



TESTIMONY IN SUPPORT OF
INTRO 1721-2017 – IN RELATION TO AMENDING THE DEFINITION OF
HARASSMENT.

PRESENTED BEFORE:
THE NEW YORK CITY COUNCIL'S
COMMITTEE ON HOUSING AND BUILDINGS

PRESENTED BY:
SHI-SHI WANG
STAFF ATTORNEY
MOBILIZATION FOR JUSTICE, INC.

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Introduction

My name is Shi-Shi Wang, and I am a Staff Attorney in the Housing Project of Mobilization for Justice, Inc. (“MFJ,” formerly MFY Legal Services). MFJ 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, providing community education, entering into partnerships, engaging in policy advocacy and bringing impact litigation. We assist more than 20,000 New Yorkers each year.

Specifically, MFJ’s Housing Project annually serves more than 3,600 tenants, almost all of whom live in rent-regulated housing and have lived in their homes and in their communities for many years. We are committed to fighting community displacement through both affirmative and defensive litigation.

Our Clients’ Experiences and the Importance of the Bill Under Consideration

We sincerely thank the Committee on Housing and Buildings for holding this hearing on **Intro 1721** – in relation to amending the definition of tenant harassment to include the following:

- Subsection a-1 – knowingly misrepresenting information related to the occupancy of a dwelling unit or knowingly misrepresenting the condition of a dwelling unit as habitable and safe when the dwelling unit is actually unsafe and uninhabitable;
- Subsection a-2 – knowingly misrepresenting specific work to be performed in a permit application that does not reflect the actual work done after the permit has been approved;
- Subsection b-2 – specifically finding that repeated failures to correct violations – by itself – is *per se* harassment under the admin code;
- Subsection b-3 – specifically finding repeated false certifications of a housing violation having been corrected when it hasn’t – again by itself – is *per se* harassment;
- Subsection b-4 – engaging in conduct within the building which negatively affects the use and occupancy of the dwelling unit or public areas in violation of the certificate of occupancy of the building.

As is well-known to New York City tenants, predatory landlords use a wide array of tactics to harass and deceive rent regulated tenants in all boroughs. By passing **Intro 1721**, the City will move in the right direction and penalize those who engage in these common abuses. Landlords will not be unfairly burdened by the law’s requirement that they make honest representations to tenants and potential tenants about the conditions of the units, and that they make necessary repairs and improvements as already required by law.

For example, MFJ is currently representing rent-regulated tenants at **336 West 17th Street**. Tenants in the building have not had cooking gas since April 2015. DOB and HPD promptly placed violations on the building. To this day, however, the gas remains off and the residents fear another Thanksgiving will come and go where they can't have the simple pleasure of a home cooked meal. In addition, when two prospective tenants inquired about the status of the gas outage and when the gas would be restored, the former owner promised to restore gas service immediately, but never did. The current owner, who acquired the building a year ago, also has repeatedly failed to restore gas service since HPD issued multiple violations. Tenants in this building include a family of three living on an annual income of \$28,000 and a 90-year-old great-grandmother who has lived in her apartment for over 40 years. Subsection a-1 and b-2 would make it possible for a Court to find that repeated failure to correct violations and misrepresentations to prospective tenants of the habitability of the dwelling unit to count as evidence of tenant harassment.

In addition, the landlord of **336 West 17th Street** falsely certified that the building was not rent regulated and had no tenants. Similarly, the landlord of **29 East 29th Street**, another building represented by MFJ, also falsely stated in several DOB applications that the building has no rent-regulated tenants but, by MFJ's estimation, there are approximately 50 rent-stabilized tenants living in Single Room Occupancy ("SRO") units. Subsection a-2 of Intro 1721 would characterize these false certifications as tenant harassment.

Another example of MFJ's work on the very problems Intro 1721 is designed to combat is shown in a group HP action on behalf of the tenants of **192-194 1st Avenue**. Since purchasing the property in 2016, the new owner of the two buildings has engaged in a campaign of illegal construction in both buildings, including illegally removing the hallway stairs, completely removing the bulkhead/fire escape leading to the roof, and submitting false and misleading documentation related to gas line work in the hallways. Intro 1721 would characterize the owner's behavior as not just an ECB violation, or a DOB violation, or an HPD violation – but by doing actual work that has *no relation* to the work described in the owner's applications would certainly meet subsection a-2's definition of harassment.

In addition, Ms. Antoinette Tuzzio of **176 Hester Street** has not had cooking gas for 18 months. She is a 69-year-old rent controlled tenant who has resided in her apartment for all 69 years of her life. Judge Wendt, in denying the landlord's request for extension of time to restore cooking gas to the building, issued a written decision specifically finding fraud in the landlord's DOB permit application, stating that a "false statement on the [DOB permit application] was a misdemeanor punishable by a fine, imprisonment, or both." Intro 1721 would recognize this type of behavior as tenant harassment.

Finally, MFJ currently represents a low-income tenant at **3968 Bronx Boulevard** who moved into a basement unit in a two-family house. In order to receive NYCHA Section 8 payments of \$1,200 per month, the landlord falsely represented to the tenant and NYCHA that the unit is legal and in habitable condition. However, soon after the tenant moved in, the hot water was shut off and DOB found that the basement apartment does not have a valid certificate of occupancy. The landlord's misrepresentations here would fall within the definition of harassment under subsections a-1, a-2, and b-4 of Intro 1721.

Conclusion

Unfortunately, these are just a few examples of the deceitful and often dangerous acts that landlords take against New York City tenants. On behalf of our clients, and as a member of the Stand for Tenant Safety Coalition, MFJ supports Intro 1721-2017 as a simple but necessary means by which to protect tenant safety and preserve affordable housing.