, but a lot of people don't because of
25 this idea of going to court. So we really need to

2 figure out better ways of really helping them, and
3 getting them to know their rights. Thank you.

4 CHAIRPERSON WILLIAMS: We have two
5 questions from a staff member that I thought were
6 good, from Council Member Rosenthal's office. Are
7 the number of HPD cases filed by tenants increasingly
8 a basis, and what's the number of cases filed each
9 year between implementation and today?

10 DEBORAH RAND: We don't have the
11 information as to the exact numbers. Actually, it's
12 been an up and down in terms of tenant actions. It
13 went -- it decreased fairly dramatically for a couple
14 of years, but it seems to be going up again. And we
15 can certainly get you the numbers of tenant action
16 and cases that were filed.

17 CHAIRPERSON WILLIAMS: Thank you very
18 much, and if no other of my colleagues have any
19 questions, I just want to say thank you so much for
20 coming out and giving your testimony and answering
21 the questions.

22 ANNE MARIE SANTIAGO: Thank you.

23 CHAIRPERSON WILLIAMS: All right, we have
24 -- I'm going to try to make it one panel because it's
25 five people. So I'm going to try to see if we can

2 squeeze around a little bit. I think it makes more
3 sense if we can get all five so we -- we probably
4 have similar questions for all of you. So Ian Davie,
5 Legal Services, NYC Bronx; Jason Blumberg from NY
6 Legal -- I think it's NY Legal Services -- NFY, I'm
7 sorry. Legal Aid Society; Katherine Brennan [sp?],
8 Sheila Garcia from CASA New Settlement; and Nalia
9 Moore from Pratt Area Community Council. There will
10 be no time limit on the questions that we ask, but
11 we're going to ask to have a time limit on your
12 presentation of three minutes each.

13 [Pause]

14 CHAIRPERSON WILLIAMS: In the interest of
15 expediency --

16 FEMALE SPEAKER: Yes.

17 CHAIRPERSON WILLIAMS: Just one second.
18 I'm going to ask you to raise your right hand. Do
19 you swear or affirm to tell the truth, the whole
20 truth, and nothing but the truth before the committee
21 today.

22 IAN DAVIE: I do

23 JASON BLUMBERG: Yes.

24

25

3 CHAIRPERSON WILLIAMS: Thank you, sir.

4 You guys can decide who starts first, and just say
5 your name and start.

6 IAN DAVIE: I'm from Legal Services NYC.

7 Legal Services NYC is the largest provider of free

8 legal services in the country. It's spread

9 throughout the five boroughs with an emphasis on

10 direct legal services, and broad based litigation.

11 Arising from community involvement and feedback,

12 Legal Services NYC represents thousands of families

13 and individuals with a host of legal problems each

14 year, including housing, family life, domestic

15 violence, youth services, immigration, foreclosure,

16 consumer law, sustainability, and public benefits, to

17 name just a few.

18 We regularly provide assistance advocacy

19 and legal representation and education to community

20 groups and individuals, including those referred by

21 the courts, community partners and elected officials.

22 My name is Ian Davie. I'm the Deputy Director of the

23 Housing Unit in the Bronx office of Legal Services

24 NYC, and I have daily contact with our Housing

25 Advocates throughout the City, many of which are

actually seated at this table right now. They have

3 all advised me of the importance of Intro 129 in
4 relation to remedies for breach of the duty of an
5 owner to refrain from harassment of tenants.

6 We at Legal Services NYC welcome the
7 opportunity to testify before the Committees on
8 Housing and Buildings and the Aging, and we strongly
9 encourage the City Council to pass Intro 129, an
10 important measure that will protect tenants against
11 landlords seeking to harass them out of their homes.
12 I'd like to thank Committees -- Committee Chairs
13 Williams and Chin as well as the various Committee
14 Members for the opportunity to testify today. Your
15 leadership on housing and aging issues are
16 appreciated by the staff, and advocates of Legal
17 Services NYC, and residents of the city.

18 Specifically, we'd like to thank Council
19 Members Chin, Williams, Barron, Johnson, Palma,
20 Reynoso, Rose, Rosenthal, and Mendez for their
21 leadership on this bill. I won't go through the
22 specifics of the bill, but it is obvious that it
23 increases the fines on non-compliant landlords, and
24 requires that HPD post on its website information
25 about non-compliance or harassment. Already, the
Code is very clear about what harassment constitutes,

3 and states that an owner of a dwell shall not harass
4 any tenants or personally -- excuse me -- or persons
5 lawfully entitled to occupancy.

6 Unfortunatly, tenants' advocates still
7 see harassment happening in many forms throughout the
8 city. Legal Services advocates as well as elected
9 officials have observed that skyrocketing market
10 rents combined with changes to the rent regulations,
11 laws, and rules have created enormous economic
12 consensus for landlords to harass tenants and create
13 vacancies. Rent stabilization laws permit owners to
14 charge 20% rent increases for apartments rented after
15 a vacancy. Landlords can also obtain almost
16 unlimited rent increases based on apartment
17 improvements, which are often unsubstantiated.

18 Thus, landlords who induce tenants to
19 vacate their apartments can hope to deregulate
20 virtually any apartment and raise rents. Of course,
21 this results in homelessness and a changing urban
22 landscape we've seen throughout New York City. In
23 the interest of time, I'm going to skip over my
24 testimony. I would just like to talk about a few of
25 the most recent and horrendous problems that we've
seen. The Three Borough Pool Litigation, which was

3 one of the largest foreclosure cases in New York City
4 history highlighted the problem of ongoing
5 harassment, [bell] in over 40 buildings throughout the
6 Bronx, Manhattan, and Brooklyn.

7 The tenants faced a lack of services.
8 One building in the Bronx was without heating oil
9 throughout the entire winter. The tenants faced a
10 deprivation of rights. The building management
11 routinely interrupted or tried to undermine tenant's
12 attempts to form tenant associations even while legal
13 services providers or even members of Council Member
14 Torres' office were in those meetings. It was quite
15 brazen, and when the tenants did attempt to assert
16 their rights, they often faced frivolous and
17 retaliatory eviction proceeding. Council Member
18 Torres was incredible --

19 CHAIRPERSON WILLIAMS: I'm going to have
20 to ask you to wrap up now.

21 IAN DAVIE: Wrap up?

22 CHAIRPERSON WILLIAMS: Yeah, thank you.

23 IAN DAIVE: And I will say that Council
24 Member Reynoso recently talked about some very bad
25 situations happening in Brooklyn. This extends
throughout the city to Chinatown, to Flatbush, to

3 Bridgewood, and into the Bronx. In conclusion, I'd
4 like to note that this legislation will not affect
5 the vast majority of landlords throughout the city.
6 Those compliant landlords should not be affected. I
7 do have some comments on what the administration --
8 Excuse me, the commissioners were talking about, and
9 I think that the --

10 CHAIRPERSON WILLIAMS: I'm sure that
11 we're going to have some questions, and there will be
12 no time limits on the questions, sir.

13 IAN DAVIE: Okay, I would just say the
14 increase in the fines would be incredibly effective
15 to deter a landlord from being bad actors.

16 CHAIRPERSON WILLIAMS: Sure. Thank you.

17 [Pause]

18 KATHY BRENNAN: Hi, hello, my name is
19 Kathy Brennan [sp?]. I'm a staff attorney at the
20 Legal Aid Society, Brooklyn, New York Office. I'd
21 like to thank the Committee for this opportunity to
22 testify on behalf of Intro 129. I recently this past
23 winter represented a tenant who had been illegally
24 locked out of her apartment. She left for a brief
25 family vacation, and when she came back her landlord
had changed the locks, thrown all of her possessions

2 away, and refused to let her back in her apartment.
3 It was a long saga to get her back in. Fortunately,
4 the court did order her restored to her apartment,
5 and the Tenant Protection Unit is investigating her
6 landlord.

