



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

INCORPORATED

**TESTIMONY
IN SUPPORT OF**

**INTRO NO. 918, IN RELATION TO PROFESSIONALLY
CERTIFIED APPLICATIONS FOR CONSTRUCTION DOCUMENT
APPROVAL AND FINAL INSPECTIONS OF PERMITTED WORK**

INTRO NO. 924, IN RELATION TO VACATE ORDERS

**INTRO NO. 934, IN RELATION TO THE CREATION OF A REAL
TIME ENFORCEMENT UNIT IN THE DEPARTMENT OF
BUILDINGS**

**INTRO NO. 944, IN RELATION TO CONSTRUCTION WORK
PERMITS**

PRESENTED BEFORE:

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

PRESENTED BY:

**TANGIER HARPER
STAFF ATTORNEY
MFY LEGAL SERVICES, INC.**

APRIL 18, 2016

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Introduction

MFY envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this through providing the highest quality direct civil legal assistance, community education and partnerships, policy advocacy and impact litigation. We assist more than 20,000 New Yorkers each year. The mission of MFY's Housing Project is to preserve affordable housing in New York City. In furtherance of that mission, MFY provides advice and representation to tenants citywide and vigorously litigates in Housing Court and administrative proceedings on behalf of NYCHA tenants and residents of primarily rent-regulated housing, including apartments, SROs and Three-Quarter Houses.

MFY supports the passage of the four bills before the Committee today as crucial to addressing harassment that tenants routinely face when landlords use deteriorated building conditions to drive tenants out of affordable and regulated housing. We focus our comments today on Intro 924-2015, which would require the NYC Department of Buildings, simultaneous with the issuance of any vacate order to building occupants, to issue to the building owner an order to correct conditions within ten (10) days.

It Is Common for Landlords to Use Vacate Orders to Drive Tenants from Their Homes

MFY serves hundreds of tenants every year who live in buildings that have deteriorated through landlords' failure to make required repairs. Landlords are immune to violations that pile up and are consequently deaf to complaints from tenants seeking the most basic repairs to their homes. Tenants are regularly displaced when the conditions become so serious, or when a catastrophic event occurs, such as a fire, such that the NYC Department of Buildings ("DOB") places a vacate order on an apartment or an entire building. While a vacate order is supposed to ensure the safety of the building's occupants, it can often serve as a windfall for the building owner who takes advantage of the placement of the vacate order to remove the tenants permanently.

Such was the case for the tenants of 783 Southern Boulevard, located in South Bronx. In May 2015, a small fire caused severe damage to four apartments and prompted the DOB to place violations throughout the building and to place a vacate order on each of those apartments. The tenants in those apartments were forced to move out. Among the displaced tenants was a blind, elderly person with severe disabilities. Instead of commencing repair work, the landlord did nothing. For six months, some tenants lived on the couches of their relatives or stayed in City

shelters. The tenants began to lose hope they would ever return home, and even considered relinquishing their rights to their apartments. It wasn't until MFY assisted the tenants to prosecute a Housing Court HP proceeding for repairs in September 2015 that any action was taken. Even after the case was commenced, the landlord refused to make any repairs at all, delaying the case for baseless reasons. MFY therefore amended the pleadings to bring in DOB as a respondent. Forced now to take action, DOB made the landlord complete the required repairs, and the tenants were restored to their homes – after nine months of displacement.

It is scandalous that a landlord used a fire to remove tenants paying affordable rents. It is even more scandalous that the landlord was able to take advantage of a vacate order, designed to keep people safe, from returning to their homes and causing them to potentially lose those homes forever. Yet, under the current law, this situation is all too common. Passage of Intro 924-2015, requiring that DOB issue a ten-day order to correct violations simultaneous with any vacate order, would close a dangerous and – for tenants, catastrophic – loophole that has allowed unscrupulous landlords to use safety laws to make tenants, including children and persons with disabilities, homeless. MFY enthusiastically supports passage of this law.

Conclusion

MFY Legal Services supports Intro 924, which will effectively prevent landlords from using vacate orders to displace tenants indefinitely, and require building owners to make immediate repairs upon issuance of a vacate order. It is an unburdensome, practical means by which DOB may ensure building safety without endangering affordable tenancies. It is also necessary in order to hold building owners accountable to the law and their tenants. As a member of the Stand for Tenant Safety Coalition, MFY also strongly supports the package of related bills recently introduced (Intros 918, 934, and 944), which together are an essential step towards ensuring housing is constructed, maintained and preserved in a manner that prevents the displacement of tenants from their homes.