Testimony re: The Tenant Harassment Bill, Int. No. 627, Local Law to Amend the NYC Administrative Code

Mr. Chairman and Members of the Committee,

My name is Monte Schapiro. I am a member of the Tenants' Association of 515 East 5th Street and the Shaoul Tenants' Organizing Project (STOP).

Tenants, especially rent regulated tenants, are besieged by landlords and real estate investors many of whom are now backed by private equity capital. According to the website for Normandy Real Estate Partners: "The investment strategy is to capitalize on the strength of the local economy and New York City rental market as well as the increased institutional appetite for New York City rent stabilized housing transactions. There is a near-term opportunity to increase cash flow by converting rent stabilized apartments to market rate as tenants vacate units."

It seems plain that rent regulated tenants are being targeted. Regularly harassed by their landlords, often in the form of frivolous litigation, tenants are handicapped by poor or absent legal representation. They must also battle with those administrative agencies charged with enforcing currently existing laws. On the other hand, landlords are emboldened and act with a level of impunity bordering on impudence.

Any proposed amendment to the Administrative Code aimed at increasing tenant protection from harassment must take these facts into consideration.

The codification of a legal "right or cause of action" based upon harassment of tenants is unarguably a step in the right direction. Int. No. 627, though well intentioned, is problematic because it would still lay the burden of proof at the door of the tenant. Moreover, the elements of the proposed cause of action are based upon the ability of the tenant to show intent to cause a vacancy or a surrender of occupancy rights. In fact, it seems clear that proof of malicious intent would be the requirement. Intent is, according to the law, used to show that an actor desires his actions to have certain consequences and is difficult to prove by direct evidence as it implies a state of mind.

Tenants would also need to satisfy at least one of seven other elements. One of these, frivolous litigation, is also notoriously difficult to prove in a court of law. But this bill would require tenants to show that court proceedings brought against them by their landlords are not only frivolous but also part of a pattern, that is, that they have been brought repeatedly.

The bill would also demand that tenants prove "repeated interruptions or discontinuances of essential services" or that such occurrences were prolonged in nature, without actually indicating what would be considered repeated. Undoubtedly documentation in the form of violations will be required by the courts for this allegation to prevail, but obtaining

these violations is elusive, and will remain so without a complete revamping of the 311 system.

Litigation and the threat of litigation is one of the primary means by which landlords harass their tenants into vacating. One of the reasons landlords fill the halls of Housing Court with their attorneys is because the return on the investment is high. It makes no difference whether their allegations have merit. Most cases never go before a judge anyway. It is the threat of bankruptcy and the sacrifice of precious time faced by tenants that is effective. That is why the offer of a legal "cause of action" for harassment is only truly meaningful if tenants have access to inexpensive legal advice. Because pro bono legal services are proscribed by severe Federal funding guidelines only the most indigent qualify for their assistance. This leaves most tenants on their own and vulnerable. Adding a new right of action will unfortunately do little to ameliorate this problem. It will only be solved when city and state agencies use their power to independently investigate landlord practices and liberate tenants from the black hole of litigation.

If we were to presume that some tenants might prevail in an action made possible by this proposed Local Law the remedy would still amount to a fine no higher than $5000.00 per dwelling unit. In what sense would a penalty of this kind be a deterrent? I fear that the strict requirements of proof and the low fine schedule will be seen by landlords as just another opportunity to entice tenants into court.

Why then does this amendment offer two clauses designed to protect tenants from frivolous lawsuits brought against them by tenants? Why do the landlords not have to meet the same standards of proof? Do two harassment claims in ten years constitute a pattern? It should be clear that tenants do not desire going to court and do so only out of necessity. They typically do not have the funds or the legal expertise to navigate through the system and easily fall prey to procedural pitfalls. By adding the potential threat of countersuits brought by landlords any tenant seeking to use this cause of action would have to risk paying their landlord's attorney fees. That will be viewed as a risk not worth taking.

In sum, you are proposing a bill which would shoulder tenants with an enormous burden of proof, requiring them to establish the intent to harass and that this harassment formed a pattern. They are to somehow do this at great personal cost and risk since affordable legal representation is not to be found, and then face the possibility of counterclaims forcing them to potentially pay their landlord's legal fees.

I support any bill designed to increase tenant protections but do so reservedly in this case because it will not adequately address the problems it sets out to solve. What we desperately need is meaningful legislation designed to protect us from what are clearly illegal activities. Remove the landlord protections from this bill, increase the fine schedule so that it is a real deterrent, and lower the imposing bar of proof for tenants if you want to pass a Law which will be effective.

Thank you for your time and patience.

Parvati Devi
Park West Station
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FOR THE RECORD

Intro. 627
17 Dec. 2007

In the thirty-five years I've lived in this brownstone apartment on the Upper West Side, I have been the only tenant who has had a huge chunk of a ceiling fall down numerous times—the first time it happened, the size of the chunk of ceiling was equal to one half of a 9 X 13 foot room. You can imagine the damages to my property. But when you are the only tenant with major problems in a small building and tenants learn you're in court, your neighbors don't like you, even though they may be due a paint job and other minor repairs themselves. People are scared! After each round in court, I'd win a few months rent. But landlords can afford the couple of thousand dollars in fines over one tenant. Harassment becomes even harder to prove because tenants resent you if you ask them to get involved. Then there's the spring/fall stinginess with heat because the settings are illegal. A two thousand dollar fine is nothing to landlords. And with market rate tenants, the landlord can refuse a lease renewal if he doesn't like them.

In February 2005, the building was sold. The landlord bought the building without looking at the four apartments where the rent-regulated tenants live. The six other apartments had been warehoused for many years. The roof over my vulnerable room has held up but the landlord inherited all the outstanding problems and so began the new landlord's harassment of me.

He is extremely verbally abusive to anyone who asks for more than plumbing repairs or something not too major. No one cleans the building hallways and the light outside my door is out for three weeks. I spoke to the contractor to no avail. The landlord abuses both rent-regulated tenants as well as market rate tenants. This rich landlord owns a lot of property and he is skillful at terrifying most everyone. I also have numerous witnesses from the community I've called upon to help me get repairs. He screams and hangs up the phone on them. I may be one of the luckier ones having been an activist on housing issues before. Community organizers and elected officials have been helpful. But having posttraumatic stress disorder to start with and panic attacks due to fear of losing my apartment, I have real cause for concern.

In April 2007, I had a great personal loss. During that same month, I had to sign a lease renewal. I did so, but failed to check the box for two years. The landlord, upon receiving it decided to "X" off the box that says I choose to vacate the apartment—yes, FRAUD! It's all about a check mark versus an "X" mark in a box. I have the good fortune of being given a lawyer but of course I still live in fear. "If we lose," she tells me, "you're out in five days." Yes, he had taken out a holdover against me. All I can hope for is repairs and a lease while he gets away with fraud and harassment. And the court has postponed this so many times. The trial begins 16 January 2008. I anticipate my landlord's lawyer harassing me. And I fear passing out from panic.

I have read the bill before us today, Intro. 627, and I know that one to five thousand dollars is nothing to a landlord like mine. This bill needs to be enlarged to include the kinds of harassment and the specific penalties for each incident and type. Otherwise the bill will not be any stronger than DHCR's existing process for dealing with harassment where it must come to violence before anything is done. Verbal abuse on your voicemail or answering machine is a clear example. When fraud is proven, where is the jail sentence? We have jail for all kinds of minor offenses. Why not for landlords who commit major harassment or fraud? Two days in jail may be enough for the rich spoiled brats. However, I was told by an attorney: "Oh no, they don't do that." But that threat or reality will be the only way these landlords will stop.

TESTIMONY OF THE DEPARTMENT OF HOUSING PRESERVATION & DEVELOPMENT TO THE NEW YORK CITY COUNCIL'S HOUSING & BUILDINGS COMMITTEE
DECEMBER 17TH, 2007 – 10AM

Good Afternoon, Chairman Dilan and members of the Housing and Buildings Committee. I am Joseph Rosenberg, Deputy Commissioner of Intergovernmental Affairs at the Department of Housing Preservation and Development ("HPD"). To my right is John Warren, First Deputy Commissioner of HPD. We are pleased to be here today to discuss Intro 627 and 638, both of which deal with the very important issue of prevention of tenant harassment. Our intent is to focus primarily on Intro 627 which is sponsored by Councilmembers Garodnick, Mark Viverito, Speaker Quinn and eighteen other Councilmembers. It is this bill that we largely support, although we believe that it would be greatly improved by modifying the language regarding affirmative defenses available to owners. Overall, however, we believe that Intro 627 creates a strong balance between protecting tenants from harassment while protecting the rights of responsible property owners in the City of New York from unwarranted civil penalties and injunctions.

The most significant aspect of Intro 627 is that it creates a cause of action in Housing Court for tenant harassment actions defining harassment in the New York City Housing Maintenance Code (HMC). The bill defines harassment as 1) an act or omission by or on behalf of an owner that is intended to cause a tenant to vacate an apartment or which actually causes a tenant to vacate an apartment, and 2) also includes the use of force, repeated disruption of essential services, repeatedly starting baseless court actions against the tenant, changing door locks, or removing the tenant's possessions.

It is important to note that currently no such cause of action exists in Housing Court although there are causes of action for underlying violations. What is currently available, to rent regulated tenants only, is a harassment process at the New York State Division of Housing and Community Renewal ("DHCR"). This option is open to rent regulated tenants if they can prove that their landlord has engaged in a course of conduct which interferes with or is intended to disturb their use or occupancy. After the tenant fills out a complaint form, the matter is referred to DHCR attorneys who screen them and conference the cases. If no agreement is reached at the conference, an administrative hearing is held before a DHCR Administrative Law Judge. If there is a finding of harassment, the penalties vary from between $1,000 to $5,000 fine per unit and possibly no rent increase for the unit.

Intro 627 would create a specific duty for property owners to neither cause nor permit harassment of tenants and makes harassment a Class C violation, of the Housing Maintenance Code. This violation would be imposed by Housing Court, which is also empowered to issue a restraining order against further violations of the law by an owner and which can impose a civil penalty of not less than $1000 or more than $5000 for each unit where harassment has occurred. As significant as the civil penalty is, the restraining order is a far more valuable tool and is one that is not available at the DHCR level. The Housing Maintenance Code currently allows a tenant to apply to the Housing Court for an order to correct apartment conditions. On the return date, if the court finds that a

condition constituting a violation exists, the court can order the owner to correct the violation. Pursuant to this bill, the court would be able to address the behavior that constitutes harassment at the same time as addressing related repeated service interruptions or repair issues.

Responsible property owners are also protected by this legislation. Intro 627 provides that an owner may seek dismissal of a harassment claim and an injunction against the commencement of further harassment proceedings without permission of the Court if the tenant has initiated two harassment proceedings against the owner within the past ten years that have been dismissed on the merits and a third such proceeding that has been determined to be frivolous. If the court finds that a tenant harassment claim is frivolous, the court may award attorney fees against the tenant and to the owner.

The legislation also permits owners to assert an affirmative defense against certain harassment allegations that a condition or service interruption was not a result of the owner's "intentional or grossly negligent" conduct. We strongly believe that it is important that reasonable affirmative defenses exist that can be used to determine the legitimacy of the tenant harassment accusations. It is our contention, however, that it will be practically impossible for a tenant to overcome an owner's assertion that interruptions and hazardous building conditions were not intended or caused by gross negligence. As an alternative, we have proposed specific language that is designed to support property owners who have in good faith attempted repairs, while isolating those who are engaged

in trying to get tenants to move out of their homes through harassment. Our proposed language replaces the "gross negligence and intent" language of the existing bill with an affirmative defense where a property owner has the ability to rebut the tenant's allegation by showing that: (1) the service interruption or condition was not intended to cause any lawful occupant to vacate an apartment, (2) the owner acted in good faith in a reasonable manner to promptly correct the condition or service interruptions, and (3) the owner notified tenants of the situation. We strongly believe these to be specific and legitimate affirmative defense thresholds that will isolate any property owner who might be harassing tenants while protecting those responsible owners who provide safe and decent housing.

We are also concerned that the standard of proof in Intro 627's affirmative defense language is higher than the proof required in other housing laws. For example, the Housing Maintenance Code holds owners responsible for violation correction, but allows them to defend civil penalty actions by showing that attempts to make repairs were frustrated, for example by lack or access or inability to obtain necessary licenses. Our proposed language is similarly focused on allowing an owner to counter a harassment claim by showing that he or she behaved responsibly to address building conditions.

Lastly, we are concerned about the adverse effects that cases decided using Intro 627's affirmative defense standard may have in other proceedings. For example, when tenants fail to prevail in Housing Court cases based on Intro 627 because the owner was not

"grossly negligent" in regard to repeated service interruptions, other property owners would try to use those court decisions to defend themselves in other proceedings such as Single Room Occupancy ("SRO) Certificate of No Harassment ("CONH") hearings, where the gross negligence analysis is inapplicable. CONH cases are brought by HPD under Local Law 19 of 1983, which was enacted to make sure that SRO owners do not force tenants out of SRO units so the owners can convert the buildings to non SRO uses. It will make HPD's job to protect SRO tenants in CONH hearings more difficult if we have to distinguish Intro 627 decisions from all other decisions that judge the reasonableness of a landlord's behavior.

The other bill before us today, Intro 638, addresses the issue of harassment from another perspective. The sponsors appear to create a process whereby HPD would review tenant charges of harassment against owners instead of tenants first filing an action in court. HPD would then be given responsibility for researching and determining whether a tenant's claim of harassment warranted a judicial proceeding. If enacted, this bill would mean that HPD would need to expand our legal staff to handle a more complicated and time consuming workload. Most significantly, it is important to remember that State and City agencies do not have the ability to issue injunctive relief for tenants. Only the Judicial branch of our Government has such authority. That is why the creation of a specific cause of action in the Judicial branch against harassment is needed. HPD has always worked closely with the New York City Housing Court, but we have a clear

understanding of the mutually complementary roles that exist between governmental agencies and the Judiciary. It is for this reason why Intro.638 does not have our support.

A bill to protect tenants from landlord harassment was initially conceived due to anecdotal evidence of harassment incidents that tenant advocates, Council members and HPD's Enforcement and Litigation Divisions were hearing and witnessing. While we do not have specific data on the number of suspected cases of harassment, Council members have called our offices inquiring about building renovations that were occurring at all hours of the day and night and lax safety measures. HPD has sent out Code Inspectors and notified other City agencies and issued notices of violations, where appropriate, but since there is currently no penalty under the HMC for "harassment", none of the violations issued indicate such behavior.

While HPD is cognizant that most landlords are responsible property owners, there are cases where some property owners try to remove tenants for a variety of reasons, through suspicious and unscrupulous means. It is in everyone's interests to support responsible property owners and to allow tenants the right to address instances of harassment through the court system. The creation of such a cause of action in Housing Court is timely and overdue and we are supportive of the Council's efforts to achieve this.

Thank you and we will now take your questions.

REBNY®
REAL ESTATE BOARD OF NEW YORK

FOR THE RECORD

Testimony of
Marolyn Davenport
Sr. Vice President
Real Estate Board of New York
Before the Housing and Buildings Committee of the City Council
December 17, 2007

The Real Estate Board of New York, representing over 12,000 owners, brokers and managers of real property, strongly opposes Intro. No. 627. This proposed legislation, which purports to give tenants additional remedies against landlord harassment, is not, in fact, filling a gap. There are many remedies already in place if a tenant is not receiving services; there are many remedies in place if a tenant is being harassed. Housing is highly regulated in our city, with 24 governmental agencies regulating some aspect of housing. Tenants' rights and landlord responsibilities are contained in the rent stabilization and rent control laws, in the housing maintenance code, the real property law and the multiple dwelling law to name just a few of the laws governing housing. These laws also provide a number of remedies for tenants who are not receiving services or who are being harassed.

REBNY is proud of our members who own and manage rental housing, as they are proud of their buildings and strive to make their tenants as comfortable and pleased with their quarters as possible. We are probably the only city in the country with such a high proportion of renters, and it is in part a result of the industry's hard work and attention to good maintenance and management that keeps this such a strong part of our housing stock.

REBNY

The proposed legislation is extraordinarily broad and, at the same time, extremely vague. It will open the door to vast numbers of claims and suits for trivial reasons whose real purpose is something quite different from the stated one. We can all agree that using physical force against a tenant is wrong and illegal, and there are laws and remedies, both civil and criminal, to address that. But what is an "implied threat?" What is the difference between "repeated interruptions or discontinuance of essential services" and having to turn the water off for a few hours for several days, as my coop building recently did, in order to install a new boiler? How is "repeated" defined? Twice? A dozen times? Perhaps the vaguest section is "causing or permitting other acts or omissions which interfere with or disturb or is intended to disturb the comfort, repose, peace or quiet of any person..." This opens the door to virtually any claim a disgruntled tenant wants to make. This vague language will result in an avalanche of frivolous suits designed to embarrass owners or to delay legitimate and legal actions those owners may need to take.

Currently, there are many remedies available to tenants. New York has no lack of laws governing housing, or avenues where aggrieved tenants can turn. The Multiple Dwelling Law and the Housing Maintenance Code give the City's Dept. of Housing Preservation and Development (HPD) very broad powers to enforce the conditions and maintenance of dwelling units. The Code Enforcement unit has broad inspection powers and responsibilities and can compel landlords to correct violations and, if they don't, make them themselves and charge the landlord. HPD

can levy substantial fines, bring litigation against landlords which may result in serious fines, court ordered supervision of the property, rent abatements or even criminal charges and penalties.

Further, the Real Property Law expressly forbids denying services to a tenant or causing conditions which prevent the quiet enjoyment of the premises; it also expressly forbids any retaliation against a tenant who makes a complaint against the landlord; and it allows a tenant to withhold rent due to a breach of the warranty of habitability.

There are additional remedies for rent stabilized tenants who can appeal to the State Dept. of Housing and Community Renewal with service complaints. DHCR can order rent reductions for failure to maintain services. They can also file harassment complaints with DHCR.

In a city of over 8 million people and over 2 million rental units, there are, of course, problem buildings and problem landlords where strict enforcement action is required. REBNY supports additional enforcement efforts, or greater funding for HPD's Code Enforcement Unit, or Lititgation Burean, if that is what is needed to enable faster action in response to complaints or bad conditions. But the matter is an enforcement issue. New legislative layers in an area that is already heavily regulated are completely unnecessary.

BROOKLYN BOROUGH PRESIDENT MARTY MARKOWITZ'S TESTIMONY TO THE NEW YORK CITY COUNCIL
HOUSING AND BUILDINGS COMMITTEE
PUBLIC HEARING FOR INTRO 627 BILL
DECEMBER 17, 2007

I commend the New York City Council — speaker Christine Quinn — council members Daniel Garodnick and Melissa Mark-Viverito and the other council members who support Intro 627 —

And the Association for Neighborhood and Housing Development and its member groups for their leadership and tireless work on behalf of our residents.

We've all heard the saying, 'there's no place like home' — But a growing number of our residents — especially those at low and moderate income levels — are experiencing harassment at the hands of unscrupulous landlords, who want to make way for new, more affluent tenants.

Imagine what it would be like to live without hot water or running water — or go without heat or elevator service?

Imagine how unsettling it is to be locked out of your own building or continually brought to court to face meritless allegations?

Or worse still, imagine what it is like to be driven from your home — with the sure knowledge that finding another apartment at or near the same rent will be next to impossible?

Currently, tenants subjected to harassment have few options but to suffer at the hands of their landlords —

In housing court tenants have been limited to challenging and rebutting the allegations against them.

But a bill like Intro 627 would — at last — gives law-abiding tenants the opportunity to take landlords who harass them to court to seek orders compelling their landlords to cease the harassment. The courts can also impose civil penalties of up to $5,000 against landlords who continue to harass tenants,

often with the goal gaining a vacancy to be filled by a market rate tenant.

Our borough was built on the backs of the many hard-working people — of every ethnicity and income level — who stayed in Brooklyn when many others were leaving for the suburbs and beyond.

And the last thing I would want to see is a Brooklyn that is home only to the very rich —

Where our teachers and police officers, our firefighters and bus drivers, our health care workers and service personnel are priced out of their neighborhoods and Brooklyn and New York City.

Every year, 13,000 rent-stabilized apartments are removed from regulation through a variety of ways, and harassment by landlords is one of them.

Unfortunately, while not new, harassment has become increasingly more common with large real estate entities buying rent stabilized buildings, renovating the common areas and vacant apartments while reducing and eliminating services to the current tenants and repeatedly bringing frivolous court cases against the tenants. Indeed, this trend, which the council has previously noted, began in Harlem and spread to Brooklyn, and presumably the other boroughs as well, is designed to displace the rent stabilized tenants with market rate unregulated tenants.

This vicious cycle challenges the efforts to maintain and preserve affordable housing in New York City.

Simply put, when landlords harass tenants they contribute to the loss of affordable housing.

Intro 627 would help stop that loss.

Because we can not allow landlords to use harassment to force tenants out of their homes so that they can increase their profits or to flood our courts with frivolous cases, wasting valuable judicial resources that could otherwise go to address legitimate matters.

From senior citizens to members of immigrant communities, and from families of low and moderate incomes to those without funds for legal representation — intro 627 is an important tool for our residents.

With passage of Intro 627, tenants and

H-p-d will become partners in stamping out invidious harassment.
And so I commend Speaker Quinn — and
Council members Daniel Garodnick and Melissa Mark-Viverito —

And so I support Intro 627 — because there's no place like home — especially a home in Brooklyn!

CWTFHC
City-Wide Task Force on Housing Court
125 Maiden Lane, New York, NY 10038
(212) 962-4266 / Hotline: (212) 962-4795

URBAN JUSTICE
Urban Justice Center
666 Broadway, 10th floor, New York, NY 10012
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Testimony of Joe Lamport before the New York City Council on behalf of City-Wide Task Force on Housing Court and the Community Development Project of the Urban Justice Center: December 17, 2007.

Thank you for allowing me the opportunity to address you today. My name is Joe Lamport and I am the assistant director of City-Wide Task Force on Housing Court. I am here on behalf of my agency and the Community Development Project of the Urban Justice Center.

City-Wide Task Force on Housing Court is the first place New Yorkers should come to for immediate support and legal information when facing a housing court crisis. Tenants and landlords can rely on us for expert, personalized information on housing courts procedures, legalities and resources. As the only nonprofit, non court-affiliated organization with this sole purpose we empower our clients to best utilize their rights and options.

The Urban Justice Center serves New York City's most vulnerable residents through a combination of direct legal service, systemic advocacy, community education and political organizing. The Community Development Project (CDP) of the Urban Justice Center formed to provide legal, technical, research and policy assistance to grassroots community groups engaged in a wide range of community development efforts throughout New York City. The Center's work is informed by the belief that real and lasting change in low-income, urban neighborhoods is often rooted in the empowerment of grassroots, community institutions.

I am here today to urge you to support Council Member Garodnick's proposed legislation, Intro 627, which is a straightforward bill that will protect tenants by providing them a way to file complaints against their owners when they believe harassment has occurred. Intro 627 will create a harassment "cause of action", allowing tenants to raise the issue of harassment at housing court, both in tenant-initiated cases and as a defense in landlord-initiated cases. If, after a hearing, the court finds that harassment has occurred, the harassment will be deemed an immediately hazardous class "c" violation of the Housing Maintenance Code, and the court can issue an order to stop the harassment, and assess a fine of between $1,000 and $5,000 against the landlord. HPD will be an automatic party to the action, and be present at all harassment hearings to help the court and the tenant work through the issues. HPD will also have the authority to initiate harassment cases against those landlords who they know to be the worst offenders.

Our organizations are working to defend tenants whose owners are engaging in a pattern and practice of harassment. However, there is no simple legal way to assert those claims and have a court provide assistance against unscrupulous landlords. This legislation provides a cause of actions for tenants in housing court to assert this claim and have the court intervene to assist the tenant.

As neighborhoods gentrify, some building owners are trying to take advantage of the increased popularity of their communities by evicting long-term rent-regulated tenants and attempting to bring in newer, wealthier tenants at increased rents. Harassment is a method that some landlords have utilized is to remove low rent tenants.

Here are some simple facts our organizations have gathered:

1. At the CWTFHC information tables, in our most recently available data of November 2007 alone we recorded 20 complaints of harassment.
2. Among the common scenarios we see are tenants repeatedly being brought to court on proceedings that had little or no legal merit. Tenants continue to win the proceeding but tire of the litigation. Other harassment includes landlords' failure to do repairs or provide required services, verbal and physical threats against tenants, and intimidating notices that the tenant will be evicted.
3. Illegal construction in the building at all hours of the day and evening which disrupts the lives of the tenants in the building.
4. Repeated calls and requests by the owner to leave the building, pay a decent rent or agree to a buyout offer.

The number of harassment complaints continue to rise, there is little low-income working poor tenants can do to assert their rights without this bill. Even for rent regulated tenants the administrative process of filing for harassment at the DHCR is time consuming and has no enforceable protections for tenants.

Landlords will claim that tenants are harassing them by bringing multiple complaints to government agencies, file false reports and making it difficult to keep their buildings profitable. First and foremost, harassment is about someone with power using it against someone with less power. Landlords have the power, it is that simple. Tenants do not and can not harass landlords. Some small percentage of tenants make a landlord's business more complicated by filing government complaints, but the most the time the complaints have merit and tenants are just trying to protect themselves and finally assert their rights.

The battle against gentrification is a battle we are fighting on multiple fronts, at the City and State level. Though much of the responsibility for the weakening of the rent law rests with the State, the City can do its part by guaranteeing that tenants have a place to protect themselves from illegal harassment. **This bill would provide tenants that cause of action, and we urge you to pass it into law.**

Testimony of Benjamin Dulchin,
Association for Neighborhood and Housing Development
Before the City Council Housing and Buildings Committee
in Support of Intro 627

December 17th, 2007

Good morning Chairman Dilan, and members of the City Council Committee on Housing and Buildings. Thank you for this opportunity to testify in support of Intro 627. My name is Benjamin Dulchin, and I am the Deputy Director of the Association for Neighborhood and Housing Development (ANHD). ANHD is a member organization of 90+ neighborhood based housing groups whose primary mission is the preservation and development of affordable housing.

I want to talk for a moment about why this bill is necessary. A few years ago, ANHD began hearing from our member groups and from constituent service staff that harassment was on the rise in the neighborhoods in which they worked. After we examined the issue, we began to realize that the nature of harassment had changed. Harassment has long been an issue in this city, but while the problem has sometimes been severe in the individual case, in the time that I have worked in affordable housing, I don't believe that severe harassment was genuinely widespread.

This has changed. In the past few years, we have seen a dramatic shift in the nature of harassment. Rather then isolated cases of conflict between an individual landlord and an individual tenant, we are seeing larger landlords and developers use harassment as a central part of their business model. Motivated by rising real estate prices in "undervalued" neighborhoods, more and more developers are purchasing rent-regulated buildings with low- and moderate-rent paying tenants with the expectation that they can push those tenants out and replace them with high-rent paying tenants. Whereas before, we saw harassment as an individual conflict, now we are seeing increasing numbers of cases where every single rent regulated tenant in the building suddenly begins to experience harassment pressure. Typically, this begins after a new landlord has purchased the building, often having paid a purchase price that can only be justified if they think they can quickly get market-rate rents for the apartments.

But the nature of harassment has not only changed in that is has become far more widespread, it has also changed in that it has become more subtle. If we imagine the older style of harassment as a dramatic illegal act worthy of a New York Post front page, the new style of harassment is a more polished business model. Today, harassment is typified by what we call "the Pinnacle model", after the now well-known developer who purchased thousands of units in Upper Manhattan and proceeded to begin repeated, baseless legal cases in housing court against one in every four tenants. It turns out that if the tenant is sued multiple times and does not have a lawyer, as 90% of tenant do not,

even if that tenant owes no rent and has not violated their lease in any way, they will often make an error or become intimidated and mistakenly sign-away their rights to their apartment.

This new model of harassment – including repeated, baseless legal cases, fraudulent legal notices, repeated pressure to accept a buy-out, denial of repairs and services, veiled or overt threats to use a tenants immigration status against them – can often be subtle, but it is also devastatingly effective. Even tenants who have some knowledge of their rights can buckle under relentless pressure, and housing groups and constituent service staff have reported many cases of whole building being emptied of their low- and moderate-rent paying tenants in a short period of time.

The problem is so severe that harassment has become a major underlying factor in the loss of affordable housing in the city. It is hard to quantify the instances of harassment because no government agency tracks it, but it is notable that last year over 13,000 apartment units were taken out of rent regulation through various loopholes. Most of these loopholes only become available when the apartment becomes vacant. This number is increasing every year. There has also been a dramatic decrease in the number of units renting for less then $1,000, a decrease that cannot be explained by Rent Guidelines Board-sanctioned rent increases. Harassment is likely a significant factor.

Incredibly, tenants currently have almost no specific protection against harassment. Two bodies – housing court and the state Division of Housing and Community Renewal – are charged with overseeing the rights of tenants, but neither agency has sufficient legal authority to address the issue of harassment.

Housing court has no legal structure to directly address the issue of harassment because there is no legal "cause of action" for harassment. Thus, tenants cannot name their problem and directly raise the issue of harassment so that a judge can address it. The DHCR has also proven to be an ineffective remedy because the agency does not have the legal authority to order injunctive relief against harassment, so the fines alone, even when actually assessed, can be ignore by a landlord as a cost of business.

Intro 627 is a common-sense law that will address the problem of harassment by creating a legal "cause of action" allowing tenants to raise the issue of harassment in housing court so that a judge can view that facts, decide if harassment is taking place, and act to protect the tenant and their rights.

