Landlords' suit pushes back against tenant harass law

BY JEFFERSON SIEGEL

Landlords pursuing legal action against a new city law intended to protect tenants from harassment were met with a strong rebuke at a rally on the steps of City Hall this week.

On Monday the city received notice that a lawsuit against Local Law 7, the Tenant Protection Act, had been filed by a group touting itself as the Rent Stabilization Association.

The lawsuit's primary argument is that a law enacted by the City Council cannot supersede housing codes, and it also claims that the Tenant Protection Act violates a landlord's 14th Amendment right to Due Process.

The new law was intended to serve as a stopgap against a variety of actions deemed as harassment. They include using force or making threats against a tenant, interrupting services, commencing baseless litigation, removing possessions and changing door locks.

Drafted by Council Speaker Christine Quinn and several councilmembers,

City Council Speaker Christine Quinn signs an autograph for Upper West Side resident Christopher Mooney on Tuesday after the two attended a rally on the steps of City Hall to denounce a lawsuit to repeal the new tenant harassment law.

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Tenants rail against landlord lawsuit at City Hall rally

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and signed into law by Mayor Michael Bloomberg last March, the law empowers tenants to sue their landlord for failure to provide essential services and other actions that cumulatively qualify as harassment. Previously, tenants could bring suit only if those services were withheld on a case-by-case basis, an oftentimes lengthy and cumbersome process.

A day after the city received the 34-page lawsuit, dated Aug. 7, tenant organizers gathered at City Hall on Tuesday to join councilmembers in denouncing the suit.

"I think they're desperate," said Roberta Fink, a resident of Chelsea's Penn South complex for 18 years. "It's a Hail Mary pass."

"Anything they don't like, they find a way to legally oppose," muses Vivian Riffelmacher, a ranking member of the West Side Neighborhood Alliance.

Speaker Quinn pledged to keep the law in force. "The filing of this lawsuit speaks volumes about the fact that this harassment is a reality," she said, as over a hundred tenants and tenant advocates cheered her on. "We will win this lawsuit," Quinn added.

"This is just, plain and simple, a disgrace," Upper Manhattan/Bronx Councilmember Melissa Mark-Viverito said, declaring the law's intention was "to protect the most vulnerable." She listed phony demolitions and frivolous landlord lawsuits as threats to tenants that are clearly defined and prohibited under the new law.

As the proposed law made its way through drafts and committee hearings, it was opposed at every turn "by the most powerful special-interest group in the city"—the real-estate lobby—said Irene Baldwin, the executive director of the Association for Neighborhood and Housing Development. At Tuesday's rally, Baldwin took a more conciliatory tone, inviting the landlord lobby to "come back and join the rest of the world in fighting the harassers."

Under the law, evidence of harassment by a landlord could make them liable for penalties ranging from $1,000 to $5,000.

A lawyer for the RSA, Mitchell Poulik, was quoted in Tuesday's New York Sun explaining the rationale for lawsuits by noting city inspectors had no means to "objectively evaluate whether harassment has taken place."

Quinn explained that, "we actually got input from the RSA on this law."

If a landlord has had three allegations of harassment dismissed in court over a period of 10 years, a tenant seeking to sue again would first need a judge's consent to file another claim.

At Tuesday's rally, some tenants said they expected landlords to attack the law once it was enacted. However, after word of the lawsuit spread, those tenants' determination was redoubled.

"It's absolutely egregious," said Chelsea and WSNLA member resident Anita Black. "It's wrong. We have to say no."

Hell's Kitchen resident Maureen Burns was taken aback by the legal end run. "I didn't think people could be so shameless," she said. "As a group, you think they'd have more integrity."

John Raslin, organizing director of Housing Conservation Coordinators, put it more bluntly. "The RSA is saying that they're in favor of tenant harassment," he added.

Quinn said the lawsuit was under review by the city's Law Department.

A week earlier tenants had also rallied at City Hall before testifying at a state hearing on tenant evictions due to selective, or phony, demolitions.