

## A.G. Schneiderman Announces New Legislation To Criminally Crack Down On Tenant Harassment

*New Legislation Would Broaden And Strengthen Existing Tenant Harassment Laws, Make It Easier To Criminally Prosecute Landlords Who Force Rent-Regulated Tenants To Vacate*

*Schneiderman: With Affordable Housing As Scarce As Ever, It's Time For Lawmakers To Give Prosecutors New Tools To Stop The Menacing - And Often Dangerous - Measures These Landlords Use To Force Tenants Out Of Their Homes*

NEW YORK—Attorney General Eric T. Schneiderman unveiled new legislation today aimed at holding the city's most unscrupulous landlords criminally accountable for tenant harassment. Current state law demands prosecutors reach an inexplicably high bar in order to criminally charge landlords with harassment of rent-regulated tenants—which is why in the past twenty years, not a single landlord has ever been convicted of the crime of Harassment of a Rent Regulated Tenant. The AG's legislation would change that, by setting a more reasonable standard that removes the need to prove physical injury to a tenant, and opens the door to prosecutions arising out of more commonplace and insidious tactics, such as turning off heat and hot water, exposing young children to lead dust, and making rent-stabilized buildings deliberately uninhabitable for current tenants and their families.

The legislation introduced today is just the most recent action taken by the AG to stem a rising tide of tenant harassment complaints across New York City. The AG's other work includes:

- **Launching a new team** to enhance and streamline the office's resources to combat tenant harassment, deceptive lending practices, deed theft, bank fraud, and other housing issues facing constituents.
- Charging landlords and **management companies** for alleged illegal **practices to harass** or **endanger rent-regulated tenants**.
- Filing felony charges against landlords who **allegedly commit mortgage fraud** or **fraudulently refinance loans**.
- Formed the **Tenant Harassment Prevention Task Force** with city and state officials

"Our current laws are outdated, ineffective, and totally inadequate to keep tenants safe from unscrupulous landlords seeking to unlawfully evict New York families. With affordable housing as scarce as ever, it's time for lawmakers to give prosecutors new tools to stop the menacing - and often dangerous - measures these landlords use to force tenants out of their homes," said **Attorney General Schneiderman**. "Protecting vulnerable tenants has been, and will remain, a top priority of my office."

"Toughening up criminal penalties helps us level the playing field and protect tenants victimized by greedy, negligent landlords who put their own profit ahead of the rights of those paying the rent," said **Mayor Bill de Blasio**. "I applaud Attorney General Schneiderman's move to make it harder for bad actors to harass tenants, and will join him in advocating for this important penal law change."

"Stronger tenant harassment legislation will deter potential unconscionable acts and help tenants feel more secure in filing charges against any unscrupulous landlords," said **New York City Council Speaker Melissa Mark-Viverito**. "I commend Attorney General Schneiderman for his work on this very important bill that will extend protections to all tenants. The New York City Council last week introduced a tenant harassment protections package of legislation that will work conjunction with this bill, and we will continue to partner with the Attorney General to protect everyone in our City — especially the most vulnerable."

Under the existing Harassment of a Rent Regulated Tenant statute, a prosecutor must not only prove that the offending landlord intended to cause the tenant to vacate their home, but also that the tenant sustained physical injury due to the landlord's actions and that the landlord actually intended to cause (or acted with criminal recklessness in causing) such injury. This existing Penal Law statute creates an inexplicably high bar that — in the nearly two decades since the law was

enacted – has never been met. In fact, a recent analysis of NYS Division of Criminal Justice Services data shows that not a single landlord has ever been convicted of the crime of Harassment of a Rent Regulated Tenant.

The Attorney General's legislation would eliminate the need to prove physical injury to a tenant, and a landlord's specific intent to cause it, in order to secure a criminal conviction against an offending landlord. Specifically, the legislation:

- Adds a new class A misdemeanor that would apply to landlords and their agents who, with the intent to cause a rent regulated tenant to vacate their home, engage in a "course of conduct" that is reasonably likely to, and does in fact, interfere with and disturb the comfort, repose, peace and quiet of such tenant in the use of their home;
- Expands the existing class E felony Penal Law statute to make it unlawful for landlords or their agents to attempt to force tenants in two or more rent-regulated units to move out by engaging in a "systematic ongoing course of conduct" or "repeatedly committing acts over a period of time" that "is or are reasonably likely to interfere with and disturb, and does or do interfere with and disturb, the comfort, repose, peace and quiet" of such tenants in the use of their homes; and
- Makes it a class E felony for a landlord to commit the new class A misdemeanor offense after he or she has been convicted of that crime within the preceding five years.

These provisions make it easier for prosecutors to curb common tactics used by landlords to force out tenants, including long and disruptive construction projects, deprivation of hot water and heat for extended periods of time. The new class A misdemeanor imposes a maximum penalty of up to one year in jail. The class E felony carries a maximum sentence of up to four years in prison.

Earlier today, Attorney General Schneiderman released new "[Know Your Rights](#)" guidance for immigrant tenants facing landlord harassment on the basis of immigration status.