I commend the members of the City Council for their work on this legislation so far, and I urge the City Council to protect tenants, communities, and affordable housing by passing Intro 627.

I will attach to my written testimony more analysis of both Intro 627 and the competing bill, Intro 638.

Thank you.

Analysis in Support of Intro 627

1) Why tenant harassment is a major factor in the loss of affordable housing:
Over the past few years, affordable housing in New York City has disappeared at an alarming rate. As market rents continue to rise in neighborhoods across the City, there is more and more incentive for landlords to use both legal and illegal methods to push out tenants who are paying less then the market will bear. One underlying reason for this loss is harassment, which has reached a crisis-level.

Anecdotal reports from tenants, community groups, and the press confirm that harassment is a severe and growing problem all across the City. It is difficult to quantify the incidence of harassment because no government entity tracks it nor monitors the problem. However, existing data suggests that harassment is both on the rise and a major factor in the loss of affordable housing across the City.

- Unnatural" Decrease in Moderate-Rent Apartments: There was a 20 percent decrease in the number of units renting for less than $1000 between 2002 and 2005 according to the *NYC Housing Vacancy Survey.*
  - 9 percent of these apartments should have migrated out of the less then $1,000 category due to the annual rent increases allowed by the New York Rent Guidelines Board.
  - The other11 percent—164,013 apartments—is an "unnatural" movement that cannot be explained by market forces alone and is likely a result of other factors, including harassment.

- Sharp Decrease in the Number of Rent-Regulated Apartments: Between 2002 and 2005, the *NYC Housing Vacancy Survey* reported that 44,000 apartments were removed from rent regulation using various legal loopholes. This number has accelerated dramatically every year, with over 13,000 rent stabilized units lost last year alone. The accelerating rate of the loss of rent-regulated units coincides with an increased use by landlords of High Rent Vacancy Decontrol. Passed in 1997, but only widely used in recent years, High Rent Vacancy Decontrol allows landlords to permanently remove a vacant apartment from rent regulation if it has a legal regulated rent of $2,000 or more per month.

2) What types of harassment are most common?
Harassment can take many forms, but tenants commonly report the following tactics –

- Overly aggressive, "frivolous" legal cases not backed-up by the facts.
- Fraudulent legal notices.
- Threats based on the tenant's immigration status.
- Repeated pressure to accept a buy-out.
- Denial of repairs and essential services.
- Verbal and physical threats.

3) Why tenants currently have no strong tools to combat harassment:
Incredibly, tenants have almost no specific protections against these types of harassment. Two bodies—Housing Court and DHCR—are charged with protecting the rights of tenants, but Housing Court has no specific power to address harassment while the DHCR has neglected their responsibility.

Housing Court has a system in place to track violations and order landlords to make repairs. Unfortunately, Housing Court has no legal structure to directly address the problem of harassment because there is no recognized "cause of action" for harassment. Thus, tenants cannot directly raise the issue of harassment in Housing Court, either as a counterclaim or as a tenant-initiated action.

The DHCR is the only agency charged with addressing tenant harassment. However, the DHCR has proven to be an ineffective remedy. DHCR has no power to order injunctive relief and has a fine structure that is so low that the penalty for even most sever finding of harassment can easily be ignored by the landlord as a cost of business.

4) How the Intro 627 will help tenants:
Intro 627 will create a harassment "cause of action", allowing tenants to raise the issue of harassment housing court, both in tenant-initiated cases and as a defense in landlord-initiated cases. If, after a hearing, the court finds that harassment has occurred, the harassment will be deemed an immediately hazardous class "c" violation of the Housing Maintenance Code, and the court can issue an order to stop the harassment, and assess a fine of between $1,000 and $5,000 against the landlord. HPD will be an automatic party to the action, and be present at all harassment hearings to help the court and the tenant work through the issues. HPD will also have the authority to initiate harassment cases against those landlords who they know to be the worst offenders.

5) Why Intro 627 is fair and even-handed:

- There is a pressing crisis of harassment of tenants. Every year, over 13,000 rent stabilized apartments are removed from regulation through various loopholes and harassment is a major contributing factor.
- Creates a realistic definition of harassment, which balances the need for fairness to all parties. For example, failure to provide repairs and services can be considered harassment, but only if that failure is repeated and substantially interferes with the habitability of the apartment.
- Creates even-handed protections for all parties. For example:
    - The landlord is given a strong affirmative defense to many of the examples of harassment in the legislation if the owner can show that the conduct was not intentional, and that the owner acted in a reasonable manner to correct the problem.
    - If a tenant has filed two harassment claims against the owner that have been dismissed on the merits, and a third harassment claim against the

owner that has been dismissed as frivolous, then the tenant must seek special permission from the court to file another harassment claim.

- If the court finds that the tenant's claim against the owner if frivolous, the court may award attorneys fees to the landlord.

6) Why Intro 638 is unfair and will make the problem of harassment worse:

- The definition of "harassment by tenants" in Intro 638 is overly broad, and includes "making complaints to a governmental agency or filing cases in court, including filing a complaint against harassment." This is a threat the landlord can use to stop tenants from pursuing their legal rights, and is unnecessary given that these agencies already dismiss baseless claims.
- In contrast, the definition of "harassment by an owner against a tenant" is overly narrow, requiring, for example, that the tenant be able to prove the intent of the owner's bad behavior, not just its effect. Proving intent creates an unreasonably high burden that will render the law ineffective because you have to get inside the owner's head and show what he or she was thinking.
- Intro 638 creates equal civil penalties for both the tenant and the landlord. While a $1,000 to $5,000 fine against a landlord is a moderate, but hopefully an effective deterrent against bad behavior, it is a terrifying threat to tenants that will stop them from exercising their rights, especially because exercising their rights to complain to a government agency or court of law could be considered harassment.
- A Cause of Action that landlords can use against tenants is unnecessary because many of the activities described in the definition of "harassment by the tenant" in Intro 38 are already cause for eviction.
- Intro 627 responds to a pressing crisis because, as advocates and members of the city council know, harassment of tenants is a serious and growing problem that is an underlying cause of a substantial loss of affordable housing. While problem tenants exist, the anti-tenant provisions of Intro 638 are unnecessary as there is no public policy crisis of tenants harassing landlords.
- There are approximately 50 hearing rooms in New York City Housing Court. Thirty-six of those rooms are for the exclusive use of owners to bring legal actions against tenants. Only four rooms are available for tenants to bring legal actions against owners. The anti-tenant provisions of Intro 638 would, for the first time, open up those four rooms for owners to sue and counter-sue tenants.

7) Why Housing Court will not be burdened by Intro 627:

Supporters of Intro 638 have suggested that Intro 627 will lead to many new cases being adjudicated thereby creating an unreasonable burden for housing court. There are three reasons why we believe this concern is unwarranted:

- There is a heavy case load in housing court, but not because of tenants. Tenant-initiated cases in housing court accounted for a minor 2.5% of cases filed in 2006. The only kind of housing court cases that tenants can initiate are "HP Actions" to win repairs and services. All other types of cases in housing court must be landlord-initiated; these account for the overwhelming majority of the cases filed. The small number of HP Actions filed suggests that tenants tend not to sue unless it is a last resort because they must take the time to appear personally for every court hearing—a burden landlords do not share because they are almost always represented by counsel.

- Intro 627 may lessen the burden on housing court by reducing the number of baseless legal actions filed by landlords. The number of landlord-initiated eviction cases (Holdover Actions) has increased sharply in recent years. Indeed,, the average number of cases filed since the year 2000 has increased by 25.4% over the average in the 1990's. This increase is far greater than any other type of case in housing court. These Holdover Actions are the type of landlord-initiated legal action that are most subject to the landlord's discretion and their sharp rise is linked to rising harassment pressure. The anti-harassment tool created by Intro 627 may create a disincentive for landlords to file baseless cases or exploratory cases, which would reduce the burden on housing court.

- Intro 627 was carefully crafted to be evenhanded, with numerous checks and balances to ensure that unnecessary cases are not filed, including:
    - The tenant faces a high burden of evidence. For example, failure by the landlord to provide repairs and services can be part of a harassment complaint, but only if there are "repeated interruptions of essential services…for an extended period or of such significance as to substantially impair habitability." Furthermore, if the tenant is alleging harassment because the landlord is using unwarranted housing court cases to harass the tenant, then the tenant must prove that the cases the landlord filed were "baseless" and "frivolous". These are carefully defined legal terms that place a high burden of evidence on the tenant.
    - The landlord is given a strong affirmative defense to many of the examples of harassment in the legislation if the owner can show that the conduct was not intentional, and that the owner acted in a reasonable manner to correct the problem.
    - A tenant who files repeated cases without merit will be barred from filing another case, unless that tenant receives specific permission from a judge.
    - A tenant who files a frivolous case can be penalized because the landlord is explicitly granted permission to request attorney's fees.

Intro 627 and Intro 638 – A Side by Side Comparison

Intro 627	Intro 638
Creates a Cause of Action that tenants can use as a defense against an action initiated by the landlord, or to initiate a harassment case themselves.	Creates a Cause of Action that only HPD (not tenants) can use to bring an action against landlords, or landlords can use to sue tenants.
Developed through an inclusive, year-long process.	
Creates a realistic definition of harassment, correctly balancing the need for fairness to all parties.	Creates a definition of harassment with an unreasonably high burden for tenants to prove harassment against the landlord, and a much easier burden for the landlord to prove harassment against the tenant.
Will be a useful tool for tenants and HPD to address the crisis of harassment.	Will be most useful for landlords to intimidate tenants.
Creates a Cause of Action for tenants and includes even-handed safeguards to ensure that owners do not face unreasonable legal actions.	Creates a Cause of Action that will be far more effective for owners to sue tenants then for tenants to protect themselves against harassment.

TESTIMONY OF THE LEGAL SERVICES FOR NEW YORK CITY LEGAL SUPPORT UNIT AND THE LEGAL AID SOCIETY AND IN SUPPORT OF INTRO 627

New York City Council
Housing and Buildings Committee

December 17, 2007

Legal Services for New York City (LSNY) is the largest provider of free civil legal services in the country. The nineteen neighborhood offices of LSNY throughout the City represent thousands of low-income tenants annually in disputes involving tenants' rights to remain in their homes.

Founded in 1876, the Legal Aid Society's Civil Practice is the oldest and largest program in the nation providing direct legal services to the indigent. Our legal assistance is focused on enhancing family stability and security by resolving a full range of legal problems, including immigration, domestic violence, family law, and employment, in addition to housing, public benefits and health law matters. Through our housing and community development work, we also foster the development of community-based organizations, job creation, and neighborhood revitalization. Annually, the Society's Civil Practice provides free direct legal assistance in some 30,000 individual closed cases through a network of 10 neighborhood offices in all five boroughs and 17 specialized units and projects for under-served client groups. When it is the most efficient and cost-effective way to help our clients, we provide legal representation to groups of clients with common legal problems, including those referred by elected officials.

We welcome the opportunity to testify before the Housing and Buildings Committee. We strongly urge the City Council to pass Intro 627, which is an important measure that will help to protect tenants against landlords seeking to harass them out of their homes.

We congratulate the Speaker and the City Council for recognizing that landlord harassment of tenants is an important problem requiring corrective legislation. Legal Services and Legal Aid advocates, as well as elected officials throughout the City, have observed that skyrocketing market rents, combined with a series of recent changes to the rent regulation laws and rules, have created enormous economic incentives for landlords to harass tenants and create vacancies.

The Rent Regulation Reform Acts (RRRAs) of 1993 and 1997 deregulated vacant apartments that could be rented for $2000 or more. The 1997 RRRA imposed a 20% rent increase for rent-stabilized apartments rented after a vacancy, and in 2000 DHCR amended the Rent Stabilization Code so that this 20% vacancy allowance could be collected an unlimited number of times even within a one year rent guideline period. Landlords can also obtain almost unlimited rent increases based on capital improvements to apartments during vacancies, although such "improvements" are often cosmetic and their cost is frequently inflated. As a result, landlords who induce tenants to vacate their apartments can hope to deregulate virtually any apartment, regardless of the rent charged to the last tenant.

It is therefore unsurprising that advocates have seen an upsurge in harassment of rent regulated tenants designed to induce them to vacate their apartments. Increasingly, sophisticated landlords are using interruptions in services, frivolous court proceedings

that will discourage such conduct, and provide support to tenants feeling discouraged under the pressure of their landlord's pattern of misconduct.

Although rent-stabilized and rent-controlled tenants currently may complain to the DHCR about landlord harassment, see Rent Stabilization Code, 9 NYCRR §2525.5, such complaints typically take a long period of time to resolve, and rarely result in findings of harassment or penalties assessed against landlords. Current procedures also place an unnecessary burden on tenants by requiring them to participate in a second, administrative proceeding, rather than efficiently address harassment in Housing Court where the tenant may already be seeking repairs, or defending herself against frivolous landlord claims. DHCR procedures, moreover, provide no relief to tenants in buildings not covered by rent stabilization or rent control, including many Section 8 tenants, who will benefit greatly from Intro 627.

Intro 627 has been carefully crafted to insure that honest landlords are not unfairly penalized. The bill gives owner the opportunity to prove that any interruption of services was not a result of the owner's intentional or grossly negligent conduct, and that the owner made reasonable efforts to correct the problem. The bill includes sanctions against tenants who bring frivolous harassment claims against their landlords.

Intro 627 will provide an important tool for tenants to defend themselves against the intimidation and harassment they face in the white hot housing market, while providing fair treatment for law-abiding landlords. We urge its passage.

Respectfully submitted,

Edward Josephson, Esq.
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FOR THE RECORD

Testimony is support of Intro 627
Chloe Tribich
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On behalf of Housing Here and Now, I would like to express support for Intro 627, the legislation introduced by Speaker Quinn and Councilmembers Viverito and Garodnick that would allow tenants to sue landlords in housing court for harassment.

New York City tenants know better than anyone that landlord harassment is not simply a personal annoyance. As lower-rent apartments become scarcer, harassment offers landlords a way to push long-term, low-paying tenants from their apartments and increase rents. Experiences of tenants and organizers suggest that this is common, particularly in populations of non-English speakers, immigrants, and poor tenants in gentrifying neighborhoods.

Thus harassment constitutes a threat to NYC's dwindling stock of affordable apartments. According to the DHCR, there were fewer than 900,000 registered regulated apartments left in NYC in 1993, and in 2006 alone over 10,000 apartments were deregulated. By contrast, the Housing and Vacancy survey of 1975 reported the existence of over 1.4 million regulated units.

Allowing tenants to sue landlords in housing court for harassment would provide a much-needed recourse for tenants. While the DHCR accepts harassment complaints, tenants must wait weeks or months for a formal response. In Hollis Court in Queens, tenants whose landlord is withholding services, showing their rental units to prospective buyers without their permission, and issuing verbal threats, are awaiting a DHCR hearing for complaints submitted in fall 2006. Further, a vast majority of harassment complaints do not result in a finding of harassment. Among 1,267 closed harassment cases brought to DHCR between September 1, 2003 and August 20, 2007 only 9 resulted in an "order issued." The new DHCR administration has indicated a willingness to rethink its process for addressing harassment and has already instituted some important reforms in related areas. This signals a step in the right direction.

But firm action is needed by both the City *and* State. These actions must include repeal of vacancy decontrol, an end to all unfair rent increases and firm action against harassment. Only then will the housing crisis be adequately addressed and the rights of tenants secured. I strongly urge the Council to pass Intro 627.

RENT STABILIZATION ASSOCIATION • 123 William Street • New York, NY 10038

TESTIMONY BY THE RENT STABILIZATION ASSOCIATION, IN OPPOSITION TO INTRO. 627 AND INTRO. 638, RELATING TO HARASSMENT

My name is Frank Ricci and I am here on behalf of the 25,000 members of the Rent Stabilization Association, who own or manage more than one million apartments throughout the City, to testify in relation to the two bills that are on the agenda today, Intro. 627 and Intro. 638.

At the outset, let me be clear: RSA has never and will never condone acts of harassment by property owners against tenants. However, we oppose the two bills, which will affect virtually every single residential property in every borough of the City, from one- and two-family homes to co-ops and condos to the largest rental buildings.

We oppose these bills because (1) they both are unsupported by any facts, (2) they both are redundant of at least 10 existing legal remedies that tenants already have against landlords, (3) Intro. 627 will enable tenants to use the courts to harass owners, and (4) Intro. 627 will clog the courts with frivolous cases while cases with merit, brought by both tenants and owners, take a backseat.

Earlier this year, Speaker Quinn, in her State of the City address, stated her intention to address two specific issues relating to housing- better enforcement against landlords who fail to maintain their buildings and against landlords who harass their tenants.

We worked closely with the Council, as well as the Administration, to help produce a bill targeted against the worst property owners. Just as we do not condone harassment, we do not condone the behavior of the worst property owners. That bill evolved from its original concept of targeting all property owners to one which focused on the worst buildings in the City. That legislation, which created the Alternative Enforcement Program, was a product of hard work, cooperation and an understanding that the best legislation was one which was the most likely to generate real results and which filled a void that other laws did not already fill. Both tenants and property owners benefited from the adoption of a focused piece of legislation.

We have also attempted to work with the Council to devise a piece of legislation that would, like the Alternative Enforcement legislation, produce meaningful results for tenants who are victimized while protecting innocent property owners from baseless lawsuits. Unfortunately, that effort was not as successful for at least two reasons.

First, there has been no presentation of any facts or other information to support the need for this legislation. Over the years, numerous laws relating to harassment and other related subjects have been passed because the wrongs that were being legislated against were found to exist. Unfortunately, today there is a misperception that every uncorrected

housing code violation or every unsuccessful housing court case is intended as an act of harassment by an owner, to force tenants to leave; the reality is simply not the case. Unfortunately, to the detriment of tenants and owners alike, these bills would codify that misperception into law.

Second, at least 10 current laws address the same issues that are covered by Intros. 627 and 638. There are several **criminal** laws to address harassment, such as the City's Illegal Eviction Law and the State's Penal Law. There are also several **civil** laws to address harassment, which punish an owner with civil penalties from DHCR, the appointment of an administrator by the Housing Court, or the denial of building permits by HPD. There has been no indication that anyone has analyzed any of those laws or their implementation and determined that, either together or separately, they fail to adequately protect tenants.

In addition, owners are already subject to civil penalties for failing to maintain their buildings. And owners are already subject to reductions in rent, as the result of cases brought either in housing court or at DHCR.

While both bills are flawed, Intro. 627 is far worse than Intro. 638, which would at least ensure that only the most appropriate cases are brought. Intro. 638 does so by authorizing only HPD, the agency that already sues owners for housing code violations, to bring these cases. It would also allow HPD to bring cases not only against owners but also against tenants who harass landlords. Given that HPD is responsible for enforcing the housing code already, there is no legitimate reason, budgetary or otherwise, why the authority to bring these cases should not be vested in HPD instead of tenants.

In addition to the other reasons already stated, it is apparent that no one has considered yet another significant flaw in Intro. 627: there is no mechanism for an owner to have the violation removed from their record at any point in time. As a result, owners will be unable to obtain J-51 benefits from HPD or rent increases for rent controlled tenants from DHCR or approvals for conversions to co-ops and condos by the Attorney General. Not only with this forever punish these owners, it will forever punish anyone who buys their property.

The Council seems intent on passing a bill that will not, at the end of the day, accomplish its supposed goal. Those who engage in harassment will not be dissuaded by the adoption of yet another law if the existing laws already on the books have not done so. In the meantime, innocent owners will be caught in the web of a new law without any controls placed on the actions of tenants. The Council's efforts would be better spent trying to understand whether the existing laws have worked satisfactorily and, if not, how they could be amended to do so, instead of passing this harmful and counter-productive legislation.

For the foregoing reasons, RSA urges the disapproval of both Intro. 627 and Intro. 638.

EXISTING HARASSMENT AND HOUSING CODE LAWS

Existing Harassment-Related Laws

1. Pursuant to the City's Illegal Eviction Law, unlawful eviction or attempted unlawful eviction is punishable as a **misdemeanor** (Administrative Code, §26-521).

2. Owners are subject to **a Class E felony** for the **harassment** of rent regulated tenants (Penal Law, §§241.00, 241.05). Other criminal laws prohibit harassment, regardless of whether the situation involves a landlord and tenant (Penal Law, §§240.26, 240.30).

3. Owners are subject to **civil penalties** when rent-stabilized tenants file **harassment** complaints with DHCR (Rent Stabilization Code, §2525.5).

4. Owners of residential property in the Clinton District must obtain a **certification of no harassment** from HPD prior to the issuance of building permits (Zoning Resolution).

5. Owners of SRO hotels must obtain a **certification of no harassment** from HPD prior to the issuance of building permits (Administrative Code, §27-198).

6. Properties are placed under the control of Housing Court-appointed administrators as the result of cases brought by HPD or by one-third of the tenants due to "**harassment, illegal eviction**, continued deprivation of services or other acts dangerous to life, health or safety" (RPAPL, Article 7-A). The same law is used against owners of the most poorly maintained buildings as well.

Existing Housing Code-Related Laws

1. Owners are subject to **civil penalties**, orders to correct, and imprisonment as the result of litigation brought by HPD in Housing Court based upon the failure to correct violations (Housing Maintenance Code, §27-2115).

2. Owners are subject to **civil penalties** and orders to correct from tenant-initiated cases against owners in Housing Court (Housing Maintenance Code, §27-2115).

3. Owners are subject to **rent reductions** when DHCR finds that owners have failed to provide rent-stabilized tenants with required services (Rent Stabilization Code, §2523.4).

4. Tenants may obtain **rent reductions** where owners breach the warranty of habitability by failing to make repairs. (Real Property Law, §235-b). Similar remedies are available pursuant to Multiple Dwelling Law, §302-a (abatement for rent-impairing violations) and Multiple Dwelling Law, §302-c (rent offset for tenants' costs due to owner's failure to provide heat).

FOR THE RECORD

Attention NYC Council Members
E. Dilan, Ch.Quinn, D.Garodnick, M.Viverito
cc NYC Mayor M.Bloomberg

December 15, 2007

From Genrikh Vapne, 99 Vandalia Ave., Apt.10G, Brooklyn, NY 11239, Ph/fax 718-649-5610

About harassment of tenant case as live example to discussing Inter. N 627

TESTIMONY

before NYC Council Committee on Housing & Buildings

The case of my relationships with landlord Metcouncil for Jewish Poverty, HPD and Brooklyn Housing Court began some years ago.

The issue: All mentioned three agencies avoid to use their legal power to repair a water leak in my apartment from street wall existed for many years. I evaluate and consider such negligence to their obligations as a conspiracy for my outrageous harassment of criminal character as mentioned in Penal Law articles 195.00 and 240.26(3).

The facts in the case:

About Landlord:

1. My seven letters to Landlord Rapfogel to repair bad pointings in street wall for excluding any water leaks were left without response.
2. The promise to repair in May, 2006, made by my building management became fraud.
3. Landlord decided to join my issue with many other issues of repairs in three Metcouncil buildings located in one spot on Vandalia and Pennsylvania Aves. Evaluated a total cost of repair as $200.000 Landlord began to prepare application to HPD for 8a Loan in 2006 year. The fate of this application is not known to me so far.

About HPD:

1. After several year of ineffective addressing to Landlord for repair on 12/30/2005 I filed the complaint with HPD.
2. HPD made inspections two times only on 08/10/2006 and classified violation as B and on 10/16/07 after I filed Petition in Housing Court and classified violation as A (?).
3. Five my letters to Donovan was left without response.
4. HPD records of the case were falsified.
5. The landlord's application for 8a Loan was waived by Donovan.
6. Donovan refuse to use his power to press Landlord pursuant NYC HMC secs. D26-40.03, 40.05.

About Housing Court in Brooklyn.

1. I filed the Petition in Brooklyn Housing Court on 10.09.2007 with two Respondents Rapfogel and Donovan.
2. Judge Lau excluded Donovan from Respondents.
3. For two hearings on 10.23.07 and 11.27.07 Judge Lau tried to press me instead of to press Respondents. Without any investigation of real reasons of sabotage by Respondents she requested from me to admit Landlord inside of my apartment to make really falsified cosmetic repair in my ceiling (one time it was made and immediately ruined after first rain) instead of to request of Respondents immediately to make repair on outside street wall. My protests against such wrong Judge Lau's policy was left without any reaction, and I request to Judge Lau to recuse the case.
4. Right now the case is adjourned till 01.30.2008. The repair is absent, and it is not known whether it will be done at any time in future.

My feelings of harassment made together by Rapfogel, Donovan and Lau are very great Finally I sent a letter to Rapfogel about impairing on 10% of my rent from 01.01.2008 till whole finish of repair as permitted by the law

Very sincerely,

G. Vapne

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Testimony of Ericka Stallings, Housing Advocacy Associate for the New York Immigration Coalition, before the New York City Council Committee on Housing and Buildings regarding Anti-Harassment Legislation

December 17, 2007

Good Morning. My name is Ericka Stallings, and I am the housing advocacy associate of the New York Immigration Coalition, a policy and advocacy organization with more than 200 member groups throughout New York State that work with immigrant communities. I would like to thank the committee on Housing and Buildings as well as the members of the City Council, for allowing our organization to testify at this hearing. This is an issues of grave importance to our constituents.

We are very pleased that legislation has been introduced to strengthen anti-harassment protections for tenants. This is an important and welcomed effort to protect New York City's tenants. As the stock of affordable and rent regulated housing decreases and housing costs rise, immigrant New Yorkers increasingly find it difficult not only to find affordable housing but also to keep the housing they already have.

This is especially troublesome for immigrants because they make up a disproportionate share of the low-wage work force and have higher rent burdens. Immigrants who are limited English proficient are particularly vulnerable as they often have difficulty accessing city housing services and other tenant protections. It is important to recognize the real difference in power between tenants and their landlords. Many immigrants are unaware of their rights; consequently, many immigrants are targeted for abuse and harassment by landlords who prey on this vulnerability.

The types of harassment experienced by tenants are numerous, and they range from dangerous to cruel acts.

- For immigrant tenants one of the worst forms of harassment are threats related to immigration status. These threats are frightening and worrisome even for those who have legal status. In the current environment, many immigrants feel that they are in a precarious situation even if they technically are not.
- Tenants have been denied access to essential services like heat and hot water; when they complain they are told to move out;
- Other tenants have repeatedly been brought to housing court for baseless charges. Tenants may have to take days off from work and since they generally lack representation, find the process extremely stressful.

Intro 627 is a fair and even handed approach to the issues of tenant harassment; it will discourage frivolous cases while affording better protections to tenants. It is entirely reasonable that tenants have protection in housing court since the courts are so frequently used as a tool to harass tenants. Tenants and their advocates need a more effective anti-harassment mechanism so that they can fight not only the symptoms of harassment, such as the baseless housing court cases and denial of services but also the harassment as a whole.

For these reasons we urge you to support Intro 627 and protect tenants from landlord harassment.

Thank you,

Ericka Stallings
Housing Advocacy Associate
New York Immigration Coalition

FOR THE RECORD

TESTIMONY – INT. NO. 627
The Council of the City of New York
Committee on Housing and Buildings
December 17, 2007

My name is Al Doyle and I am the President of the Stuyvesant Town-Peter Cooper Village Tenants Association. I wish to thank Speaker Quinn, Council Member Garodnick and the other Council Members who are sponsoring this legislation. And I would like to thank the committee on Housing and Buildings for conducting this hearing.

Stuyvesant Town and Peter Cooper Village contain approximately 11,250 apartments. When Metropolitan Life Insurance sold Stuyvesant Town and Peter Cooper Village to Tishman-Speyer in November 2006 we noticed a sharp increase in the number of complaints from tenants who were receiving notices that Tishman-Speyer did not intend to renew their lease based on non-primary residence.

Last August the Board of Directors of our Tenants Association met with representatives of the Tishman-Speyer management team. These Tishman-Speyer representatives told us that while ownership of a second home of itself would not lead to a challenge, that information combined with public source data and "other factors" could trigger a challenge to a lease renewal.

Tishman-Speyer further contended at a public meeting of our Association in October that they have challenged 15% of the rent stabilized leases that had come up for renewal (502 leases). Of these challenged leases, approximately one half of those leases have been renewed and the other half of the tenants gave up their leases, according to Tishman-Speyer.

While this is a good percentage from the Tishman-Speyer perspective, if you are a legitimate tenant who gets what is known as a "Golub Letter" challenging your eligibility for a renewal lease, this process can and does create havoc.

Based on information provided to us by tenants, a high percentage of these Golub Letters are based on outdated and/or incorrect information. Since Tishman-Speyer purchased Stuyvesant Town and Peter Cooper Village, more than 251 tenants have been at a minimum severely inconvenienced, forced to take time from work to respond to baseless challenges and, in most instances, to incur needless expenses for attorneys in order to protect their right to live in their homes. For example, in one case, a tenant whose primary residency was challenged wound up incurring approximately $5,000 in attorney fees, in part because on three occasions, the landlord's attorneys failed to appear at scheduled court hearings. When the attorneys did appear, they admitted that the challenge was deficient and the case was dismissed.

We are now hearing additional complaints from tenants who received Golub Letters from Metropolitan Life Insurance Co. when their lease expired two years ago. They are now receiving the same challenges on their current lease renewal from Tishman-Speyer after addressing this issue two years ago.

What we request is a law that will place sanctions against landlords who issue these non-renewal letters to harass tenants or when the basis of these challenges is grossly inaccurate or otherwise frivolous.

There is nothing in current law or regulations to discourage landlords from issuing inaccurate, frivolous, or harassing challenges to lawful lease renewals for legitimate tenants.

