

# Where Brooklyn Tenants Plead the Case for Keeping Their Homes

Settlements are pushed in chaotic hallways, emergency loans are held up as cure-alls and delays are seemingly endless. Welcome to housing court. Take a number.

By N. R. KLEINFELD MAY 20, 2018

Outside, shuddering in the cold, they waited. For regulars, the ones flung repeatedly into this quizzical place, they knew it was going to be a long, sour wait, for the line looped back and wiggled around the corner and touched the Lane Bryant store. The Lane Bryant store usually meant upward of an hour's wait.

This was the line to get into 141 Livingston Street in Downtown Brooklyn, premises of Brooklyn Housing Court. Its business is deciding whether to evict people. It was this way in rain and howling wind and snow. Under the gray slab that was the sky, a gangly man slid down the line, barking out his spiel, offering cards for a free program to pay moving expenses, modest consolation if things went badly inside.

An abundant woman with a hurting look was stammering into her glowing cellphone: "I don't know what to do. I'm not going to go live on the street. I've got a son. How do I tell my son we're living on the street?"

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## UNSHELTERED

Articles in this series examine New York's broken system for protecting tenants and affordable apartments.

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Farther along, a man fingering his beard, his eyes narrowed to slits, said into his phone: “I’m waiting in line, seeing if I got a home. I’m a broken homeboy.”

Sullen people with derailed lives being reset to zero, inching toward the unknown. The waiting added to the stress. It added to the humiliation.

In Brooklyn, you waited in line to get evicted.

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### **What You Need to Know as a Tenant**

New York’s housing system can be complicated to navigate. Here’s a quick primer on what your rights are and how to exercise them.

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On the second floor, first-timers took numbers and sat until called over the loudspeakers to a clerk’s window to learn their next court dates. Like bakery numbers. Bingo numbers. Yellow Ticket 71, Window 3. White Ticket 50, Window 7. Yellow Ticket 72, Window 3.

At the help desk in the waiting room run by Housing Court Answers, a research and advocacy group, a man said loudly: “Seven times the landlord has tried to evict me. The lawyer calls me a Gypsy. I’m not a Gypsy. I’m not a thief. You can call the F.B.I., anyone, I’m not wanted, I’m not a thief. I’m a grandfather. Their lawyer wanted to beat me up, too.”

Next to him, a man with a prosthetic leg explained that he had missed a court date while in the hospital to fix his heart, and now his landlord was evicting him. “They got a bunch of trumped-up things because they want someone else in there,” he said. “They don’t want the ones that make sense.”

***(Read about how landlords have exploited weakened laws and fragmented bureaucracy to remake buildings and neighborhoods, in Part 1 of this series.)***

Nearby, a young man sat at a folding table, entering cases into a computer for the tenant-screening services that offer blacklists — compilations that landlords can buy to identify tenants who have been in housing court, people they'll avoid renting to. You can win your case, yet you still make the list, still depart wearing the taint of housing court.

## A Lopsided Court

New York City's housing crisis doesn't start in housing court. But it ends here, the last stop on the road to eviction. It's the system's busiest court.

Each borough has a housing court, but Brooklyn's stands apart. It isn't a courthouse, but a repurposed commercial building whose better days have long been forgotten. There's inadequate space. Balky elevators. Grimy bathrooms. No privacy. Judges squeeze into the same elevators as everyone else, sometimes skipping a car if a litigant they've ruled against is inside. One judge remembers being tailed to the bank. A precaution whispered by seasoned courtgoers is to wash your clothes when you get home. Bedbugs. The court is due to move to more appropriate accommodations in the municipal building, but it never seems to happen.

Almost no one is pleased with the court's tortured workings. Plodding and confusing, the court often seems diffident in dealing with the homes of human beings. Landlords complain that the court tilts toward tenants, that it commonly takes three to six months to evict someone, whereas in some other states it can take mere days. But while New York is considered to have strong tenant protections, bewildered tenants still routinely find themselves outfoxed by landlords. They battle for their homes largely unrepresented by lawyers, making housing court the most lopsided court in the system.

“It has always been the single defining thing about housing court since it was created, to try to create justice when most of the people on one side were represented and one side was not,” said Judge Jean T. Schneider, the citywide supervising judge for housing court.

New York's housing court was created in 1973, with the main objective of making sure apartments stayed in good repair. Today the bulk of its work is eviction proceedings. Little of its activity has to do with getting repairs done, something it is notably ineffective at doing.