7 One of the things I think that Intro 129
8 does that will be very helpful to tenants and
9 advocates is the posting of the violations. A lot of
10 landlord-tenant harassment claims, particularly those
11 that I aren't related to conditions come down to a
12 tenant said/landlord said situation, and even skilled
13 attorneys would have a very difficult time trying to
14 prove that. And I think that might explain why
15 there's been such needed cases litigated of
16 harassments claims. And it's very difficult to prove
17 them, and a tenant's testimony regarding the ability
18 of their landlord would be much -- it lends context
19 and credibility to a tenant's testimony if they can
20 show that the landlord has been --

21 And there have been other violations --
22 violations of harassment posted. It sort of shows
23 how that there has been a practice of this, and I do
24 think that would be very helpful. Also, our
25 organizer is attending advocacy groups to determine

3 whether or not a landlord is engaged in misconduct
4 even in one of their buildings or throughout their
5 buildings. So I do think that Intro 129 is an
6 extremely important piece of legislation. With
7 respect to the fines, the one thing that we would
8 suggest is we think it's great to make them higher.
9 We also think that perhaps a provision that prohibits
10 HPD from bringing it without the consent of the
11 complaining tenant if they're imposed.

12 I do think that tenants have a difficult
13 time litigating these claims because they are mostly
14 also not represented. And it is extremely difficult
15 for them even in the HP context, which is very user-
16 friendly for most tenants. It's very hard for them
17 to actually go forward, and almost all of landlords
18 are represented. So I think that also could explain
19 why there have been so few successful claims going
20 forward on harassment. Not for lack of a harassment
21 claim, but more for a lack of tools for the tenants
22 to be able to put forth those claims. So thank you
23 again for the opportunity. And I'm, of course,
24 welcome to answer any questions.

25 [Pause]

3 SHELLY GARCIA: I don't know if it's
4 morning, but good morning. My name is Shelly Garcia.
5 I'm an organizer at Casa Community Action Department.
6 We're located in the Bronx. I'm a newly appointed
7 member of the Landlord Reform [sp?] and a member of
8 Stabilizing NYC, a citywide coalition that has come
9 together to fight depletion of affordable housing in
10 New York City at the hands of predatory equity.
11 Thank you for the opportunity to testify this
12 morning.

13 Our coalition is made up of 12
14 organizations, and one civil legal service provider,
15 Cal, Community Development Project at the Urban
16 Justice Center, Asian-Americans for Equality, CHILCDC
17 [sp?], Casa Community Action for Safe Apartments and
18 East Side Apartments [sic]. Sorry, Safe Avenue
19 Committee and Neighbors Helping Neighbors, Flatbush
20 Tenant Coalition, Goals, We Meet Again as Sisters
21 [sic], and Community Center, Mothers on the Move,
22 Meet us Bronx [sic], and Tri-Area Community Council,
23 and Woodside Avenue.

24 And I'm here to testify more about the
25 predatory equity side of the harassment that we're
seeing across all of the city, right. So tenants are

3 not only facing landlords who are shutting off the
4 elevators, and the hot water, and having awful
5 conditions in their apartments, right. We're also
6 seeing consistent when HPD shows up, all of the
7 services are restored. And it's a form of
8 harassment, and it's really difficult to prove. And
9 I agree that just like my other colleagues have said,
10 and many of you have mentioned that raising the
11 fines, and really making sure that we are being more
12 proactive on how tenants are -- You know, because the
13 tenants don't come up and say something, as we all
14 know.

15 Many of the tenants that are in our
16 community are seniors, or people who don't speak
17 English. And so an inspector coming out to your
18 apartment and knocking on your door, and only
19 speaking English, you can't let them. So the
20 violation won't even go on record, right. And so, we
21 see a lot of that, and the landlords know that they
22 can get away with it. And it's so difficult to
23 actually prove the harassment that we're seeing
24 across the city. But then while we're not seeing
25 that, they're kicking out tenants because they can no
longer afford to pay their mortgages.

3 And so, it's a cycle of -- it's a vicious
4 cycle where we're seeing harassment leading to
5 tenants moving out, rents being increased, and
6 communities being destabilized. And it's an impact
7 that we really need to be aware of. And I think that
8 raising the civil penalties, and making sure that HPD
9 is being proactive in a different way like coming in
10 the middle of the night. They do that, but it's all
11 tenant initiated, and it's difficult for a tenant to
12 actually go out to a community organization and say,
13 I have this right. Can you help me fight for it.
14 And so, it's really interesting to see many
15 organizations are involved in this to really put
16 forth higher [bell] fines, and be more proactive on
17 this. And I'm happy to answer any questions.

18 JASON BLUMBERG: Thank you, Chairs.
19 Thank you Council Members for the bill, and for the
20 opportunity to support it. I'm Jason Blumberg. I'm
21 a senior staff attorney at MFY Legal Services in the
22 Seniors Project. MFY serves more than 3,600 tenants
23 each year, more than 2,000 senior tenants each year
24 throughout New York City. We're part of the Assigned
25 Counsel Project by which judges in the Manhattan

3 Housing Court can refer seniors in Housing Court to
4 attorneys.

5 My clients are long-term rent regulated
6 tenants, which means that a lot of them are targets
7 of harassment. The Local Law 7, Anti-Tenant
8 Harassment Bill was great, but in my experience in
9 MFY's experience is that harassment still continues
10 at pace especially the rent when it comes to senior
11 tenants. Because the longer someone has lived in an
12 apartment the further beneath market the rent is, the
13 more economic incentive there is to try to harass
14 them out.

15 It continues in the form of repeated
16 baseless proceedings, baseless non-accounting [sic]
17 residents basis, nuisance cases, repairs that go
18 uncompleted for too long. We get these calls every
19 week. We represent those we can. But the mass-
20 produced nature of the cases we're involved in makes
21 for everybody who calls us, everybody we represent
22 there are dozens more that don't call or that we
23 can't represent.

24 Landlord harassment of elderly tenants
25 continues because it works, and it works because it's
cost effective for the reasons I've said because so

3 many tenants, so many senior tenants don't have
4 attorneys. Don't have the wherewithal to fight. A
5 one-time civil penalty of \$5,000 is frankly not a
6 significant deterrent to harassment especially when
7 conservatively they could reap a profit of \$2,500 per
8 month in perpetuity if they get a long-term tenant.
9 MFY supports the bill, and MFY supports all of the
10 City Council's efforts to combat tenant harassment,
11 particularly of seniors, and I'll accede the rest of
12 my time for -- happy to answer questions.

13 NALIA MOORE: Thank you. Good morning,
14 council members, Chairs. Thank you for this
15 opportunity to testify. My name is Nalia Moore, and
16 I am an Organizer at Pratt Area Community Council.
17 My testimony begins at -- Well, not begins, it will
18 continue. As of yesterday, I had a senior citizen
19 tenant come into the office seeking urgent legal
20 assistance for himself and his neighbors in an H Unit
21 building in Clifton Place in Bedford-Stuyvesant
22 [sp?].

23 His new landlord had recently entered
24 apartments and threw all tenant's furniture, and
25 attempted to stop HPD contractors from conducting AEP
[sp?] repairs, all in an attempt to force them out of

3 their stabilized apartments. Beyond that, so many of
4 our Crown Heights tenants have been dragged back and
5 forth to Brooklyn Housing Court on baseless eviction
6 proceedings, including legal tenants being accused of
7 squatting in apartments where the rent -- the rent
8 records of DHL were falsified by the management.

9 I've also had tenants brought for
10 eviction proceedings, and accused of denying
11 management access to do repairs when tenants have
12 stayed home numerous days from work for those
13 repairs. No repair crew showed up, and the
14 management didn't respond to any calls from the
15 tenants as to what happened with the repairs. This
16 makes it especially difficult for low-income tenants
17 to keep up-to-date with their rent because they are
18 missing so many days of work having to be at court.

19 Therefore, it lends itself to creating
20 non-payment cases. In addition to that, so many of
21 our seniors and tenants with disabilities have been
22 forced to endure prolonged unsafe and unhealthy
23 conditions in their apartments because the landlords
24 have been systematically flaunting violations on HPD
25 inspections. And we've seen targeted retaliation
against those tenants who are immigrants, or those

3 who don't speak English as a first language. Or,
4 those who are tenant leaders in their buildings being
5 targeted for retaliation, whether by phone call,
6 whether by physical threat, or for the eviction
7 proceedings being brought against them.

