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Harassed by Landlord, Chinatown Tenants Fight Back

*Lawsuit Seeks Injunction and Damages Against Large New York Property Manager
and Its Attorneys for Breaking Federal and State Law*

New York, NY - June 12, 2014. MFY Legal Services has filed a federal lawsuit on behalf of two elderly, Chinese-speaking tenants against their landlord and the landlord's attorneys, who have repeatedly brought eviction cases against them for rent that they did not owe.

Ms. Ying Di Zheng and her son, Guo Ying Wang, are long-term rent-stabilized tenants at 7 Rivington Street. The apartment, owned by 7 Rivington St., LLC ("7 Rivington") and managed by Marolda Properties, Inc. ("Marolda Properties"), is located in rapidly gentrifying lower Manhattan. Ms. Zheng and Mr. Wang's apartment is one of only two remaining rent-stabilized units in the 16-unit property at 7 Rivington Street.

Ms. Zheng is 82 years old and for at least 13 years she has been entitled to a Senior Citizens Rent Increase Exemption (SCRIE), which freezes the rent that she and her son, age 61, must pay each month. The SCRIE program, run by the New York City Department of Finance (DOF), helps low- and moderate-income senior citizens in New York City remain in their homes by paying a portion of their rent through tax credits to their landlords.

Ms. Zheng and Mr. Wang have always paid their portion of the rent on time, yet 7 Rivington has brought three nonpayment eviction cases against Ms. Zheng and Mr. Wang since 2007. In each case, the landlord's own ledger demonstrated that Ms. Zheng and Mr. Wang had timely paid their portion of the rent, and any arrears arose solely from tax abatement credits allegedly not received from the Department of Finance.

"The landlord repeatedly sued to evict my clients for rent that they had already paid and that the landlord's books showed that it had already collected. These repeated, baseless proceedings against elderly tenants are outrageous," said Donna Chiu, a staff attorney at MFY who represented Ms. Zheng and Mr. Wang in the Housing Court case.

The federal complaint asserts claims under the federal Fair Debt Collection Practices Act ("FDCPA"), which was passed by Congress to protect consumers from abusive debt collection practices, including threats and demands for payment of money that is not owed; New York

Judiciary Law § 487, which governs misconduct by attorneys; the New York City Tenant Harassment Law, which prohibits the harassment of tenants with the intent of coercing them into vacating their apartments or giving up their rights as tenants; and New York General Business Law § 349, which prohibits the use of deceptive acts or practices in the conduct of any business, trade, or commerce.

“It’s clear that Marolda Properties is harassing Ms. Zheng and Mr. Wang to induce them into giving up their home of over 25 years, simply because it is a rent-controlled apartment,” said Evan Denerstein, a staff attorney at MFY. “The Law Office of Santo Golino aided Marolda by filing a baseless lawsuit, seemingly without reviewing any of Marolda’s records beforehand.”

Mr. Wang, through a translator, said about the repeated, baseless eviction cases: “This landlord is very bad to my mother and me. He has repeatedly sued us claiming we did not pay our rent. This is not true because I mail my monthly rent by certified mail.”

Marolda Properties and its affiliates own more than 20 residential buildings in New York City containing more than 600 apartments, and have in the past five years bought a number of buildings in Chinatown and the Lower East Side, including the building where Ms. Zheng and Mr. Wang live. MFY and other community organizations in the area report that a number of tenants have experienced similarly baseless lawsuits and other forms of harassment. Cathy Dang, Executive Director of CAAAV: Organizing Asian Communities, said that “CAA AV has been working with tenants of this landlord in multiple buildings in Chinatown, and we have seen many low-income, Asian tenants displaced from their rent-regulated homes. We support these Plaintiffs and hope that more tenants will stand up to stop harassment.” Tenants in several buildings have recently requested a meeting with Marolda Properties to discuss problems in the buildings. To date, Marolda Properties has been unresponsive.