

HOW CAN NEW YORK STOP THE CITY'S WORST LANDLORDS?

BY ANNA MERLAN

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90 Elizabeth Street, one of many NYC apartments with rent-controlled tenants.

Photos by Jena Cumbo

When the trouble came to 90 Elizabeth Street, it arrived quietly, in a flurry of white papers. They blanketed the mailboxes and the front doors of many of the tenants in the modest Chinatown apartment building, a forbidding snowdrift of eggshell, piled with angry black type. When 43-year-old Betty Eng got home one spring afternoon last year, she found one waiting for her, too. It was a lawsuit, filed by her new landlords against her, her younger brother, her father, and her mother. Eng's mother, who is in her eighties, suffers from Alzheimer's disease and had recently moved into a nursing home. Eng's father had been dead since 2010.

The suit said that the Engs, who had lived in their apartment since 1970, a year before Betty's birth, weren't actually living there full-time, and thus were not legally entitled to the rent-stabilized unit. It warned that an eviction proceeding would be initiated against them. The suit also alleged that the Engs hadn't been paying the rent. But Betty had been

paying, she says, sending the checks through certified mail. Each month, Marolda Properties refused to accept them. They piled up, uncashed.

"They were refusing them," Eng says. "The envelopes would just come back."

But the first order of business for Eng was not to try and prove that her family had been living in their apartment full-time. Nor was it to argue about whether or not she'd paid the rent. Before she could even wade into those accusations, she had to first prove that her father really was deceased – not just avoiding being served with court papers. (In the hallway outside the courtroom before the initial proceedings, she recalls, Marolda's lawyers complained about how hard he was to locate.)

Proving he was deceased took longer than one might anticipate: Like most tenants being sued in New York's housing court, Betty didn't have an attorney.

"I was just going to court by myself," Eng says. "It was very confusing. I don't have any legal training."

Meanwhile, the trouble made its way to 300 Nassau Street. There, it was a bit louder: Sledgehammers smashed through the Greenpoint building's basement in December of 2013, destroying the electrical systems, the boiler, and the pipes. When Catalina Hidalgo came home from a long day in housing court, battling the owners of her building, Joel and Aaron Israel, she and her neighbors, armed with flashlights, went downstairs to survey the damage. They knew at once they'd have to find someplace else to stay. They suspected that the Israels had destroyed their own building to drive their rent-stabilized tenants out.

If that was their effort, they succeeded. Two days later, the city's Department of Buildings declared the property unsafe and ordered everyone to vacate the building immediately. (The Israels deny they had anything to do with the vandalism at 300 Nassau or another building they own, 98 Linden Street. There, tenants were told their kitchens and bathrooms were being "repaired." They arrived home to find that they'd been totally destroyed.)

Two different women, in different neighborhoods, in buildings plagued by different issues. But affordable-housing advocates say that Eng and Hidalgo are part of a particularly pernicious – and growing – New York real estate problem: landlords who deliberately make their own buildings unlivable, through vandalism, harassment, nuisance construction, legal intimidation, and outright threats, as a way to drive out rent-stabilized tenants and charge "market rate" for their units. This year alone, in addition to Marolda and the Israels, mega-developer Steve Croman has been accused of harassing his rent-stabilized tenants, as has real estate mogul Jared Kushner. Lawsuits are ongoing in each of those cases, and all the landlords deny any wrongdoing.

It's been going on for so long that the battleground is shifting, says Adam Meyers, an attorney with Brooklyn Legal Services, a nonprofit that frequently represents rent-stabilized tenants.

"You're hearing about fewer of these cases in Lower Manhattan," he says, because much of the rent-stabilized housing there is already gone. "There are more of them now in Bushwick and Crown Heights and places like that."

But despite recognition that some landlords are harassing their tenants, city and state authorities are still scrambling to come up with laws and penalties that might discourage an ambitious property owner from trying to empty his building and restock it with wealthier tenants. The penalties that do exist, affordable-housing advocates argue, are insufficient and have been implemented far too slowly to benefit apartment-dwellers. The

Rent Stabilization Association, the main organization representing the city's landlords and building owners, argues that landlords who harass their tenants are few and far between. When they do come along, the RSA argues, there are already plenty of laws on the books to punish them.

In the case of 300 Nassau, the vacate order for Catalina Hidalgo was issued December 15. The Israel's company, JBI Management, assured everyone the building would be made inhabitable again as soon as possible. Nine months later, nothing has been repaired and the tenants are still scattered, living with friends or family or, in some cases, in homeless shelters. They don't know if or when they'll be able to return.

Hidalgo managed to salvage some, but not all, of her belongings, she says.