8 The laundry list continues. Constant
9 phone calls at all hours of the night offering
10 violence to tenants. Tenants have complained that
11 the management offices are losing their rents. I've
12 had tenants that over the past two years not had
13 their rent payments accepted by management. And then
14 had non-payment cases brought against them as a form
15 of harassment. Tenants repeatedly receive erroneous
16 rent statements that include fees that are illegal to
17 their rent stabilized rents as another form of
18 frustrating them.

19 So this basically is what we see as the
20 face of harassment in Brooklyn, and I'm sure the rest
21 of the city. And what we see is that as of right
22 now, maybe the legal definition of harassment not
23 encompass all of these activities. If there is any
24 way that we can [bell] expand this definition to
25 cover more of these things, we would continue to
collaborate with you, and with the necessary

3 authorities to see that justice is brought to these
4 tenants, and that landlords don't get away with it.
5 Thank you.

6 CHAIRPERSON WILLIAMS: Thank you so much
7 for your testimony. Thank you for all the continued
8 advocacy and work that you do. Congratulations to
9 the appointment of the Rent Governance Board. I've
10 made no secret that I'm hoping for a zero increase
11 this year. So I'll just make that pitch. And also
12 I've been doing this for some time. As a matter of
13 fact, the first Right to Organize case that will
14 actually prove the law was when I was an organizer in
15 that case in Flatbush. So this thing is still very
16 near and dear to me. And they were being harassed
17 just for trying to organize, and correct some of the
18 fears.

19 I have some questions from some of the
20 stuff that I heard, and then I'll pass it over to the
21 Chair. So someone mentioned or more than one person
22 mentioned how difficult it is to prove these cases,
23 which I understand. Do you have suggestions on how
24 we would better prove, or what evidence would help
25 the case be stronger?

3 IAN DAVIE: Well, I think that one of the
4 main things education and advocacy support for both
5 of those. To the extent that tenants can know about
6 that harassment exists, and then going to -- Someone
7 like Council Member Chin and other members have done
8 is some kind of advocacy project whether that be for
9 the aging or right to counsel or more support for
10 legal services. Because we see these everyday, but
11 often we're focused on the roof is caving in or the
12 staircase is falling away, and it's harder to go
13 forward on the harassment issue. And if that's a
14 case for attorneys, if they're in court everyday,
15 that is certainly the case for tenants who may not
16 even know about this. But I think that having an
17 attorney, or having some kind of advocacy can really
18 help to handle this issue at home.

19 KATHY BRENNAN: I do think that's why the
20 provision in Intro 129 that has the violations being
21 posted. As an attorney, as an advocate I think that
22 that would be very helpful. I think back to when I
23 was doing -- representing my client, and I think the
24 landlord had a very smooth story, about why it was
25 that my client was no longer -- He alleged that she
voluntarily surrendered the apartment, and my client

3 knew what was not true. We instinctively knew that
4 was not true, but it's very difficult to prove that.

5 I think if violations are posted, you can
6 then cross-examine it from a purely legal standpoint,
7 and cross-examine the landlord, and say, Well, you're
8 claiming this happened here, but there's six other
9 time in which somebody else claimed this happened.

10 At some point it becomes sort of not true or at least
11 it's -- And I do think that the postings would help
12 that a lot. I do think that giving tenants
13 empowerment to sort -- to go forward and to go
14 forward on this harassment thing I think could also
15 help. Because all the posting in the world won't
16 help if there aren't findings.

17 I do think as my colleagues have
18 suggested, helping tenants and empowering them,
19 giving tenants the knowledge to go forward on these
20 harassment cases will also help. I mean, every legal
21 lockout in Housing Court that ends in frustration,
22 it's most likely harassment. I mean there is a
23 limited way that it couldn't be harassment, and I
24 think the Code makes it quite clear. So those
25 themselves should be -- Perhaps either the lockout
petition could also have a claim that -- a harassment

3 claim that's part of the petition. Right now it
4 doesn't. The pro se form that a tenant has for an
5 illegal lockout doesn't say that. So I think that
6 bolsters the claims of harassment findings that are
7 out there. Because I don't even think tenants of an
8 illegal lockout understand that what happened to them
9 is a form of harassment.

10 JASON BLUMBERG: I have some ideas as
11 well just about the standard of harassment, and it's
12 very difficult to prove even as a lawyer, as a pro se
13 tenant it's got to be extraordinarily difficult to
14 prove. You need to prove that if the landlord is
15 doing more than a number of things, and there's a
16 list of a number of things that quality. They give a
17 case list. Lawsuits, violations placed or
18 conditions, threatening acts, et cetera. You also
19 need to prove that they did those things with the
20 intent of failing to give up the rights related to
21 their housing.

22 That's a lot to prove. It's difficult to
23 prove what anybody intended. It would be better if
24 there was certain rebuttable presumptions. If you
25 sued a tenant more than -- if you sued them twice in
the last year, there's a rebuttable presumption that

3 that's harassment. You know, other things of this
4 sort. The list would work very well as rebuttable
5 presumptions. If you've used physical threats, that
6 should be rebuttable. That's harassment, and they
7 should have to prove that it's not harassment rather
8 than a tenant or a tenant's attorney having to prove
9 that it is.

10 More procedurally, the bill as it stands
11 right now, says that if you bring a harassment claim
12 -- I forget exactly how it's worded -- in bad faith,
13 you could be liable for attorney's fees. I have no
14 doubt that assistant commissioners, the numbers they
15 cited, which were shocking, that only of the 3,200
16 cases only 44 had decisions. A lot of that is
17 because Housing Court judges are notoriously
18 overburdened, and don't like to judge. They don't
19 like to make decisions, and I have no doubt that
20 they're browbeating tenants and plying them with the
21 threat of attorney's fees if they lose.

22 I mean, at the very least take that --
23 that could be removed, and it could be a more level
24 playing field. Until such a time as we have a better
25 right to counsel, at the very least for seniors, and
thank you, Council Member Chin for trying to do. If

3 we had an attorney's fees provision, if you prove
4 harassment, you get attorney's fees. Even if you
5 don't and even if you leave the language as it stands
6 right now, it's bad faith. The landlord could get
7 it. But if it's not, if it's harassment, the
8 penalties aren't sufficient, including attorney's
9 fees. All of a sudden there's a lot of private
10 tenant's attorneys in the city that will pick up
11 these cases. Where right now there's no reason for
12 them to. That's just a few suggestions.

13 CHAIRPERSON WILLIAMS: So, just so I'm
14 clear. So right now say that if the tenant loses
15 they pay attorney's fees?

16 JASON BLUMBERG: It's not just -- I'm
17 sorry.

18 CHAIRPERSON WILLIAMS: If the landlord
19 loses, they don't pay attorney's fees?

20 JASON BLUMBERG: If the tenant brought
21 the claim, and I don't think anybody has the bill in
22 front of them, and it means, they could say something
23 like in bad faith, if it was --

24 CHAIRPERSON WILLIAMS: [interposing] This
25 current law or the way it is now?

3 JASON BLUMBERG: No, no, no, I'm sorry.
4 Local Law 7.

5 CHAIRPERSON WILLIAMS: Yes, yes, okay.

6 JASON BLUMBERG: Yes, if it's brought --
7 if it's deemed to be frivolous, they could be liable
8 for attorney's fees.

9 CHAIRPERSON WILLIAMS: But if the
10 landlord loses are they also liable?

11 JASON BLUMBERG: No. If you're one of
12 these few people that actually proved harassment and
13 got one of those, you're not going to pay attorney's
14 fees. All that happens is you get the order going
15 forward to the landlord saying, Don't harass in the
16 future. It's great if they even show up in court to
17 begin with and you get -- And there's the penalties,
18 which are payable to the City.