Thank you for the opportunity to submit my testimony.

Al Doyle

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MFY LEGAL SERVICES INCORPORATED

Testimony of Donna Chiu, Esq., and Jonathan Burke, Esq., Neighborhood Preservation Project, MFY Legal Services, Inc., Before the City Council Committee on Housing and Buildings, December 17, 2007

Good morning members of the Committee. Thank you for inviting MFY to this hearing and giving us this opportunity to share with you our support for the Tenant Harassment Bill.

Our names are Donna Chiu and Jonathan Burke, and we are staff attorneys for the Neighborhood Preservation Project at MFY Legal Services. MFY is a nonprofit legal services organization that serves low and middle-income New Yorkers through advice, counsel and full representation. The Neighborhood Preservation Project aims to save affordable housing and preserve the diversity in the traditional neighborhoods, including the Lower East Side, Chinatown and East Harlem.

In our work as staff attorneys at MFY, we have seen frequent and horrifying instances of tenant harassment in rapidly gentrifying neighborhoods, such as the Lower East Side, directed against the most vulnerable tenants, such as the elderly and those that do not speak English. The Tenant Harassment Bill will reduce the effectiveness of landlords that abuse the relative inequality of power in the system to scare tenants into giving up their apartments as a way to increase their profits. The new local law will send a clear message to these individuals that tenants need not put up with harassment anymore.

Tenant harassment has taken many forms throughout the dwindling supply of affordable housing in New York City. MFY has intervened where landlords refused to

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make any repairs or to correct any immediately hazardous conditions for a period of years, finally attempting to evict the tenants in Housing Court that were forced to make the repairs himself or herself. In Chinatown, landlords are using the court system as a way to harass tenants out of their homes because they know many of the long-term, elderly tenants do not speak English and have a cultural fear of any type of litigation. These landlords bring multiple frivolous lawsuits to force them to keep traveling to court and also playing upon their disadvantages by wrongly telling them the Court is evicting them because they violated the law and are thus criminals.

One of the most egregious examples of tenant harassment we have seen so far happened on Lower East Side. Last year, the new owner of a building sued a tenant in Supreme Court for $85,000 in money damages for baseless and frivolous causes of action, such as harassment of the corporation and conversion property, simply because the tenant was allowing City investigators onto the premises to analyze and report on the hazardous conditions that existed in the building. In truth, the owner was suing the tenant in retaliation for his work in allowing these investigators in, and leading the tenants' association in its opposition of the owner's application at the Department of Housing and Community Renewal to gut or demolish the building. The owner was attempting to scare this tenant, as well as any future tenants, out of advocating for their legal rights. While MFY was alerted to the situation early enough to intervene and bring about a favorable outcome both for that tenant and the tenants' association he fought on behalf of, there are many more situations where tenants are being harassed with little or no effective recourse or protection.

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The Eastside SRO Law Project, a subproject of the Neighborhood Preservation Project, deals with tenants in Single Room Occupancies. These extremely low-income tenants are some of the more marginalized people in the City. In addition to being often desperately poor, they are disproportionately people of color; many of them are elderly; they are disabled; and they suffer from all types of physical and mental health problems. Unfortunately, they are also, as a population, probably the most frequently and aggressively harassed tenants in the city. Some landlords begin harassing SRO tenants the first time the tenant walks into the building. In Williamsburg, a landlord routinely tells his tenants, "If you cause me any problems, I will throw your stuff in the street and lock you out." This landlord has installed padlock latches on each of the cubicles in his building to lend weight to his threats. More frequently, the harassment SRO tenants suffer through is directly tied up with the unfortunate conditions in which they are forced to live. All over the city, tenants report not getting heat or hot water in the winter; on the Lower East Side we have a landlord who refuses to take out the building's garbage so that it regularly piles up four to five feet high along the walls; in Brooklyn and Manhattan we have buildings where there are holes as large as three feet wide in the ceilings and walls; and on the Bowery, in Mid-town, on the Upper East Side, and in Harlem, the Bronx, and Brooklyn, we have buildings so infested with vermin that tenants report that they have woken up in their beds to find mice and rats crawling on them. We have buildings so infested with bedbugs that tenants are covered with so many bite scars that it appears as though they are suffering from a case of the chicken pox; infestations so intense that the walls of tenants' cubicles are covered with

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hundreds of red streaks- evidence that they have sat up all night trying to fight off the bugs by smashing them before they get into the sheets. In all of these buildings, tenants have tried to get their landlords to take care of the conditions I have described. In each case, the landlord responded with some variation of the following: "If you don't like the building, leave."

But ignoring these egregious conditions are not the only way landlords seek to intimidate their tenants into leaving. One landlord who owns several buildings in Harlem and the Bronx, took it upon himself to dissuade a tenant of the notion that she had any rights whatsoever under the law. For some years, he has refused to recognize that any of his units are rent stabilized. During the early summer, this tenant went to her landlord and told him she thought he was charging her too much in rent because the building was rent stabilized. Three days later, the landlord turned the heat on in her room full blast. At that time, the temperature outside was higher than 90 degrees. The landlord then began spreading malicious rumors about her in the building. When the tenant did not back down, he moved the other occupants to another of his properties, leaving her alone in the building. He then stopped providing nearly all services to her and started periodically turning the building's water on and off at random times. When it got cold, he refused to fix her radiator so that she was frequently left without heat. And when he found that she had come to see MFY for help, he sent his sister to our offices posing as a tenant to try and gather information about her.

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In the light of the affordable housing crisis, landlord harassment must stop. This new local law is a step in the right direction, and another tool that tenants may protect themselves with. On behalf of MFY Legal Services, Inc., we thank you for your invitation to testify and voice our support of the proposed Tenant Harassment Bill.

FOR THE RECORD

TESTIMONY
SUBMITTED BY
THE COMMUNITY HOUSING IMPROVEMENT PROGRAM
INTRO # 627 CONCERNING HARASSMENT
DECEMBER 17, 2007

I am Patrick Siconolfi, Executive Director of the Community Housing Improvement Program, or CHIP, an organization that represents small and medium sized owners of multi family property in New York City. One of CHIP's principal objectives is to assist owners in understanding and meeting their obligations under the law.

CHIP opposes the passage of # 627 for several reasons. First, there already exist effective mechanisms for tenants who believe they may be experiencing harassment to address the situation. One significant alternative is by filing a harassment complaint with the State's Division of Housing and Community Renewal. For the great majority of renters in this City, there is already this avenue, and this legislation is redundant. The Council should limit any legislation to those not already covered under existing statutes.

Second, the dimensions of the problem, we believe, are not well understood. The State's Division of Housing and Community Renewal already has a harassment program, and has had one for all 23 years it has administered the rent laws. Its experience should be examined. Using DHCR's data, approximately 1700 harassment complaints were filed in the last five years. Before looking at the outcome of these complaints, look at the number itself. About 1.1 million tenants fall under DHCR's jurisdiction. In a five year period, only 1700 complaints were made. On an annual basis, this means that only about three tenths of one percent of tenants even complained about harassment.

Now let's look at the outcomes of those filings. DHCR reports that of these 1700, over 95% were either found to have no merit, or were conferenced by DHCR with the owner's cooperation, resulting in a resolution of the situation. Emphasis is important. The vast majority of tenants do not experience harassment, and among those who do complain of it, only a very tiny portion of cases is found to be actual harassment.

One may argue that this experience reflects policies of the Pataki administration. However, harassment cases at DHCR are presided over by hearing officers who maintain a significant degree of independence in reporting their findings. Further, the profile of case outcomes during the Cuomo administration would be quite similar, with the majority of cases found not resulting in a harassment order.

Another concern with Intro 627 is the lack of due process which we think is a fatal flaw. It provides for the imposition of a class C violation if a finding of harassment is made. However, there is no provision for the removal of the violation. It's the equivalent of a jail sentence with no end. It could not pass constitutional muster without a way to remove the violation once the underlying cause has been corrected. It is instructive that

the DHCR process does have a procedure for removal. At a minimum, the Council is urged to correct this oversight.

Specifically on this point, the Rent Stabilization Code states "The finding by the DHCR that the owner has complied with [DHCR's] order or that the conduct which resulted in the finding of harassment has ceased shall result in the prospective elimination of sanctions. . . "

Lifting the violation is important because without such a process it is unlikely a building could be sold or refinanced. This will likely have the opposite effect the council intends. Here I am addressing a specific situation contemplated in 627 where a finding of harassment is made, but which the owner then ceases and corrects. Encumbering the property with an irremovable violation will shut of money to maintain and upgrade the building, or could preclude its sale to a new owner, even though the underlying problem has been corrected.

Thank you.

Council of New York Cooperatives & Condominiums
INFORMATION, EDUCATION AND ADVOCACY

250 West 57 Street • Suite 730 • New York, NY 10107-0700

TESTIMONY ON INTRO 627
BEFORE THE HOUSING & BUILDINGS COMMITTEE

Presented by Mary Ann Rothman
Monday, December 17, 2007

Good morning Chairman Dilan and members of the Housing and Buildings Committee. My name is Mary Ann Rothman, and I am the Executive Director of the Council of New York Cooperatives & Condominiums (CNYC), a membership organization comprised of housing cooperatives and condominiums located throughout the five boroughs of New York City. In our city, more than 500,000 families live in housing cooperatives and condominiums. Some of these families are renters.

This City Council has, in the past, recognized the home owner status of New Yorkers who own cooperatives and condominiums, and has endeavored to ensure that these coop and condo owners are treated equitably and fairly. We very much appreciate your efforts on our behalf, including the language you have included in Intro 627, which limits its application for owner occupied condominiums and cooperatives.

However, enactment of Intro 627 could result in serious and damaging repercussions for an entire cooperative or condominium community because of the acts of one person.

Many cooperative and condo units are rented on both short- and long-term basis. In the event that the relationship between a coop or condo unit owner and their tenant dissolves to the point of litigation and judgment is rendered for the tenant, the entire community can and will be impacted. If a class c immediately hazardous violation is entered against the building or the condominium unit neither the cooperative corporation nor the condominium management association would be able to cure the violation.

Specifically, Intro. 627 could adversely impact a cooperative or condominium's ability to receive J-51 tax benefits, could limit a cooperative or condominium's ability to secure financing, and could possibly relieve a prevailing tenant or subtenant from paying rent, which could affect the ability of the cooperative or condominium to collect carrying charges on the unit.

Phone 212 496-7400 • Fax 212 580-7801 • e-mail info@CNYC.coop • Website: www.CNYC.coop

Recently, the City Council voted to extend for four more years the J-51 program that has helped for decades to maintain and upgrade the housing stock of our city. Unfortunately, Int. 627 as written would jeopardize those benefits. Under Title 28, Section 5-05(c)(6) of the Rules of the City of New York, in order to qualify for J-51 tax benefits, a building must submit to the Department of Housing Preservation and Development documentation that there are no violations of record which are classified as hazardous or immediately hazardous. Violations of Intro. 627 would be classified as a class c immediately hazardous violation and such violation may not be certified as corrected. Accordingly, a violation which affects only one unit would have repercussions that impact the entire building.

In response to the City's mortgage foreclosure crisis, the Council recently held an oversight hearing to ascertain the scope of this problem and how New Yorkers have been affected. Intro. 627 would have serious implications for cooperatives or condominiums as they seek to refinance an underlying mortgage or other loan with a balloon payment. Many lenders are reluctant to lend to a cooperative or condominium that is not violation-free. When a building fails to secure financing, it may be forced to assess its shareholders or unit owners in order to remain afloat. Shareholders who are unexpectedly hit with a large assessment to pay the balloon mortgage that can't be refinanced, might find this cost prohibitive and could be forced to sell their homes. Again, a violation against one unit impacts the entire building. In addition, failure to remove a violation, as in this case, could constitute a default under an existing mortgage, and could also impact insurance liability. And individuals could experience similar difficulties with the mortgages on their own apartments.

Similarly, under Intro. 627, a prevailing subtenant of a cooperative or tenant of a condominium may be relieved of the obligation to pay rent to the holder of the proprietary lease or owner of the condominium unit. Withheld rent impacts the ability of a shareholder or unit owner to pay their maintenance or common or other charges, and therefore upsets the economic balance of a cooperative or condominium. And, as previously noted, even if the building's coop/condo board wants to cure the violation, and pursue the shareholder/unit owner, it may be powerless to do so.

For these reasons, the Council of New York Cooperatives & Condominiums is unable to support Intro 627 in its present form.

Thank you for this opportunity to express our concerns about this proposed legislation.

FOR THE RECORD

Attention NYC Council Members December 15, 2007
E. Dilan, Ch.Quinn, D.Garodnick, M.Viverito
cc NYC Mayor M.Bloomberg
From Genrikh Vapne, 99 Vandalia Ave., Apt.10G, Brooklyn, NY 11239, Ph/fax 718-649-5610
About harassment of tenant case as live example to discussing Inter. N 627

TESTIMONY
before NYC Council Committee on Housing & Buildings

The case of my relationships with landlord Metcouncil for Jewish Poverty, HPD and Brooklyn Housing Court began some years ago.

The issue: All mentioned three agencies avoid to use their legal power to repair a water leak in my apartment from street wall existed for many years. I evaluate and consider such negligence to their obligations as a conspiracy for my outrageous harassment of criminal character as mentioned in Penal Law articles 195.00 and 240.26(3).

The facts in the case:

About Landlord:

1. My seven letters to Landlord Rapfogel to repair bad pointings in street wall for excluding any water leaks were left without response.
2. The promise to repair in May, 2006, made by my building management became fraud.
3. Landlord decided to join my issue with many other issues of repairs in three Metcouncil buildings located in one spot on Vandalia and Pennsylvania Aves. Evaluated a total cost of repair as $200.000 Landlord began to prepare application to HPD for 8a Loan in 2006 year. The fate of this application is not known to me so far.

About HPD:

1. After several years of ineffective addressing to Landlord for repair on 12/30/2005 I filed the complaint with HPD.
2. HPD made inspections two times only on 08/10/2006 and classified violation as B and on 10/16/07 after I filed Petition in Housing Court and classified violation as A (?).
3. Five my letters to Donovan was left without response.
4. HPD records of the case were falsified.
5. The landlord's application for 8a Loan was waived by Donovan.
6. Donovan refuse to use his power to press Landlord pursuant NYC HMC secs. D26-40.03, 40.05.

About Housing Court in Brooklyn:

1. I filed the Petition in Brooklyn Housing Court on 10.09.2007 with two Respondents Rapfogel and Donovan.
2. Judge Lau excluded Donovan from Respondents.
3. For two hearings on 10.23.07 and 11.27.07 Judge Lau tried to press me instead of to press Respondents. Without any investigation of real reasons of sabotage by Respondents she requested from me to admit Landlord inside of my apartment to make really falsified cosmetic repair in my ceiling (one time it was made and immediately ruined after first rain) instead of to request of Respondents immediately to make repair on outside street wall. My protests against such wrong Judge Lau's policy was left without any reaction, and I request to Judge Lau to recuse the case.
4. Right now the case is adjourned till 01.30.2008. The repair is absent, and it is not known whether it will be done at any time in future.

My feelings of harassment made together by Rapfogel, Donovan and Lau are very great Finally I sent a letter to Rapfogel about impairing on 10% of my rent from 01.01.2008 till whole finish of repair as permitted by the law

Very sincerely,

FOR THE RECORD

December 13, 2007

Dear NYC Council Speaker Christine Quinn:

I am Paul J. Reilly, a resident at Dexter House, 345 West 86th Street, NYC.

I was purposefully, as with other tenants, harassed by a landlord who knowingly installed a man in the unit next to mine that urinated and defecated on his floor and created health hazards on the entire 16th Floor for a whole year! I hope what happened to us does not happen to anyone else.

That's why this bill (Intro. 627: Tenant Protection Act) must pass!

Paul J. Reilly
<pjor13@yahoo.com>

Parvati Devi
Park West Station
P.O. Box 20873
New York, N.Y. 10025

FOR THE RECORD

Intro. 627
17 Dec. 2007

In the thirty-five years I've lived in this brownstone apartment on the Upper West Side, I have been the only tenant who has had a huge chunk of a ceiling fall down numerous times—the first time it happened, the size of the chunk of ceiling was equal to one half of a 9 X 13 foot room. You can imagine the damages to my property. But when you are the only tenant with major problems in a small building and tenants learn you're in court, your neighbors don't like you, even though they may be due a paint job and other minor repairs themselves. People are scared! After each round in court, I'd win a few months rent. But landlords can afford the couple of thousand dollars in fines over one tenant. Harassment becomes even harder to prove because tenants resent you if you ask them to get involved. Then there's the spring/fall stinginess with heat because the settings are illegal. A two thousand dollar fine is nothing to landlords. And with market rate tenants, the landlord can refuse a lease renewal if he doesn't like them.

In February 2005, the building was sold. The landlord bought the building without looking at the four apartments where the rent-regulated tenants live. The six other apartments had been warehoused for many years. The roof over my vulnerable room has held up but the landlord inherited all the outstanding problems and so began the new landlord's harassment of me.

He is extremely verbally abusive to anyone who asks for more than plumbing repairs or something not too major. No one cleans the building hallways and the light outside my door is out for three weeks. I spoke to the contractor to no avail. The landlord abuses both rent-regulated tenants as well as market rate tenants. This rich landlord owns a lot of property and he is skillful at terrifying most everyone. I also have numerous witnesses from the community I've called upon to help me get repairs. He screams and hangs up the phone on them. I may be one of the luckier ones having been an activist on housing issues before. Community organizers and elected officials have been helpful. But having posttraumatic stress disorder to start with and panic attacks due to fear of losing my apartment, I have real cause for concern.

In April 2007, I had a great personal loss. During that same month, I had to sign a lease renewal. I did so, but failed to check the box for two years. The landlord, upon receiving it decided to "X" off the box that says I choose to vacate the apartment—yes, FRAUD! It's all about a check mark versus an "X" mark in a box. I have the good fortune of being given a lawyer but of course I still live in fear. "If we lose," she tells me, "you're out in five days." Yes, he had taken out a holdover against me. All I can hope for is repairs and a lease while he gets away with fraud and harassment. And the court has postponed this so many times. The trial begins 16 January 2008. I anticipate my landlord's lawyer harassing me. And I fear passing out from panic.

I have read the bill before us today, Intro. 627, and I know that one to five thousand dollars is nothing to a landlord like mine. This bill needs to be enlarged to include the kinds of harassment and the specific penalties for each incident and type. Otherwise the bill will not be any stronger than DHCR's existing process for dealing with harassment where it must come to violence before anything is done. Verbal abuse on your voicemail or answering machine is a clear example. When fraud is proven, where is the jail sentence? We have jail for all kinds of minor offenses. Why not for landlords who commit major harassment or fraud? Two days in jail may be enough for the rich spoiled brats. However, I was told by an attorney: "Oh no, they don't do that." But that threat or reality will be the only way these landlords will stop.

FOR THE RECORD

To The Westside Law Project
647 Conlumbus Aveune
New York NY 10025

December 3rd 2007

From The 300 West 46th Street Midtowns Tenants Association
Anthony Tyrone Chairman Co-Chairmans Dee D.Musis- Alexander Pas
Of /300 west 46th Street Midtowns Tenants Association

253- Harassment/Law

To Sheila

On October 13th 2007 There Was a H.C.C Tenants Conference That was Held at Fordham University At Lincoln Center . The Law To Be able To Take Your Landlord to Civil Court For Harassment Issues. Is A good Law. How ever there Should Be New Laws implement into the Harassment laws to the Legislative Body that Defines . Certain Annoyances that May Not Appear To Be Harassment From the Landlord or the landlords Agents.

From my Own Tenant And LandLord Experiences.

In some Cases The Tenant is Told to Go to D.H.C.R . To Fill Out A Harassment foam Some Tenant s Don t even Know The Correct Language To Write on the Foam. Which Frustrates The Tenant. Or tenants. And They Will Get no Help From The Staff of The Agency.

Sometimes The Owner or Landlord s Have Loop Holes To Get Around The Law. Such As Renovation Construction. Creating The Building to be Inhabited To Live Forcing The Tenant Out. By Useing The City OF New York To In Force A Vacate Order. On the Building Until Repairs. Ouestion : Where Do The Tenant Goes. In a Hotel. Than The Landlords can Pull Out From Paying The Bill. And Siff The Tenant and The Tenant Is Back On The Street.

There Was a Case Where A Landlord Remove a Gas Stove From A tenant and Other Services From the Tenant. IT Took Six Years for the Owner To Replace the Tenants Stove, and a small Fine of $ 250. Also While The Landlord Was in NON- Compliance From the D.H.C.R. State Agency. The Landlord Further Harass The Tenant or Tenants by 1 Allowing The Building Manager To Repeatdly Call The N.Y.P.D ON The Tenant In a Civil Matter. Not a Criminal Matter. What the Landlords Agent Was Trying To Gain was Get The TENANT Falsely Arrested Under A Order of Protection Law Away From The Building Where The Tenant Live. And Then The Landlords Building Manager Can Proceed With a Non Payment Action Against the Tenant . sneaky Tactic But I Witness it Happen.

There Was one Instances Where The Tenant Was Locked Out of His Building By the Owners Front Desk Staff . and N.Y.P.D Was Called in Order For the Tenant To Gain Access into His Building. Not One Time. Several Times. The Tenant Filed Again a Harassment Foam. To The D.H.C.R. Agency. The Agency Rejected The Tenant Complaints Leaving The Tenant to Write For Help To The Tenants Elected Congressman. Senators Assemblyman and Councilman and

City Advocate. and Attorney General. The Tenant Also Had To Go To a Psychoanalyst For Stress From the Repeated Actions That The Landlords Agents in The building Created Against
The EXSISTING Tenant. Not To Mention The Many 311 Calls of Hot Water or Mice or Leaks..... The New 253- Harassment Law Should include back Money fines or Payments
To the Tenant. When a State Agency Has Fine and Found The Landlord To Have a Patteren .
Over Seven Years. Than I Think The Landlords Would Be Very Reluctance to Harass The Tenant. Or Tenants. Taken the Landlord To CiviL Court at 111 Centre Street For The 253
Harassment Should Not Be The Same As The Division Of Housing and Community Renewal Agency. Codes or Guildlines. Or We Will Just Be Taken The same Harassment Problems to One Building To Another. And the Landlord Will Just Get Away With The 253 Harassment Law. Thankyou Very Much For Reading My LandLord and Tenant Experience.

FOR THE RECORD

Richard Chudzinski
Imperial Court
307 West 79th Street, #745
New York, NY 10024

Intro. 627 Tenant Testimony
December 17, 2007

This is a log of what I have experienced living at The Imperial Court Building on 307 West 79th Street:

When it became clear to me that the flow of transients was not going to subside, I went to the management (Pinky at this time) to request a move to a room with a private bathroom as I currently live in one that has none. I was told that I would be made aware as soon as one became available. I tried to be patient as I saw many rooms with private baths, some even on my floor, become repainted and furnished to be rented out but I quickly became annoyed. I asked again and was told there were none available. I told Pinky that I believed myself to be a quiet, clean, and courteous tenant. I told him that I was aware of what was going on with the renovations and such and assured him that I wasn't try to cause any problems but the situation with the bathroom was uncomfortable, unclean and becoming unsafe. A week or two later, I saw Pinky in the elevator with the building's owner Mr. Edelstein. I reminded him I was still interested in the room with a private bathroom. Mr. Edelstein asked if I was a good tenant to which Pinky replied, yes. A short time after, Pinky called me and said Mr. Edelstein wanted to show me a room on the tenth floor. The unit was half the size of the one I was in now, had no closet space and was at the end of the hallway in between two other apartments. I said that I didn't mind giving up the luxury of a lot of space, or the view I currently have or the qiuet corner unit with windows on two walls but I needed a bathroom and a reasonable closet space. Mr. Edelstein took me to his office on the ground floor and showed me pictures of another apartment. I was a one bedroom with hardwood floors, lots of natural light and a kitchen. He said he would rent me the apartment for the same price that I am paying $160.38 a week. I said that I was eager and grateful and then he told me the apartment was more than 100 blocks uptown. I told him I wasn't interested and he feigned confusion; telling me the apartment was in an "up and coming neighborhood" where there were lots of young people and a Starbucks. I told him that I still wan't interested, that I loved my neighborhood and how I could walk to work four block away. He then brought in his step-son, David to explain how beautiful the apartment was and how great the neighborhood was. They told me I was making a big mistake because pretty soon everyone would be living there and how I would never get rent at that kind of price. They also told me I was only 15 minute away on the express train. I didn't settle. I wanted to live in my neighborhood and be close to work, friends, midtown, etc. He told me that if I ever wanted to see the place, he would drive me in his limousine and show me himself. I thanked him and told him that it wasn't likely and please keep me in mind if an apartment opens at Imperial Court with a bathroom. He told me that it was unlikely.

Since then the management has been downright rude to me. I joined the tenant orgainization that Annie and Jennifer Lameo started and it has been progressively worse for those of us that "pose a threat." I was in and out of the city working this summer and rent checks were being mailed but not cashed. The management even cashed two totaling $1600) and never gave me credit. They took me to court for not paying rent and I had to fly in from Cincinnati in the middle of a job because they wouldn't let me just write them a check. In court, I was told that if I didn't pay my rent in 4 weeks, I could be evicted. I paid the outstanding rent the next day in cash because it had accumulated in my checking account from months of them not cashing my checks. When I was given a receipt with over $300 as the balance, I asked how that could be because I paid the court judgement to the penny in cash. David, Mr. Edelstein's son entered the rent office and said, "that's what you owe." I explained that I had paid every penny of the court judgement and he said, "I don't care. That's what you owe."

I am currently back in Cincinnati for another few weeks and I'm very homesick. Ironically, I am not looking forward to going back to Imperial Court.

Richard Chudzinski
Apt 745

FOR THE RECORD

20 November 2007

Statement of Experience of Landlord Harassment at Imperial Court
Annie Venesky

City Councilmembers:

In the presence of an outrageously unregulated real estate market, landlord harassment of tenants is now an egregious citywide problem requiring an effective government response. I hope you listen well to these testimonies because the working people of this city currently have no effective means of fighting it and we demand action from you.

Michael Edelstein, the landlord of the building I lived in from 1999 - June 2007, Imperial Court at 307 West 79th St. — an owner of numerous buildings in Manhattan and Brooklyn — harassed me and other tenants beginning in late 2005. I should know, since I and another neighbor formed a tenants' association in response in early 2006.

Edelstein's goal was to push us out of our rent-stabilized, single-room-occupancy apartments so that they could be converted into hotel rooms. He began to convert these rooms in late 2005, and then advertised them over internet sites such as Travelocity and Expedia at a daily rate of $69-$329 per night. Most permanent tenants were at that time paying rents of $80-$200 per week.

As an SRO tenant, I did not have access to a private kitchen. I did have access to a public kitchen. However, in the spring of 2005, shortly before hotel renovations began in earnest, Edelstein had my public kitchen destroyed. My stove and sink were torn out, leaving me with no place to cook or prepare food. (A refrigerator had never been provided in violation of the law.) And I was not the only one whose kitchen was torn out. Kitchens were torn out on at least two other floors. I and another tenant, Shirley Kohn, both contacted the state's Department of Housing and Community Renewal and lodged a complaint, but to no avail. I couldn't even get a rent reduction since DHCR kept telling me I did not have the correct paperwork – which was patently false. I went the next two years without access to the public kitchens I was paying for— a substantial burden.

Later in early 2006, after I became the lead tenant organizer of our building as a response to the illegal hotel conversion, Edelstein charged me and at least four other tenants with over-occupancy, a baseless charge. He sent Dept. of Building inspectors to our rooms. He took us to court. He also refused to take my rent for four months. I then received legal complaints from my landlord's lawyers charging me with being a public nuisance. At the end of June this year (2007), I had saved up enough money to move out. The mental stress was immense – especially since all of this occurred while I was working full time, attending Columbia's Graduate School of Journalism at night and on weekends and suffering a painful back injury.

The landlord and his managing agent also violated our substantial rights to privacy. Building workers actually entered my room in my absence and without informing me either before or after, to install a new smoke alarm. They also entered the room of another woman on the fifth floor. She returned home one day to find her underwear scattered all over her floor. She was too frightened to do anything about it.

The most upsetting incident for me, however, came during the summer of 2006. I had bought a hotplate and toaster oven to create a sort of makeshift kitchen where my old one was. One day, Edelstein's managing agent and son-in-law, David Kellner, threw out all of my pots, pans and cooking implements into the hallway without informing

me. He then immediately threatened me with calling the fire department to report a fire hazard if I did not clean up the hallway immediately. He also locked me out of the kitchen with a few things still left in there. Kellner also began shouting and yelling at me and then took pictures of me and my things with his cell phone camera. I didn't put up with his animal-like behavior and called the police. The local precinct officers arrived and ordered Kellner to reopen the kitchen to remove my remaining things. However, I still had to clear the hall and bring my things to a storage facility, which cost me my day and cab fare. I was livid.

Added to this direct harassment of course were the daily infringements by an increasing number of tourists. Their luggage took up our elevator capacity, resulting in very periodic outages. Our concerns and repairs were ignored so that renovations could continue. We became second-class tenants having to withstand loud, obnoxious tourists, an apparent increase in prostitution, and even an FBI-executed drug bust on New Year's 2007. One tourist even smeared feces all over the public bathroom on the tenth floor, upsetting those tenants. As a tenant with a shared bathroom, I had to share facilities with a barrage of unknown tourists, often from abroad, who I feared could threaten my personal safety at any time.

