



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

I N C O R P O R A T E D

TESTIMONY

IN SUPPORT OF

**INTRO NO. 757: ON AMENDING THE DEFINITION OF
HARASSMENT IN THE NEW YORK CITY
ADMINISTRATIVE CODE TO INCLUDE REPEATED
BUYOUT OFFERS**

PRESENTED BEFORE:

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

PRESENTED BY:

**ARIANA MARMORA
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I. 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 poor and working poor New Yorkers each year benefitting over 20,000.

MFY annually serves more than 3,600 tenants, including more than 2,000 who are at least 60 years old. MFY is committed to working with the City Council to protect the safety and affordability of housing for low-income New Yorkers so they can continue to be an integral part of New York City communities.

II. Our Clients' Experiences

The tenants who seek our help are in danger of eviction or are living in unacceptable housing conditions. Many are long-term rent stabilized or rent controlled tenants with affordable rents. Indeed, it is their continuing presence that represents much of the affordable housing in the city and also what makes them a target of harassment by landlords and investors looking for high rates of return on these “underutilized” apartments.

The wave of “predatory equity” and accompanying harassment has been well documented. In response, the City Council passed Local Law 7, the tenant harassment law, in 2008. MFY’s experience since then demonstrates that landlord harassment of tenants – especially senior tenants – has continued and in many instances, worsened. Our clients still commonly experience typical harassment tactics: baseless non-primary residence eviction cases; vague nuisance allegations; withholding of repairs and maintenance while unregulated – and younger – tenants in the same building receive prime services; and even gut renovations of buildings while small groups of regulated tenants are still living there.

Although the practice of presenting repeated buyout offers to tenants has not traditionally been classified as harassment, it creates an environment of fear and intimidation that can seriously disrupt a tenant’s quality of life and feeling of security in their home. Today, I present two examples that illustrate why repeated uninvited buyout offers without disclaimers should undoubtedly be classified as “harassment” in the Administrative Code:

Mr. D, an elderly single room occupancy (SRO) tenant living on the Upper East Side, faced repeated buyout offers -- five to six times a week -- after notifying his landlord that he was not interested in vacating his apartment. His landlord’s persistent pressure on the tenant to accept a buyout exacerbated his anxiety and mental health conditions, and forced him to alter his daily routine so as to avoid seeing the landlord. His landlord would say things such as, “what’s taking you so long?” and “why haven’t you accepted the offer yet?” even though Mr. D had communicated that he was not interested in being bought out. It was only after MFY intervened on behalf of Mr. D that the landlord’s agents relented and stopped harassing him.

Mrs. A, a tenant in Washington Heights fighting a baseless nuisance holdover proceeding, has lived in her rent stabilized apartment with her family for 21 years. Since a new landlord purchased the building two years ago, she has been presented with countless buyout offers, often by different agents of the landlord. Despite having communicated that she was not interested in vacating the unit for any amount of money, she came home from work one day to find an agent of the landlord speaking to her teenage daughter about a buyout—the daughter had let the agent into the apartment based on his misrepresentation that he had important legal documents for Mrs. A. Mrs. A feels that the safety of her family has been compromised by the landlord’s aggressive attempts to persuade her to accept a buyout offer.

A group of East Village tenants recently told MFY that their landlord’s agents have threatened to place public scrutiny on their immigration statuses if they do not accept meager buyouts and vacate their apartments. They feel pressured to accept the offers and move out rather than continue to live with increasingly aggressive and persistent offers.

When we advise tenants about buyouts, we’ve learned that many are unaware of the tax implications of accepting a buyout offer, and do not adequately consider the extreme difficulty of obtaining another affordable apartment after vacating their current homes.

These stories are not unusual. Every week, MFY hears from tenants who are being harassed with multiple, persistent buyout offers, and fear they will be evicted or face even worse consequences.

III. Recommendations

Landlord harassment of tenants continues because it works, and it works because it is cost-effective. Tenant harassment is usually part of a business model to empty, deregulate, and then re-rent apartments at market rates. As the law stands now, multiple buyout offers are not explicitly deemed harassment under the Administrative Code, and thus, this tactic continues to proliferate as a common and legal practice undertaken to pressure rent regulated tenants to vacate their homes. For these reasons, MFY strongly supports the proposed amendment to include repeated buyout offers within the definition of harassment in the Administrative Code.

IV. Conclusion

MFY Legal Services strongly supports Intro Nos. 682, 700 and 757, and commends the Council for its continuing efforts to curb abusive landlord practices. This bill is an essential step towards removing the incentives for tenant harassment.