"The last time I was there was April," she says. "The rest of my items were vandalized. They destroyed the rest of the kitchen, stove turned over, fridge turned over. Dishes were scattered around the kitchen. I was so hurt. You work so hard to be able to have a good home. For someone to be able to come in a blink of an eye and take that stuff away from you, it hurts."

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Betty Eng and her family have lived in their Chinatown apartment since 1970. They're fighting their landlord to stay.

Although she's shy and soft-spoken, Betty Eng doesn't see much harm these days in talking about Marolda's lawsuit against her.

"My landlords already hate me," she says, with a tiny, bitter laugh. "How much worse can it get?"

Eng has lived at 90 Elizabeth Street her whole life, save for the five years she attended Syracuse University and a few months when she was working in Massachusetts. Her parents were both born in China; aside from a brief stint in East Harlem, they've lived almost exclusively in Chinatown.

In the '70s and '80s Eng says the building and the block were almost entirely Chinese —

In the 1950s and 60s, Eng says, the bachelors and the bachelorettes were almost entirely Chinese. "There was maybe one Puerto Rican family." It wasn't a particularly desirable neighborhood back then: "The Bowery bums were still around," she says. She'd skirt them walking to school.

Over time, though, the area of Lower Manhattan surrounding Chinatown has become sleek, hip, and very, very expensive. The average monthly rent for a one-bedroom apartment in a non-doorman building now hovers around \$3,100, according to MNS Realty, which releases yearly market studies. The Tribeca and Lower East Side neighborhoods (an enthusiastic and maybe slightly disingenuous real estate agent would argue that Chinatown is part of one of those two) are among the most expensive in the city these days. The LES averages \$4,000 for a one-bedroom, Tribeca a whopping \$5,900.

The Eng's weren't the only ones being sued. Marolda Properties is owned by a developer named Larry Marolda and various family members, who own and manage 70 buildings across the city and in Westchester County – about 1,700 apartments in all. Marolda made an aggressive expansion into Chinatown in 2013, buying 13 buildings below Houston Street, on Baxter, Elizabeth, Forsyth, Ludlow, and Rivington streets. Then they promptly began suing many of the longtime tenants. (Marolda Properties did not respond to several phone messages from the *Voice* seeking comment for this story.)

"They were just papering the buildings," says Mike Grinthal, a senior staff attorney with MFY Legal Services, a nonprofit firm that provides free legal services to low-income people. "[They were] serving these papers on everyone in a building who was rent-stabilized."

MFY now represents several Marolda tenants in housing court; it is also suing the company in federal court on behalf of two elderly tenants, alleging that Marolda illegally tried to evict them through a blizzard of bogus legal proceedings.

Marolda's favorite tactic, Grinthal says, were the "non-primary-residence" cases like the one brought against the Eng's, which accuse a longtime tenant of not actually living there. Landlords will use any shred of evidence, he says – a driver's license with a different address on it; a search on Google or [WhitePages.com](http://www.whitepages.com) that turns up someone with the same name living at a different address. In one case in a building on the Upper West Side, he recalls, the landlord said the tenant wasn't living there because he hadn't applied for credit using that address.

While it sounds ludicrous, in the case of the Marolda tenants, it's a strategy that has been very effective.

"The reason this works is that, first of all, some percentage of tenants who get papers like that will just be confused or intimidated, not challenge it, and leave," Grinthal says. "Some percentage will go to court, but it's fair to assume that any given tenant going to court won't have a lawyer." (Unlike criminal court, there's no legal right to counsel in housing cases, and low-income tenants can rarely afford an attorney. Statistics are scarce, but one 1993 study found that only 12 percent of tenants had attorneys, compared to 98 percent of landlords. More recent studies show the same thing: that the overwhelming majority of tenants don't have lawyers. In a study of the Bronx's housing court in March of last year, 83 percent of tenant-respondents didn't have one. There are legal-aid programs, but they're severely underfunded.)

For the Marolda tenants, many of whom were elderly and spoke only Chinese, the letters alone were terrifying.

"They tell me even one English letter sent to them by a lawyer is enough to scare them away," says Wei Yee Boon. She's a tenant organizer with the Committee Against Anti-

away, says wai tee Poon. She's a tenant organizer with the Committee Against Anti-Asian Violence (CAAAV), an advocacy group working with Chinatown residents. The group got involved in helping to organize the Marolda Properties tenants in 2013, soon after the company bought the Chinatown buildings, when multiple tenants came to it with letters they found bewildering.

"They don't understand it," Poon says. "They just see an official-looking letter accusing them of this thing. They don't even know where to look for help. So Marolda has been very successful in kicking the tenants out. There's a lot more buildings where it's only one or two Chinese tenants left."

In the case of the Engs, Marolda's lawyers argued that the true "primary resident" was Betty's mother, Sui Ho, who had decamped for the nursing home. It's common for rent-stabilized apartments to be passed down from relative to relative, provided that the younger relative has lived in the apartment with the older one for at least two years. If the older relative is disabled, the younger person only has to live there for one year to be entitled to succession rights.