19 CHAIRPERSON WILLIAMS: Well, that doesn't
20 seem fair.

21 JASON BLUMBERG: It does not seem fair.

22 CHAIRPERSON WILLIAMS: It's probably
23 both.. [sic]

24 JASON BLUMBERG: It is painful.

25 CHAIRPERSON WILLIAMS: Do you see any
benefit -- I don't even know if we have the power,

3 but if we had the power to find a way to break off so
4 that we're not hitting as hard the one to four-family
5 as we are with some of the larger units?

6 [Pause]

7 IAN DAVIE: You know, I don't necessarily
8 see a benefit to that. I think that -- this might go
9 to what Council Member Vallone was saying, which is
10 if there are bad actors, it's not acceptable that
11 that's just the cost of doing business. So, whether
12 it's a smaller -- And I know that HPD did indicate
13 that a lot of these cases are just where the landlord
14 defaulted, and just didn't show up. I guess of the
15 44 of the multiple thousand that where there was a
16 harassment finding.

17 So I don't know that making some kind of
18 division would really help here. Because I think
19 that if the -- You know, if that's the cost of doing
20 business, it's going to be for the bigger owners and
21 for the smaller owners. I think that that deterrent,
22 the increase in the minimum fines or the minimum has
23 to be across the board. Because if it's the cost of
24 doing business, that cost needs to be borne equally
25 by anyone who is going to just flaunt these
regulations.

3 CHAIRPERSON WILLIAMS: I just -- I
4 generally see particularly owner occupied rental as
5 different than units that are not owner occupied. I
6 think they are quite logically.

7 SHEILA GARCIA: Right, but we're working
8 on a lot of rent stabilized apartments and I also
9 feel like we are not getting the numbers of like
10 thousands of cases whether those are rent stabilized,
11 right? From my experience in buildings, especially
12 like 16-unit buildings, those landlords are more like
13 -- Once the tenant is taken to court, they're more
14 likely to react in a way that's more appropriately
15 than landlords who are bigger, and who are predatory.
16 And who have massive amounts of building who are
17 like, Well, you know, it might take 15 tenants taking
18 me to court. That's just the cost of doing business
19 in one building, right? Even if they do start the HP
20 action, even if they go through all that, for tenants
21 that's a real hardship to go to court and to prove
22 all of these things.

23 CHAIRPERSON WILLIAMS: Well, you
24 mentioned the 16-unit. When I talk, I usually mean
25 owner-occupied one to four, as opposed to not owner
occupied rental one to four, and buildings that are

3 larger. I just usually see it as someone -- if
4 someone is an owner and living there and renting out
5 a second story or something like that. Usually, they
6 get hit a little harder with some of these things.

7 SHEILA GARCIA: But harassment is
8 harassment, right?

9 CHAIRPERSON WILLIAMS: [interposing] Oh,
10 yeah.

11 SHEILA GARCIA: And if you're doing it, I
12 feel like you should be paying the fines just as
13 anyone else.

14 CHAIRPERSON WILLIAMS: Got you.

15 IAN DAVIE: But I'm just not sure that
16 there's necessarily a need. I mean we haven't -- if
17 there are 44 units -- were the numbers of the five or
18 six or seven years since the law was passed, or were
19 they in the last year?

20 COUNCIL MEMBER: [off mic]

21 IAN DAVIE: Right. So 44 is maybe six or
22 seven a year. I don't think that we've seen
23 necessarily that it has been an undue burden on
24 smaller landlords versus larger. I'm not sure if
25 there's a good need for that.

3 CHAIRPERSON WILLIAMS: I have three
4 questions, but I'll ask one and then pass it over.
5 Someone said something about HPD settling without the
6 fines, without the consent of tenants. So HPD is
7 settling the cases without collecting the fines? Is
8 that what you -- Tell me what it is.

9 KATHY BRENNAN: Generally speaking, and
10 HPD correct me if I'm --

11 CHAIRPERSON WILLIAMS: [interposing]
12 Well, they can't correct from there, but yeah.

13 KATHY BRENNAN: But, they can give a
14 description. [sic] Generally speaking, with HPD
15 actions, HPD is a party to every HPD action. And
16 while the tenants will go and initiate them, it's
17 generally HP because of their lawyers, and most of
18 the HP lawyers, at least the ones that I have
19 experience with in Brooklyn are phenomenal and they
20 do a tremendous job trying to advocate that the
21 repairs get done. But most of the settlement
22 discussions, and the decisions that they find are not
23 to seek the fines sort of goes above the tenants'
24 heads to some extent. And this sort of need by HPD
25 for lots of very good reasons, and maybe not good

3 reasons, but HPD has this knowledge. The HPD
4 attorneys who deal with these cases all the time --

5 CHAIRPERSON WILLIAMS: [interposing] So I
6 just want to be clear. Are they making them without
7 their consent, or are you saying they don't fully
8 understand?

9 KATHY BRENNAN: I think that the tenants
10 don't fully understand what's going on. And
11 particularly, I would think with respect to
12 harassment cases, if it's a tenant initiated
13 harassment case, those are primarily services and
14 that the tenant should at least be given some say.
15 And some explanation or some guidelines, as to
16 whether or not they can bring a harassment violation,
17 as opposed to something that's more physically
18 planned or into the building.

19 CHAIRPERSON WILLIAMS: Okay. I'm just
20 thinking because last you said, and I understand when
21 you said tenants should have more say, too. I just
22 want to be clear if you think tenants just don't
23 fully understand what's going on, or you feel like
24 something is being done wrong because they're not
25 consenting to it?

3 KATHY BRENNAN: I think tenants don't
4 understand what's going on.

5 CHAIRPERSON WILLIAMS: Okay. We've been
6 joined by Council Members Deutsch, Espinal, and
7 Arroyo, and I know that Council Member Levine has
8 some questions. Oh, I'm sorry. My Chair. Chair.

9 COUNCIL MEMBER CHIN: No.

10 [Pause]

11 CHAIRPERSON WILLIAMS: Oh, Council Member
12 Levine.

13 COUNCIL MEMBER LEVINE: This mic does not
14 like me. Thanks to both our chairs for this great
15 topic, and thanks to our panel for this discussion.
16 I was so glad that Council Member Williams brought up
17 the issue of attorneys in Housing Court who actually
18 settle bills that are now pending. One is Intro 214.
19 As some of you are familiar with. First, it would
20 require tenants who have -- who are at or near the
21 poverty line as defined as being 125% of the poverty
22 level or lower, that the City would pay for
23 representation for them.

24 This is a relatively affordable program.
25 It's 1,600 to 3,200 we estimate dollars per case that
will make just a huge impact. Housing Court is

3 currently incurred with complaints. You know, 90% of
4 landlords have attorneys, 10% of tenants do. There
5 are almost 30,000 eviction cases a year right now.
6 This ties into two of the most pressing issues the
7 city is facing. One is homelessness, and it's
8 estimated that one-third of the people entering the
9 shelter system are coming off an eviction, and that
10 almost none of them had attorneys in that eviction
11 proceeding.

12 This also ties into the issue, the
13 broader issue of affordable housing. Because the
14 vast majority of tenants facing eviction are in rent
15 regulated units. And we know that in many cases,
16 particularly in Manhattan when rent regulated units
17 are vacated, the landlords find ways to exploit the
18 vacancy to be controlled to take that unit
19 permanently out of regulation. So we're actually
20 losing a vast number of units a year because of this.
21 Potentially almost as many as we're developing in
22 affordable housing, if you do the math.

23 So mostly I just wanted to share that
24 comment with you. I'm curious to know, those of you
25 who have expertise on this, your estimates on a
couple of factors here. One is if you do have a

3 sense of the impact of homelessness or evictions, and
4 to the extent that the statement I made is true that
5 almost none of the people entering shelter system had
6 attorneys in the eviction proceedings. I'm also
7 curious to know your sense of the percent of
8 evictions, which really are for tenants and regulated
9 units as opposed to market rate units. And finally
10 whether it's true that the vast majority of cases
11 where there was a vacancy and regulated units are
12 coming out of the rent controlled regime?