Last year brought a blur of nearly 69,000 filings in Brooklyn, second only to the Bronx. Only about 6 percent were so-called HP cases (for Housing Part), in which tenants bring actions against landlords for offenses like lack of heat, broken fixtures or vermin. Virtually all the rest were eviction actions, mainly over tenants' falling behind on the rent.

But with landlords keen to empty apartments to raise rents, a number of cases have been brought over lagging rent payments that are hair-splittingly minimal. And there has been aggressive use of another species of eviction proceeding, known as a holdover, that can involve minute — and sometimes fabricated — violations of a tenant's lease. In Brooklyn, about 17 percent of eviction cases last year were holdovers: One tenant had no right to a lease and wouldn't move; another kept an unauthorized washing machine; a child, as claimed in one case, was throwing rice out the window.

***(Read more about how landlords have commandeered the housing court system in Part 2.)***

Yet while housing court is increasingly used as a tool to wrest apartments from the shackles of regulation, it is a lot more complicated than that. Inside its courtrooms are the textbook bad landlords, but also plenty of dishonorable tenants. Mostly, there are hurting families fighting to keep a basic human necessity — a home — at a time when tenant protections have eroded and gentrification is shoving ever deeper into Brooklyn and the city's other boroughs.

The steady stream of people trickling into this maze of courtrooms gives the impression that an entire small town is perpetually being cleared of its citizens. The pace of evictions has slowed recently, as legal services for tenants have expanded and government payments for arrears have increased, but it remains high. Last year, there were 21,074 across the city.

Of those, 5,984 took place in Brooklyn. In other words, every day an average of 16 families lost their homes.

## Settling in the Hallway

The hallways were jam-packed. People pushing babies in strollers, people sucking on asthma inhalers, people trailed by wheeled oxygen tanks. Most tenants were black or Hispanic. Most were women.

A majority were on public assistance, but many were working- or middle-class, as housing cases have climbed the economic ladder.

The place to understand housing court is the hallways. They are the court's war zone. A vast majority of cases end in settlements. Otherwise the court would implode, because it hasn't the resources to conduct many trials. The emphasis is to settle now, settle always.

Unwritten protocol is that tenants wait inside a courtroom, often for hours, until landlords' lawyers bustle in, bellow their names and beckon them to step out to talk.

Settlement discussions occur in the hallways, within earshot of everyone, because there is no other space for them. Since there is little seating, these conversations usually happen standing up. It's hard to think clearly when you can't even sit down. A report on the court years ago said it resembled a hospital waiting room, and that seems about right. The hallways, though, feel like a bustling bazaar. Negotiations deal not with textiles or pottery, but with homes. Litigants trade money for time, until there is no more money and therefore no more time. And therefore no more home.

Once an agreement is reached, the distilled terms — 30 days to pay \$2,304.83, or 45 days to pay \$1,922.16, or 15 days to get out — are normally handwritten by the landlord's lawyer on a sheet known as a stipulation, or stip. Stips are the currency of housing court. Once signed, they are presented for approval in lightning-fast appearances before a judge who knows little, if anything, of their back story.

The experience of James Caple speaks for many. For 12 years, he had lived in a Crown Heights apartment plagued by leaks and other shortcomings. To little avail, he complained about mold and the stink of garbage outside his

windows. He lived with his girlfriend, two dogs and two cats. The apartment was rent-stabilized, \$1,175 a month.

He is 62. His biography of a dwindling life includes the facts that he was a mechanic and worked in housekeeping at a nursing home in California, became H.I.V. positive, lived on Long Island with his aunt until she died, slept in a shelter for six months.

One day, his girlfriend's brother stopped by. When he left, the police arrested him outside and found drugs on him. They knocked on Mr. Caple's apartment and asked to look around. He let them in, and they discovered nothing of interest.

Several weeks later, he received notice that the landlord was seeking to evict him because he was a drug dealer. He didn't understand, thinking he was simply accused of being a nuisance. He knew he was a complainer. He said he never sold drugs, didn't use drugs.

At court, in February 2015, the landlord's lawyer pulled him into the hallway and offered a paltry \$5,000 to clear out. He said no. At the next court date, pressed again, he signed a stipulation to leave. Why? "Because the landlord's lawyer said it was in my best interest," Mr. Caple said. "Said I couldn't win. I was shook up. I didn't know anything. I'm just me."

