



**L E G A L
S E R V I C E S**

INCORPORATED

**TESTIMONY
IN SUPPORT OF**

**INTRO 1044, IN RELATION TO DENYING BUILDING PERMITS
WHERE A RESIDENTIAL BUILDING HAS AN EXCESSIVE
NUMBER OF VIOLATIONS**

AND

**INTRO 152-A, IN RELATION TO REQUIRING A
CERTIFICATE OF NO HARASSMENT FOR THE DEMOLITION OR
MATERIAL ALTERATION OF RESIDENTIAL BUILDINGS**

PRESENTED BEFORE:

**THE NEW YORK CITY COUNCIL'S
COMMITTEE ON HOUSING AND BUILDINGS**

PRESENTED BY:

**MICHAEL GRINTHAL
SUPERVISING ATTORNEY
MFY LEGAL SERVICES, INC.**

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Introduction

MFY Legal Services, Inc. envisions a society in which no one is denied justice because he or she cannot afford an attorney. To make this vision a reality, for over 50 years MFY has provided free legal assistance to residents of New York City on a wide range of civil legal issues, prioritizing services to vulnerable and under-served populations, while simultaneously working to end the root causes of inequities through impact litigation, law reform and policy advocacy. We provide advice and representation to more than 10,000 New Yorkers each year benefiting over 20,000 individuals.

Each year, MFY serves thousands of poor and working poor tenants throughout New York City, including seniors, persons with disabilities, and residents of SROs and Three-Quarter Houses.

MFY supports the passage of Intro 1044, which would require landlords to reduce the number of hazardous and immediately hazardous violations in their buildings before receiving permits for renovation and construction, and Intro 152-A, which would require landlords to obtain a certificate of no harassment before receiving building permits. These bills merely require what should not be controversial: that landlords ensure the basic safety of their tenants and neighbors before embarking on nonessential renovations.

It Is Common for Landlords to Pour Money into Profitable Renovations While Ignoring the Dangerous Conditions in Which Their Tenants Already Live

MFY Legal Services serves hundreds of tenants every year who live in buildings that have become construction sites. Their landlords pour money into renovation of vacant apartments while the existing tenants live in squalid conditions without basic services. Indeed, the construction itself, by intent or negligence, often worsens living conditions and pressures tenants to give up their long-term, rent-regulated homes.

For example, the landlord of Ms. Johnson, an MFY client who lives in East Harlem, filed plans with the Department of Buildings (DOB) to gut renovate the six-unit rent stabilized building where she has lived with her family for 30 years. Her landlord planned to turn the building into 16 luxury units, including a duplex newly-built above the existing roof. Her landlord has bragged that the renovation would cost millions of dollars. Despite the landlord's considerable financial resources and ambitious plans for the building's vacant apartments, there were 356 hazardous and immediately hazardous violations in the building when the landlord applied for a permit with DOB. Ms. Johnson suffered from lack of heat, water leaks, lack of hot water, mice, roaches, rotting floors, mold, broken radiators, and nonworking light fixtures. Today, more than a year after her landlord began pouring money and resources into construction, most of the violations in Ms. Johnson's apartment remain. If her landlord has his way, they will still exist when her new, upscale neighbors move into the renovated apartments, and they will continue to exist until Ms. Johnson, like so many others before her, finally gives up and moves out.

It should be a scandal that a family lives in dangerous, unhealthy conditions even while their landlord pours millions of dollars into the same building - not for repairs, but for luxury renovations. But it is now well-known that situations like Ms. Johnson's are neither uncommon nor accidental. Many landlords deliberately use construction as a means to pressure tenacious,

rent-regulated tenants into giving up their long-time homes. Long before construction even begins, many of our clients are visited by landlords' agents – including specialized “tenant relocation consultants” – who openly threaten that their apartments will become unlivable, offering meager buyouts “so you can move out for your kids' sake.” One of MFY's clients was told that the landlord would dynamite the building with his family in it if they stayed. Under current law, tenants can file harassment complaints in Housing Court, but landlords can simply continue with their renovations, absorbing any civil penalties as a minor cost of doing business. Landlords will not take harassment and other violations seriously unless their ability to continue their luxury renovations is at stake.

Ensuring Tenant Safety During Construction Is Critical to Preserving Affordable Housing

Money and resources spent on housing construction should help mitigate New York City's housing crisis, not worsen it. But when renovation is not linked to tenant safety, it leads to the destruction of affordable apartments and the displacement of long-term low-income tenants. Intro 1044 would empower the City to stop this kind of “destructive construction” before it begins – not by tying landlords' hands or halting the development of new housing units, but simply and modestly by requiring landlords to comply with existing laws before embarking on more ambitious plans. A landlord who will not correct hazardous violations before beginning construction has no intention of allowing existing tenants to remain in their homes or those homes to remain affordable.

The remedies contemplated in Intros 1044 and 152-A are well-tested and have served as useful tools for protection of affordable housing in the SRO context and in special development districts. It is time to apply them across the city.

Conclusion

MFY Legal Services supports Intro 1044 and Intro 152-A as simple, tried-and-true means to protect tenant safety and preserve affordable housing. As a member of the Stand for Tenant Safety Coalition, MFY also strongly supports the package of related bills recently introduced (Intros 918, 924, 926, 930, 931, 934, 936, 938, 99, 940, 944, and 960), which together are an essential step towards dis-incentivizing the blatant disregard for the safety of New York City tenants presented in the form of illegal construction. We urge the Committee to schedule hearings on the other bills in the Stand for Tenant Safety package as soon as possible.