Additionally, Edelstein also attempted to not accept rent from tenants for more than three weeks at a time during 2006, a form of refusal to take rent that upset many tenants. We had to threaten legal action to get him to stop that – although he again reinstituted this policy in October 2007.

Thus, I was not the only victim of harassment by Edelstein. Indeed, one tenant, Richard Chuzidinski, was pressured to leave his rather large room (with views of the Hudson) and offered an apartment in one of Edelstein's Washington Heights buildings. Another, Olga Papkovitch, suffered physical threats, as Kellner pounded on her door, harassing her elderly mother – all because she did not want to remove the second lock on her door, which she was allowed to have by law. (All of this was aimed at reducing the appearance of a permanent residence.) Another tenant, Jennifer Lameo, received threatening legal correspondence from Edelstein's lawyers, claiming she was harboring a pit bull, after she watched a friend's dog for the afternoon. She was later cornered by Edelstein, in his office, and pressured to sign a statement claiming he had not harassed her.

We did file a harassment complaint with DHCR in 2006 but it was stalled repeatedly. Moreover, our legal advisers told us we had little chance of winning because DHCR, especially under former Republican Gov. Pataki, always sided with landlords.

The worst part is, I could go on. However, I think the point is made: We need effective ways of fighting landlords in court to stop these upsetting infringements on our lives. We need a deterrent to stop them from harassing us and making our lives hell. The rent laws already clearly favor landlords. The City Council must pass Intro. 527 if tenants are going to have a fighting chance of remaining in their homes.

The fact that the situation has gotten this bad already amounts to, in my opinion, a dereliction of duty at all levels of government.

Thank you for your consideration.

Annie Venesky
917-526-3152
a_venesky@yahoo.com

CHURCHES UNITED CORP. FOR THE RECORD

To uncover new solutions for housing, especially for those most in need.

12/17/2007

My name is Matt Sollett. I am the Outreach Coordinator for Churches United Corp., a non-profit organization representing thousands of parishioners and community members throughout north Brooklyn. I am also a resident of Williamsburg, Brooklyn.

Through my work, I often meet tenants who are being pushed out of their apartments by landlords hoping to make space for new, wealthier tenants. Many times, these landlords are willing to use any means necessary to harass a tenant, frighten them, and force them out. Essential services and urgent repairs are refused, locks are changed without notice, and threats of force are made. These are not exaggerations, these are daily occurrences for thousands of tenants across New York City.

While harassment against tenants received attention in Williamsburg and Greenpoint following the north Brooklyn waterfront rezoning, we are also seeing it occur more and more in adjacent neighborhoods including Bedford-Stuyvesant, Bushwick, and Fort Greene. Tenants in these neighborhoods and across New York City need protections in the face of unscrupulous landlords who would rather see them on the street, than treat them as rightful tenants. I urge the Council to help tenants across New York City and support Initiative 627, making this kind of harassment illegal.

Left unaided, more and more working class tenants will be forced out of their homes, clearing entire buildings and then neighborhoods for the spread of gentrification. Help New York's working class tenants, support this initiative.

Thank you.

Good Morning Council Members,
Mi Name is Vivian Martinez, I am here my father in support of Intro 627. We are tenants from 202 Franklin Street and currently residing in 16 Piling Street in Greenpoint, Brooklyn.

3 Years ago, a fire forced us out of our building, since then, we've been fighting to get back. The landlord has refused to make any repairs, ignored the court order, and continuously offers us money to move out and quit the case. We don't want to take a buyout. Greenpoint is our home.
We are very honest and good tenants; we always paid our rent on time, and always look out for our community. In our area the rent prices are going up and up and we think our landlord wants to demolish our building and build luxury condos. We need protection, Councilmember please help us, pass Intro 627.
Thank you.

Buenos días, mi Nombre es Carmen Hurtado, vivo en el 22 Catherine Street, en Brooklyn. Esto aquí para testificar a favor de Into 627.

Vivo en el 22 de Catherine por casi 11 años. Yo soy una inquilina responsable, pago mi renta a tiempo y no me meto en ningún problema, pero mi dueño de quiere afuera de mi apartamento. Cada vez que exijo reparaciones, el me amenaza, un día llamo a la policía para que me sacaran de mi apartamento, mi casero entra a mi apartamento, a cualquier hora si pedir permiso y me lleva a corte por cualquier cosa y siempre los casos se resuelven a mi favor.

Mi comunidad esta cambiando bastante, ahora las rentas se están subiendo bastante y yo creo que el me quiere afuera para así subir la renta. He tratado de defenderme pero no tengo ninguna protección, esta ley me daría protección, le pido al Consejo que apruebe esta ley para que inquilinos como yo tengamos protección. Muchas Gracias

A STRONG VOICE FOR TENANTS

TenantsPAC

FOR THE RECORD

Testimony of Michael McKee, Treasurer

New York City Council Housing & Buildings Committee – Dec December 17, 2007
Intro 0627 – SUPPORT Intro 0638 – OPPOSE

Intro 627 is very significant and important piece of legislation and the Council Members sponsoring it are to be commended.

Landlord harassment of tenants is a chronic problem in New York City, for which there is no effective remedy. Tenants living in rent-controlled or rent-stabilized apartments can file complaints with the enforcement agency, the NYS Division of Housing and Community Renewal, then wait forever for the agency to mediate the case away or downgrade it to a mere dispute over services, lease renewals, or other ancillary issues. In the very few cases where DHCR takes formal action by charging the landlord with harassment, the tenant is not even a party to the proceeding, effectively reduced to the role of complaining witness.

The only other available remedies have been to sue a landlord for civil harassment in Supreme Court, a costly and difficult proceeding, or to file complaints of criminal behavior and – except for extreme cases such as murder or serious injury – watch the clock tick as the case is swallowed in the criminal court system.

Intro 627 takes two important steps forward. First, the bill makes harassment of tenants by landlords or landlord agents a violation of the New York City Housing Maintenance Code. If that were all the bill did, this would be a significant enactment.

But the bill goes farther, giving tenants an effective tool. The bill creates a new procedure in Housing Court, allowing tenants to sue landlords for harassment, as they now can sue to compel restoration of services or repairs. This is a giant leap forward.

In sum, Intro 627 goes a long way toward closing a frustrating loophole in current law, where the existing remedies for fighting harassment are seriously inadequate.

One criticism of the bill must be noted. The landlord is allowed to ask the court for legal fees if the tenant's complaint is found to be frivolous. But the bill makes no provision for the tenant to demand attorneys fees when the tenant prevails in winning a harassment case. This is an inequity that should be corrected.

As for the other bill on today's committee agenda, Intro 638, there is not much to say except that the sponsors – including the two who have taken their names off the bill – must believe in the tooth fairy. One of the great myths the real estate lobby promotes, right up there with the myth that landlords are losing money, is that tenant harassment of landlords is a serious problem.

Tenants Political Action Committee 11 Park Place, Suite 814 New York, New York 10007
Phone: (212) 577-7001 Fax: (212) 523-0187 www.tenantspac.org action@tenantspac.org

ANTI-HARASSMENT BILL 627 FOR THE RECORD
Housing Committee
Chairman Dilan
City Council, City Hall
NY, NY 10007

My name is Tom Cayler, I live at 525 West 45 Street in Manhattan. I'd like to thank Chairman Dilan for having this hearing, and I like to take the opportunity to thank Speaker Quinn for her help in our rather storied battle with several landlords over many years. I would certainly appreciate it if you would thank Ms. Melanie LaRocca for us. Her help has been invaluable.

I have lined in my loft unit in Hells' Kitchen since 1979. In the last four years we have had five landlords. They all come in with the same idea: Kick out the deadbeat artists, and make a killing in mid-town. Once they realize we are protected by the Loft Law and the Clinton Special District, they look for other means to displace us.

I could go through a litany of harassment tactics: For instance our elevator has been shut down for more than three months with no restoration in sight. This virtually traps one of our 83 year old tenants in his unit, but for today let me focus on one of our attempts to stop the harassment by going to court.

May First of 2004, we received a letter from our then landlord, Stavros Papaioannou, stating, " . . .you are not entitled to be there any longer, you have been there long enough . . ."

On May Fourth of 2004, the DoB issued a Letter of No Objection for an Auto Body Shop in the ground floor of the building. A twenty-four hour a day seven day a week cab stand moved in immediately. They ran cabs, and they spray painted cars in the building.

We filed an Unreasonable Interference application with the Loft Board.

Tom Cayler
525 West 45, NY,NY 10036-3414
212-397-9305:tacayler@verizon.net

One and a half years later, when we had our day at OATH, Administrative Law Judge, the Honorable Donna R. Merris ruled:

That the, and I quote, "commercial tenant's spray painting action constitutes a breach of the warranty of habitability . . ."

That part sounds good. But there was a "but."

"But since owner was ATTEMPTING to cure the violation by all legal means, ALJ recommended dismissal of application." End quote.

In other words, Judge Merris's message to unscrupulous landlords is, "Do anything you want, if your tenants should have the temerity to take you to court, all you have to do is just promise to ATTEMPT to fix the problem and I will throw the tenant's case out even if they have proved you violated the Warrant of Habitability."

We encourage you to pass this anti-harassment bill, and, again, Speaker, thank you and your staff for all the help you have given us.

Tom Cayler
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212-397-9305:tacayler@verizon.net

STAVROS PAPAIOANNOU

STAVROS PAPAIOANNOU
2600 NETHERLAND AVE #2022
BX NY 10463
PAPAIOANNOUC@AOL.COM

May 1, 2004

Dear tenant,

Concluding our meeting on May 1,2004, there are two choices regarding your residence. First choice is the good way, which consists of taking the amount shown below, and not go through any legal processes, or your second choice ,which consists of any legal documents or processes done through any Lawyers, city clerks, etc...they all will be charged at your own expense.

I will repeat myself in stating that you are not legally entitled to stay any longer, you have been there long enough. I am granting you a month's time to decide.

The amount for your residence is $12,000 (TWELVE Thousand Dollars) This amount is only given through good faith, and will not be collected if you pass your month's limit to decide.

P.S. Invitations were sent to all the IMD tenants
Prior to attending our meeting in the courtyard
On May 1,2004 at 12:00 Noon

Sincerely,

Signature

NYC BUILDINGS

NYC Department of Buildings
280 Broadway, New York, NY 10007
Patricia Lancaster, FAIA, Commissioner
(212) 566-5000, TTY: (212) 566-4769

Dileep Khedekar, P.E.
Deputy Borough Commissioner, Manhattan
Phone: (212) 566-0019
Fax: (212) 566-5575
E-mail: dileepk@buildings.nyc.gov

May 4, 2004

New York City Fire Department
9 Metrotech Center
Brooklyn, New York

RE: LETTER OF NO OBJECTION
517-525 WEST 45TH STREET
Block #: 1074; Lot #: 18
Manhattan

Ladies and Gentlemen:

The Department has No Objection to an Auto Repair, Use Group 16 on the first floor of the above referenced premises.

This is based upon departmental records; Block #: 1074; Lot #: 18, Alteration # 100495153, 100164135 and 100471767.

Sincerely,

Dileep Khedekar, P.E.
Deputy Borough Commissioner
Manhattan

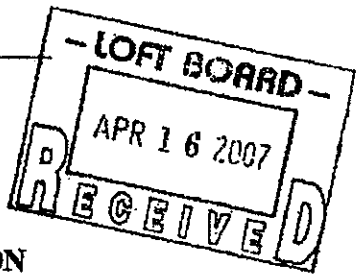
DK/lc:

Cc: Laura V.Osorio, R.A. Borough Commissioner - Manhattan
Ginio Topino, Plan Examiner
Jacqueline Hamilton Davis, R.A., Plan Examiner
LNO File
Premises File

Matter of 517-525 West 45th Street Tenants' Association

OATH Index No. 1061/06 (Apr. 16, 2007)
[LFT. Bd. Dkt. No. LI-0034]

Tenants filed application seeking a finding that owner's failure to stop commercial tenants' use of space as auto body/auto repair shop constituted unreasonable interference. ALJ found commercial tenant's spray painting action constituted a breach of the warranty of habitability, but, since owner was attempting to cure the violation by all legal means, ALJ recommended dismissal of application.



NEW YORK CITY OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

In the Matter of
517-525 WEST 45TH STREET TENANTS' ASSOCIATION
Applicants

REPORT AND RECOMMENDATION

DONNA R. MERRIS, *Administrative Law Judge*

This application seeks a finding of unreasonable interference with the use and occupancy of the applicants' space pursuant to Article 7-C of the Multiple Dwelling Law and title 29, section 2-01 of the Rules of the City of New York (RCNY).[1]

The original application was filed with the Loft Board on June 3, 2005. Notice to the affected parties was mailed on June 20, 2005 with notice of answers due on July 16, 2005. A subsequent notice of application and of opportunity to answer was mailed to the affected parties on September 7, 2005, with answers due on October 12, 2005. On October 14, 2005, the Loft Board Director of Hearings notified the then-owner of the premises, Starvos Papaioannou, that he was deemed to be in default because he had failed to timely file an answer to the application. Mr. Papaioannou did not file a motion for relief from the default, nor did he make any appearance in the instant proceeding. The premises were sold to RW 45, LLC and VB 45 LLC, the current owner of the building, by virtue of deed dated January 17, 2006. Pursuant to agreement among the parties,

[1] As there are tenants in the building who are not covered under the Multiple Dwelling Law, but are members of the Tenants' Association, the covered tenants who are members of the Tenants' Association are the parties to this proceeding. Those tenants are: Edward Ashley and Alfreda Lewis Ashley, Michael St. John, Tom Cayler and Clarice Marshall, Marianne Giosa, Douglas Kelley, Tony Mysak and Marybeth McKenzie, Daniel Schneider and Charlotte Pfahl, and Roselle Kaplin and Russell Farnsworth. *See* Letter from prior counsel for the applicants, Margaret Sandercock, Esq. dated July 14, 2006.

TENANTS & NEIGHBORS

THE STATEWIDE CENTER OF POWER FOR TENANTS

FOR THE RECORD

Testimony of Patrick Coleman, Preservation Coordinator
City Council Committee on Housing and Buildings Hearing on
Int. No. 627

December 17, 2007

Tenants & Neighbors strongly supports **Int. No. 627**, which amends the administrative code of New York City in relation of the duty of an owner to refrain from harassment of tenants and remedies for the breach of such duty.

This proposed legislation addresses a wide-spread problem that is affecting tenants throughout New York City. As market rents continue to rise in neighborhoods in all the five boroughs of New York City, many landlords of rent regulated housing are systematically harassing tenants in an effort to get the tenants to vacate their apartment, so they can then deregulate their apartments through the High Rent/Vacancy decontrol provisions of the RRRA.

According to the Rent Guidelines Board's *Housing NYC: Rents, Markets, and Trends* Report, in 2006, landlords deregulated a total of 9,983 apartments under the High Rent/Vacancy decontrol provisions of the RRRA. This was an 8 percent increase from the previous year. From 1994-2006, a total of 60,685 units were deregulated through High Rent/Vacancy decontrol.

Based on anecdotal evidence from tenants and other housing organization we work with, it seems that in many of these apartments, the tenants were harassed until they moved out of their apartments. The types of harassment include refusal to make essential repairs and/or provide essential services; verbal and physical threats; and other scare tactics.

It is the position of Tenants & Neighbors that as long as the High Rent/Vacancy decontrol provision exists, there will be an incentive for landlords to harass tenants. But Int. No. 627 would go a long way toward curtailing this problem by providing a major disincentive for landlords to harass tenants: a civil penalty of $1000 to $5000 for each unit in which the tenant or other legal occupant has been harassed and other remedies.

We commend Council Members who introduced Int. No. 627 for recognizing and calling attention to the problem of tenant harassment.

236 West 27th Street 4th Floor New York NY 10001-5906 212 608-4320 212 619-7476 fax
248 Hudson Avenue Albany NY 12210-1802 518 465-1813 www.tandn.org

Maria Quintanilla's Testimony

Good Morning. My name is Maria Quintanilla. I am a member of Make the Road NY. I live 198 Knickerbocker Ave. in apartment 3R.

My landlord David Melendez has used the following tactics to harass me and tenants in his 7 other buildings in Bushwick. He has refused to provide basic services and make repairs even though the City has ordered him to make repairs. For the past 16 years, I have not had a shower. In his 7 buildings, he has more than 670 open violations. He has almost never painted or exterminated in my apartment. I have had a bedbug infestation for the past 2 years. When I told the super, who is his partner, about a bedbug infestation, the super told me to put the bedbugs in a taco and feed them to my family.

For the past many years, he has also refused to give me a lease. On July, 10, 2006, when I asked the super in the building, for a lease, she hit me in the face. Because I have received indirect death threats, I placed a police order against Melendez and his super.

Melendez and his super are notorious for using these abusive tactics against tenants. He constantly makes racist insults towards tenants. Many tenants have moved out of his apartments because of his verbal abuse. The Village Voice has nominated Melendez as being one of the 10 worst landlords in NYC.

We need to fight against abusive landlords like Melendez. We need the City to stop harassment in NYC. Pass Intro. 627. If this law is passed I and other tenants will live with less fear of our landlords. Thank you. Si se puede!

NY City Council Testimony

FOR THE RECORD

Intro 627-2007 and 638-2007

Monday, December 17, 2007

My name is Susanne Schropp. I am a board member of the Cooper Square Committee and member of the Shalom Tenants Alliance (STA).

I would like to start by saying that legislation like Intro 627-2007 is much needed in the hostile NYC rental climate. We need more and stronger legislation to support renters, stabilized and non-stabilized alike. This proposed legislation is a much welcome step in the right direction but will not help tenants unless other important factors are addressed on the city level.

As a well seasoned victim of multiple and vicious landlord harassment, I have experienced first hand the problems in presenting my case before housing court judges.

The two largest problems I have observed are as follows,

- **Lack of enforcement by City agencies:** A tenant can document by keeping a journal, with photos, video and audio recordings. Most of which may not be admissible in court depending on judges' ruling. The best documentation of it all are violations issued by City agencies, which has posed the greatest obstacle for tenants. HPD for the most part does not enforce Old Law Code pertaining to tenement buildings and many times does not enforce the MDL or HMC as they

should. It is extremely difficult to virtually impossible to obtain violations. DOB is biggest culprit of them all and allegedly the most corrupt agency in the city. With regards to tenants they never enforce the regulations under DOB's permit tenant safety notices. They misinterpret zoning laws in favor of owners and continue to approve plans that don't conform to the law. Construction has a great impact on a tenant's life and is one of the biggest harassment tools used by landlords to force evictions with the great support by DOB. Unless the City implements stricter enforcement, tenants will stand very little chance in successfully arguing their cases in housing court.

- **Imposed Fines:** The proposed fines for guilty findings of harassment are ridiculously low. The proposed law does not take into consideration repeat harassers like the Shaloms, Ekonomakis, Croman, Shaoul, Tauber, Pinnacle, etc., who function as eviction factories. The meager fines are small tax write-offs for such owners. Penalties should be much stiffer and beyond just financial penalties. The bill does not propose jail sentences or surrender of premises for repeat.

With regard to Intro 638: This proposed legislation is solely designed to prevent tenants from filing complaints of ant kind. More importantly, there is no economic incentive for tenants to file harassment complaints against landlords, while landlords will have great financial gain after deregulating rent-regulated units.

Susi Schropp, 8 Saint Marks Place, #12, New York, NY 10003, 212-614-0122.

THE SMALL PROPERTY OWNERS OF NEW YORK, INC.
1681 THIRD AVENUE
NEW YORK, N.Y. 10128
212 410 4600

DECEMBER 17, 2007
TESTIMONY ON HARASSMENT BILLS INTRO 627 and 638

BY ROBERTA BERNSTEIN
PRESIDENT

Why does city council feel that existing laws against tenant harassment aren't strong enough, good enough, or punitive enough against owners? Intro 627 is an abomination against fairness and equality. Intro 638, while fairer, is a waste of resources and time.

We already have the "Illegal Eviction Law" that imposes criminal sanctions against owners. Tenants can already file harassment complaints with the state DHCR and the city HPD. Why do we need another bill on the same issue? Don't you trust your own city and state agencies to do the job of handling harassment complaints?

Over the years as the president of SPONY, I have had many distraught owners tell me their stories of how they have been harassed by specific tenants, and I have had the unfortunate responsibility of informing them that short of making a complaint with the DHCR (which wouldn't help), there is really nothing they can do unless other tenants in the building have been threatened. Even in these extreme cases, housing court judges are disinclined to evict. Intro 627 just gives these tenants another means of harassing the owner.

Many years ago, an impoverished and elderly small property owner came to me for help. Her tenants had started an HP action against her, claiming that she failed to make repairs because she wanted them all to move out. The definition of harassment was very clear: it meant actions taken by the owner with the specific intention of forcing the tenant to vacate.

HPD went to the building and photographed and videoed all the deficits in the apartments and the common areas. It was very certain of its case...the owner was not making adequate repairs and they assumed it was because she wanted the tenants to move out. I questioned the owner at length, visited the building myself, and was granted the right by HPD to represent the owner.

The day came to appear at the hearing. There were many tenants, the HPD attorney, the owner and myself. I remember very clearly that the attorney for HPD took a look at my response and started laughing. Apparently, I hadn't used the proper legal terminology. This could be funny if I were a law student or an attorney, but I wasn't...which was something that was already known. I pointed it out again, and stated that the legal language didn't matter, just the proof of lack of intent to evict. The owner was guilty, I pointed out, of making inadequate repairs, but she had regularly made them. She wasn't guilty of trying to force illegal evictions. We thankfully won.

Most charges of harassment involve essential services and repairs, and usually occur in our older housing stock. These properties are more difficult to maintain, even if the owner had adequate rents, which he often does not. Sometimes tenants assume the owner isn't performing his duties, when in fact the problem lies with an older infrastructure that requires constant maintenance. Many years ago, I managed an older property on Elbertson Street in Queens. As luck would have it, the boiler went down on Christmas Day. I went to the building, made sure that appropriate calls were made to the fuel company that serviced the boiler, and waited at the premises with the super. I was amazed that at least 10 tenants came to me and asked me why I did this to them on Christmas Day. I tell this anecdote to illustrate some tenants' attitude: they think that if something goes wrong, it was done on purpose!

The proposed bills don't allow for a pre-screening of cases to determine their validity and merit. Owners would be forced to spend valuable money (better spent on repairs) for attorneys. HPD was kind enough to allow me to appear on behalf of the owner. The courts would not be so generous. An already crowded court calendar would become even more burdened.

These bills only make it easier for certain tenants and "preservation/community" groups to harass owners. It is quite conceivable that a malcontent tenant or tenant group could initiate multi-harassment actions in HPD, DHCR, and Housing Court. The owner is defenseless against such a barrage, and would be tried over and over again for the same "offense," while even more tax dollars are spent on legal aid attorneys and housing court.

You treat owners like villains who need punishment instead of helping us to supply safe and affordable housing. These bills have no reason to exist and both should be thrown out. They never should have been written in the first place.

December 17, 2007

Re Intro 627

Ladies and Gentlemen of the City Council

Allow me to introduce myself, my name is Krystyna Piórkowska, and I am a small property owner, and thereby based on the proposed legislation I will soon be a criminal. You have all lent your names to a bill, which presupposes that all property owners are perpetrators of actions mean to disrupt the lives and peaceful occupancy of their tenants. Your bill treats all property owners (a minority group in the city of New York) as thought they were all willing to spend their time in bringing frivolous lawsuits against their tenants and would risk the violation of the criminal code involved in illegally changing locks, removing property, and or threatening individuals.

Do you believe that owners willingly spend their time and energy on attempting to harass tenants? Do you really believe that the owner of that six family building, who works a fulltime job to help support his family, really wants to take the risk of a criminal charge? I know, you will say, if you are an honest owner why would you fear this legislation, and I will answer that I fear it because there are dishonest tenants who will take advantage of owners.

Just as Shylock in the Merchant of Venice, I would ask you if I am not a person like every other? A citizen of this city like every other? Do I not deserve protection from tenants who harass me? I hold in my hand the originals of Orders of Protection issued to me against the consort of a tenant in my building. These orders of protection were not granted to me freely. I had to hire a private attorney and bring a case myself because the ADA's of New York would not accept that a property owner could be harassed by a tenant or their consort. Yet for 5 years, the judges of this city found that I was subject to criminal harassment. My question to you therefore is, why do you refuse property owners equal protection under the law?

Wy do you persist in viewing property owners as an inherently dishonest and exploitative group? Why do you not view us as what we are: a mix of all races, sexes, religions, and economic groups. Some of us are fluent in English and some are not - why not make services available to them in their languages? Many of us work fulltime daytime jobs and cannot make appointments (such as ECB hearings) that require that we take time off from work. Some of us collect rents that do not cover our expenses and we cannot figure out how to make the process work. Just as in the rest of society, it is probably a miniscule number of individuals/corporations that are responsible for the gross majority of violations. A truly caring system would be able to discern which of these owners are naïve or in over their heads or have exploitative tenants as opposed to those owners who are violating the rights of their tenants. That system would use the laws on the books to ensure that both parties would be protected and would not simply pass laws to prove they could pass laws.

Perhaps you would wish to review and see whether I was ever charged with harassment in the offices of DHCR, which is an option available to every tenant. Yes, I will say, I was. A tenant who was subletting illegally by claiming that she had a roommate and was charging more than twice the actual rent brought the case. She initiated the harassment hearing AFTER I started court

Domek Associates PO Box 215 Cooper Station New York NY 10276
tel/fax 212 228 4253

proceedings against her with full proof of the overcharge. The result was that the court ruled in my favor and terminated her tenancy and DHCR allowed her to suspend her claim of harassment without prejudice. That is not fair and equal justice.

There exist a multiplicity of laws and regulations and sections of the penal code which refer to each and every aspect of the All of that is certainly amazing but the fact that you have presented and are supporting a bill in which you allow a tenant to proceed with a frivolous lawsuit as long as they have not done so within the last 5 years (section m para 3). The fact that a tenant could proceed with such a frivolous lawsuit each and every 5 years and not bear any penalty for it displays the extreme prejudice that this City Council holds against property owners.

I can assure you that as a property owner I have better and more pressing issues at my building. I need to make sure that the services due my tenants are provided to them, I need to constantly work on repairing and maintaining my property, and so much of that work involves items that you are not in the least aware of. I do not have the money to bring frivolous lawsuits or the desire nor even less to sit and plan how to harass my tenants.

As a small property owner, that 24-hour telephone that is required by law, means that I am constantly on call. That even on Christmas Eve and day I will check my phone every 2-3 hours and that there is no day, not New Years, my birthday, or any day that I am 'off duty'. You as City Council members have time off, even police and emergency workers have time off. Small property owners don't.

Therefore, I say to each of you that rather than introduce new legislation which simply duplicates laws and regulations already on the books, you should consider how best to a) ensure that the legislation already on the books is implemented fairly and honestly and b) in this yearend period where we review and consider the past year, I would ask you to think about how you view the average property owner and ask yourself if you would allow any other groups of citizens to be treated in such a discriminatory fashion.

Domek Associates PO Box 215 Cooper Station New York NY 10276
tel/fax 212 228 4253

December 17, 2007

Re Intro 627

Ladies and Gentlemen of the City Council

Allow me to introduce myself, my name is Krystyna Piórkowska, and I am a small property owner, and thereby based on the proposed legislation I will soon be a criminal. You have all lent your names to a bill, which presupposes that all property owners are perpetrators of actions mean to disrupt the lives and peaceful occupancy of their tenants. Your bill treats all property owners (a minority group in the city of New York) as thought they were all willing to spend their time in bringing frivolous lawsuits against their tenants and would risk the violation of the criminal code involved in illegally changing locks, removing property, and or threatening individuals.

Do you believe that owners willingly spend their time and energy on attempting to harass tenants? Do you really believe that the owner of that six family building, who works a fulltime job to help support his family, really wants to take the risk of a criminal charge? I know, you will say, if you are an honest owner why would you fear this legislation, and I will answer that I fear it because there are dishonest tenants who will take advantage of owners.

Just as Shylock in the Merchant of Venice, I would ask you if I am not a person like every other? A citizen of this city like every other? Do I not deserve protection from tenants who harass me? I hold in my hand the originals of Orders of Protection issued to me against the consort of a tenant in my building. These orders of protection were not granted to me freely. I had to hire a private attorney and bring a case myself because the ADA's of New York would not accept that a property owner could be harassed by a tenant or their consort. Yet for 5 years, the judges of this city found that I was subject to criminal harassment. My question to you therefore is, why do you refuse property owners equal protection under the law?

Wy do you persist in viewing property owners as an inherently dishonest and exploitative group? Why do you not view us as what we are: a mix of all races, sexes, religions, and economic groups. Some of us are fluent in English and some are not - why not make services available to them in their languages? Many of us work fulltime daytime jobs and cannot make appointments (such as ECB hearings) that require that we take time off from work. Some of us collect rents that do not cover our expenses and we cannot figure out how to make the process work. Just as in the rest of society, it is probably a miniscule number of individuals/corporations that are responsible for the gross majority of violations. A truly caring system would be able to discern which of these owners are naïve or in over their heads or have exploitative tenants as opposed to those owners who are violating the rights of their tenants. That system would use the laws on the books to ensure that both parties would be protected and would not simply pass laws to prove they could pass laws.

Perhaps you would wish to review and see whether I was ever charged with harassment in the offices of DHCR, which is an option available to every tenant. Yes, I will say, I was. A tenant who was subletting illegally by claiming that she had a roommate and was charging more than twice the actual rent brought the case. She initiated the harassment hearing AFTER I started court

Domek Associates PO Box 215 Cooper Station New York NY 10276
tel/fax 212 228 4253

proceedings against her with full proof of the overcharge. The result was that the court ruled in my favor and terminated her tenancy and DHCR allowed her to suspend her claim of harassment without prejudice. That is not fair and equal justice.