The agreement omitted the \$5,000. The judge approved it.

Tenants wind up signing all sorts of dubious stips. Because they're scared. Or bewildered. Or ashamed. Or have children to pick up from school. Or can't skip another day of work. Or think they're speaking to an impartial court official when it's actually the landlord's lawyer.

Court lawyers and judges review stips, but in many instances those are inadequate safeguards. Judges routinely face 40, 50, 60 cases a day. One judge had 83 on a recent day. Another had 92. They say they would like to have half as many, a third as many, to be able to consider them more thoughtfully.

Mr. Caple feared he would wind up homeless again. A tenant in a nearby building told him that landlords were squeezing people out of the neighborhood and that Brooklyn Legal Services would represent him pro

bono. The lawyer got the stip vacated, and finally, nearly two years after the case began, the landlord discontinued it.

Mr. Caple's apartment still needed repairs. His health wavered. On good days, he hunted for discarded cans to redeem, to help cover the expenses of his pets.

## 'I'm So Ashamed'

In a corner courtroom, Judge Jeannine Baer Kuzniewski shushed the room and addressed the tenants who filled the pews, saying that they had to check in by 10:30 a.m. or risk being defaulted. "Unless my administrative judge tells me the elevators aren't working, which happens fairly frequently, then this may delay defaults," she said.

Then the judge addressed a 74-year-old man about to be evicted, with nothing left to avert that end. She spoke tenderly. He was from Baltimore. She was from Baltimore. She dwelled on that commonality. "Baltimore is a nice place," she said. She asked if he had children. He had seven. She asked if he had told them of his plight. He had not.

She said: "Should I presume when your children were young you did everything for them? Wouldn't they want to help you if they knew? Think about it. It's up to you. It's your call. If it were my father, it would hurt me to know my father didn't turn to me."

Blank-faced, he said nothing. She granted him until the end of the month to leave. She finished up, 50 more cases beckoning. "Sir, do you have any questions?" she asked. "Do you understand this?"

He stared with flat affect. He understood.

In the hallway, his voice was shy and hesitant. His name was Ulrick Alcindor. He used to have a construction business. His marriage had ended. Seven months before, he had left for New York, a city he had never seen, banking on its mythic infinity of possibilities.

He arranged to work as the maintenance man in a building in East Flatbush in exchange for a dank basement apartment. He gave out his card at Home Depot to solicit jobs for income. Calls were scant. Six weeks earlier, as he was leaving for church, the landlord announced that he had to leave.

He said he needed to get to church. When he returned, the locks had been changed. This was illegal. The police made the landlord give him keys. Two days later, he received a notice summoning him to housing court.

He had no lease and no standing. A lawyer told him she couldn't help. So he returned alone for this final verdict.

He had been trying to find a place, scouring ads on the computer at the library. At best, he could afford \$500. That went nowhere in today's Brooklyn. His savings totaled \$400.

His voice thinned. He began to cry. He said he had nothing. He had put belongings in a storage unit in Baltimore but fell behind on the rental fee. "I came here with two pairs of shoes," he said. "Two pairs."

"I'm ashamed," he said. "I'm so ashamed."

In succeeding weeks, time slipping away, he retreated to Baltimore, to temporarily occupy his old house that his wife was selling. Late last year, he returned to a Brooklyn room that cost \$600 a month. One of his eyes yielded to glaucoma, and he couldn't work. His Social Security left him without enough money for food. He needed someplace cheaper, but had no idea where it could be found.

## Swapping Stories

Amid the patter and the corrosive exchanges in the hallways, tenants told stories, the grotesqueries that overtook them, stories that gained legs and got retold as revelations. It was the way conversation was made in housing court.



Two women were talking on the fifth floor. Four roommates shared an apartment. One day they found a young Italian woman setting up house on the foldout couch in the living room. The landlord had rented out the couch. They tried to glean some understanding from the Italian woman, but she spoke essentially no English. For all they knew, she thought such were the eccentricities of New York life.

They protested to the landlord. His response: Tough. One of the roommates, a restaurant hostess, put up with the weirdness for a month and a half before moving out. The Italian woman took her room.

Then this: a couple with an autistic son, mushrooms growing on their bathroom walls, rats the size of their cat. The woman said the ceiling fell on her while she was showering. When they complained, the landlord slapped an eviction notice on their door, ordering them out in three days. At court, they found out the notice was a fake that he had printed up.