13 JASON BLUMBERG: I can try to answer some
14 of those questions. I practice only in Manhattan
15 where I think the numbers are even more skewed. I
16 think it's something closer to 99% of landlords that
17 are represented and less than 1% of tenants that are.
18 And I think citywide it gets closer to what you said
19 because there are less landlords that are represented
20 perhaps in outer boroughs. I think that people get
21 evicted from rent regulated apartments everyday from
22 -- In a lot of those cases attorneys probably could
23 have done something.

24 Every case I have it's a rent regulated
25 tenant, and there's something I could do. It's not
every case that we can win, but there's something

3 that we could do. I'm sure there's also market rate
4 tenants that are being evicted everyday. I'm not
5 sure if people read the Times article yesterday that
6 described the plight of seniors in particular when
7 they're losing their rent regulated apartments, but
8 there's nowhere -- there's nowhere for them to go.
9 There's nowhere.

10 In Housing Court, landlord's attorneys
11 sometimes will try to put a friendly face on their
12 bids evicting seniors by saying, You know, they can't
13 walk up the stairs any more. They should be in
14 assisted -- they should be in assisted living, which
15 it's ridiculous. I mean, it doesn't exist. Even for
16 people that have millions, there's nowhere else to
17 go. So I think a lot of the people that wind up in
18 shelters yes came from rent regulated units. No,
19 they did not have lawyers, and I think that there's a
20 lot that we could do about it.

21 IAN DAVIE: And I think that Sheila and I
22 could say at least in the Bronx that that number of
23 30,000 evictions per year may be a third to a half
24 from the Bronx. And I can say being in Housing Court
25 that the disparity or the difference between what a
pro se tenant with maybe limited English proficiency,

3 limited educational opportunities can achieve versus
4 what an attorney can achieve. I mean that's chasm,
5 the difference between that. And I can say that
6 often tenants who come in or post-evict tenants
7 already having been evicted, already having gone
8 through the entire legal process.

9 Sometimes we can resolve that in as
10 little as a day. They'd been going to court for two
11 years, you know, fighting, fighting, fighting. Maybe
12 they've already been evicted. Sometimes they come in
13 and we look at it, and we can get it resolved in a
14 day. It is -- I mean the cost of the analysis of the
15 whole system, including going into shelters and
16 paying triple what market would be. I guess I can
17 just say that having an attorney, or having a right
18 to counsel whether it's for the elderly or for those
19 who are at 125% of the poverty line, it would be an
20 enormous benefit to the City.

21 SHELLY GARCIA: And I would just add that
22 these numbers are astonishing, right, but these are
23 displacing communities, and these apartments are all
24 be destabilized. And so the 20% increase is a legal
25 increase. And so the landlord could say that he also
26 changed the floors of the apartment and added a new

3 kitchen, and did all these repairs. But the next
4 tenant coming in most of the time the buildings that
5 I work in, a 200-unit building 90% of the time that
6 didn't at all happen. They're claiming MCIs and
7 they're claiming all of these other things.

8 Some of them are a form of harassment,
9 right. And so, using Housing Court, and making sure
10 that the penalties are higher tenancy is higher. And
11 one aspect of all of these things that tenants face,
12 and they all have to be proactive to do them, I think
13 it's essential and it's also really needed. I don't
14 know, and we work with Council Member Levine to
15 really talk about this legislation at Council because
16 it's really important. But also, right, these are
17 all things that we have to consider on the RGP,
18 right?

19 And we are seeing all these number and
20 this data, and it is true that costs all over are
21 going up, but it's all cost of doing business, right.
22 They're still making a profit, and they are I feel
23 like in, you know, with predatory equity, they are
24 betting that they are going to be able to harass
25 tenants and kick them out. And I think this is a
real issue. And if the cost of doing business is a

3 little higher, I am inclined to think that there also
4 would be a little less of these cases happening, or
5 this kind of harassment.

6 NALIA MOORE: I want to add that this
7 situation looks the same in Brooklyn. For about
8 every ten clients that we counsel only two of them
9 are being evicted from smaller owner inhabited
10 buildings. Most of them are rent stabilized tenants
11 on a weekly basis. I have also shadowed attorneys at
12 the Housing Court in Brooklyn, and it's the same
13 thing. On a day-to-day basis, it's either public
14 housing with NYCHA tenants, or rent regulated tenants
15 that are being evicted.

16 COUNCIL MEMBER LEVINE: Thank you.

17 CHAIRPERSON WILLIAMS: Thank you.

18 Council Member Chin.

19 COUNCIL MEMBER CHIN: When've been joined
20 by - -

21 CHAIRPERSON WILLIAMS: Oh, what are we
22 doing.

23 ERIC ULRICH: Council Member Eric Ulrich.

24 CHAIRPERSON WILLIAMS: Oh, we're joined
25 by Council Member Eric Ulrich.

3 COUNCIL MEMBER CHIN: Thank you. I
4 really want to thank all of the advocates. I mean,
5 you guys are great. You guys are out there everyday.
6 And a lot of times you are the people that we refer
7 our constituents to. And I think that when you were
8 talking about the predatory equity I mean they've
9 bought the building with so much money, and they hire
10 these law firms to just say in the court, right?
11 They do like hundreds of cases all at once, and they
12 know that they're going to -- bound to get rid of
13 some tenants.

14 It's like a fishing net. They know that
15 they're going to get rid of people, and also in my
16 district especially in Chinatown where I reside,
17 every time a new building owner, somebody buys a new
18 building we know the harassment is happening.
19 They'll send a legal notice, or even just a notice.
20 I mean sometimes the residents don't even know that
21 that is just a notice. It's not court paper. You
22 don't have to leave, and there are some people who
23 left because they thought they have to leave because
24 the notice said you have to vacate in 30 days.

25 So there is a lot of education that needs
to be done. So in terms of the harassment, how do

3 you - do you have any suggestions as to how we can
4 sort of help tenants understand their rights, but
5 also how do they prepare? How do they prove their
6 case, what they should -- documents that they should
7 have or notes that they should have that can really
8 help them make a claim to their case that they are
9 being harassed by the landlords?

10 SHEILA GARCIA: Can I make two
11 suggestions really quickly as an organizer, and as a
12 community member in the place that I organize. I
13 think it's really important to think about funding
14 organization, or non-profits who are doing this kind
15 of work. And as I mentioned before, I am a part of
16 this Coalition, Stabilizing NYC, and we do go
17 especially -- specifically around predatory equity to
18 make sure that if we know that there's an over-
19 leveraged property if there is harassment, that we
20 are providing tenants with their rights.

21 That we are advising and linking them to
22 the legal services that are around. But I also think
23 like every other organization we are swamped. There
24 is so much of it going on that I have to turn away
25 tenants all the time to sometimes elected official's
offices. And they're like, You should go to Casa.

3 And I'm like, I can't go to every single building.

4 And so that's really important, but also thinking
5 about having more educational services like where
6 we're providing -- every tenant that moves in is
7 provided something, some kind of information about
8 their basic rights.

9 You have the right to call HPD. And
10 that's not only provided in provided in English, and
11 it's provided in multiple languages because we know
12 that we represent communities that are very diverse.
13 And that's why we love the city, and we need to make
14 the accommodations to make sure that this information
15 is distributed widely, but also in the language that
16 they understand. Because it's no use to people in my
17 buildings where 90% speak only Spanish if I give them
18 something in English. And that's something that's
19 required by landlords to provide some kind of
20 pamphlet about your rights, or HPD will mail it out
21 or something -- some kind of system in place so
22 every tenant in the building would know.

23 I think that we would see some of these -
24 - if they'd get a notice they wouldn't necessarily --
25 you know how many times they go to court? Miss a day
off work and say, I got this paper. And they're

3 like, That's just the landlord saying that you owe
4 money. Do you owe money? No. Wait until they send
5 you documents. But there's hundreds of tenants who
6 just move out when they get that initial notice. I
7 mean it's like, as I mentioned, a 20% increase is
8 we're not seeing that harassment happening because
9 there's no case initiated. So like do we get all
10 this data facts? Because many do, right? I don't
11 know.