There exist a multiplicity of laws and regulations and sections of the penal code which refer to each and every aspect of the All of that is certainly amazing but the fact that you have presented and are supporting a bill in which you allow a tenant to proceed with a frivolous lawsuit as long as they have not done so within the last 5 years (section m para 3). The fact that a tenant could proceed with such a frivolous lawsuit each and every 5 years and not bear any penalty for it displays the extreme prejudice that this City Council holds against property owners.

I can assure you that as a property owner I have better and more pressing issues at my building. I need to make sure that the services due my tenants are provided to them, I need to constantly work on repairing and maintaining my property, and so much of that work involves items that you are not in the least aware of. I do not have the money to bring frivolous lawsuits or the desire nor even less to sit and plan how to harass my tenants.

As a small property owner, that 24-hour telephone that is required by law, means that I am constantly on call. That even on Christmas Eve and day I will check my phone every 2-3 hours and that there is no day, not New Years, my birthday, or any day that I am 'off duty'. You as City Council members have time off, even police and emergency workers have time off. Small property owners don't.

Therefore, I say to each of you that rather than introduce new legislation which simply duplicates laws and regulations already on the books, you should consider how best to a) ensure that the legislation already on the books is implemented fairly and honestly and b) in this yearend period where we review and consider the past year, I would ask you to think about how you view the average property owner and ask yourself if you would allow any other groups of citizens to be treated in such a discriminatory fashion.

Domek Associates PO Box 215 Cooper Station New York NY 10276
tel/fax 212 228 4253

For the Record

Ivica Čuljak
Riverside Studios
342 West 71st Street Room #2A2
New York, NY 10023-3556

Tenant Testimony for Intro. 627: Tenant Protection Act
December 17, 2007

Introduction

My name is Ivica Čuljak. I am a rent-stabilized, single room occupancy tenant who lives in Riverside Studios, located at 342 West 71st Street in Manhattan. I represent ***The West Side SRO Law Project;*** it is the only agency up to now which is helping to protect my rights as a tenant.

I would like to say a few words as to why we need this bill, the Intro 627, to become a law.

Many of you might have been aware of the recent trends in cases of landlords harassing the tenants in rent-stabilized apartments and buildings in order to force them out. There are many ways in which a landlord can make a tenant's life miserable and without any fear of being legally prosecuted. Right now, for the tenants there is no recourse or protection in the law. If the fine against the landlord goes up to $5000 for each incident of harassment it may help protect tenants against the repeated instances of harassment. It would be ideal if it could include a mandatory jail sentence for flagrant repeat offenses.

Hotel Riverside Studios

I can give you a few examples as to what is going on in Riverside Studios. For the past few years the hotel management has stopped renting out to permanent tenants and started renting to tourists instead. At the beginning of this year there was a change of management and this time the situation started worsening rapidly. Here are some facts:

- The building had 593 open code violations the last time I checked it's records on December 14th.
- Over the last year, there was a problem with cold water having low pressure for months
- the heat gets cut off regularly - especially overnight.
- People have been pressured to move from better sections of the building into the worse section in order for the better sections to be rented to tourists. Parts of Riverside Studios in which permanent tenants are concentrated are becoming filthier; They may not remove the garbage for 2-3 days in a row. Garbage accumulates not only in but also around the trash bins. Roaches and mice are now permanent guests in these sections. In contrast to these, the tourist's sections are regularly cleaned and in top condition; They have cable televisions, refrigerators, telephones and air conditioners.
- I have heard tenants complaining about the manager simply ignoring the requests for legitimate services; in an instance, when a tenant tried to remind the manager that it is his duty to provide those services, the manager threatened the tenant with physical violence.
- In another incident, a fellow tenant was in a hospital and couldn't pay the rent in time; the management started eviction proceedings immediately and had the tenant almost evicted. Fortunately, the tenant came out of hospital just in time to have the eviction dismissed.

My Situation

On September 27th, I wrote a letter to the hotel manager in which I informed him of some of the problems in my room. I gave the letter to the receptionist to deliver it to the Manager. After receiving no response I sent the letter by certified mail on October 24th.

Then on November 27th, a handyman and a plumber from an outside company came to my door at 9 o'clock in the morning and announced

that they would be doing major non-emergency work. This work had nothing to do with my request for repairs. This past fall, the building was placed into the Targeted Cyclical Enforcement Program. They arrived unannounced to do this work without giving me any kind of prior notice or a suitable place to stay. Had I not come to Law, I would probably end up sleeping in my room with a hole in the wall and in the midst of the debris from the broken wall. It was only after their intervention that the manager agreed to give me a room to sleep in but not a key to it. The room itself was poorly heated and was really a pneumonia trap After sleeping one night there I moved to a friend's place and stayed there from 11/28 – 12/6 because my place looked like it was somewhere in Berlin in May 1945. I feel obliged to mention here that the workers were sympathetic towards me and tried to be of help, especially the fellow from the plumbing company who tried to postpone the work. They were unwilling participants in the whole affair, but they could do very little to help. They had their orders and the staff in our building knows very well what to expect if they objected to the manager's orders. The manager told me that everything would be done in one day and I could move back into the room on the same day. In fact, the wall was not repaired until a week later.

As far as my personal situation is concerned, I do the repairs myself whenever possible; Some other tenants do the same. Still, there are problems too serious to ignore. The most serious was repeated flooding; twice last year, once in September and than on Christmas Eve someone's dirty water started backing up through drain tubes into the sink in my room, and than over the rim and onto the floor. There was no way to stop it – I did not know from whom or from where in the building the water came from. So I had to bail the water from the sink and carry and dump it into the toilet bowl located in one of the common bathrooms – I had to think of the tenants below me – the water was just coming and coming. In the incident on Christmas Eve it went on from about 6:00a.m. to 1:30a.m. on Christmas Day – with few breaks. I shall certainly remember that Christmas Eve! One of the building maintenance workers was helping me on both occasions – but he was frequently beeped and had to go to escort tourists to their rooms!

In my room, they did plumbing work to correct the low water pressure. They also fixed the sink (which they had to do in order to get to the

plumbing) and put a coat of paint as a camouflage job to seem like they were addressing my complaint as well. My curtains were thrown out without my permission along with food containers, 2 dictionaries, $50 worth of food, clothing items and probably more (I am still sifting through the rubble trying to assess the damage done.) **It was pretty obvious that this kind of thing was bound to happen because it was impossible to do this kind of work and have my things there at the same time.** I now have to hang up bed sheets for curtains. But the worst thing is that there is almost nothing I can legally do except to ask humbly that the still outstanding violations be corrected and I have no intention of doing that; it would be too humiliating! On the other hand, the management can repeat the whole thing tomorrow without any fear of being legally prosecuted.

Otherwise, most of the repairs that I asked for in September are still outstanding.

Summary

The economic burden of harassment causes suffering to individuals and puts the city government under pressure with more people becoming homeless with nowhere to go. Among tenants there is a feeling of hopelessness and anger and this feeling could cause their resorting to dangerous methods. As for me, I feel I am being pushed to either move out or resort to violence. If we win and this bill, the Intro. 627, becomes a law, we will have a better chance to have our rights respected and shall be able to take legal action when landlords stonewall tenants' legitimate requests. Intro. 627 would serve as a deterrent against this kind of behavior.

20 November 2007

Statement of Experience of Landlord Harassment at Imperial Court
Annie Venesky

City Councilmembers:

In the presence of an outrageously unregulated real estate market, landlord harassment of tenants is now an egregious citywide problem requiring an effective government response. I hope you listen well to these testimonies because the working people of this city currently have no effective means of fighting it and we demand action from you.

Michael Edelstein, the landlord of the building I lived in from 1999 - June 2007, Imperial Court at 307 West 79th St. — an owner of numerous buildings in Manhattan and Brooklyn — harassed me and other tenants beginning in late 2005. I should know, since I and another neighbor formed a tenants' association in response in early 2006.

Edelstein's goal was to push us out of our rent-stabilized, single-room-occupancy apartments so that they could be converted into hotel rooms. He began to convert these rooms in late 2005, and then advertised them over internet sites such as Travelocity and Expedia at a daily rate of $69-$329 per night. Most permanent tenants were at that time paying rents of $80-$200 per week.

As an SRO tenant, I did not have access to a private kitchen. I did have access to a public kitchen. However, in the spring of 2005, shortly before hotel renovations began in earnest, Edelstein had my public kitchen destroyed. My stove and sink were torn out, leaving me with no place to cook or prepare food. (A refrigerator had never been provided in violation of the law.) And I was not the only one whose kitchen was torn out. Kitchens were torn out on at least two other floors. I and another tenant, Shirley Kohn, both contacted the state's Department of Housing and Community Renewal and lodged a complaint, but to no avail. I couldn't even get a rent reduction since DHCR kept telling me I did not have the correct paperwork – which was patently false. I went the next two years without access to the public kitchens I was paying for— a substantial burden.

Later in early 2006, after I became the lead tenant organizer of our building as a response to the illegal hotel conversion, Edelstein charged me and at least four other tenants with over-occupancy, a baseless charge. He sent Dept. of Building inspectors to our rooms. He took us to court. He also refused to take my rent for four months. I then received legal complaints from my landlord's lawyers charging me with being a public nuisance. At the end of June this year (2007), I had saved up enough money to move out. The mental stress was immense – especially since all of this occurred while I was working full time, attending Columbia's Graduate School of Journalism at night and on weekends and suffering a painful back injury.

The landlord and his managing agent also violated our substantial rights to privacy. Building workers actually entered my room in my absence and without informing me either before or after, to install a new smoke alarm. They also entered the room of another woman on the fifth floor. She returned home one day to find her underwear scattered all over her floor. She was too frightened to do anything about it.

The most upsetting incident for me, however, came during the summer of 2006. I had bought a hotplate and toaster oven to create a sort of makeshift kitchen where my old one was. One day, Edelstein's managing agent and son-in-law, David Kellner, threw out all of my pots, pans and cooking implements into the hallway without informing

me. He then immediately threatened me with calling the fire department to report a fire hazard if I did not clean up the hallway immediately. He also locked me out of the kitchen with a few things still left in there. Kellner also began shouting and yelling at me and then took pictures of me and my things with his cell phone camera. I didn't put up with his animal-like behavior and called the police. The local precinct officers arrived and ordered Kellner to reopen the kitchen to remove my remaining things. However, I still had to clear the hall and bring my things to a storage facility, which cost me my day and cab fare. I was livid.

Added to this direct harassment of course were the daily infringements by an increasing number of tourists. Their luggage took up our elevator capacity, resulting in very periodic outages. Our concerns and repairs were ignored so that renovations could continue. We became second-class tenants having to withstand loud, obnoxious tourists, an apparent increase in prostitution, and even an FBI-executed drug bust on New Year's 2007. One tourist even smeared feces all over the public bathroom on the tenth floor, upsetting those tenants. As a tenant with a shared bathroom, I had to share facilities with a barrage of unknown tourists, often from abroad, who I feared could threaten my personal safety at any time.

Additionally, Edelstein also attempted to not accept rent from tenants for more than three weeks at a time during 2006, a form of refusal to take rent that upset many tenants. We had to threaten legal action to get him to stop that – although he again reinstituted this policy in October 2007.

Thus, I was not the only victim of harassment by Edelstein. Indeed, one tenant, Richard Chuzidinski, was pressured to leave his rather large room (with views of the Hudson) and offered an apartment in one of Edelstein's Washington Heights buildings. Another, Olga Papkovitch, suffered physical threats, as Kellner pounded on her door, harassing her elderly mother – all because she did not want to remove the second lock on her door, which she was allowed to have by law. (All of this was aimed at reducing the appearance of a permanent residence.) Another tenant, Jennifer Lameo, received threatening legal correspondence from Edelstein's lawyers, claiming she was harboring a pit bull, after she watched a friend's dog for the afternoon. She was later cornered by Edelstein, in his office, and pressured to sign a statement claiming he had not harassed her.

We did file a harassment complaint with DHCR in 2006 but it was stalled repeatedly. Moreover, our legal advisers told us we had little chance of winning because DHCR, especially under former Republican Gov. Pataki, always sided with landlords.

The worst part is, I could go on. However, I think the point is made: We need effective ways of fighting landlords in court to stop these upsetting infringements on our lives. We need a deterrent to stop them from harassing us and making our lives hell. The rent laws already clearly favor landlords. The City Council must pass Intro. 527 if tenants are going to have a fighting chance of remaining in their homes.

The fact that the situation has gotten this bad already amounts to, in my opinion, a dereliction of duty at all levels of government.

Thank you for your consideration.

Annie Venesky
917-526-3152
a_venesky@yahoo.com

Richard Chudzinski
Imperial Court
307 West 79th Street, #745
New York, NY 10024

Intro. 627 Tenant Testimony
December 17, 2007

This is a log of what I have experienced living at The Imperial Court Building on 307 West 79th Street:

When it became clear to me that the flow of transients was not going to subside, I went to the management (Pinky at this time) to request a move to a room with a private bathroom as I currently live in one that has none. I was told that I would be made aware as soon as one became available. I tried to be patient as I saw many rooms with private baths, some even on my floor, become repainted and furnished to be rented out but I quickly became annoyed. I asked again and was told there were none available. I told Pinky that I believed myself to be a quiet, clean, and courteous tenant. I told him that I was aware of what was going on with the renovations and such and assured him that I wasn't try to cause any problems but the situation with the bathroom was uncomfortable, unclean and becoming unsafe. A week or two later, I saw Pinky in the elevator with the building's owner Mr. Edelstein. I reminded him I was still interested in the room with a private bathroom. Mr. Edelstein asked if I was a good tenant to which Pinky replied, yes. A short time after, Pinky called me and said Mr. Edelstein wanted to show me a room on the tenth floor. The unit was half the size of the one I was in now, had no closet space and was at the end of the hallway in between two other apartments. I said that I didn't mind giving up the luxury of a lot of space, or the view I currently have or the quiet corner unit with windows on two walls but I needed a bathroom and a reasonable closet space. Mr. Edelstein took me to his office on the ground floor and showed me pictures of another apartment. I was a one bedroom with hardwood floors, lots of natural light and a kitchen. He said he would rent me the apartment for the same price that I am paying $160.38 a week. I said that I was eager and grateful and then he told me the apartment was more than 100 blocks uptown. I told him I wasn't interested and he feigned confusion; telling me the apartment was in an "up and coming neighborhood" where there were lots of young people and a Starbucks. I told him that I still wan't interested, that I loved my neighborhood and how I could walk to work four block away. He then brought in his step-son, David to explain how beautiful the apartment was and how great the neighborhood was. They told me I was making a big mistake because pretty soon everyone would be living there and how I would never get rent at that kind of price. They also told me I was only 15 minute away on the express train. I didn't settle. I wanted to live in my neighborhood and be close to work, friends, midtown, etc. He told me that if I ever wanted to see the place, he would drive me in his limousine and show me himself. I thanked him and told him that it wasn't likely and please keep me in mind if an apartment opens at Imperial Court with a bathroom. He told me that it was unlikely.

Since then the management has been downright rude to me. I joined the tenant orgainization that Annie and Jennifer Lameo started and it has been progressively worse for those of us that "pose a threat." I was in and out of the city working this summer and rent checks were being mailed but not cashed. The management even cashed two totaling $1600) and never gave me credit. They took me to court for not paying rent and I had to fly in from Cincinnati in the middle of a job because they wouldn't let me just write them a check. In court, I was told that if I didn't pay my rent in 4 weeks, I could be evicted. I paid the outstanding rent the next day in cash because it had accumulated in my checking account from months of them not cashing my checks. When I was given a receipt with over $300 as the balance, I asked how that could be because I paid the court judgement to the penny in cash. David, Mr. Edelstein's son entered the rent office and said, "that's what you owe." I explained that I had paid every penny of the court judgement and he said, "I don't care. That's what you owe."

I am currently back in Cincinnati for another few weeks and I'm very homesick. Ironically, I am not looking forward to going back to Imperial Court.

Richard Chudzinski
Apt 745

FOR THE RECORD

To The Westside Law Project
647 Conlumbus Aveune
New York NY 10025

December 3rd 2007

From The 300 West 46th Street Midtowns Tenants Association
Anthony Tyrone Chairman Co-Chairmans Dee D.Musis- Alexander Pas
Of /300 west 46th Street Midtowns Tenants Association

253- Harassment/Law

To Sheila

On October 13th 2007 There Was a H.C.C Tenants Conference That was Held at Fordham University At Lincoln Center . The Law To Be able To Take Your Landlord to Civil Court For Harassment Issues. Is A good Law. How ever there Should Be New Laws implement into the Harassment laws to the Legislative Body that Defines . Certain Annoyances that May Not Appear To Be Harassment From the Landlord or the landlords Agents.

From my Own Tenant And LandLord Experiences.

In some Cases The Tenant is Told to Go to D.H.C.R . To Fill Out A Harassment foam Some Tenant s Don t even Know The Correct Language To Write on the Foam. Which Frustrates The Tenant. Or tenants. And They Will Get no Help From The Staff of The Agency.

Sometimes The Owner or Landlord s Have Loop Holes To Get Around The Law. Such As Renovation Construction. Creating The Building to be Inhabited To Live Forcing The Tenant Out. By Useing The City OF New York To In Force A Vacate Order. On the Building Until Repairs. Ouestion : Where Do The Tenant Goes. In a Hotel. Than The Landlords can Pull Out From Paying The Bill. And Siff The Tenant and The Tenant Is Back On The Street.

There Was a Case Where A Landlord Remove a Gas Stove From A tenant and Other Services From the Tenant. IT Took Six Years for the Owner To Replace the Tenants Stove, and a small Fine of $ 250. Also While The Landlord Was in NON- Compliance From the D.H.C.R. State Agency. The Landlord Further Harass The Tenant or Tenants by 1 Allowing The Building Manager To Repeatdly Call The N.Y.P.D ON The Tenant In a Civil Matter. Not a Criminal Matter. What the Landlords Agent Was Trying To Gain was Get The TENANT Falsely Arrested Under A Order of Protection Law Away From The Building Where The Tenant Live. And Then The Landlords Building Manager Can Proceed With a Non Payment Action Against the Tenant . sneaky Tactic But I Witness it Happen.

There Was one Instances Where The Tenant Was Locked Out of His Building By the Owners Front Desk Staff . and N.Y.P.D Was Called in Order For the Tenant To Gain Access into His Building. Not One Time. Several Times. The Tenant Filed Again a Harassment Foam. To The D.H.C.R. Agency. The Agency Rejected The Tenant Complaints Leaving The Tenant to Write For Help To The Tenants Elected Congressman. Senators Assemblyman and Councilman and

City Advocate. and Attorney General. The Tenant Also Had To Go To a Psychoanalyst For Stress From the Repeated Actions That The Landlords Agents in The building Created Against
The EXSISTING Tenant. Not To Mention The Many 311 Calls of Hot Water or Mice or Leaks..... The New 253- Harassment Law Should include back Money fines or Payments
To the Tenant. When a State Agency Has Fine and Found The Landlord To Have a Patteren .
Over Seven Years. Than I Think The Landlords Would Be Very Reluctance to Harass The Tenant. Or Tenants. Taken the Landlord To CiviL Court at 111 Centre Street For The 253
Harassment Should Not Be The Same As The Division Of Housing and Community Renewal Agency. Codes or Guildlines. Or We Will Just Be Taken The same Harassment Problems to One Building To Another. And the Landlord Will Just Get Away With The 253 Harassment Law. Thankyou Very Much For Reading My LandLord and Tenant Experience.

The Council of the City of New York
Office of the Speaker
City Hall

Re: Int No. 627PJNT638

My name is Jack Sanzone & Family

My address is 70-11 66th Street, Apt. 3R, Glendale, Queens, NY 11385

I've lived at this address from 1990 to present. My rent is $893.24 a month. I am a rent stabilized tenant. My landlord's name is Mrs. Frieda Petschauer. Her daughter is her agent, Helga Petschauer. They live at 78-28 84th Street, Glendale, NY 11385.

We have had a number of problems with said landlord in the past. She has harassed us with thugs that she has put in the building to get us out.

1. Thomas Florio – a convicted felon, police record. He lived in Apt. 3L

2. Basilio Torres – arrested for possession of drugs with intent to sell and illegal handgun. He lived in Apt. 3L and 1R

3. Ivan Daviliva – cousin of Torres. Evicted for nonpayment of rent. He lived in 3L.

This landlord has asked tenants to testify against us, turning tenant against tenant.

My biggest problem has been getting heat. Heat can be used as a weapon to get tenants out of rent stabilized apartments, either by under heating or over heating.

We have a repeat tenant in the building that has been in 70-11 66th Street under the same landlord 3 times. Her name is Debra Lynch. She came here in 1993, 1995 and 2004. She is the janitor of the building and is also a school crossing guard who works out of the 104 Prescient in Queens. Every time she has been in the building she has had something to say about me and my family. This time she claimed to be more than a crossing guard and has threatened me with her job. She is a janitor trying to get me out of my apartment so she can get more money from the landlord. She uses Debra like a bounty hunter. This person was reprimanded by her supervisors but she needs to be fired. She is constantly involved in the building and she also controls the heat in our building because the landlord put a second thermostat in her apartment (2L) so she can turn it on and off at her whim. She and her family are professional witness for the landlord. She also interfered with a 911 call by calling someone at the prescient to find out who in the house called 911, in which I heard her say good for him, he deserves it.

The landlord shares information with her about everyone in the building. The landlord also gave her information about my finances. This is the kind of harassment that needs to be addressed by passing this bill. 627

OHP Form 1 - Part B (Rev 12/02)

THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
DIVISION OF CODE ENFORCEMENT

DCE/ QUEENS BORO OFFICE
120-55 QUEENS BLVD Room 1320
QUEENS NY- 11415

COMPLAINT NO	HOUSE NO	STREET NAME	BOROUGH	APT.NO.	DATE RECEIVED	REGISTRATION NO
3957921	70-11	66 STREET	QUEENS	3R	11/07/2007	402850

Mailing Address of Complainant:
JACK SANDONE
70-11 66 STREET Apt # 3R
QUEENS , NY - 11385

Mailing Address of Owner or Agent:
FRIEDA PETSCHAUER
78-28 84TH ST
GLENDALE , NY 11385

ACKNOWLEDGMENT OF COMPLAINT

This acknowledges receipt of your complaint. The owner has been notified to correct the condition(s).

RECONOCIMIENTO DE LA QUEJA

Esto affirma que recibimos su queja. Hemos notificado al dueno para que el corrija esta(s) condicion(es).

Major Category	Minor Category	Problem	Location
HEATING	HEAT	NO HEAT	ENTIRE APARTMENT

Note *CALLER STATES THAT THE LANDLORD IS USING THE HEAT TO EVICT THEM FROM THE APARTMENT. THE SUPRERINTENDENT CONTROLS THE HEAT. THEY TURN IT ON AND OFF AS THEY WISH.*

You may inquire about the status of a complaint by calling 311 or HPD's Tenant Information Message Service at 212-863-8307.
NOTE: If your landlord does not correct the condition(s), you have the right to initiate a tenant action against him/her in Housing Court. The Court has the authority to order the landlord to correct the condition(s) and can assess penal-ties for failure to comply. There is a $45.00 fee to file, which the Court may waive if you are unable to pay. For further information on the court process including the location of the Housing Court in Your Borough, call the Citywide Task Force on Housing Court at 212-962-4795, weekdays between 2 PM and 5 PM.

Usted puede adquirir sobre el estado de su queja llamando al 311 o al Servicio de mensajes de informacion para inquilinos de HPD al 212-863-8307.
AVISO: Si el dueno no corrige estas condiciones usted debe de hacer una demanda como inquilino en contra al dueno en la Corte de Vivienda. La Corte tiene la autoridad de ordenar al dueno a corregir las condiciones y imponer penalidades si no cumple. El costo de someter una aplicacion a la Corte es $45.00, la cual se puedo eliminar si usted no puede pagar. Para mas informacion sobre el procedimiento de la Corte de Vivienda en su municipio, llame al 212-962-4795, los dias de semanas 2 PM a 5 PM.

Complaint Report (CCRB)

CCRB Case No :	200503688	**C/V Report Date :**	04/07/2005 12:08 PM
Complaint Type :	OCD	**Investigator :**	Not Assigned
Complaint Made At :	CCRB	**Ref. No :**	04-37306
Received Date (CCRB) :	04/07/2005 12:08 PM	**Mode :**	In-person
Incident Date :	12/11/2004 8:00 AM	**Location :**	Residential building
Place of Occurrence :	70-11 66th Street	**Precinct :**	104
		Boro :	Queens

Reason for Initial Contact : Other

Charges : No arrest made or summons issued

Complainant/Victim Details

Name : Jack Sanzone **Type :** Comp/Victim
Address : 70-11 66th Street Ridgewood NY 11385, USA
Contacts : (718)-381-9161 Phone(Home)

Gender : Male **Ethnicity :** White **Date of Birth :** 09/28/1952
Person Assisting :
Injury Details :

Officer(s) Named in Complaint

Rank	Officer	S/W Officer	Tax No	Race	Cmd	Allegations/Board Dispositions
	Debbie Lynch	Subject Officer				

Initial Complaint Narrative

Jack Sanzone stated that School Crossing Guard Debbie Lynch lives in his building and he has been having ongoing problems with her. On 12/11/04, there was no heat in his apartment so he called the landlord, who responded to his apartment with someone from the heating company. Mr. Sanzone got into a dispute with the heating company employee and the employee and the landlord left the apartment. The landlord and employee were speaking with Ms. Lynch. They were speaking about Mr. Sanzone in a derogatory manner. Mr. Sanzone told the three individuals that he could hear their conversation. Ms. Lynch replied, "You can't fuck with me because I'm with the NYPD" or words to that effect.

Mr. Sanzone also complained that he had been receiving harassing telephone calls and reported it to the 104th Precinct Detective Squad. The detectives assigned to his case have not done anything about his harassment complaint. Date of occurrence unknown.

Witness

SUPERVISOR'S COMPLAINT REPORT / COMMAND DISCIPLINE ELECTION REPORT
PD 468-123 (Rev. 2-99)-Pent.

Command Ser. No. ~~19~~ 20/05
Schedule: ☒ A ☐ B

From: INTEGRITY CONTROL OFFICER 104 PRECINCT
To: COMMANDING OFFICER 104 PRECINCT

Subject: **REPORT OF VIOLATION OF THE RULES AND PROCEDURES.**

Member Complained Of:	Rank	Full Name	Tax. No.	Command
	S.C.G.	DEBRA LYNCH	387015	104

Location where violation occurred	Time	Date	Day of Week
70-11 66STREET	1000	12-11-04	SATURDAY

Complainant (If any):	Name and Address	Telephone Number

Details of Violation: SCHOOL CROSSING GUARD DEBRA LYNCH FAILED TO ADHERE TO N.Y.P.D. GUIDELINES CONCERNING C.P.R. BY WAY OF USING PROFANITY TOWARDS A CIVILAN.

The Member was ☑ was not ☐ warned and admonished, and

was ☑ was not ☐ instructed in the proper performance of duty and/or procedure.

Signature of supervisor preparing report	Rank	Command	Date
[signature]	LT.	104	3/1/05

FOLLOW-UP

☐ **Unsubstantiated**

☒ **Command Discipline Accepted**

☐ **Charge and Specifications**
Precinct Ser. No._____

☐ **Command Discipline Review Panel**

Final Disposition	Rank	Signature of C.O.	Command
GUILTY	CAPT	[signature]	104

Instructions:

Commanding Officers must investigate and report disposition under FOLLOW-UP.
If a schedule "B" violation is substantiated, send a completed copy of this report (Front and Rear), to the Department

Drug Probe Results In Pair Of Arrests

Police Execute A Search Warrant

by Bill Mitchell

An investigation of suspected drug peddling saw the execution of a search warrant at a Glendale apartment, where drugs and a gun were recovered, police reported.

Two suspects, a man and woman, were arrested.

According to police, the probe had focused on one of the suspects, identified as 31-year-old Basilio Torres of 66th Street, based on information obtained by the 104th Precinct's Street Narcotics Enforcement Unit (SNEU), under the supervision of Sgt. Claudio Ramirez.

Police said that Torres was placed under surveillance and subsequently taken into custody. Allegedly, he was observed at a drug-prone location with an intent to sell cocaine.

—See SEARCH on Page 41—

Search

—Continued from Page 3—

As the investigation continued, a search warrant for the suspect's residence was sought and obtained by P.O. Donald Haines of the 104th's SNEU team, police said.

Armed with the search warrant, police executed it shortly after 7 p.m. at the apartment on 66th Street in the vicinity of Central Avenue.

Allegedly, a large quantity of cocaine and marijuana was recovered, along with a 9-mm pistol.

Police said that a second suspect, identified as 28-year-old Tabitha Mullins, was placed under arrest.

Police said that in addition to the drugs and firearm, the seized items included drug paraphernalia—various types of packaging, a scale and bottles of white powder cutting agents—and $2,710 in cash.

William Vaultz- Tenant Testimony
Monday, December 17th, 2007

220 WEST 137TH ST. #1BF
NYC. 10030

Hello and good-morning city council members and tenants of the City of New York,

My name is William Vaultz and I was born and raised here in the City of New York. I'm here today with the support of the Westside SRO Law Project, to give my testimony and personal experiences as an SRO tenant, in the dealings with my Landlord of eight years of which I have a court appearance this afternoon regarding an eviction notice that I received and I have been given no valid reason for this decision to terminate my tenancy.