And: a man with a Crown Heights apartment, the rent a controlled \$235. A new owner offered him \$50,000 to leave. He moved. He deposited the check. The landlord had put a stop on it. When he called the landlord, the response was unsympathetic. He received a new check that did clear: \$2,500.

## One-Shot Deals

Outside the one-shot room on the fourth floor, people piled up. They pulled numbered tickets from the dispenser on the wall, then stood in the hallway burble until motioned in to plead for money. About 55 tenants a day came calling.

The one-shot room is where the Human Resources Administration, the city's social-services agency, processes emergency payments to extinguish the arrears of tenants facing eviction. The payments, called one-shot deals, are talked about all day, every day. They're the magic elixir of housing court. In a single wondrous act, a one-shot vanishes that \$2,351 in debt, that \$6,802, that \$4,013.

Under Mayor Bill de Blasio's administration, significantly more money has been paid out as the program has been marketed more aggressively and caseworkers have been told to stress averting homelessness when they weigh applications. In Brooklyn, \$62.6 million was spent on one-shots in fiscal 2017, up from \$35.2 million three years earlier, the individual amounts averaging \$3,800.

The rental assistance staff members in the one-shot room have the authority to approve infusions of up to \$15,000 on the spot. Higher-ups have granted one-shots topping \$30,000.

But often the figures are shockingly small. "I've seen one-shots for \$200 or \$300," said Mayra Infante, a former supervisor for the Brooklyn unit. "I've seen cases where someone was being evicted for \$50."

In they marched. No. 29. No. 30. No. 31.

A 68-year-old woman with glittering eyes, \$1,800 behind on rent for her apartment of 38 years, had been sick with cancer. Her granddaughter lived with her and had lost her job but had just been hired at H&M. Approved for a one-shot, her mood ascendant, the woman said: "Thank you. Thank you, Jesus. I was worried to death."

A woman with wobbly finances had paid her daughter's college tuition instead of the rent. The agency considers such choices misguided money management, a common failing cited in the one-shot room. The caseworker scribbled down a referral for a financial counselor. Approved.

In their questioning, the caseworkers must ask what led to the arrears. Usually it's loss of income. Family emergencies. A relative's death. But there are outliers. A few years ago, a woman admitted that she'd fallen behind because she had gone to the Dominican Republic for liposuction. A retired police officer told how he had met a woman online who visited for the weekend and departed with \$7,000 of his money. Both were approved for one-shots.

Among all the agency's offices citywide, the approval rate is 67 percent. But in this office, it is close to 99 percent. "These are people about to be evicted," Ms. Infante said. "Some of them are hours away."

Technically, one-shots are loans. But older New Yorkers and people collecting Social Security disability don't have to repay one-shots. Others on public assistance are expected to repay between 5 and 10 percent. The rest, who are a minority, get repayment schedules that can stretch for years. According to the social services agency, about 80 percent of people are behind on repaying the loans.

To get a one-shot, you must show pay stubs, prove your income, your rent. A popular rule of thumb is that people should spend no more than a third of their income on rent, but that's a fantasy in the one-shot room. Half is pretty much the norm, and many are paying 75 or 80 percent.

The city's expectation is that no one should get multiple one-shots in a year. Yet some people collect two or three.

Lawyers and even judges dart into the one-shot room to check on applications. A landlord's lawyer whisked in, saying, "Where's it stand? I'm having a stroke here, a ministroke."

Do one-shots permanently solve these crises? Hard to know. For a tenant who has missed the rent because of one of life's occasional calamities, a one-shot can mend things, perhaps for good.

Many in housing court, though, know of manipulative tenants. One tenants' rights advocate acknowledged that she knew people who, upon receiving a one-shot, ceased paying rent. Numerous people live on income insufficient to keep the marshal away for long in a changing Brooklyn. They cycle in and out of court and get two, three, four one-shots before being denied. Landlords' lawyers deal with regulars they see every year or two. They inquire about one another's children, like old friends catching up.

"The service we provide is a prevention tool," Ms. Infante said. "It's not a solution."

No. 69. No. 70. No. 71.

## No Trading Down in Brooklyn

Grand Rapids, Mich. Plainfield, N.J. Sioux Falls, S.D. The Dominican Republic. Kenosha, Wis.

To the question of where the evicted of Brooklyn went, these were some answers. A lot of housing court ends in geography.