12 IAN DAVIE: Yeah, whenever I try to think
13 of a situation like this, I try to place myself as an
14 unrepresented tenant standing in front of a judge.
15 And, you know, the court system can be slow to
16 change. The Tenant Protection Act is I think about
17 seven years old, and still there's actually a knee-
18 jerk reaction by judges to say, Well, harassment?
19 Okay, whether or not that's happening, what are the
20 real problems in the apartment? Harassment is a
21 problem.

22 So what can a pro se tenant, or even a
23 pro se tenant represented by counsel do to tell the
24 judge, No, this really exists? I think keeping logs
25 is really important. As crazy as it seems, just
writing down everyday, Here's what happened on this

3 day. Here's what they did on this day. Because
4 people forget, and that's understandable. Pictures.
5 Any kind of documenting evidence is huge, whether
6 represented or not in terms of going forward and
7 proving a case, and harassment is no exception to
8 that.

9 So, a broader view of tenant's rights and
10 education is great. Calling 311, getting HPD on
11 board, but I think also just very simple specifics
12 about what a tenant can actually do day-to-day to
13 prepare for this kind of situation. And, also, of
14 course the nuts and bolts about how do you start an
15 HP case, and what are you actually doing in that
16 case, and what will happen? And that's the kind of
17 thing that can be described in a half page or -- I'll
18 probably write it down right now. I don't want go
19 through on that.

20 NALIA MOORE: I would like to add that
21 for the council members, council members to support
22 political organizations by showing up at our events,
23 and also by making yourselves available to support
24 the tenant associations that we work with. It does a
25 tremendous thing in helping to mobilize the people,
and helping them get past their fears of speaking

3 out. We've had a number of our council members come
4 out on a one-on-one basis to speak with the tenants
5 that are experiencing these problems in their
6 buildings. And it just gave them increased momentum
7 to continue the fight.

8 JASON BLUMBERG: A couple of other
9 suggestions I have that part of harassment claim have
10 to do with disrepair in the apartment. Local Law 7
11 specifies that I think that at least one violation
12 needs to be placed. That they should be calling 311.
13 Another recommendation, and it's not the easiest
14 thing in the world, but if you've really had a
15 meritless case brought against you, insist that it be
16 discontinued. Not that there be some -- that it be
17 settled in a way that makes it look more legitimate
18 than it was. If you want to prove that repeated
19 meritless cases were brought against you, they need
20 to be meritless. Otherwise, you're going to have to
21 answer that question later on as to why you settled
22 it on terms that were favorable to the landlord when
23 it was meritless.

24 IAN DAVIE: And council member, you know,
25 I think we've focused a lot because I think it's on
what tenants can do, or what advocates for tenants

3 can do. I think it is really important here to
4 remember what the agencies can do. And, I know that
5 that question was posed by Council Member Rose, by
6 Council Member Torres before. There is a lot that
7 within your administration, within the plan of the
8 Mayor that is coming out that HPD can do to interact
9 with other agencies. So when DOB places a stop work
10 order or a vacate order, what can -- enforcement be
11 doing to help out with that?

12 We have the Department of Homeless
13 Services. We have the Environmental Control Board,
14 placing some kind of violations. How can we
15 aggregate that data, or how can we -- Not necessarily
16 we, but how can the agencies work together. Also,
17 TPU, Tenant Protection Unit was mentioned earlier. I
18 know that's a state agency, but there are certainly
19 ways that city and state can work together, and I
20 think that to the extent that the committees are so
21 inclined that continuing oversight on that issue
22 would be incredibly helpful.

23 COUNCIL MEMBER CHIN: I think that's
24 really a great suggestion in terms of the interagency
25 collaboration because right now I mean as we do this
work with DOB, and when there's a vacate order that

3 still is not really that proactive. It's reactive.

4 A lot of times we get a call, Oh, there's a vacate in
5 your district the day that it's happening, and then
6 we'll end up also -- It's always helping relocate the
7 tenant to shelters, and think about getting back to
8 their home that's a really, really long process. But
9 in the Council we are looking at supporting the
10 advocates groups, the Stabilization --

11 SHEILA GARCIA: [interposing] Of the
12 initiatives.

13 COUNCIL MEMBER CHIN: -- the initiative.
14 Yes, that's a priority in the Council. Hopefully, we
15 can do -- we can fund that this year, and also with
16 other legal services. And there also will be other
17 bills that will be introduced or have been introduced
18 that let tenants know what there basic rights are.
19 But I think we really need to work on more because I
20 mean I like what you said earlier someone talking
21 about the cost factor. That whatever we do now, it
22 really is going to save the city more money because
23 the shelter system is so expensive. I mean these
24 families have no place to go, but we can keep them
25 where they are. And some of them actually do have a
right to stay in their apartment if they have legal

3 representations and are within the law. So we'll
4 definitely continue to work on them. Thank you so
5 much for all the great work that you guys do.

6 IAN DAVIE: Thank you very much.

7 CHAIRPERSON WILLIAMS: I had a question
8 about the fines. I think Council Member Vallone was
9 talking about. But I have always been a fan of
10 trying to get a shot across the brawl before you take
11 the person's head off to try to get the change. So I
12 was wondering if you bought into that idea of having
13 -- of focusing on the maximum amount as opposed to
14 the minimum amount?

15 IAN DAVIE: Well, I mean, the reason
16 that I respectfully don't necessarily agree is the
17 agency had talked about the fact that the law still
18 exists. The substance of the Anti-Harassment Law
19 still exists. And I hope I'm characterizing this
20 correctly, but why necessarily increase the minimum.
21 I think that you cannot separate the two. I think
22 that to the extent that there is a deterrent effect
23 to having a law on the books, to the extent that the
24 landlord might say, Well, I don't want to be found to
25 have harassment. You also have to look at the fact
that they don't want to be fined. And so, in our

3 view, it is incredibly important to increase those
4 minimum fines, and that's unfortunately and sadly one
5 of the main things that landlords, whether large
6 actors or small, and whether they're bad actors or
7 good are going to be looking at. So I do think the
8 minimum is quite important.

9 JASON BLUMBERG: I would agree with that
10 as well. If you're at the point where you've made
11 sufficient showings to get a finding of harassment,
12 this has probably been going on a while. The
13 landlord has probably been harassing the tenant in a
14 pretty blatant way. And I think that in a situation
15 like that, it's -- it might not be appropriate to
16 kick the can down the road further. To just warn
17 them with a consent order saying, Next time you're
18 really going to get a penalty.

19 I think that the penalties as they are,
20 and even extended them there's a limit to how scary
21 they are when you're talking about what could be huge
22 profits if they're not rent regulated tenants. I
23 think that the penalties -- I think that they need to
24 be cued to pre-circulated to have any effect at all
25 at this point.

3 SHEILA GARCIA: And I would just add that
4 like a concrete example. There is a tenant that I
5 work with who has been court for seven years. She
6 has still not been able to get her repairs, and her
7 place is deteriorating. The landlord wants one
8 thing: To evict the tenant. It is clear. There has
9 been countless cases non-payment -- financial
10 harassment for the last five years. And the landlord,
11 you know, until the, you know --there's been like he
12 doesn't show up to court. He comes in and says that
13 she wouldn't open the door, and there will be
14 advocates.

15 HPD will be in the room, and they still
16 don't show up. So these fines, when she started off
17 seven years ago, the first time there was nothing.
18 The second time in the same opened up another case.
19 There was not -- just like a continuous cycle of like
20 the tenant having to prove something. And so for so
21 long there's gaps of a year. You know, and the
22 tenant is not allowed to -- the lawyers can say,
23 there's a history of these with the court cases. The
24 tenants will not have the knowledge to be able to say
25 that.

3 And I think that that gap of like if you
4 are fined \$5,000 and six months later, he tries to
5 take her back to court and you're fined \$5,000 or
6 more the next time. Then it just keeps escalating, I
7 think that you'll see the landlord saying, Oh, maybe
8 I won't take people to court, and I won't harass
9 people in those ways or if a tenant gets me on an HP
10 case, I will make the repairs because I don't want
11 her to be able to make a claim of harassment later
12 on. And we're seeing this in like across the --

13 I mean this is a tenant who is retired.
14 This is a tenant who has an attorney, who was able to
15 fight for so long without giving up. And we see it
16 all the time the tenant saying, I called 311 three
17 times, and they come, and they see the condition.
18 And he's still not repairing. I'm just going to give
19 up. I'll move, and it's a real thing. Some people
20 have small children. You don't want your child
21 living with rats or gaping holes. So it's like a
22 call that parents and community members are making
23 every day or whether to leave or not. And the
24 harassment is still there, but that might not get
25 documented or real in any concrete way or addressed.