To begin my testimony I'll state that I've lived in a basement front apartment of a three story brownstone located on Strivers Row in Harlem for the past eight years and that I have been the only tenant in this building for the past three years. The following examples come from actual events and occurrences that I have had to endure in my dealings with my landlord during that time.

Early one morning at 6:45am in my basement studio apartment for which I am renting, I was awoken by movement of garbage cans accompanied by a loud discussion between two men regarding early childhood experiences. A debate and friendly argument ensued for forty-five minutes at which time I got up and went to my window and asked if they could keep it down because I was still sleeping. One of the men being my landlord said, "Looks like it's time to get up my bra'!" Enraged by his total disregard I proceeded to confront him about his blatant disrespect of me and my piece of mind but I was calmed by my girlfriend and reminded of the ramifications of my actions.

Another incident occurred when I accidentally locked myself out of my building. I left a note on the front door explaining my situation. I called my landlord and I did not received one phone call. I slept in my car that evening and eventually contacted my landlord on the phone seventeen hours later. He said that he had been by the building twice that morning and saw the note but disregarded it.

And finally the reason behind my court appearance this afternoon. I refused to give my landlord the name and address to my employer along with my social security number. When I asked why he needed it he said, "We need to be able to get at you in case you leave unexpectedly." And that they needed to know my financial standings. He let me know in no uncertain terms that if I didn't provide him with this information that I would be evicted. Needless to say I didn't.

I've wondered about why my landlord would want to harass me in this manner, but in the midst of this booming real estate market along with sky rocketed rental prices the reasoning could be that my landlord might be wanting to sell this property completely empty with no thought of buying me out.

With the passing of the proposed Act – Intro 627, New York City tenants will receive the much needed help and assistance in the event of harassment and mistreatment by their landlords for which I have had to endure for quite some time.

Please help to give the tenants of the City of New York a voice through the Tenant Protection Act - Intro 627 ...

Thank You

Re: Int 627
Monday, December 17, 2007
Council Chambers - NY City Hall
Housing & Buildings

Thank you City Council Members.

I strongly support the importance of Int. 627. This tenant anti- harassment bill effects all New Yorkers. Tenants need more protection due to the recent rash of new developments and condominiums all over the city.

The demographics of tenant harassment are from poor to middle class people from every nationality. If you follow the paper trail, there is usually a huge financial gain to get tenants out.

New York City tenants are in dire need of ENFORCEABLE anti-harassment protections now! Unfortunately, I believe it is already too late because many have tenants have already lost their homes.

I personally experienced harassment from the owner/sponsor of my co-op (Helaine S. Brick-Cabot of Chappaqua NY) and her managing agent (Randy E, Glick, Mautner-Glick Corp NYC). My co-op apt. was located at 321 East 89 St., Apt. 3A, NYC.

1) Having multiple cases filed against me concurrently in all different courts for many years.
2) Leaks from above apartment to destroy ceiling and walls in my apartment.
3) My electricity turned off by their staff.
4) Management created a hostile environment by spreading lies and posting notices inside building common areas to slander me.
5) Intimidation - instead of sending a known window repairman (Adler Windows), owner sent an off-duty policeman (Bruce Howard Tabakin from a sub station in Pomona NY). When I asked for his identification he flashed his police badge and demanded entry. I filed a police report of this. This was ignored in housing court.

In conclusion, everything was stolen from me with no justice from the courts. Ever since then I have been rendered HOMELESS, staying in drop-in centers, shelters, streets. The system has totally failed me. I was illegally evicted in 2003 and brutalized, my equity from my fully paid co-op studio which I purchased in 1983 was stolen from me by the same dishonest, greedy owner. In my case that was over $167,000.

To date, all my property in the apartment, family heirlooms, piano, appliances, clothes, jewelry, medical records, court documents were stolen by the same vindictive owner to Midtown Moving & Storage in Bronx. Thank you for your time.

Sincerely,

Ms. Mortise

Ms. Mortise
P.O. Box 515
NY, NY 10028

Tenant Harassment Hearing - City Council Chambers, December 17, 2007 - 10 am

Capitol Hall S.R.O.

166 West 87th Street, New York, NY 10024

LANDLORD: GODDARD RIVERSIDE COMMUNITY CENTER

A nonprofit organization, located at 593 Columbus Ave,

New York, NY 10024. Phone: 212.873.6600

Current Open Housing Violations: 202

Harassment issues: Tenants are constantly harassed and threatened by landlord's employees, especially by director Howard Fleishman, Quinton Lynch, Marilyn, superintendent John Lopez. Tenants are not allowed in the Community Room or are harassed while staying in line to get the lunch. Director Fleishman lies and calls police to arrest female tenant. Employees of the landlord have duplicate keys and burglarize tenants' rooms. Tenants while in hospitals or who are not even dead area being robbed by landlord's employees. Landlord gets rid of tenants or suppresses them in housing court by working closely with Adult Protective Services and appointing MHL article 81 guardians for the tenants.

Health issues: Building is being infested by bedbugs for four years and the landlord refuses to address the issue. Also building is contaminated with large amounts of dust and tenants develop respiratory infections.

Warranty of Habitability issues: Some or the rooms are inhabitable, i.e. don't have running water, plumbing is leaking, no heat, no lights, are contaminated with vermin droppings and dust, have no refrigerator and windows cannot be opened. Tenants have open mail boxes and their mail is tampered with. Building is not safe.

Tenant-to-Tenant Advice & Information <Capitolhall_tenants@yahoo.com>

12/14/07
061027

HPD Building, Registration & Violation Services --- Select --- Home

The selected address: 166 WEST 87 STREET, Manhattan 10024

HPD#	Range	Block	Lot	CD	CensusTract	Stories	A Units	B Units	Ownership	MDR#	Class
36448 Active	162-168	01217	0057	7	17300	10	10	192	PVT	103372	D

Other Units

Property Registration Assistance

Registration

Emerg. Repairs

Charges (PDF)

Map

Complaint Status

Carbon Monoxide Certificate

Litigation/Case Status

All Open Violations

prior year Open Viol.'s

Building Registration Summary Report

Owner	Last Reg Dt	Organization	Last Nm	First Nm	House No	Street Nm	Apt	City	State	Zip
Head Officer	2007/04/11		RUSSO	STEPHAN	593	COLUMBUS AVE		NEW YORK	NY	10024
Officer	2007/04/11		MASCUCH	JERRY	593	COLUMBUS AVE		NEW YORK	NY	10024
Corporation	2007/04/11	CAPITOL HALL PRESERVATION HDFC C/O TUC			200	W 57TH ST	702	NEW YORK	NY	10019
Managing Agent	2007/04/11	T U C MGMT CO INC	GOLDSTEIN	JEFFREY	200	W 57TH ST	702	NEW YORK	NY	10019
Emerg. Contact	2007/04/11		KLARFELD	JEFFREY						
Emerg. Contact	2007/04/11		MASCUCH	JERRY						

Open Violations - ALL DATES
There are 202 Violations. Arranged by category: A class: 84 B class: 114 C class: 4 I class: 0

For Definitions of the columns indicated below, select glossary under the Services option (located at the upper right).
To sort the columns, click on their underlined headers below in the blue area.

Apt Story	Reported Date, nov ISSUED Date	Hzrd Class	Order no Item no	Violation ID, NOV ID	Violation Description	Status Status Date	Owner Certification Dates: 1st Lead, 2nd Lead
902 0	2007/08/09 2007/08/16	A	501 -	6875365 3048833	§ 27-2005 adm code properly repair the broken or defective light fixture, at ceiling located at b-room 902, north section , 1st b-room from north at east	NOV SENT 2007/08/16	2007/12/03 -
902 9	2007/08/09 2007/08/16	B	566 -	6875366 3048834	§ 27-2018 adm code abate the nuisance consisting of vermin mice located at b-room 902, north section , 9th story, 1st b-room from north at east	NOV SENT 2007/08/16	2007/10/04 -
902 9	2007/08/09 2007/08/16	B	599 * -	6875367 3048834	§ 27-2026 adm code repair by closing so as to be gas tight all openings in the wasteline at washbasin located at b-room 902, north section , 9th story, 1st b-room from north at east	NOV SENT 2007/08/16	2007/10/04 -
902 9	2007/08/09 2007/08/16	A	502 -	6875368 3048833	§ 27-2005 adm code properly repair with similar material the broken or defective wood frame, at closet door located at b-room 902, north section , 9th story, 1st b-room from north at east	NOV SENT 2007/08/16	2007/12/03 -
902 9	2007/08/09 2007/08/16	A	505 -	6875403 3048833	§ 27-2005 adm code replace with new the broken or defective wood cabinet, at washbasin located at b-room 902, north section , 9th story, 1st b-room from north at east	NOV SENT 2007/08/16	2007/12/03 -
902 9	2007/08/09 2007/08/16	B	501 -	6875436 3048834	§ 27-2005 adm code properly repair the broken or defective balance spring, bottom sash window located at b-room 902, north section , 9th story, 1st b-room from north at east	NOV SENT 2007/08/16	2007/10/04 -
- 9	2007/07/23 2007/07/31	B	501 -	6848483 3035842	§ 27-2005 adm code properly repair the broken or defective bottom window balances at 4th window from north at public hall, 9th story	NOV SENT 2007/07/31	2007/09/18 -
- 9	2007/07/23 2007/08/02	B	599 * -	6848506 3037485	§ 27-2026 adm code repair by closing so as to be gas tight all openings in the disused waste line "at north" at public hall, 9th story, east section	NOV SENT 2007/08/02	2007/09/20 -
926 9	2007/06/02 2007/06/04	B	702 -	6773405 2983960	§ 27-2045 adm code repair or replace the smoke detector defective in the entire	CERT INVALID	2007/07/28 -

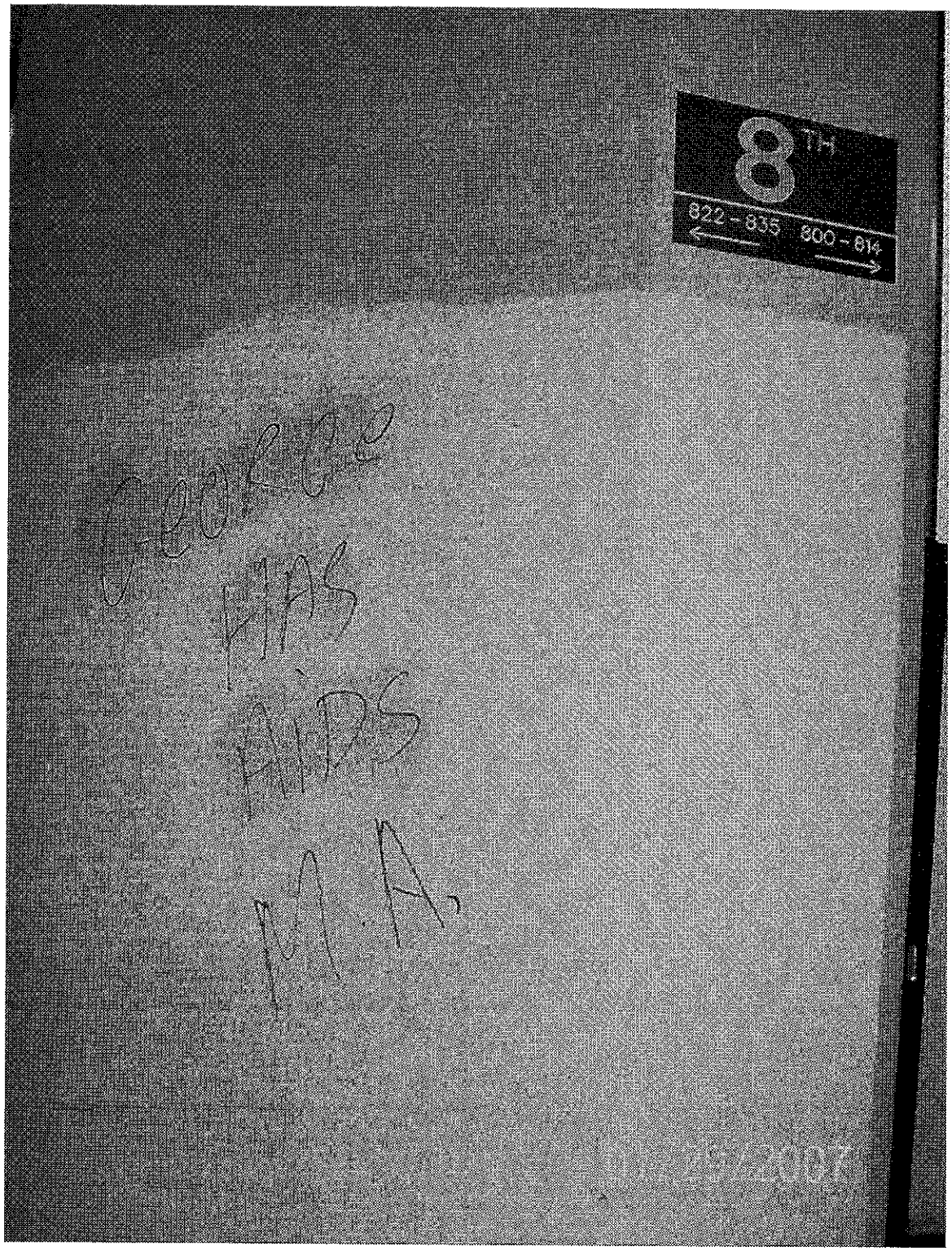


Fig. _____. Vandalism in Capitol Hall S.R.O.: graffiti on the wall in the hallway on the 8th fl. Female tenant who lives on 9th floor, was harassed by both a tenant drug addict at room 830* and Mr. Fleishman, director of the residence. Both lied to NYPD and had the female tenant arrested twice for "making graffiti". The complaints were dismissed for lack of evidence. Dated: January 29, 2007.

(* George Vasile, Capitol Hall S.R.O. tenant, room 830 – Criminal Court Docket No. 2005NY065182).

Folder: tenants
File: fig_graffiti_jan29_2007

Fig. _____. On March 24, 2007, superintendent of the building, John Lopez, opens the locked room 901, that belongs to tenant Morgan Godwin, currently hospitalized with stroke. After he removes property worth over $4,000, Lopez puts the padlock back, securing what's left of tenant's property, for himself. Dated: March 24, 2007.

Folder: Tenants
File: Fig_morgan_lopez_open.doc
Jpg: 102_0039

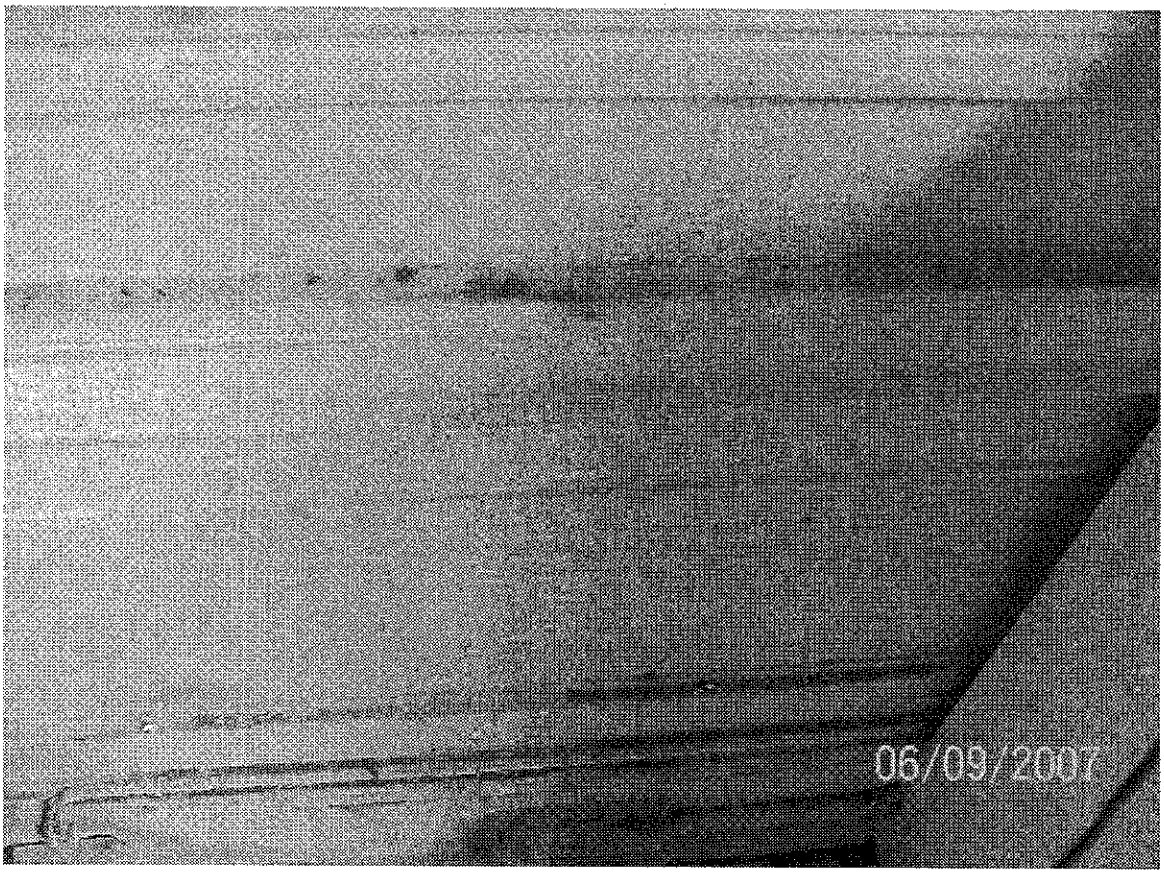


Fig. _____. 9th floor tenant's room is filled with dust and mouse droppings. Dated: June 9, 2007.

Folder: Tenants
File: Fig_respondent_dust_2007
Jpg:

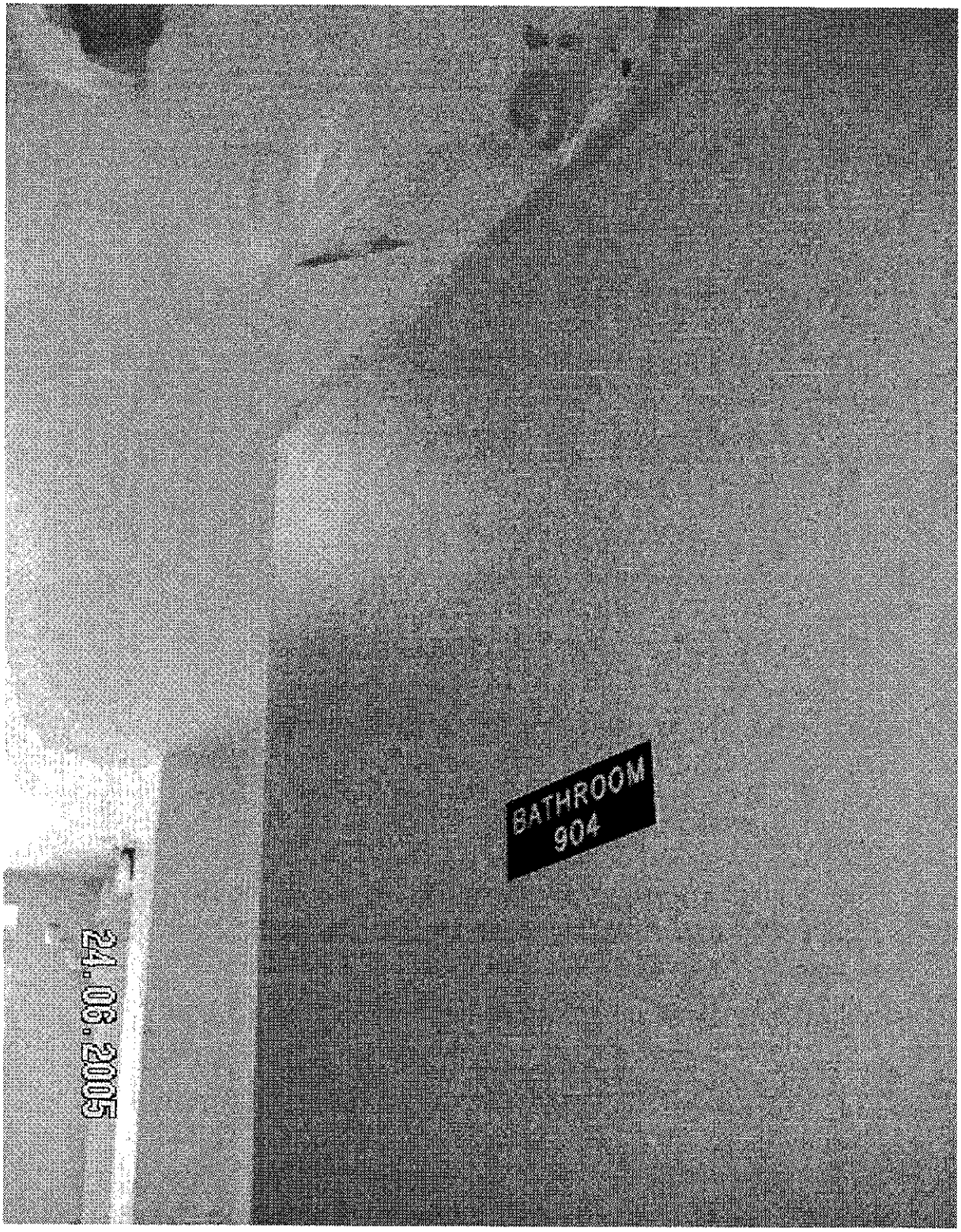


Fig._____. Flooding in common use bathroom 904 from superintendent John Lopez' apartment located on the 10th floor. Management and Adult Protective Services accused a female tenant of causing the "flooding". Capitol Hall S.R.O. Dated: June 24, 2005.

Folder: fig_h_ct; tenants
File: fig_flooding_lopez_904

Fig. _____. Dust contamination in bathroom 904 (9th floor). Janitor has not properly cleaned this bathroom for years. The whole building is contaminated with dust. To this day bathrooms, hallways and walls on 9th floor are contaminated with large amounts of dust, which is a health hazard. This fact contributes to tenants getting lung infections. Two tenants on 9th floor were treated twice this year 2007, for respiratory infections. Capitol Hall S.R.O. Dated: February 7, 2005.

Folder: h_ct_2006; tenants
File: fig_bathroom_904_dust

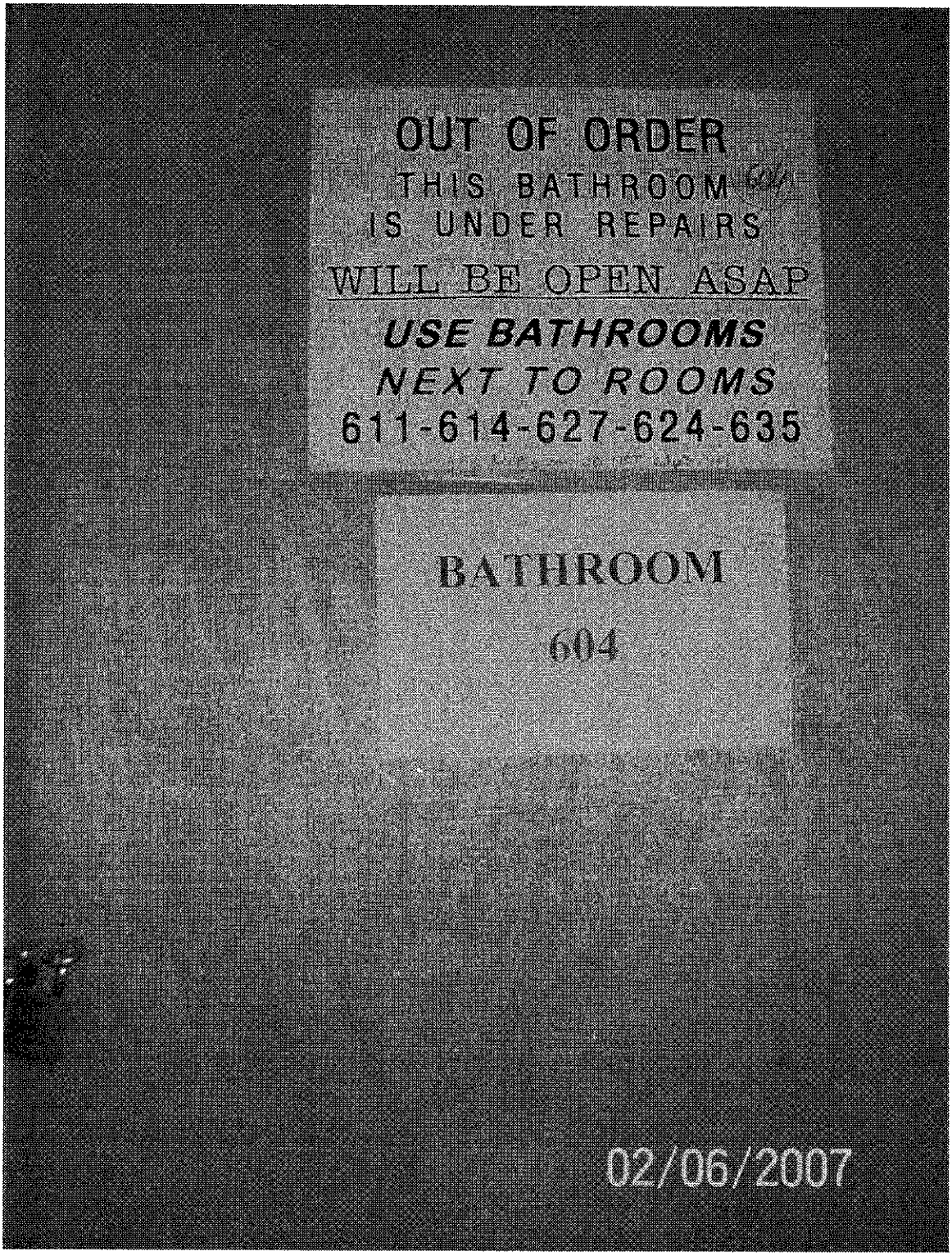


Fig. ____. Common use bathroom 604 (6th fl) is padlocked and kept inaccessible for the tenants. Landlord refuses to repair the common bathrooms and has a policy of not fixing them for months or even years. Director of the residence, Mr. Howard Fleishman and Adult Protective Services lie blaming tenants for "flooding the bathrooms". Capitol Hall S.R.O. Dated: February 6, 2007.

Folder: tenants
File: fig_bath604_locked

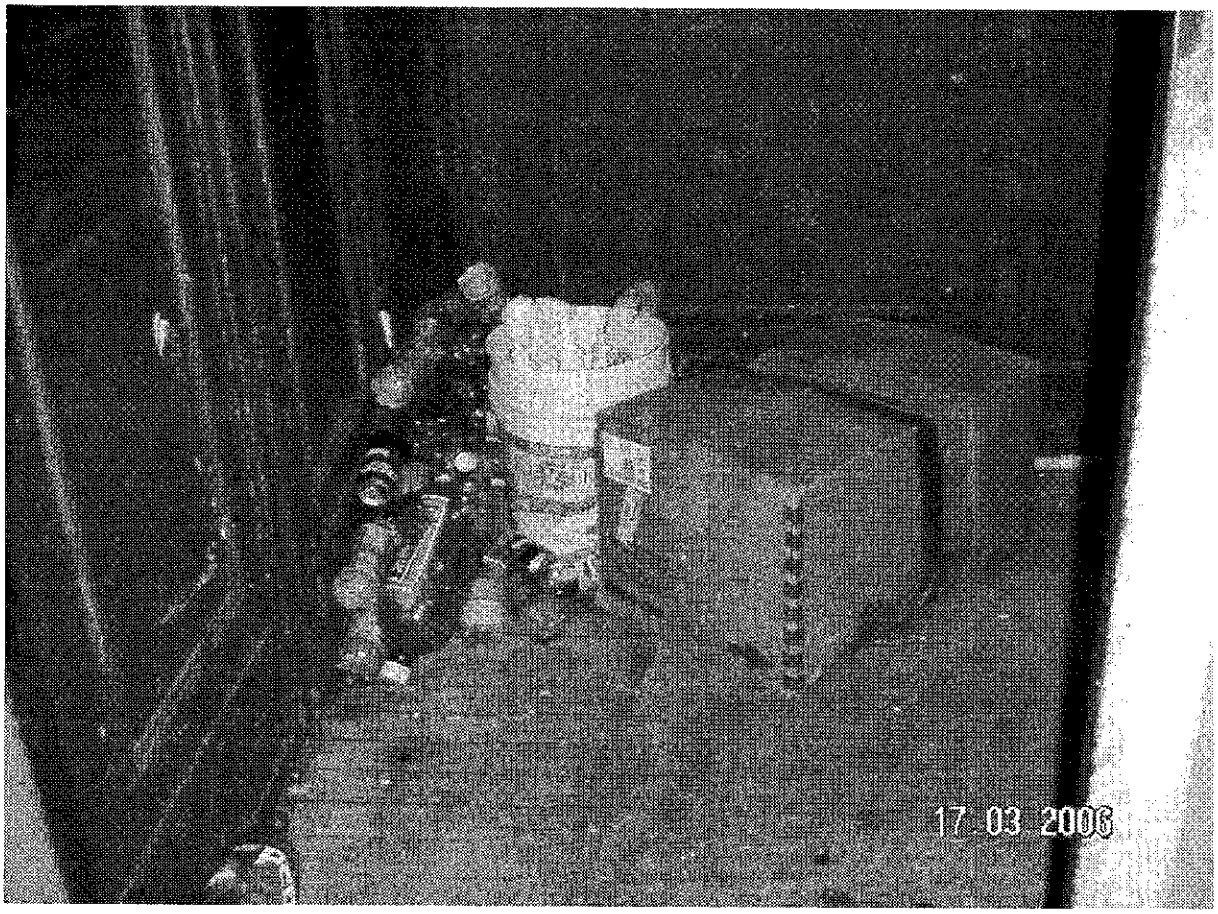


Fig._____. There are only two elevators for 203 tenants. But only one elevator is used as a passenger elevator. Many times the passenger elevator breaks down and the tenants are forced to use the service elevator in this condition (above). Service elevator full of empty cans and bottles in Capitol Hall S.R.O. – to this day, 2007. Dated: March 17, 2006.