Woman going to Puerto Rico. To stay where? Mom's. Woman going to Jersey City, over the river. To stay where? No idea. Woman going to Indiana. To stay where? Her son, carries the mail, keeps a parakeet.

It used to be that people moved farther into Brooklyn as their lives went askew, to the next neighborhood or the next. Traded down. Now Brooklyn offered no down.

These were, in a number of instances, people working fundamental jobs. A UPS driver. A nanny. A gravedigger. Part of the human infrastructure of the city. The well-housed want their packages delivered, their children minded, their graves dug. But where do these workers live?

A woman ousted from her apartment with her daughter and grandson had searched endlessly, but Brooklyn's economics no longer intersected with hers. "These rents are like a bad stomachache," she said. So on to Albany. A three-bedroom there for \$1,000 would renovate her disappointed life. "I've got to bleed Brooklyn out of me," she said. "Get an Albany vibe."

"My best to you in the Snow Belt," the judge said. "You know Albany gets a lot of snow."

## **Triage at Legal Aid**

Now it was Thursday and the weekly case review meeting at the Brooklyn offices of the Legal Aid Society, just down the block from housing court.

Legal Aid keeps an office at the court, where a paralegal hears tenants seeking free representation. The demand is too great — around 120 visitors a week — so people are prioritized. Some earn too much to qualify. Some need cheaper housing or more income, not a lawyer. Inability to be helped is a big category.

From this weekly rush, the paralegal grants appointments with a staff lawyer to two dozen or so people. The lawyers gather details and then, on Thursday afternoons, assemble to chew over the tenants' circumstances and determine whether to accept their cases. This day's agenda listed 21 cases.

It's striking how many eligible tenants don't even consider a lawyer. They assume it's not an option or don't trust lawyers. They think little of a paid lawyer, less of a free one. One morning at housing court a woman was told she could walk down two floors and apply for a lawyer. She waved it off. "It's not worth the trouble," she said.

Studies used to show that as few as 1 percent of tenants in housing court had lawyers, compared with more than 90 percent of landlords. A survey in 2016, after the city allotted tens of millions of dollars for legal help for tenants, found that 27 percent of tenants had lawyers, against 99 percent of landlords. Last year, the city announced that it would phase in far greater funding for lawyers for the poor, and tenant representation has been climbing significantly. Tenant lawyers, however, have been scrambling to meet the heavier caseloads and finding themselves unable to devote as much time to individual cases.

Some of this day's cases were straightforward: A woman with developmental disabilities was behind on her rent, which equaled half her monthly income. Another woman had had a cracked floor that the landlord wouldn't fix. She had it repaired and subtracted the cost from her rent. He was moving to evict her for nonpayment.

Now a peculiar one. A man responded to an apartment listing on Craigslist, was given a tour and took the place. He paid the rent by money orders he slid into a box in the lobby. After nine months, he received notice that he was being evicted. He learned that the tenant of record lived in Alaska and was apparently in arrears, and thus he and anyone else occupying the apartment were being thrown out.

"He literally has no idea who showed him the apartment and was renting it to him," said the woman presenting the case.

The lawyers found the case interesting but beyond their help. It seemed the tenant had been swindled.

Next: a 61-year-old woman being evicted on the grounds that she had refused to allow an exterminator to rid the apartment of bedbugs. Huh? Who would risk their home out of affection for bedbugs?

The case had lingered since July 2015. Facts were fuzzy. The woman maintained that she had let the exterminator in but he had done nothing. The landlord said she hadn't prepared appropriately. Seemed a solvable problem, yet the case was lined up for trial.

Stephen Myers, a supervising lawyer in the office, suspected that bedbugs were the landlord's pretext to dispense with the woman. She occupied a \$737-a-month rent-stabilized apartment in what had become a co-op building.

Next: a landlord alleging that a woman had allowed her sinks to overflow three times, damaging the apartment beneath her. The tenant below had been the woman's best friend but no longer was.

"Client has not the best memory," the lawyer said. "The first time she forgot to turn off the bathroom faucet and went to bed. Another time she was washing dishes and overfilled the sink. Then her granddaughter flushed her doll down the toilet and stuffed it up."

The afternoon was gone. Of 21 cases, two were rejected outright: the Craigslist con and a woman with no capacity to pay the rent. Eight were "reps," meaning they would be taken on, and 11 needed further research.

