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## **ROCKAWAY LANDLORDS EVICT POOR AND DISABLED TENANTS FROM SRO BUILDINGS**

### ***HPD and Buildings Department Ignore Dangerous Violations and Complaints of Tenant Intimidation***

#### ***Rockaway Park Residents Are Now Homeless***

Rockaway Park residents of a 10-room, single-room occupancy dwelling on Beach 96th Street are trying to find a roof over their heads after the Department of Buildings smacked an Order to Vacate on the building that had been their home for years. The Order, issued on April 4, charges that the three-storey building has only one means of egress, a violation of the Building Code.

The Order to Vacate was not the result of Buildings Department vigilance and concern for tenant safety, however. It was issued after the building's new owner, Peter Jacobs, reported the violation on his own property. Since purchasing the building two months ago, Jacobs has mounted an aggressive campaign of harassment in an effort to force the tenants out of the building.

"Many of the tenants are on public assistance and several are disabled," said MFY Staff Attorney Ryan Napoli, who represents several of the building's disabled tenants, "but they were not easily intimidated by the landlord's hostile tactics." When the Order to Vacate was posted, many believed they had no alternative and left. Napoli contacted the Buildings Department immediately and was able to get the Order to Vacate restricted to the third floor only. The Buildings Department suggested that the third-floor tenants move to rooms on the first and second floors that Jacobs had already boarded up. Some tenants managed to re-enter these rooms, but were later ejected by Jacobs, who again sealed the rooms and all the building's windows.

"The Mayor and HPD say they want to maintain and increase affordable housing for all New Yorkers," said Napoli. "But here was an opportunity to order a landlord to fix a violation and make the building a legal SRO for people who have nowhere else to live. Landlords don't need to hire thugs to force tenants out; one call to the Buildings Department does the trick."

This is a far too common trend in the Rockaways. Just down the block from Jacobs' building, the owner of an SRO hotel at 189 Beach 96th Street has ignored a court order to fix serious violations that have made the building barely livable, issued after MFY brought suit in September 2005. Over 50 violations—from serious leaks, cat feces in the halls, broken sprinklers in all rooms, to a serious mold condition—persist despite the court's intervention. Although MFY and tenants have

complained repeatedly about the lack of repairs, both HPD and the Buildings Department have turned a blind eye to the problem.

As a result, one elderly tenant contracted pneumonia after her room was repeatedly drenched because of a leaky roof. The hospital deemed her room a health hazard because of mold and she was taken to a nursing home. “Because city agencies failed to act, taxpayers are now footing this tenant’s \$8,000 a month nursing home bill,” said Napoli. “The repairs to her room would probably cost a fraction of what Medicaid will now have to pay for this woman’s care.”

Napoli is preparing to go back to court to again force the landlord to fix the building before more tenants are hospitalized or leave in despair. “If city agencies would simply follow their own rules, we’d have a lot more affordable housing and a lot fewer homeless people,” he said.

MFY Legal Services, Inc., one of the first non-profit legal services agencies in the country, has represented low-income and disabled New Yorkers free of charge since 1963. MFY’s Mental Health Law Project works to preserve the housing, public benefits, and civil rights of mental health consumers.

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