Folder: fig_h_ct; tenants
File: fig_elevator_cans.doc

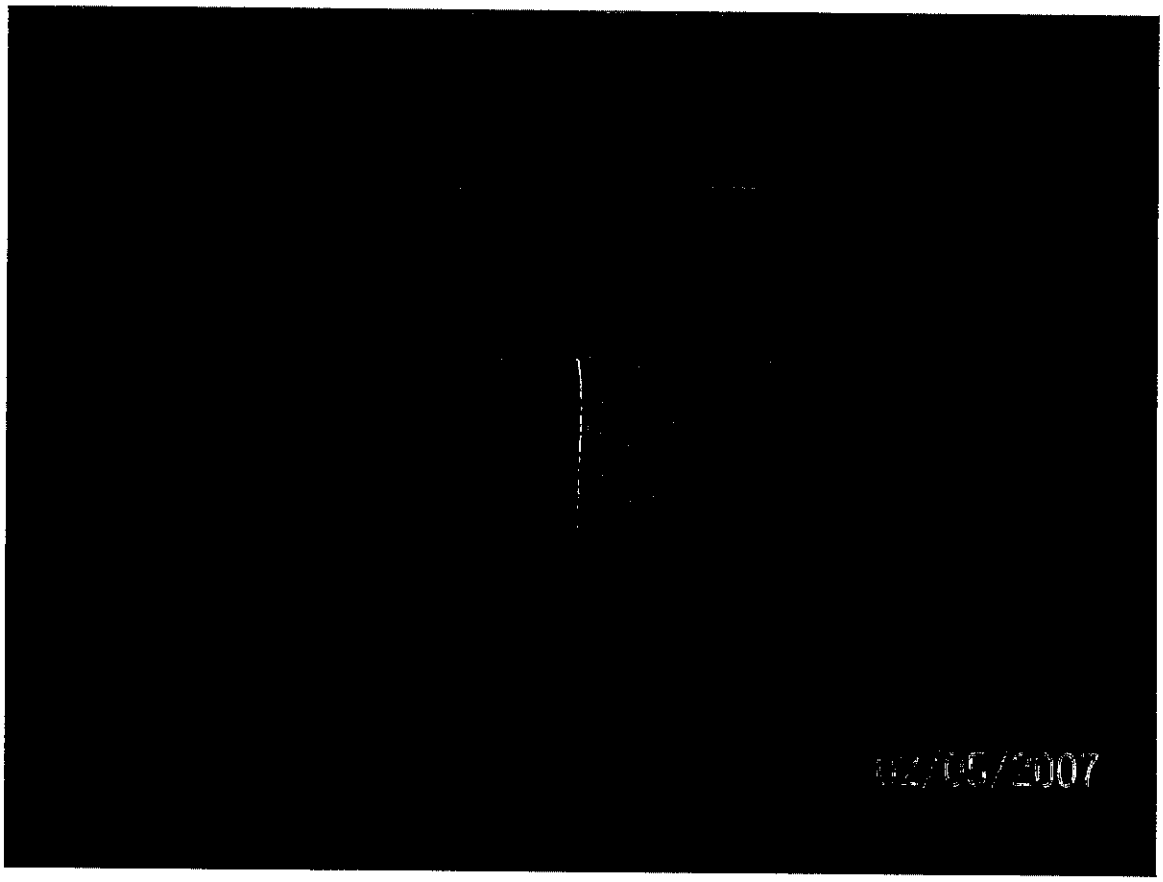


Fig. _____. Exposed electrical outlet in the common kitchen on the 6th fl: danger of electrocution. Landlord refuses to make the repairs for years in a row, and is exposing the tenants to dangerous conditions. Capitol Hall S.R.O., 166 West 87th Street. Dated: February 5, 2007.

Folder: Tenants
File: Fig_kitchen_6_electrical

WeekEndFlyer__51 *Oct.12, 2002*

OK folks, here we go again. Mr. Lopez, our raging "super", was again seen - this time by a resident living here over 14 years, - using one of the empty rooms scattered throughout the building, this time #704, as his personal brothel. Aren't these people supposed to maintain, clean and fix up in this building? Well, this guy is working overtime "using" everybody and everything as his own personal possessions! *"Wow! Somebody stop me!"*

And guess what again! Marilyn just knocked off one of her ten-minute jobs, of making coffee in the community room, and keeping it stocked with milk and cereal by sending someone to the store, and she hands this over to our new social worker, Mr. Lynch. That's when she puts on her charm and tries to act like a woman, while she's shafting someone to take over half her workload. Now all the work she has all month, is printing a sheet for our (open & unsecured) mailboxes, a calendar of her "work", which are empty fill-ins helping only 5 or 6 people in a building, but for most of 200 tenants, it's junk mail!!!

She also has a monthly party to attend like an automatic switch. She closes the laundry, chasing everyone out, and makes like a lady helping everyone enjoy life, for this is the last and only job she has for the whole month, and she wants to do it right.

Are these 5 of 6 people being bribed to inflate her empty job and therefore keep it? If you ask me, she's a small minded scrounge using her inner madness to make her caseload light, yet extra visible, fooling Goddard Riverside Center to pave her life smother, which fools investors with another expense.

It's kind of comical. And guess what she does with those few, free tickets she solicits for our supposed benefit? Well, if you count them, there are only 5 people and herself going to the theaters. And guess what? The same 5 every time. "Sold out" - she says with a mean power lurking on her face. If you are not in her "support group", you never get to go to the theater.

Yes, I'm afraid it is bribery that goes on here. And guess who suffers by her creative indolence? Ask anyone who was here when our last "activities director" gave us all she could, and her activities were many and wonderful. She was a real activities director, and she liked people! This one hates people, which is why she can only bribe the disparate, the selfish and the mentally blind, with her one party a month, and once a year outing.

All in all, she's a catastrophe to any hope of us ever having a smart and happy activities director, who would do a creative job of helping residents who can and want to be engaged.

Wouldn't you like to know what she makes in her figurehead job? Like all of them, I say, down to those who flop the mop, except for those who work in the kitchen, as the only benefit I can see. Cooking for ten or more people, is no picnic.

There is still no plaque put up with the emergency place and number to contact, no new mirror in the elevator, but more puddles. The intercom will have to be fought in court, since Mr. Jerry Mascuch said "as long as we have someone at the front door, we need not activate the intercoms". For this we'll have to go to court. He's in agreement about the mirror and the plaque though, but how long can it take? It's been over a month, he agreed to "do something about it". Especially the intercom! Since it is vital for the infirm, and hasn't been used in years. How many deaths could have been saved? I'll be calling the lawyer next week and start proceedings on the intercoms and keep you all updated.

Author's note: I can only print 40 copies of the Flyer because of expenses, and since there are more readers than Flyers, after you all read it, would you please pin it back on the board or give it to someone else and pass it around. Thank you. Have a good weekend. ***Harvey_Keen.*** (Capitol Hall, 166 West 87th Street, New York, NY 10024, is part of Goddard Riverside Community Center).

Date:	Wed, 24 Apr 2002
From:	"Capitol Hall Tenants" <capitolhall_tenants@yahoo.com> , <ze2t7gi@verizon.net>
Subject:	**WeekEndFlyer_41: ABOUT EVICTIONS**
To:	srusso@goddard.org, gkaler@pipeline.com, mpetersdavis@goddard.org, mdennis@goddard.org, mblankenship@goddard.org, lfrederick@goddard.org, aarthur@goddard.org, mbergenfeld@goddard.org, topop@goddard.org, kcgalway@goddard.org, jheaphy@goddard.org, crnrhs@goddard.org, ymartinez@goddard.org, response@goddard.org
CC:	cocco@newsday.com, jzelhof@mfy.org, webmaster@mnlegalservices.org, statesupport@mnlegalservices.org, sbn@nysba.org, legislation@nysba.org, jgrossman@citylimits.org, matt@citylimits.org, tenant@tenant.net, capitolhall_tenants@yahoo.com, jerrold.nadler@mail.house.gov, mail@nownyc.org, VESIDADM@mail.nysed.gov, SCHNEIDE@senate.state.ny.us, jseley@gc.cuny.edu, webmaster@brooklaw.edu, pryan@cb7.org, msoedit@aol.com, cfthomeless@aol.com, info@nationalhomeless.org, mhaofnyc@aol.com, mhanys@mhanys.org, andrew@nami.org, nlchp@nlchp.org, nysilc@nysilc.org, roberts@Liii.com, vze2t7gi@verizon.net, webmaster@smtpgw.oag.state.ny.us, gbrewer@gc.cuny.edu

I'm going through the process of Fleishman "locking in" to the resource of my money. First he, along with the accountants of Hotel Preservation (Capitol Hall/ Goddard Riverside Center/ TUC Mgmt), wait or "work" you into "arrears" on your rent; then he waits until your "back rent" is larger than one can sanely repay.

That's when he hits you with a "Notice of Eviction", under your door, in the mail, and certified too. About a month after your first Notice, a Petition for a Collection and/or Eviction arrives. If the mail were safe I would say write an "Answer" and send it in the mail. But since Fleishman has a habit of watching for these "cards" from the Court, I'd say bring it down in person and get a Court date, or go down there and let them give you the third degree, for the questions they need answered on their form.

Don't just send it in, Fleishman may snatch your card of Court Date Notice, and you get evicted by "default"! If you don't find out yourself, you'll find a Marshal at your door before you receive your notice to go to Court …! So, as soon as you receive your first Petition, go down to MFY Legal Services, the next Thursday from 1pm on. They will send you where you can get a "One Shot" deal. Here is where they begin to "lock you in". And Fleishman has clicked you into the system and will secure your rent payments, just in case you want to hold-back your rent until they "fix it". One loses the only bargaining chip and is at their mercy. Get a lawyer! Also, come see us, Volunteer Resident Council of Capitol Hall, when we have an office, or call the Flyer's author, Mr. Keen, at (917)441-7417. We are calling some eviction activities HARASSMENT! Since some eviction proceedings are baseless and these social workers don't "work something out" with the tenants. Isn't that what they're here for? Sorry, they are after all, our landlords too. To continue: Also see the "pro se lawyer" near the first floor, Housing Court.

Then MFY sends you to the Waverly Job Center at 12 West 14th Street, NYC 10011, where they will give you a "One Shot" deal to pay your back rent, if you show them you care by going down their list of charities asking for donations. After they send you an "approval" on conditions that you open a Bill Payment Account, sending your rent directly to the landlord "to avoid future arrears", the ***Adult Protective Services*** will visit you, and you're in, locked in! You now have no control over your rent. And if you ever had an idea to hold back your rent, until the building fixes something in your room, which is allowed by law, and one of the few reasons the judge will dismiss in your favor, the case against you, forget it! Unless … your lawyer can help you avoid opening a Bill Payment Account, and thereby help you keep control over your rent, maintaining your one and only "bargaining chip". Good luck! if you are one of us in "arrears".

The City of New York
THELMA NELSON, Case Worker
Adult Protective Services
400 8th Ave, 5th Floor
New York, NY 10001
Tel: (212)971-3045
Fax: (212)971-3188

***Harvey Keen**, Capitol Hall, 166 West 87th Street,*
New York, NY 10024.
<ze2t7gi@verizon.net>

FOR THE RECORD

Testimony By Lawrence Hough

I was peacefully, and perfectly legally, living in the apartment I have lived in for the past 23 years. I would like to add I have lived in Stuyvesant Town for a total of 53 years.

I received a Notice of Non-Renewal of my Lease in April 2007 for my Lease, which was to expire on July 31, 2007. The claim was that a property in Kingston, New York; I own with a business partner for rental purposes, was my primary residence. Needless to say I was shocked to receive this notice with these completely false claims. This began a series of time consuming tasks of going to the Post Office to get repeated certified & registered mailings, telephone calls and letters sent to Borah, Goldstein et al...the law firm hired by Tishman Speyer to bring this proceeding against me, speaking with the Legal Division of Stuyvesant Town who rarely retuned my calls and when they did told me to call Borah, Goldstein et al...who never returned my calls. In addition, contacting a lawyer, writing letters along with the submission of my rent on the 1st of each month, spending an evening at a Legal Clinic provided by the Tenants Association of Stuyvesant Town. Then, culminating with a notice posted on my apartment door for me to appear in Housing Court in just 7 days without being able to cancel the appearance date unless I appeared there anyway, necessitating my taking a day off from work Then having to make copies of my of my tax forms, bills, voter registration, car insurance, the Leases I have given to my renters of my property, etc.; which is an invasion of privacy. All of this was extremely stressful and time consuming; and constituted harassment by Tishman Speyer against me. After my appearance in Housing Court in October 2007, the proceeding against me was dropped.

Then, to add insult to injury, they attempted to dupe me by sending me a Lease back dated to April 2007 to begin on August 1, 2007, as if this entire incident had not happened. According to the Rent Stabilization Laws a Lease does not begin until 90 days after the Lease is issued. They have finally issued me a legally correct Lease, which necessitated yet another return trip to the Post Office to get the certified mailing of the corrected Lease.

I, certainly, hope I don't have to go through this again in 2 years when my new Lease expires. I hope this Bill going before the City Council is eventually enacted to prevent incidents like this from happening and continuing to happen. Thank you.

Lawrence Hough

Lawrence Hough
2 Stuyvesant Oval
New York, NY 10009

12/17/07
Date

JPAC for OLDER ADULTS

Joint Public Affairs Committee / 132 West 31st Street 10th Floor / NY, NY 10001 / 212-273-5262
Sponsored by Jewish Association for Services for the Aged (JASA)

Testimony on Tenant Anti-Harassment Bill No. 627 given on December 17, 2007 by Adele Bender Queens Borough Coordinator of JPAC, Joint Public Affairs Committee for Older Adults.

Good morning, my name is Adele Bender, Queens Borough Coordinator for JPAC, Joint Public Affairs Committee for Older Adults. One of our priorities is housing. Included in our goal is to preserve and if possible to expand and improve affordable housing so that seniors can remain in their environment if they so chose. JPAC is part of JASA, Jewish Association for Services for the Aged. JASA serves senior clients on a number of problems, one of them housing and often the threat of eviction. Many seniors come to us frightened and confused and not understanding even the procedure often thinking they have to leave immediately, when in fact this is not the case and that whatever the circumstances are unaware that they are entitled to a hearing. The owners know this and take advantage of these people who are a very vulnerable part of our population. What about those who do not know where to go or to whom to turn? There are those who do not understand the language that well. The end result for some can be ending up in a shelter or the even worse scenario homeless out in the street.

One person who is not a senior called me. She is a rent stabilized tenant and found an eviction notice on her door stating that the building was going condo and that she would have to move. However, after she calmed down, she realized that she is rent stabilized and that she does not have to be evicted, but it is upsetting at any rate. Compared to what goes on, this was subtle.

There are cases where a tenant does not receive essential services such as any or insufficient heat or hot water – unjustified and frivolous court proceedings to force eviction and other acts depriving a tenant of the warrantee of habitability

-See reverse side -

and to be allowed to live in comfort and peace in their apartment that they call home and in many cases have called home for many years.

If tenants are unaware of their rights, they can end up in a bad situation.

Our demand and supply housing situation has tempted some owners to take advantage of this situation knowing that they can get higher rents if they can vacate an apartment that has been occupied for some time. If the rent has been manageable, then where does that tenant go? To a degree this in part is a mental health problem because of the anxiety it causes people.

I therefore implore you to pass Intro No. 627, The Tenant Anti Harassment Bill. So that these tenants' lives don't have to be miserable.

Thank you.

TESTIMONY: on Landlord-Tenant Harassment; before the City Council and Committee on Housing and Buildings, Intro. Bills No. 627 and 638. Good Morning Madam Speaker and Members of the City Council. I am Phyllis M.G. Bishop rent stabilized tenant, The Park Royal 23 W. 73rd Street Apt. 408 New York, testifying founding member of the Park Royal Tenants Association with witness testimony by Morna M. Martell and evidence attached, to the pattern of harassment, that I have been living with for the last 37 years.

In her State of the City Address on February 15, 2007, City Council Speaker Christine Quinn said, "the greatest financial burden on New Yorkers is housing". I would like to amend that statement, to read: That "the greatest burden on New Yorker's is a Landlord who, submits fraudulent and/or incorrect paperwork and/or receipts, to the State Division of Housing and Community Renewal (DHCR), to justify rent hikes and/or MCI rent increases; refuses tenant's rent checks, moves in Civil Court to evict them in nonpayment or, holdover proceedings; improperly files and serves court paperwork – sometimes the only Civil Court notification to tenants of a pending case is a postcard from Civil Court – Housing Part stating: "Papers have been sent to you and filed in court asking this court to evict you from your residence". After you file an answer in Civil Court and receive a court date to make an appearance, the Landlord proceeds to ignore wording on Civil Court stipulations, instead continues filing repetitious, similar lawsuits against you."

Background to my Testimony:

In 1971 Milton Zelekowitz became the building landlord and held a meeting upstairs in the TOMI theatre, introducing himself to the tenants, stating that he was going to co-op the building under an Evict Co-Op offering Plan. He was going to refurbish the building and wanted to re-zone it for a car park. In 1974 there began arbitrary rent increases, on a weekly or, monthly basis by letter or on rent bills, stating that these were increases from the Rent Guidelines Board. Some tenants had their rents increase by 100% and had to pay this, if they wished to have their leases renewed. Others left the building. It was an early attempt at mass eviction. In 1975 my lease was not renewed. Repairs were not being made and there were a great many leaks and electrical problems in my apartment. Ruth Messinger and her staff, Lydia Prilook and later Gale Brewer, helped me to get paperwork filed and City inspectors into the building and get violations served. In July 1977 the Tenants Association began to work with Ruth Messinger's Office on a Landmark Commission project. Central Park West 73rd to West 74th Street was designated in July 1977 as a Landmark area, therefore, not allowing it to be demolished. In January 1980, I was asked to make a building appeal at a general tenant meeting in the TOMI theatre, to encourage more renters to join the Tenant's Association. On April 30, 1980, the Landlord started eviction proceedings against me. On June 30, 1982, the Tenant's Association applied to the Conciliation and Appeals Board (CAB), for relief from rent overcharges and tenant protection under the Emergency Tenant Protection Act. In November 1982, my Attorney Barry Yellen, recommended by Ruth Messinger, agreed to also represent the Tenant's Association in its challenge of the evict-co-op offering and have it changed to a non-evict co-op offering. On July 28, 1983, the Landlord, Milton Zelekowitz, served 30-day notices on 8 members of the Tenants Association who were either elected to the Board or, active in the tenant community, claiming we lived in apartments classified as "Luxury Decontrol" and then threatened eviction proceedings against all members of the Tenants Association. In April, 1984, the New York State Division of Housing and Community Renewal, (DHCR) assumed the responsibility previously exercised by the Conciliation and Appeals Board (CAB), to regulate New York City rents. On May 24, 1984, the Landlord issued a co-op non-evict "red herring" offering shares of 242 apartments for sale. In September 1984, I was elected to the Steering Committee of the Tenant's Association. On January 18, 1985 the Landlord terminated the tenancies of 10 members of the tenants association including myself, as we were

termed "Litigation Tenants". On January 25th, 1985, I agreed to and signed the notarized Tenants Association change of court attorney document hiring David Rosenberg a co-op attorney, and Laurie Lau (currently a Civil Court Judge), who worked with David was appointed to work directly with the Steering Committee of the Park Royal Tenants Association. On February 20, 1985; the entire membership of the Tenants Association received DHCR reclassification of the building from Hotel to Apartment House. The Tenant's Association original filing had been with the CAB on June 30, 1982. On February 21, 1985, the Landlord issued a Co-Op "Black Book" which gave details of Major Capital Improvements that were intended to be assessed to the tenants. In my duties on the steering committee, at one time, I filed forms on behalf of 62 building tenants with the DHCR and with SCRIE, covering rent overcharges, no-renewal leases, lack of services and repairs. September 1985 the "Decontrol Group" received a Court of Appeals decision on our side, that the Landlord's arguments had insufficient proof to continue this action. However, this was not the end of the story for me. I was hauled through, Civil Court, Supreme Court, Court of Appeals and DHCR arbitration hearings until finally in 2004 my lease was renewed - (30 years later) - in Civil Court, with a stipulation ordering repairs made. This success, I attributed to Gale Brewer's continual assistance in arranging for me to meet with Ken Lau, of MFY, who became my attorney of record. I am still fighting off, continual, frivolous, eviction proceedings. I was in court on October 29th, 2007, before Judge Sheldon J. Halprin. However, once that action Stipulation was signed, the landlord filed "similar" papers on a date specified in the Stipulation that the Landlord was to perform work on my apartment with a court resource official in attendance. Therefore, I will be before my fifth judge this year Civil Court Index # 98629/07 on December 18th, 2007. I have 19 open violations MDR# 105334 specifying leaks, continually emanating from the adjacent apartments. I have Landlord apartment problems that go back to letters from Ruth Messinger signed July 27, 1981. I have filed the following forms with the Rent Guidelines Board, forms for Mediation Progam - Service Complaints, Application For A Rent Reduction Based Upon Decreased Services(s) – Individual Apartment, Tenant's Complaint of Rent and/or Other Specific Overcharges in Rent Stabilized Apartments, Tenant's Complaint of Owner's Failure to Renew Lease and/or Failure to Furnish a Copy of a Signed Lease. My apartment contains no stove and no 220 power. Other members of the tenants association do not have stoves or 220 power and are frightened to come forward because of retribution by the landlord. As it is a continual financial burden for me to pay for attorneys, I have been forced to represent myself in many hearings of non-payment, holdover and eviction and am very familiar with the Civil Court, Office of the Clerk of the Court Room 225 - HPD Window 5, Answers and Order to Show Cause Window 6 and Index Case Files, Window 9; Room 118, General Clerk's Office for Pro Se Forms and Room 104, Pro Se Office for forms and information on how to complete and file forms in Civil Court. I have also filed paperwork with the 20th Precinct, with the Attorney General's office to Eliot Spitzer and Andrew Cuomo's attention and with the State of New York – Grievance Committee For The Ninth Judicial District on Harassment, against Novich Edelstein Lubell Reisman Wasserman & Leventhal PC, the Landlord's law firm. I have provided copies of the following evidence,

Frivolous Lawsuit Civil Court Index # 58481/07 May 14, 2007

Tenant Eviction Karen Campbell, cancer victim, Supreme Court Index # 05401355/05 illegally detained and evicted April 1, 2005

Dog Eviction Letter from Morna M. Murphy dated 12/11/07

Dog Eviction Civil Court Index # 88248/05 September 23rd, 2005,

Police Reports: Burglary, Harassment, Reckless Endangerment

Ruth Messinger: Letter to Robert Abrams, July 27, 1981

Thank you for your time.

2 Attys

Civil Court of the City of New York
County of NY
Part F Date 6/14/07

Index Number 58481/07
Hon. Pwendt

Broadway Associates - 73rd LLC

Plaintiff(s)/Petitioner(s),

against

Phyllis Bishop

Defendant(s)/Respondent(s)

STIPULATION OF SETTLEMENT

The parties understand that each party has the right to a trial, the right to see a Judge at any time and the right not to enter into a stipulation of settlement. However, after a review of all the issues, the parties agree that they do not want to go to trial and instead agree to the following stipulation in settlement of the issues in this matter:

① The instant proceeding is hereby discontinued without prejudice;

② ~~Defenses are discontinued without prejudice~~
Defenses are moot and withdrawn

Respondent's atty
MFY Legal Services

SO ORDERED:

PETER M. WENDT
JUDGE, HOUSING PART

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: LUCINDO SUAREZ, J.S.C. PART 38

Justice

IN RE: KAREN CAMPBELL

INDEX NO. 401355/2005

MOTION DATE

-v-

MOTION SEQ. NO. 001

MOTION CAL. NO.

The following papers, numbered 1 to _____ were read on this motion to/for _____

	PAPERS NUMBERED
Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...	
Answering Affidavits — Exhibits	
Replying Affidavits	

Cross-Motion: ☐ Yes ☐ No

Upon the foregoing papers, it is ordered that this motion

Writ of Habeas Corpus, signed April 20, 2005, challenging legality of Karen Campbell's detention is GRANTED.

Dated: 4-29-2005

J.S.C.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Check one: ☑ FINAL DISPOSITION ☐ NON-FINAL DISPOSITION

Check if appropriate: ☐ DO NOT POST ☐ REFERENCE

Morna M. Martell

305 West 45th Street, Apt 2-I
New York, NY 10036
212-245-7498

Attn: Ms. Phyllis Bishop
Park Royal Apartments
23 West 73rd Street, Apt. 408
New York, NY 10023

December 11, 2007

To Whom It May Concern:

I have known Phyllis Bishop since 1977 when we met in Hollywood. When I moved to New York I resided with her at the Park Royal, 23 West 73rd Street, Apt. 408, as a roommate for two years. She keeps a meticulous home and is a warm-hearted and generous person so we got on very well.

At that time I owned a dog, a miniature Schnauzer, and it lived with us in the apartment since Phyllis' original lease stated she could have pets. In 2005, I learned they tried dog eviction for a dog she had adopted and had in the apartment claiming it violated the terms of her lease. I wrote a letter on her behalf stating that I was witness to the fact there was a history of dogs in the apartment and that the management approved. It seemed to me they were now trying to evict Phyllis by any means using an endless barrage of spurious legal maneuvers.

Phyllis and I have remained friends over the years and I am aware of the constant harassment she receives from the management of the Park Royal ever since it went co-op. To my observation, there is a deliberate ongoing attempt to force her to move out. She has courageously fought back but I can see the financial and emotional strain she lives under because of their demands and pressures that have her back and forth to court constantly.

I hope the council members will give Phyllis a fair hearing and see that she is relieved of this strain and allowed to live comfortably and harmoniously in her home.

Sincerely,

Morna M. Martell

TEN (10) DAY NOTICE OF TERMINATION

TO: PHYLLIS BISHOP, TENANT(S)
"JOHN DOE"* AND "JANE DOE"*, SUB-TENANT(S)

88248/05

PREMISES: 23 WEST 73RD STREET
APARTMENT 408
NEW YORK, NEW YORK 10023

DATED: MAY 2, 2005

PLEASE REFER TO OUR "NOTICE TO CURE" dated the 14th day of April 2005, annexed hereto and made a part hereof which you have failed to comply with.

Further, on April 5, 2005 or April 6, 2005 you brought a dog into your apartment in violation of your lease clause prohibiting same.

PLEASE TAKE FURTHER NOTICE that your tenancy and lease are terminated effective the **17th day of May 2005,** that date being at least ten (10) days from the date this notice is mailed to you.

BE ADVISED that if you have not vacated the premises on or before the **17th day of May 2005, SUMMARY PROCEEDINGS PURSUANT TO LAW WILL BE INSTITUTED TO EVICT YOU FROM THE PREMISES.**

BROADWAY ASSOCIATES-73RD LLC
LANDLORD/OWNER

BY: _____
NEIL ZELEKOWITZ
REGISTERED MANAGING AGENT

NOVICK, EDELSTEIN, LUBELL, REISMAN,
WASSERMAN AND LEVENTHAL, P.C.
733 YONKERS AVENUE
YONKERS, NEW YORK 10704
ATTORNEYS FOR LANDLORD

ORMATION SLIP (Rev. 3-98)-Pent (RMU) Sept 23 11A.M 2005 DOG

Welcome to 20 PCT. (Command) 120 W 82 ST. (Address) (212) 580-6411 (Telephone No.) Date: 11/4/05

We hope that your business with us was handled satisfactorily. Your particular matter has been assigned the following number(s):

Complaint Report No.: 0073 Accident Report No.: _____ Aided Report No.: _____

Reported to: PO Fulton (Rank) (Name) _____ (Shield No.) Date of Occurrence: _____ Time: _____

Location of Occurrence: _____

Crime: BURG.

INCIDENT INFORMATION SLIP
PD 301-164 (Rev. 3-98)-Pent (RMU)

MS BISHOP - PLEASE CALL FOR YOUR COMPLT # ✓

Date: 2/27/07

Welcome to 20th PRECINCT (Command) 120 W 82nd ST (Address) 212.580.6411 (Telephone No.)

We hope that your business with us was handled satisfactorily. Your particular matter has been assigned the following number(s):

Complaint Report No.: 927 ~~Accident Report No.:~~ _____ ~~Aided Report No.:~~ _____

Reported to: PO O'BRIEN (Rank) (Name) 36 (Shield No.) Date of Occurrence: 2/16/07 Time: 1436

Location of Occurrence: 23 W 73 ST APT 408

Crime: HARASSMENT LOCK / DOOR

Please k

62365 CAR

INCIDENT INFORMATION SLIP
cont PD 301-164 (Rev. 3-98)-Pent (RMU)

Date: 5/17/06

Welcome to 020 Pct (Command) 120 West 82 Street (Address) 212-580-6411 (Telephone No.)