## 'Your Attitude Is Off the Wall'

There's often a good show in Judge Marc Finkelstein's courtroom. He is known for theatrics and a certain grumpiness, an egalitarian grumpiness directed at one side as much as the other. At times, he pulls out a prop. For instance, he will confess that a case is giving him a headache, display a large bottle of aspirin and ask the litigants, "Do you need one of these?"

Here was a middle-aged woman he knew too well — in the midst of a divorce, evicted from her apartment but not fully moved out, given extension after extension — and his patience with her had faded.

JUDGE FINKELSTEIN: You've appeared in front of me umpteen times. I've given you umpteen opportunities. You've brought another order to show cause. You're to move your stuff by June 14. What's the problem now?

She said she needed a man to help.

JUDGE FINKELSTEIN: You tell me that you can't do it without a man helping you. What am I supposed to do about that?

WOMAN: I need to work.

JUDGE FINKELSTEIN: I don't care.

She wanted two more weeks. She showed him pictures of her furniture, how strong arms were needed to move it.

JUDGE FINKELSTEIN: So get a man. What do you want from me?

She said she had found her books from college dumped in the garbage, had donned a face mask to try to dig them out, and some were missing. She began to choke up.

JUDGE FINKELSTEIN: Now we go into the crying thing. This happens every time. You come in here with a smile like I'm your buddy, and when you don't get what you want you start crying.

WOMAN: Maybe you can find my books.

JUDGE FINKELSTEIN: I'm a judge. I'm not the Sanitation Department.

He granted her six more days.

Another day, there was Ruth Jeanniton, a 46-year-old hairstylist with a modest income and a 6-year-old daughter. She was being evicted from an apartment in East Flatbush. A new owner was carving the place into multiple units. While she had previously agreed to leave in two weeks in return for \$3,000, now she was asking for more time to find a new place. She mentioned to the judge that she didn't have heat or hot water.

The landlord lawyer said: "This is just a shakedown. I don't believe there is no heat or hot water. But if there was, to move her stuff out she could get a pair of gloves."

That got the judge's back up. "That comment is outrageous," he said. "I could turn off your heat and tell you to get gloves."

The lawyer continued to dispute the claim. The woman said the city had inspected the apartment and confirmed an absence of heat and hot water. The judge checked on the computer. The city had.

Judge Finkelstein told the lawyer, "Your attitude is off the wall," and then, "When it's time to fold your tent, it's time to fold your tent."

The lawyer couldn't restrain himself: "If she's freezing, she shouldn't be there."

"You can't quit," the judge said. "That's your answer — if it's freezing, she shouldn't be there?"

The judge gave her another month. Turning to the lawyer, he said, "If I could, I would sentence you to live in this apartment."

## **Bad Economics**

Charles Wasserman motored through the hallways. A housing court regular, he mainly represents landlords. In his load of cases, he was puzzled by one against a tenant who owed \$45,000, having not paid rent in 27 months. His colleague said, "That's the gestation period of an elephant." Mr. Wasserman learned that the building management somehow hadn't noticed that the tenant had ceased paying rent.



Then he had Shane Peters, 36, who had bought his first house in Canarsie. It contained three rental units, and relatives of his would occupy the extra two. The previous owner's husband had died and the existing tenants had stopped paying rent. Unable to afford to take them to court, she sold the building. Now one tenant refused to leave. Hence housing court.

"Some tenants I see once a year," Mr. Wasserman said. "Some have known me since I've had children. That's 15 years. Some of them do it to themselves or sometimes the system doesn't help them get out of the way."

Another lawyer, also a regular, said: "I've seen too many people who make the rent back-burner. Behind school uniforms, Christmas presents, graduation presents." He recalled one evicted tenant who showed up in court with the iPhone that had just been released.

James Kasdon, a veteran landlord lawyer, said: "I've sued some people a dozen times. I sued one person 15 times. Same building. They're gaming the landlord." He said, "At the end of the day, the landlord is not the social safety net."

One afternoon, in chambers, Judge Gary F. Marton reflected on the challenges of deciding cases: "I've had any number of instances when I'm presented with a stipulation and it has something in there that doesn't really make sense, and I'll ask the tenant, 'Why did you sign this?' And they don't have an effective response." He added: "Tenants will agree to paying all the rent in three months, and they know they need six months. A lot of people are counting on miracles."

He knows the court befuddles tenants: "I've often had this discussion with tenants: 'How much rent do you owe?' They say four months. I say, 'How much is that?' And they can't do it. The rent is \$1,200 a month. They can't ballpark it."