By living in the apartment since birth with almost no time away, Betty has clearly surpassed that threshold. In court filings this year, Marolda's attorney, Brian W. Shaw, argued that Sui Ho was still the primary tenant, but wasn't using the apartment as her primary residence, since she's in a nursing home. But since she hadn't formally moved out, he added, that meant that neither Betty nor her brother, Steven, who also lives at the apartment, had the right to succeed her. They're moving to formally evict Sui Ho based on her non-primary-residence status and to deny Steven and Betty succession rights.

For the most part, Betty says, her mother is too ill to be aware of any of this legal wrangling.

"She only knows she's being sued if you remind her," she says. "We're trying not to remind her. The more stress we put her under, I feel, the more it will shorten her life. She still thinks my father is alive. I can't do that to her. My mom can remember World War II and the Communist Revolution. They were still in China then. All that – that's why I don't want to stress her out."

That said, Marolda's attorneys did manage to send a process server into the nursing home to serve her with court papers, something Betty found out after her mother's social worker called her. "Your mother's hysterical," she remembers the woman telling her.

"So apparently they handed papers to my mom in the nursing home," Eng says. "I was just like, 'Oh, my God. How did they get in?' "

Eng knows of at least one other woman in her building, also elderly, also suffering from Alzheimer's, who is also being sued by Marolda. "I think they're going after the people who are most vulnerable."

In August, after dozens of complaints from four different tenants'-rights groups and from MFY, the state Tenant Protection Unit, an arm of the New York State Division of Housing and Community Renewal, opened an investigation into Marolda's business practices. The TPU is an investigative agency created by Governor Andrew Cuomo in 2012, designed to monitor and audit the state's landlords, making sure they're complying with rent regulation laws.

"No New Yorker should be forced to live in fear of harassment by their landlord, and today we are taking an action that will help protect thousands of New Yorkers from this kind of abuse," Cuomo said in a press release from August 20 of this year. "[The Marolda] case is especially egregious because it appears this landlord preys on many tenants who

are elderly and whose primary language is not English – which will not be tolerated in New York State. The Tenant Protection Unit was created to protect residents from landlords who try to defy the state's rent laws, and my administration will continue investigating cases of possible abuse like this one to ensure that they are brought to justice." Reached for comment, a TPU spokesperson told the *Voice* that the agency can't discuss active investigations. (It does seem a little odd that the governor would comment on an active investigation in a press release, but then, this is an election year.)

The TPU also intervened in the mess at 300 Nassau, the building owned by Joel and Aaron Israel of JBI Management. But again, its concern came a bit too late for Catalina Hidalgo, who by that point had already been forced to move out, along with all of her neighbors.

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Hidalgo, 33, grew up in Greenpoint. Like Betty Eng in Chinatown, she watched as the area grew more and more expensive. She moved in with her grandmother, who was accepted into a senior care facility in 2004 and left the apartment to Hidalgo, who was paying \$754 for a two-bedroom apartment on the third floor of the building. The extra space came in handy in 2012, when she gave birth to twins.

"I actually had a great relationship with the landlord up until the beginning of 2013," she says. Things changed when the Israels started renovating the second floor, right below her. Hidalgo works as an expeditor for a construction company, securing the permits the company needs to work legally. She noticed "tons of dust" on the floor where the renovation was happening, which made her nervous. "I know this is an old building, and there's probably asbestos."

Hidalgo asked Aaron Israel if he'd done an asbestos abatement, getting the building checked and any asbestos in the walls removed by licensed handlers. He assured he'd had the building tested for asbestos and found none. But when she took her own samples, she says, they tested positive for asbestos.

"I'd talked with Aaron, and he said they would move me out for a year to do the renovation," she says, relocating her temporarily in another one of the 10 buildings they own. That was in May. By August, though, they still hadn't offered her a new place to stay. Then the workers removed a support beam underneath her bathroom, she says, and the floor started to cave in. The Israels apologized profusely, she says, and offered her two possible temporary apartments.

"One was more than I could afford to pay, and the other, they required three months' deposit," Hidalgo says. "I couldn't afford to do that."

Through their attorney, the Israels tell the *Voice* that they had an agreement with Hidalgo signed by both her and Aaron Israel that stipulated that she would temporarily relocate while the repairs were made. As part of the arrangement they would pay for her move, as well any rent costs that went beyond what she was paying at the time. She was shown "many dozens of potential temporary apartments," according to the Israel's attorney, "however, the agreement was never fully executed by Ms. Hidalgo."

By September 2013, Hidalgo's relationship with the Israels had soured. She says Aaron and Joel came to her house at 11 p.m. on a Sunday night.