We hope that your business with us was handled satisfactorily. Your particular matter has been assigned the following number(s):

Complaint Report No.: _____ Accident Report No.: _____ Aided Report No.: _____

Reported to: P.A. ISAAC (Rank) (Name) _____ (Shield No.) Date of Occurrence: 3/1/04 Time: 1600

Location of Occurrence: 12 West 72 Street

Crime: Reckless Endangerment

Please keep this report should you have to refer to this matter in the future. If you need any further assistance feel free to contact us at telephone number 212-580-6411. Please let us know if you have any suggestions on how we cai better serve you. As you may already know, we will provide you with a crime prevention survey of your residence or business.

THE COUNCIL
OF
THE CITY OF NEW YORK

RUTH W. MESSINGER
COUNCIL MEMBER, 4TH DISTRICT, MANHATTAN
CITY HALL
NEW YORK, N. Y. 10007
566-0719

DISTRICT OFFICES
250 COLUMBUS AVENUE
NEW YORK, N. Y. 10025
865-1500

COMMITTEES:
EDUCATION
TRANSPORTATION
GENERAL WELFARE
SUBCOMMITTEE: CHAIRPERSON,
TRANSPORTATION FOR DISABLED

July 27, 1981

The Honorable Robert Abrams
Attorney General
New York State Department of Law
2 World Trade Center
New York, N.Y. 10047

RE: Park Royal Hotel
23 West 73rd Street
New York, N.Y. 10023
Landlord: Milton Zelkowitz
Address: Park Royal Hotel

Dear Mr. Abrams;

We are writing to inform you about some serious problems at the Park Royal Hotel. It has been reported to us that there is a pattern of rent gouging and harassment of the residents. In addition, the management refuses to make repairs and has allowed the hotel to become seriously deteriorated, with constant leaks and water damage.

We are bringing this matter to your attention in the event that you have had other reports about this landlord. We understand that he owns several hotels. In addition, we should like to inquire whether anything in this situation falls within the jurisdiction of your office.

Thank you for your help.

Sincerely yours,

RUTH W. MESSINGER
Council Member

RWM:dr

Monday December 17, 2007 Harassment Int 0627 2007

Daniel Peckham

244 W. 21 Street, Apt. 4B

NY, NY 10011

212 929 1026

I have lived on the Westside of Manhattan for thirty-one years. I have been harassed out of two owner-occupied buildings and thought I was safe when I found the rent stabilized apartment I now live in. That owner had over fifty buildings. When she died the family sold 13 buildings for fourteen million dollars to the Taubers who are developers. Many of them are beautiful brownstones on the UWS. Why so cheap? They all had rent regulated tenants. Not anymore. Many have removed and now the apartments are market rate.

Demolition, Bulletin 2002-1. It can happen to anyone not in a Landmark building.

To demolish a rent regulated building all the owners have to do is get the new building plans approved by the DOB and prove they have the financial capability to complete the project. They then can refuse to renew your lease and if your rent is over $1000 for a one bedroom apartment they don't have to give you anything. Belkin, Burden, Wenig and Goldman the notorious LL attorneys have an article in their January 2005 newsletter stating ...the Demolition Application a more attractive option for owner's seeking to recover possession of rent regulated buildings.

What is the purpose of this law? Please everyone here write to your State Senator and Assembly person to have this loop hole closed. Everyone is at risk. Don't wait until it happens to you. The electeds say they are for saving affordable housing. Why then is this loop hole open. What purpose for the common good does it serve except to entice the developers to buy up rent regulated buildings and use this information to force rent regulated tenants from their homes? Pepper it with a little harassment in the form of threats upon your personal safety, refusing to make repairs and if the repairs are made they don't last long or are worse than before and the tenant is left with a mess to clean up after. When you go to the elected officials such as Christine Quinn, they won't even meet with you. You go from Aide to Aide as they quit, get promoted or retire having to start from the beginning again and again. They are all over worked and frustrated and disillusioned by the few results received from all their efforts.

I have been harassed by the owner s Josh, Larry and Michael Tauber for well over five years.

May 22, 2002. I asked that the deadbolt lock in the front door be repaired. Mike Tauber came and inspected it and flat out said no. He wouldn't repair it. I called the HPD and made a complaint. Mike Tauber called me and said he didn't want me to call the HPD. I asked him if that was a threat. He said,

"How about this dickhead, fuckface?" and hung up. I called the police and the Electeds. Nothing was done. The police wouldn't even start a record of the incident. Mike Tauber showed up the next morning early knocking on my door.

Wednesday, July 3, 2002: The Taubers broke through the adjoining wall with the former SRO next door that they demolished and were rebuilding, into our hallways and bedrooms. The Taubers said it was an accident. It happened 13 times. They did not say they were sorry. They did not even make a path through the bricks and plaster for us to exit, much less clean it up. When one tenant went out to the construction crew and told them they broke into his bedroom they laughed and said they were told to go through the third brick and made two more holes through his bedroom wall to the outside. When they left for the four day weekend the building was open to the outside with holes large enough for a person to crawl through. Tenants had to come home early from their Fourth of July Weekend to protect their apartments.

We called the police, DOB, HPD, and the offices of the elected officials, Christine Quinn, Tom Duane and Richard Gottfried. No one did anything to prosecute the Taubers.

Finally the DOB put a stop work order in place which the Taubers ignored. The DOB refused to come out. We called the police to come. They said no required copy of the Stop work order was left by the DOB. The DOB's response was they couldn't find the Precinct which was right on the next block, the one with all the police cars parked in front of it.

The DOB approved the Tauber's plans to alter the building extending into the back yard and up two stories. I wrote two RRR letters to Laura Osario, went to her office twice and made numerous complaints that my apartment was no in the approved plans. Months later with the insistence of Gottfried's office it was found Tauber lied on the application and said the building was empty.

I also have pictures of the workmen continuing to work while the DOB inspector was at the site after a stop work order was issued.

The DOB inspectors don't find violations unless they are being watched by the Elected's offices. I have complained to the Inspector General about the corruption and he won't look into it.

The HPD is the same. Countless calls to 311 are made to have the inspectors come and not cite a violation. The ceiling may be dripping the temperature is below 68 but they can't see it. I have emailed 20 pages to the Inspector General, copied the Electeds and have had no response

I have all this documented but no one wants to see it.

October 16, 2007, I went to hearing about the DOB Operations and Improvements. As I was testifying on video they stopped me and whisked me away to talk to Josh "Loving" Aaronson, special assistant to the Speaker who assured me something would be done. Nothing was. He sent me to Jose Conde the housing aide in the Speaker's office who wasn't interested in what had happened just what is happening

now. In five years I have had no help from Christine Quinn other than promises despite telling her in person of my plight at a meeting at Harmony House about the Westside railyards.

April 19, 2004 despite Tenant attorney's warnings that the DHCR was corrupt I filed a Harassment complaint with the DHCR.

I told Mr. Carbone who acted like he was a dictator about:

1. the break through on the Fourth of July with pictures
2. Mike Tauber refusing to make repairs required by law, threatening me on the phone and coming to my apartment unannounced the next day,
3. The Taubers using the Demolition Bulletin and threats to our physical person to take his buyout offer.

Mr. Larry Tauber was caught by Mr. Carbone in the middle of the case committing fraud and conspiracy to commit fraud. Mr. Tauber made an attempt to make me look like I was making fraudulent violation complaints. The 220 outlet for the AC wasn't working. Mr. Tauber

Electrician came and took 20 minutes to fix it. I then received an email from Mr. Tauber saying that the electrician said there was nothing wrong with the outlet. Mr. Tauber had been there earlier checking out the other violations but didn't check that one. Mr. Tauber said I was responsible for the bill for the electrician's visit.

I called Mr. Carbone from the DHCR. He called me back and I told him that this was a lie. That the outlet didn't work and it took the electrician 20 minutes to fix it. Mr. Carbone in a condescending tone said, "I take the word of the licensed Electrician over that of the tenant or Landlord". I told him it was the Landlord's worker and he was lying. Mr. Carbone repeated in the same tone, "I take the word of the licensed Electrician over that of the tenant or Landlord. I told him then that just today on the HPD website on the Violation Summary report the outlet was cited by the inspector. He became huffy and said Mr. Tauber (who was on the line which I wasn't aware of) I want you two to come to some settlement.

Mr. Tauber falsely certified to the HPD and Mr. Carbone that he repaired the roof. I sent it pictures proving that he didn't. Mr. Carbone closed the case anyway checking box 6: The remaining complaints refer to decreases in services and don not warrant further Enforcement Unit action. You may if this has not already been done file a decrease in services complaint with our Gertz Plaza office...

And box 11: Other: The remaining unresolved matters are most appropriate for resolution within the confines of and they give the case number of the Demolition application.

When the Demolition application was approved I filed a PAR citing the harassment and violations resulting in the reduction of services which is the DHCR's definition of harassment. The DHCR's response was that I didn't appeal the dismissal of the harassment complaint. Not True.

I sent in four more letters including pictures of the whole bedroom ceiling leaking because Tauber had not repaired the roof as he had sworn.

I met with the District Attorney's office through Aliya Feldman of Tom Duane's office. One of the former tenant's in my building who I had been trying for two years to come forward did. She Told ADA Kaufman that she left the building because she came home to increasingly harassing phone messages and she was concerned for the safety of herself and little boy. ADA Kaufman told me I had too much evidence to look at now and to call him next week. I called and emailed him and copied him on all that was happening again and again. He didn't respond until over a year later saying that there wasn't enough evidence to prosecute and that it was easier done through civil court.

Since the Taubers were found guilty of harassment in the SRO next-door by the HPD and since they are appealing the Article 78 decision by the Supreme Court they have increased their harassment. The District Attorney was called and they are looking at the case again. I now have to go through hundreds of emails to find the harassing ones by the Landlord. It is reliving the whole thing again.

All I ever heard from the politicians was that it was Pataki's fault. When Spitzer was in office I emailed him May 9, 2007 telling him of the corruption in the DOB, HPD and DHCR. There was no response from his office. Instead May 18, 2007 I received a letter from Bruce Falbo, Bureau Chief, Rent Information and Mediation Bureau, DHCR, the very office I wanted investigated, stating that my correspondence to Governor Elliot Spitzer of May 9th was forwarded to their office. Mr. Falbo goes on to say that since my case was in litigation it would be inappropriate for him to intervene or comment on this matter.

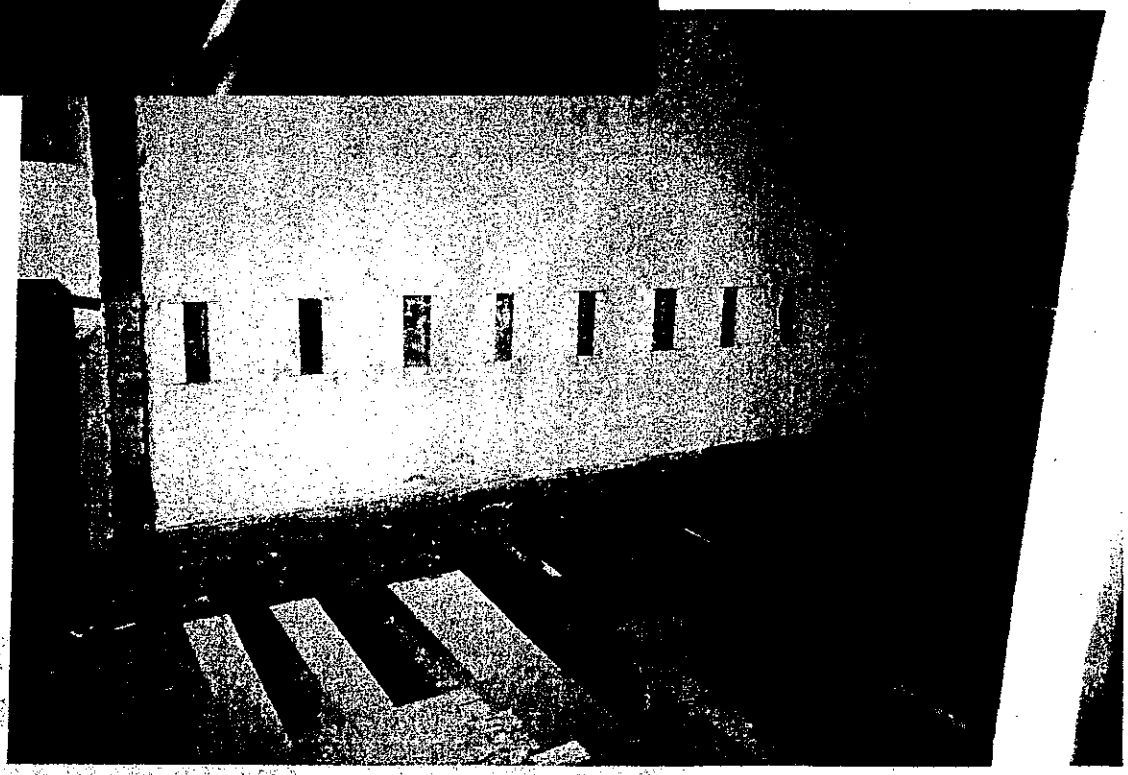
Solution: Since the whole City is aware of the corruption and little or nothing is being done to end it. I suggest we call in Michael J. Garcia of the United States Department of Justice 1-877-endgraft (363 4723).

Sincerely,

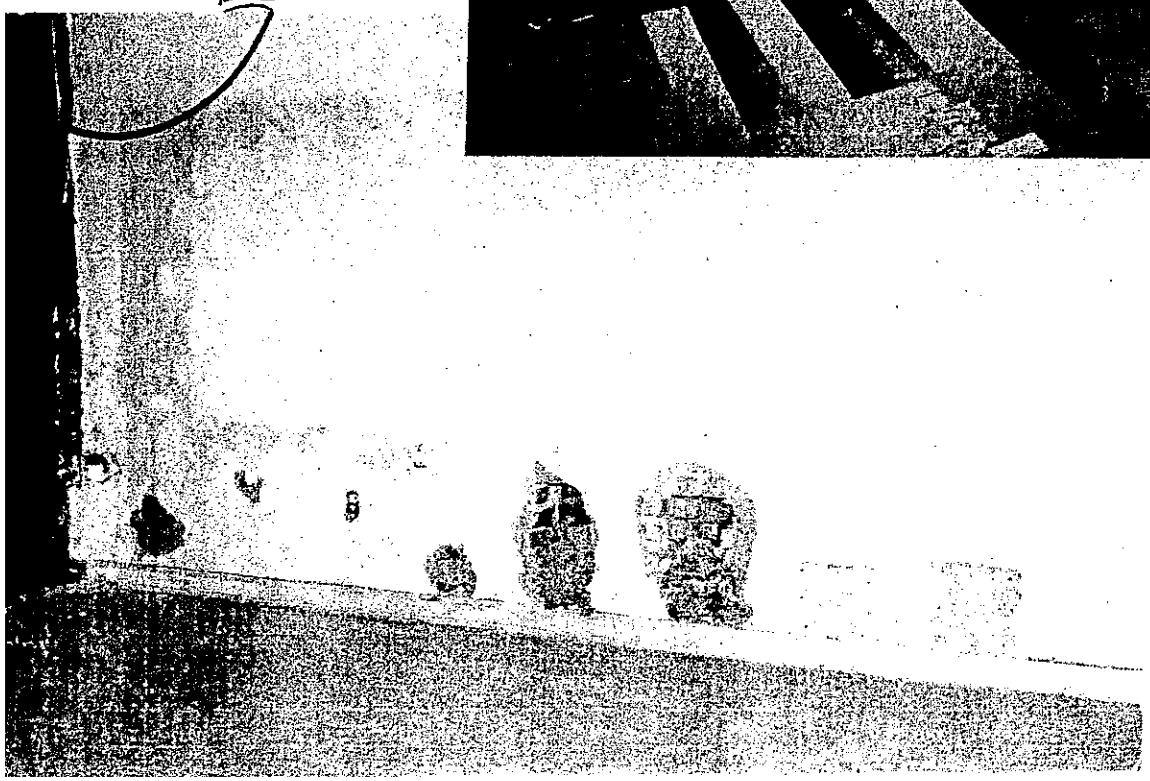
Daniel Peckham

Daniel Peckham

244 W. 21
Breakthrough
July 3 2002
13 "accidental breaks Did not clean it up for 4 day Holiday

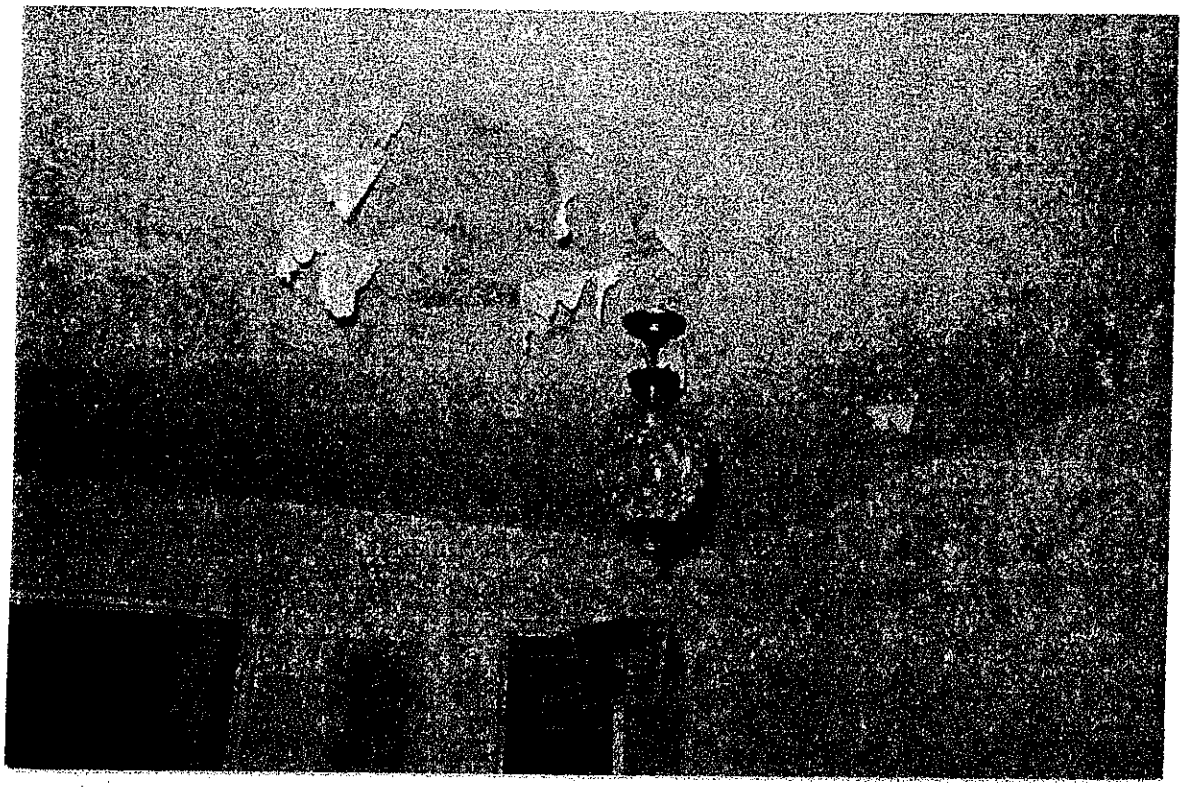


Some holes for Same cross beams exactly cut when not harassing tenants
Top holes ~~2ft~~ x ~~1~~ ft
Bot holes 3in x ~~1ft~~



2A tenant #4
bedroom wall
When she left Apr 04.

Dan Peckham



Eliot Spitzer
Governor

Deborah VanAmerongen
Commissioner

New York State Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433

May 18, 2007

Daniel Peckham
244 West 21st Street, Apt. 4B
New York, NY 10011

Dear Mr. Peckham:

Your correspondence to Governor Eliot Spitzer received May 9, 2007 was forwarded to my office for a reply.

Office of Rent Administration (ORA) records indicate that you received Order Number SE-420001-OC issued on December 13, 2007 permitting the owner to refuse to renew your lease based on demolition. You filed a Petition for Administrative Review (PAR) under Docket Number UA-420024-RT which was denied on July 27, 2006. You appealed that decision with the Supreme Court of the State of New York under State Judicial Review (SJR) 12720 (Court Index 113788/06) which is currently pending before the courts. Accordingly, it would be inappropriate for me to intervene or comment on this matter. I am sending your correspondence and a copy of this response to the open SJR file in order to be taken into consideration.

We are aware of your concerns in this issue and it must also be noted that DHCR will comply with all laws and regulations, thus ensuring that the rights of all parties are fully observed in this matter.

For your information, I am enclosing a copy of DHCR *Operational Bulletin 2002-1 Procedures Pursuant to the Rent Stabilization Code for the Filing of an Owner's Application to Refuse to Renew Leases on the Grounds of Demolition.*

Thank you for bringing your concerns to our attention.

Sincerely,

Bruce Falbo
Bureau Chief
Rent Information and Mediation Bureau

cc: Deputy Commissioner Leslie Torres
Case Folder SJR12720
BF/dnp
(Log 1429333/R-1374)
Enclosure

Subj: **email to spitzer sent at 2:08 May 9th**
Date: 5/9/2007
To: danielppeckham

I am the lone tenant remaining in my Building. My Landlord Larry Tauber has harassed the other tenants out. He is doing the same thing next-door at 246 W. 21 Street, 10011. I have filed harassment charges against with the DHCR who has done nothing despite the Landlord being caught breaking the law by the DHCR counselor. I have had HPD inspectors here who refuse to cite violations. I have had DOB inspectors here who say there is no access and the doors are wide open. It took half a year and pressure from Gottfried's office and Duane's office to get the DOB to look into the Landlords application that my building was empty. How long does this blatant corruption have to be tolerated?

I have contacted the Inspector General's office and the District Attorney's Office. The have not responded.

Sincerely,
Daniel Peckham
212 929 1026

Office of the Governor

Thank you for sending your thoughts and concerns to Governor Spitzer. Your email has been received and will be forwarded to the appropriate staff for review.

Let's Get Ready to Rumble! DHCR Grants Demolition Application Without Holding A Hearing

One way for an owner of an occupied rent regulated building to obtain possession of all of its residential apartments is to file an application with New York State Division of Housing and Community Renewal ("DHCR") for permission not to renew the rent stabilized leases, and/or for a Certificate of Eviction for the rent controlled tenants, based upon the owner's intention to demolish the building (a "Demolition Application").

However, because it can take a number of years from the initial filing through completion all of the appeal levels before possession is obtained, many owners are reluctant to file this type of application. The Rent Stabilization Code previously mandated that an adjudicatory hearing be held by DHCR prior to the issuance of a demolition order. A large part of the delay in processing a Demolition Application at DHCR results from the amount of time it takes for the application to be assigned to an available Administrative Law Judge ("ALJ") to convene a hearing. Once a hearing is finally scheduled, tenant attorneys often employ dilatory tactics to further delay the processing of the Demolition Application. Moreover, once the hearing is concluded, it generally takes the ALJ many months to issue a Report and Recommendation; which is the predicate for the agency's Final Order, thereby further delaying the proceeding.

The exercise of DHCR's discretion not to hold a hearing in these demolition proceedings shaved years off of the processing time of the applications.

Thus, DHCR's decision to hold a hearing on a Demolition Application generally adds years to an already lengthy administrative proceeding. With fluctuating real estate markets and interest rates, such a delay can be devastating to the economic viability of a construction project.

However, by Code amendment, the holding of a hearing is now discretionary with DHCR. In a number of applications (involving both

(Cont. on p. 3)

Let's Get Ready to Rumble! . . .
Cont. from p. 2

rent stabilized and rent controlled tenants), DHCR has issued orders granting Demolition Applications filed by BBW&G ***without holding a hearing.*** In fact, in two recent demolition proceedings in which BBW&G represented the owners (where tenants were represented by counsel, and strongly opposed the applications), submission of approved architectural plans and proof of financial ability to complete the projects, caused DHCR to grant the applications without a hearing. DHCR's decision not to hold a hearing in these demolition proceedings shaved years off of the processing time of the applications.

Although it is not possible to predict when DHCR will elect to hold a hearing, the fact that hearings are no longer mandated by statute has made the Demolition Application a more attractive option for owners seeking to recover possession of rent regulated buildings.

This article was written by Kara I. Rakowski, a partner in BBW&G's Administrative Law Department. To discuss demolition applications, please contact Ms. Rakowski or Sherwin Belkin.

FOR THE RECORD

Doris Diether
ZONING CONSULTANT

107 WAVERLY PLACE
NEW YORK, NY 10011

TELEPHONE
(212) 477-8279

Dec. 17, 2007

To: Council Members & Speaker Christine Quinn

Re: Int. No. 627 - Harassment bill.

I was very pleased to hear that the City Council is aware of the problems of tenant harassment and is attempting to do something about it.

Having been a victim of harassment myself, and now getting calls on a regular basis from other tenants in similar situations, I went through the bill with great interest. Unfortunately, I was not too pleased with what it says.

I was especially upset with the fines to be assessed against the landlord - $1,000 to $5,000. That is just the price of doing business. If a tenant in a rent controlled apartment is paying $500 a month rent, or a rent regulated apartment paying double that, if the landlord can push the tenant out, the rent can go up drastically - $2,500 a month is not unusual in this tight rent market. Even with the $5,000 fine, the landlord can regain that amount in two to three months, and then the new higher rent that he collects is gravy.

In my building, originally 9 apartments, the landlord managed to empty 8 of them, all the apartments except mine. One of the tenants has moved 3 times since then since he can't afford the new rents in decontrolled units. Another one left the state. Where the rest of them went I don't know. When I was the only remaining tenant in the building, the roof was removed, causing a major flood in my apartment - so bad that I called the Fire Dept. because the water was coming through my light fixtures. I had to sleep in a hotel for several days, and buy a new bed among other things. My two cats had to go to a neighbors house, and even the floor buckled somewhat.

At the present time on my block two buildings have been vacated, and a third has only one remaining tenant. That tenant is living through a major renovation of his building - walls and floors pulled apart, front stairs often unuseable, etc. Heat and hot water go on and off without reason or notice, and the work on that building disrupted not only his phone service but mine also.

Other problems with my building included an invasion of rats, termites, doors left unlocked or open, leaks, etc. I'm sure, if other tenants show up, you will hear lots of other stories.

This past weekend a story ran on WINS every little while about a building where the tenants had been having repeated heat problems, to the extant that one mother sent her two daughters to a relative because they were getting sick, and another tenant who was looking for another place to lvie because she couldn't tke ti anymore. But how much more will she have to pay for another apartment in this market?

Even at $5,000 per apartment for multiple complaints, if the landlord can empty the building, he either gets a great house for his own use, or multiple apartments at an enormous increase in rents.

7 I hope you will reconsider the penalties for harassment and make it more in line with the advantage the landlord gains by emptying a building.

Tenants have a real problem fighting harassment. Landlords have loads of money, or at least some of them, and tenants have much less. My landlord, for instance, is currently involved in working on a $600 million project, a heck of a lot more cash than I have. Forcing tenants out of their lower rent apartments is changing the character of the city. Please make this harassment bill reflect the real situation in these buildings.

FOR THE RECORD

Testimony Provided By:

Waterside Tenants Association
40 Waterside Plaza
New York, NY 10010

Harassment at Waterside Plaza

Waterside Plaza is a 1370 rental apartment complex in Manhattan with approximately 3500 residents. Tenants signed a Settlement Agreement in 2001 that allowed the Owner to withdraw from Mitchell-Lama. The tenants agreed to a fixed yearly increase in rent in exchange for lifetime tenancy.

The harassment of tenants began almost as soon as the agreement went into effect. Tenants have been under constant attack from the Owner in an attempt to clean out Settling Tenants. Waterside LLC hired as a manager an individual who was quoted in 1999 in New York Magazine that "I jokingly introduce myself to people as someone who evicts people for a living." http://nymag.com/nymag/features/755/index2.html Waterside's court filings against tenants rose to approximately 140 per year from approximately 25 per year during the Mitchell-Lama period. Suits have been brought for alleged breech of primary residency-each effort forces a tenant to bear legal fees to simply prove their rights. Some tenants have been fighting primary tenancy battles for several years, some have moved because they are unable to pay the legal bills. Tenants are regularly served legal notices by guards for non-payment after they are 10-15 days late on payment and court appearance mechanisms are set in motion at 20 days past due, even for long term tenants.

This year, Waterside implemented an access card system under the guise of security. Since Waterside is has extremely low crime rate -- police records showed a decline in incidents at Waterside to 4 from 6 the prior year, we believe that the real reason is to collect statistics to be used for primary residency challenges. As part of this system, Waterside has denied doormen the right to allow known tenants access to their apartment-the tenant has to swipe the card every time he or she enters the building Names of overnight guests must be submitted to Waterside and entered into a database. The guest form contains language which says any guest staying more than 7 days, if the tenant is not in the apartment, is deemed a sublet. This is contrary to the Settling Lease. Since by statute, sublets require landlord approval, this situation would create an illegal sublet and give Waterside the right to terminate tenancy.

Waterside also distributed a new form to submit if one has a roommate. It requests much more information regarding the roommate than is required by statute, including roommates phone numbers, employer, employer number, previous address and amount of rent. The statute provides that only the name and period of occupancy is required to be

provided to the landlord. We believe that Waterside is seeking this information to be used to terminate tenancy.

We have repeatedly requested that these forms be revised to be consistent with our lease and with the statutes, but the Owner has refused.

The Owner is rich, powerful and well connected. He has used that wealth to harass tenants and deprive them of their right to live in their homes in peace. Any effort to curb the harassment of tenants will be an important step for tenant rights and we support that.