"Today's announcement is significant in our efforts to protect tenants from harassment by landlords that have either threatened physical harm or caused injury in an attempt to get them to vacate their home. This bill will help provide real protections for innocent tenants who have been subjected to threats and harm by their landlords due to an ineffective Penal Law statute," said **U.S. Congressman Adriano Espaillat (NY-13)**.

"Too often, unscrupulous landlords get away with tenant harassment and abuse because of outdated laws. Attorney General Schneiderman's legislation will ensure that bad landlords can be held accountable for their criminal actions. We must continue to taking every action possible to protect tenants and ensure every New York has access to a safe and decent home," said **Public Advocate Letitia James**.

**Acting Brooklyn District Attorney Eric Gonzalez** said, "Landlords who harass tenants out of their rent-regulated apartments have been a serious problem in Brooklyn, where the real estate market continues to thrive. My Office has been doing all it can to combat these issues by using unlawful eviction and other laws. The current Harassment of Rent Regulated Tenant statute has not been a viable option when prosecuting these cases because of the onerous standard of proof so I commend Attorney General Schneiderman for proposing these common sense changes to the statute. This would be a valuable tool in our arsenal as we continue to fight for all residents' rights to live peacefully in their homes."

**Manhattan District Attorney Cyrus R. Vance, Jr.**, said: "We need better tools to prosecute landlords who threaten and harass families residing in rent-stabilized housing where they are lawfully entitled to live. In a [case brought by my Office last summer](#), though seven family members were at grave risk of injury, and even death, they did not suffer any physical injuries. For that reason, the defendants could not be charged with Harassment of a Rent-Regulated Tenant, even though it would seem to fit the conduct alleged in that case. I join the Attorney General's call to amend the language of Harassment of a Rent-Regulated Tenant to reflect the language of our felony Aggravated Harassment laws, which do not require physical injury or the intent to cause physical injury. With this common-sense update, prosecutors would be much better equipped to help these tenants."

“Improving the law so a prosecutor has better means to fight bad landlords is good sense, and will help prevent tenants from being victimized twice – once by their landlord and again by the existing inadequate and ineffective law,” said **Manhattan Borough President Gale A. Brewer**. “Attorney General Schneiderman is proposing a real improvement to a prosecutor’s toolkit.”

“Too many times to count I have heard horror stories from my constituents about the harassment they have suffered at the hands of unscrupulous landlords,” said **Senator Krueger**. “But as the law stands now, it is nearly impossible for tenants to have their day in court. It is high time this law was updated to give tenants a fighting chance, and to safeguard our dwindling stock of affordable housing. I commend Attorney General Schneiderman for his leadership, and look forward to supporting this bill in the State Senate.”

“The nature of the City’s housing market allows room for tenants, to be put in situations where they are being harassed out of their homes by owners looking to capitalize on the City’s housing shortage, and the increased rents they can charge because of it. Fortunately, legislators and officials are beginning to look at this from the purview of tenants’ rights and modifying laws and codes to reflect the issues they face today. This legislation has the power to impact thousands of New Yorkers and will go a long way in protecting this City’s tenants,” said **Council Member Jumaane D. Williams, Chair of the Committee on Housing and Buildings**.

“The City has zero tolerance for landlords who would harass or threaten their tenants. This proposed legislation will significantly expand and strengthen our toolbox to go after bad actors who would thwart the law,” said **HPD Commissioner Maria Torres-Springer**. “I want to thank the Attorney General and our fellow agencies and representatives in the Tenant Harassment Prevention Task Force for their partnership in the ongoing fight to protect our city’s residents.”

“Tenant harassment is cruel and in many cases, criminal. I applaud Attorney General Schneiderman for putting forward legislation to give law enforcement more tools to hold bad actors accountable when they try to force tenants out of their apartments,” said **Buildings Commissioner Rick Chandler**. “Our Tenant Harassment Task Force has issued thousands of violations and hundreds of stop-work orders – and with this bill, we’re sending the message loud and clear that tenant abuses will not be tolerated.”

“For far too long, landlords have evaded most criminal consequences for tenant harassment because the existing statute lacks the necessary teeth to hold bad actors accountable,” said **Judith Goldiner, Attorney-In-Charge of the Civil Law Reform Unit at The Legal Aid Society**. “Reform is drastically needed, and this legislation will finally insure that landlords are brought to justice.”

**Maria, Make the Road New York member and rent stabilized tenant**, said, “Immigrant tenants like me face harassment from our landlords every day. My landlord has been harassing me over and over again to try to get me and my family out of our rent stabilized apartment, including threatening us based on our immigration status. I applaud Attorney General Schneiderman for these steps to protect rent-stabilized tenants and immigrant families like mine.”

“NMIC applauds Attorney General Schneiderman and his staff for putting tenants first. We need to protect rent stabilized tenants from harassment that may lead to displacement and this legislation will go a long way in holding landlords accountable”, said **Maria Lizardo, Executive Director of Northern Manhattan Improvement Corporation**.

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