Are landlords right to complain that evictions take too long? "In certain cases, yes," he said. "In most cases, I'd say no. If you're a landlord and you don't know the process you're getting into, then that's on you. If you're

going to be a landlord and you think you'll never have a tenant who doesn't pay the rent, you're naïve."

Judges recognize that there are bad landlords and bad tenants, but many cases boil down to bad economics. "I'd say most cases are unfortunate circumstances," said Judge Eleanora Ofshtein. "I've said from the bench that both of you could end up in a shelter. 'This person has a mortgage to pay, and you have rent to pay.'"

It frustrates her to see so many tenants who don't budget well, "so few people who have a Plan B."

And she has presided over many actions by landlords that infuriated her. "They want to evict over \$10?" she said. "Really? I've seen \$18. I've seen \$36."

## Don't Have Guests in the Winter

Abigail Puritz and Kate Klenfner could often be found at housing court. They were subsumed into it four years ago and couldn't escape.

They occupied separate apartments in a building in Bedford-Stuyvesant. Ms. Klenfner, 39, is on disability. Ms. Puritz, 26, is an artist and student.

They contended that their rents had been improperly raised in the rent-stabilized building, and that their landlord wouldn't fix things. Ms. Puritz said she had had no working toilet for five months and was using the bathroom in the park across the street.

Ms. Klenfner said: "In the winter we can see our breath inside. I have fibromyalgia and I'm cold like an 80-year-old woman."

She avoided the bathroom sink. Sewer gas came up. She stuffed it with baking soda and put steel wool over the drain. She brushed her teeth in the kitchen sink. Once, she turned the kitchen faucet on and roaches poured out. She kept her dishes and toothpaste in the refrigerator.

Mr. Klenfner said: “I’m from New York. I expect a few rodents. They were coming under the door, ‘Hey, what’s up, what’s for dinner?’ I found a dead mouse in my bed.”

City inspectors identified 218 violations. The women stopped paying rent until the landlord resolved the issues.

Their landlord, Abdus Shahid, lives in the building. He said they had damaged their own apartments, including breaking the toilet on purpose. He has brought multiple actions to evict them. Experienced in these proceedings, he would lose one case and begin a new one. Ms. Puritz and Ms. Klenfner got Legal Aid to represent them in 15 separate cases.

Like many housing court proceedings, these didn’t follow a straight line, but zigged and zagged and retreated back to where they had begun.

One case brought by Legal Aid sought a court-appointed administrator to manage the building, as had happened with another of Mr. Shahid’s buildings. A trio of eviction cases were dismissed by a judge when Legal Aid pointed out that Mr. Shahid had filed documents that appeared to have been notarized by someone who was dead.

Ms. Klenfner showed texts from the landlord. One read: “You’re a stupid girl. You’re a foolish girl. I don’t like foolish girls.” Another: “My building is bad, I don’t want somebody will stay in bad building.” When she complained about the lack of heat, he advised her to go down the street, where blankets cost \$20. Well, what if she had guests over? Don’t have guests in the winter, he told her.

Mr. Shahid has gone through five lawyers. The court, he complains, conspires against him. “I’m from Bangladesh,” he said. “In Bangladesh, I’ve never seen a court like this. It is no good.”

Ms. Puritz said: “This has taken its toll. I wasn’t in therapy before. Now I’m in therapy.”

Why do they stay? “I don’t have the money to move,” Ms. Puritz said. “And it’s too important to let him win. I’m the sort of person who, when they see something wrong, just gets stuck on it.”

Ms. Klenfner said: “I feel it’s sort of like Frodo and ‘Lord of the Rings.’ I feel we can do this.”

Fearful of the electrical wiring, Ms. Puritz slept with a fire extinguisher beside the bed. Once, she found an extension cord on fire. Ms. Klenfner often slept with a light on, hoping it would dissuade the mice and roaches. Some nights, as further deterrence, she slid an ammonia-soaked rag beneath the bed.

In October, the court agreed to turn the building over to an administrator. The judge declared the living conditions there dangerous and found Mr. Shahid guilty of harassment.

At the end of February, the Brooklyn district attorney filed charges of forgery and related offenses against Mr. Shahid, stemming from the allegations that he had used a dead notary’s stamp and signature on court filings to evict tenants.