3 NALIA MOORE: I agree with raising
4 minimum fines. I've had landlords say to me that
5 the fines don't mean anything.

6 CHAIRPERSON WILLIAMS: Thank you. We
7 have a couple of questions of Council Members Treyger
8 and Vallone, but I'm going to allow Council Member
9 Deutsch, who hasn't asked any questions yet, and I
10 know he has to leave. So that's all right.

11 COUNCIL MEMBER DEUTSCH: Thank you, and
12 I'll use the mic because I'm like the City Council
13 Members. First of all, when you have a structure
14 that is a dangerous condition, then the city could
15 come or HPD could come and knock down the building,
16 and bill the owner of the property. And the same
17 thing goes for a DOH violation if you have a lock
18 that needs to be cleaned and DOH comes in and cleans
19 the lock and bills that. Why can't the same thing be
20 here with tenants that if the landlord does not
21 correct violations in an apartment the city should
22 come in and correct those repairs and violations and
23 then bill that to the property owner, to the building
24 owner? I think that would be so --

25 SHEILA GARCIA: [interposing] They do
have AP who proactively goes out and does these kind

3 of repairs, but HPD can only do so much to make these
4 repairs. And we're hoping with the new Mayor's Plan
5 we're going to see an expansion of AP and PPI and
6 all of these programs that are really great to be
7 able to get these violations on that.

8 COUNCIL MEMBER DEUTSCH: I think if we do
9 expansion on these programs, I think that we would
10 like friends and keep people in their apartments and
11 have a good quality of life where they live.

12 CHAIRPERSON WILLIAMS: And Council Member
13 I believe they charge triple what the cost is. Yeah,
14 but like I said, their resources are probably
15 limited, but we as a Council can recreate AP. We can
16 expand it, and try to get some more funding.

17 [background discussion]

18 CHAIRPERSON WILLIAMS: Yeah, I'm just
19 saying. We're talking about it.

20 COUNCIL MEMBER CHIN: Yeah, and we pay
21 for those.

22 CHAIRPERSON WILLIAMS: Council Member
23 Treyger and Council Member Vallone.

24 COUNCIL MEMBER: [off mic]

25 CHAIRPERSON WILLIAMS: Oh, I don't know
who asked for it. I'm sorry.

3 COUNCIL MEMBER VALLONE: We're sharing a
4 mic. You know, I think there's different scopes of
5 what we're talking about. I think we're all on the
6 page of increasing the tenant's protections and the
7 awareness. I think also importantly you said about
8 posting the past violations, the attorney's side
9 would love to see the past violations to bring that
10 to the judge's attention, that we have a repeat
11 offender amongst us. We someone who clearly has no
12 ability to take care of the tenants, and I would
13 weigh that in assessing the cases. The judge maybe
14 brought in the scope of harassment.

15 I like that idea that you were talking
16 about. I also think what we can do is probably
17 through our chairs increase the Tenant's Bill of
18 Rights to be provided by the landlord on any instance
19 of an eviction. So that if there's anything that's
20 served to a tenant to stop this fear of, Oh, my God,
21 I've got to get out, you give the Tenant's Bill of
22 Rights attached to it immediately. And if you don't,
23 then it's dismissed. You've got to show proof that
24 you sent that. So there's lots of things that we can
25 do just know my hesitation is I guess because I

3 myself as just a small family trying to get by, that
4 if that first hit is \$5,000 I get nervous.

5 So I think that the maximum should be
6 raised. I think there should be abuse levels for
7 some landlords and landlords that you said are
8 continually being brought back for violations, for a
9 history. There should be no ceiling. Go after them.
10 It's just that first time like Council Member
11 Williams and I were saying, I think that you're
12 taking away the ability of the judge or anyone to
13 give someone that first shop.

14 And by making it \$5,000 in today's
15 economy, is not what every landlord has seen. So
16 there are some out there that are trying to do the
17 right thing, and not every tenant is Jesus either.
18 So we've got scenarios where we've got to find a way
19 if you're a judge to say, Hey, listen, you know this
20 guy -- No, maybe it was an immigrant landlord or
21 somebody that didn't understand. Then again, you
22 don't want to give them the ability to get out either
23 because like for all the comments you brought up.

24 So I for one like any council member in
25 just over 110 days or so. We learn by your
testimonies and appreciate all of that. Then there

3 is the real world consequences of what we're doing.
4 So you try to balance that out. So I think we learn
5 a lot, and I think just as aging chairs we're taking
6 this to our senior citizens. We're taking the bill
7 to the Council to Housing. So all of the things I
8 think we see with this new Council is we're taking
9 these -- your comments, and now going back to all the
10 other committees, and saying, Hey, how about this and
11 how about that. So I appreciate it. So one of my
12 concerns is on the maximum being the \$5,000 as the
13 first shot. I think maybe if we increased the amount
14 of the fine, like keep it at \$1,000 and then \$2,500
15 something so we kind of balance it.

16 IAN DAVIE: Right, and there certainly
17 could be exceptions for first time, exceptions for
18 certain sizes of landlords, exceptions for the number
19 of buildings that are owned, of course. And I also
20 agree with the point about education and Bill of
21 Rights. I think anyway to expand tenant's knowledge
22 of the Bill of Rights hits this from a different
23 angle, but has the same effect. I just say, both
24 being lawyers we should make sure that there is not
25 too much legalese in that Bill of Rights. Keep it as
simple as possible.

3 SHEILA GARCIA: And I would also say, you
4 know, my family owns a two-family home, and for some
5 for the harassment we seen in our buildings. I mean
6 like I know that there is like I couldn't fix a
7 boiler so I didn't have heat for two days or three
8 days maybe a week. But the landlord couldn't figure
9 out how to fix it. I know that struggle because I
10 had it happen to me. SO I understand that, but I
11 also think that some of the harassment we're talking
12 about is systemic and it's also intentional. And
13 it's an intentional harassment that's happening
14 across rent stabilized housing or housing that is
15 protected by some kind of law, and most of those we
16 see it all everyday and all the time.

17 And so, I know that I'm not going to go
18 to my tenant at 2 o'clock in the morning and ask for
19 rent. Or, I'm not going to not fix a leak or paint
20 when I know she has small children. All of those
21 little things that it's just -- it's common sense.
22 And I understand that there is a lot of reasons why
23 landlords potentially wouldn't be able to do certain
24 things, but we're not talking about those people who
25 really want to do the right thing. We're talking
about the tenants -- the landlords who have six

3 buildings, and in all six buildings they have
4 harassment cases or claims across all the buildings.

5 COUNCIL MEMBER VALLONE: And if you
6 increase the minimum, you are talking about those
7 people.

8 SHEILA GARCIA: Right.

9 COUNCIL MEMBER VALLONE: Because you're
10 not giving any ability to take folks like your
11 parents and yourself that chance to get the first
12 shot saved. You're punishing everyone.

13 SHEILA GARCIA: But I think --

14 COUNCIL MEMBER VALLONE: So I get
15 nervous. I'm not a big fan of city collecting fines.
16 Whether it's a parking department violation, it is,
17 just there's got to be a better way. But for slum
18 lords and landlords that's another thing. We're all
19 in agreement. Whatever we can do to make that worst
20 for them, even taking away their possessions I think
21 we have to look at. But you're an example, if your
22 parents and that building. I also want to protect
23 you.