At his arraignment, Mr. Shadid pleaded not guilty.

## Going to Trial

Part Ex, on the fifth floor, was at a standstill. It was the waiting room for the fraction of cases actually destined for trial. “Ex” is for expediter, a term with hollow meaning in housing court.

When you report here, it does not mean you will have your trial. When you first come to Part Ex, you receive a number. Then you sit with the other new arrivals to see if there is a trial judge available. “It’s one level of Dante’s ‘Inferno’ — I’m not sure which,” one lawyer said of Part Ex.

For those whose numbers aren’t called, lawyers who know the drill will pick a new date far enough in the future — a month or so — to secure a low number next time.

A woman named Gloria waited with her son, holding No. 6. Her case had dragged on for many months. Her son has schizoaffective disorder. He hears voices. He lives in a studio apartment in Midwood. She had pictures:

A hole near the radiator, emitting a foul sewage smell. Windows falling apart. Leaks. No electricity in the bedroom or bathroom. “I would call management and they would actually insult me,” she said.

Thus rent was withheld. An eviction action began. A year ago, her son showed up in court alone. He couldn’t understand the goings-on. The landlord’s lawyer persuaded him to sign a stipulation agreeing to be evicted. The judge approved it.

When Gloria found out, she got it reversed. She told the lawyer: “You’re a vulture. I’ll bet you do this to a lot of people. How dare you!”

An agreement was reached that arrears would be paid and repairs done. But she wanted a partial abatement for what her son had endured. “His life has been diminished enough by his disease that he shouldn’t be shortchanged this way too,” she said.

She would take \$1,000. Her son needed a new bed. The landlord refused even a penny.

The landlord’s lawyer strolled in now and asked the clerk, “Anything go on yet?”

Told no, he said, “Zippo, huh?” and marched out. He wouldn’t look at Gloria.

The clock ticked. People worked their phones. Slept. Snored.

A lawyer popped in, saying: “I’ve done bedbugs before. This is maggots.” He had a trial over an abatement for sharing quarters with maggots.

Settled by the window was a small landlord, 85, who owned two rent-stabilized apartments in a building that had been converted to condominiums. The woman living in one of his units had died and her daughter wished to establish tenancy. He wanted her gone.

He hated housing court. He described himself as “a victim of society.” He believed that many tenants were “getting away with thievery.”

The landlord had No. 2. He nodded at his lawyer slumped across from him, whose wife was pregnant. “His wife will have the baby before we’re called,”

the landlord said.

At 3:30 the case was finally called. The trial began, then was postponed when the lawyer's wife phoned. She was feeling it might be time.

No other numbers were called. Gloria and her son got a return date a month away.

“What a spectacle,” she said. “What a disgrace.”

## ‘That’s How I Live’

In the end, housing court disappoints pretty much everyone, because its resources are inadequate and the core problem it finds is beyond the power of 141 Livingston Street. The court doesn't build housing. It doesn't create jobs. It stamps stipulations and wishes everyone a good day.

As a judge wrapped up a case involving a woman who had been given four months to move, the tenant added that a drunken neighbor had the habit of bursting into her apartment in his underwear. “I'm just a lowly Housing Court judge,” the judge said. “I have no jurisdiction over people who come into your apartment in their underwear.”

And then Princess Codwell. She saw a lot of housing court. Her arrears case had begun in July 2015. The judge had signed 13 extensions and now was signing a 14th. By her latest tally, she owed \$5,023 in rent, plus legal fees. A week earlier, she had been evicted. She wound up in a homeless shelter and wanted her apartment back.

She was 44, a home health aide. She said she had one primary patient, and whenever that person entered the hospital — which had been happening recently — she didn't have work. Her rent was \$1,300, and she didn't earn much beyond that.

“You know how I live?” she said. “I buy 25-cent bags of peanuts and I wash the salt off because I have high blood pressure. Sometimes I go and beg at the restaurant once they're done for the day, at 10 at night, and they give me leftovers. That's how I live.”

Already she had been granted two one-shot deals and was heading to the one-shot room to get a third. It would put her back in her apartment until the next crisis.

The judge was exasperated (“I’ve given you umpteen times to take care of this”). The landlord’s lawyer was churlish (“This is abuse of the system”). One could see their point. And one could see hers. She was doing a job that needed doing but that didn’t pay the rent. And so she had a life that didn’t square in today’s Brooklyn. Housing court was a place to come but not to find salvation.

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