24 SHEILA GARCIA: But I wouldn't be doing
25 those things. That's the problem, if you're doing
the right thing --

3 COUNCIL MEMBER VALLONE: [interposing]

4 But the tenant could still --

5 SHEILA GARCIA: -- you're bound to be
6 effective.

7 COUNCIL MEMBER VALLONE: But the tenant
8 could still assert that.

9 SHEILA GARCIA: Right, right. You go to
10 court, you are able to legislate. Most landlords are
11 protected. I feel like we could talk about that as
12 being like okay, maybe the one time -- I mean we
13 talked about exceptions and I think that that's a
14 real thing that you guys could at the end make a
15 decision around. But I think at the end of the day,
16 if you do the right thing, this wouldn't happen. If
17 you talk to tenants -- and it's true. Tenant could
18 just claim harassment, but there is a -- you have
19 your audience.

20 You are able to go to court and say, this
21 is what I've been able to do. This proof that I
22 attempted to get a contractor to come out and make
23 the repairs. We need them to this day. I feel like
24 most landlords don't have those discussions, and so
25 tenants are just like clueless. And most of the
time, it's not that the thing has a problem. The

3 elevator shut down every Saturday at 6 o'clock,
4 because they don't want to raise the electricity.
5 And it's up again Monday. Every Monday it's up
6 again, and it's like that's a clear form of
7 harassment. And so we're not talking about a
8 landlord who can't provide it one time for a week.
9 We're talking about these landlords who are doing
10 this systemically.

11 COUNCIL MEMBER VALLONE: Well, I think
12 we're saying the same thing this time. Thank you.

13 CHAIRPERSON WILLIAMS: I was going to say
14 I misspoke earlier. When it's state stuff like we've
15 done on this board, we can't do the exceptions. For
16 all that we all that we are doing, we can't do
17 exceptions if we saw fit. But I just wanted to just
18 piggyback a little bit. I always think that there's
19 a difference when you talk about the public sphere,
20 and what should regulate that, I always just
21 personally see a difference between an owner-occupied
22 with two units, or a business that's just a family
23 with maybe two people, than someone who is actually
24 in the larger sphere. So that stuff is always my
25 concern. I think we should be able to mind what we
do. Although I believe everyone should be held

3 accountable, I just believe they doing something
4 wrong. I know Council Member Treyger had some
5 questions.

6 COUNCIL MEMBER TREYGER: Yes, thank you,
7 and thank you for your advocacy and for all your
8 help, and I truly appreciate that. I just want to
9 also speak to the importance of building capacity.
10 When I encountered tenants that were not informed of
11 their rights, I also looked for the opportunity to
12 turn them into tenant leaders. I see a pattern in my
13 district that I represent, Coney Island, Sea Gate,
14 Bensonhurst, Gravesand and Southern Brooklyn.

15 And, for example, some of my better I
16 guess organized -- my two buildings, for example, are
17 run by a very actively engaged Tenant Association
18 leaders and boards. I think that is crucial. We
19 have to turn activist tenants into leaders in their
20 buildings. And I think that's crucial. I also want
21 to just speak to, you know, when you have an issue
22 with the IRS for example, or they have within their
23 departments a taxpayer advocate that's supposed to
24 help you, actually argue against the IRS,
25 interestingly. When you contact HPD and you contact
these state agencies, and you contact 311, do they

3 notify you of available local organizations that
4 could provide assistance to you? They don't know
5 that. How can tenants get information about what
6 organizations are available to them in their
7 communities that could provide assistance?

8 IAN DAVIE: Yeah, I wouldn't say that HP
9 doesn't provide support and assistance by any means.
10 I'm not sure about whether they have like a list of
11 community organizations or legal service providers.
12 I do know that a lot of those come from the courts.
13 A lot of our referrals come from courts and from
14 other organizations. You know, often if somebody
15 comes through in an organization in the Bronx like
16 Mothers on the Move, or the Administration for Peace
17 and Justice, and they have a housing issue, they'll
18 refer them to us. I think again it would be great if
19 there were some way that advocacy could be more
20 streamlined in terms of getting people to
21 organizations that I would defer to the agency in
22 terms of whether they're able to do that.

23 I also completely agree, though, the
24 importance of a Class C building. We're part also
25 with Casa. In addition to what Shirley was talking
about earlier, I have an organization called the

3 Bronx Justice Network. And that is exactly what we
4 are trying to do; ensure that those community groups
5 and traditionally in under-served Bronx has the
6 ability to create those tenant leaders. And that one
7 tenant leader gets taught how to do that, and can go
8 on and pass those rights on to 50 tenants who are in
9 some of those large Hega [sp?] Buildings, 100 tenants
10 and families. You know, something that is really
11 important to us to not only build our own capacity,
12 but to strengthen the Bronx and the city as a whole.

13 SHEILA GARCIA: I want to also add,
14 right. I don't know if you have all read about this
15 really great settlement that was agreed to between
16 the Attorney General's Office and the Three Borough
17 Pool recently. And I think that that happened
18 because of the leadership that you're speaking about,
19 right. So we have tenants in our building -- in 1501
20 and 1521, [sic] which is part of that portfolio, who
21 actually go to court with other tenants to talk about
22 the harassment that they were seeing because of
23 predatory equity.

24 So, you know, really making sure that we
25 have the base of like organizations that can really
do this is really essential. And I also think that

3 as you all mentioned that you refer people you meet
4 or who come into your office with these questions to
5 organizations like ours. And I think that making
6 sure that we're funding the organizations, but also
7 making sure that we're being proactive. I know that
8 HPD has referred buildings to us, and said, you know,
9 that's like try to get the -- Because the tenants
10 don't know that it could cost them a lot. [sic]

11 It's really difficult for HPD to be able
12 to do that, and so that's where we come in to be able
13 to do that. But I also think with the harassment
14 part of it, we can really have a Tenant Bill of
15 Rights, or some kind of information that's really
16 concrete. And I love the idea of like that if you're
17 serving a tenant that that's something that you serve
18 them with. Because it's a real way of like saying,
19 And in this area, you could potentially call any of
20 these organizations, or potentially call this number
21 where you could get referred to, or something -- Some
22 kind of system, you will be able to, you know, or a
23 non-profit organization to be able to react to a
24 tenant coming to us.

2 COUNCIL MEMBER TREYGER: I actually think
3 that the Tenant Bill of Rights should be given to
4 them when the tenant first arrives at the apartment.

5 SHEILA GARCIA: Right.

6 COUNCIL MEMBER TREYGER: The fact that
7 they wanted that reorganization once they're in
8 court, to me is already too late. I mean, it is not
9 too late, but I'd rather them learn about this prior
10 to prevent him to go to court. Because I think the
11 most powerful tenants are the most important tenants
12 and making sure that we break -- I am talking about
13 the culture barriers and language barriers. I know
14 so because my family comes from the Ukraine, and many
15 families that spoke Russian.

16 And they came from a country. a nation
17 where they never questioned the government. And they
18 brought those fears and those types of sentiments to
19 this country, and whatever the landlord said that was
20 fine even though they're entitled to have heat,
21 they're entitled to have hot water during the colder
22 days. But there is a fear, a cultural thing about
23 questioning authorities. And the reality is we have
24 rights here, and it's just about making sure we break
25 in those barriers.

3 And I really believe that the
4 availability of information knowing that great groups
5 like you exist, that we need to kind of get that word
6 out. So I will work with my colleagues about it.
7 And maybe either through legislation or through just
8 urging the administration to say that if someone goes
9 through the process to notify HPD that there's an
10 issue, a problem with 311. To make available a list
11 of organizations that are within their communities
12 that they can provide them further and greater
13 assistance. That to me is key. Many people just
14 don't know, not that they don't care, they jut don't
15 know. And we have an obligation to address that
16 issue, and I think you again for all your efforts.

17 CHAIRPERSON WILLIAMS: Do you have
18 anything further for me.

19 COUNCIL MEMBER CHIN: No.

20 CHAIRPERSON WILLIAMS: I want to say
21 thank you very much again for all the work that
22 you're doing. I want to thank HPD for remaining here
23 to hear what the advocates have to say, and I think
24 with that we can say the meeting adjourned. [gavel]

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COMMITTEE ON HOUSING AND BUILDINGS
JOINTLY WITH THE COMMITTEE ON AGING

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 14, 2014