"They told me I was holding up this entire renovation they were trying to do," she says. "They had mortgages, and if I couldn't move out they had to find another solution for me." They offered her \$50,000 to move, she says, and she refused.

"I wasn't interested in the money," she says. "I wanted to move out and come back."

That didn't happen. Her bathroom floor kept caving in, to the point where a Department of Buildings inspector came out, inspected it, and placed a "partial vacate" order on it, essentially declaring it unusable. For more than two months, her family had no toilet.

"We were using buckets," she says. Furious, she filed suit against the Israels in housing court at the end of November, asking them to fix the bathroom and provide heat, which had also been spotty for months. She says she also made numerous complaints to the Department of Housing Preservation and Development, the city agency tasked with enforcing standards of living in rent-stabilized and rent-controlled housing. But HPD, Hidalgo says, did nothing. On Monday, December 13, she went to a court date against the Israels. When she got home, she found the basement destroyed. Neighbors who were home around 10 a.m. said they'd seen two men running out of the building; when they went into the basement, they found the gas and electric meters broken and the ceiling sprinklers flooding the building.

"It looked like somebody tried to saw the water pipes in half," Hidalgo says. "The boiler was damaged too, like somebody took an ax to it and bent it up." The destruction at 98 Linden Street, one of the Israels' other buildings, was even bolder: Workmen tasked with fixing the kitchens and bathrooms in two rent-stabilized apartments used a sledgehammer and an electric saw to reduce them to rubble. The families have only managed to stay in their homes, according to a *New York Times* report, because their neighbors are sharing their own kitchens and bathrooms with them.

The TPU announced in April that it was investigating the Israels and JBI Management. "It is not only unconscionable, but it is flat out illegal for any landlord to subject families to living without running water or a functioning bathroom or kitchen," Governor Cuomo said in a press release.

But while community organizers say they're glad the TPU is on the scene, it hasn't made much of a difference for the tenants. The repairs at 98 Linden are not yet completed and those planned for 300 Nassau have not begun because of a stop-work order issued by the Department of Buildings. One family in the building had to split up after they were forced to move out: The father and son went to stay with one set of relatives, while the mother and daughter went to stay with another. Another family went into a homeless shelter, and had to give up their pets.

Many of the Marolda tenants are still fighting the non-primary-residence cases in court. Wai Yee Poon from CAAAV says there's been little progress on the investigation. "We've heard from the TPU, but they haven't interviewed any of the tenants yet."



Catalina Hidalgo says her landlord destroyed her apartment building so the city would order her and other tenants to move out.



In the bad old days, landlords didn't resort to things like bogus lawsuits or even fly-by-night sledgehammering. In the 1970s and '80s, a landlord who wanted a tenant to move out was likely to show up on their doorstep, armed with a bat. If that didn't work, they'd try fire.

Starting in the mid '70s, arson became a serious problem in gentrifying communities, as landlords realized the quickest way to fix up an old building and displace its rent-stabilized tenants was to quite literally smoke them out. A 1986 report by the city's Arson Strike Force, a division of the FDNY, found that the practice was a particular problem

along the waterfront in Williamsburg, which it blamed on the "aspirations of landlords whose sights are focused on the lucrative possibilities of gentrification." (The report allowed, though, that at least some of the fires were probably set by vandals and pyromaniacs.)

In 1985, according to the report, one unnamed Greenpoint landlord was openly threatening Polish and Latino residents with arson if they didn't move out. (In another of his buildings, elderly tenants lived without heat or hot water for 13 years.) A tenants'-rights group called St. Nick's Alliance formed to fight back, marching to the landlord's house and then to the city attorney's office to get a temporary restraining order against him.

Over the next few years, numerous tenants' associations sprang up around the city. Many were at first concerned solely with acting as a de facto night watch, making sure their landlords didn't torch their buildings. Over time, the groups became the best way for tenants to get city agencies to hear their complaints. Their efforts proved successful at speeding up repairs and fighting health and safety hazards in their buildings and neighborhoods that might have otherwise dragged on, or remained unaddressed, for years.

Tenant associations had a new fight on their hands in 2007: private equity firms, which had begun wading into the real estate market, buying up hundreds of units, many of them rent-controlled or -stabilized. Affordable-housing advocates say the companies, in a rush to get back in the black after spending millions to mortgage these properties, quickly realized that the fastest way to make their money back was to get rent-stabilized tenants out and market-rate renters in. A pattern emerged, one that may sound familiar: Rent-stabilized tenants were frequently accused of not paying rent or were taken to court on non-primary-residence cases. (The *Village Voice* wrote in 2008 about the odyssey of one family living in a building owned by Vantage Properties, a private-equity firm backed by Credit Suisse. They were, like the Engs, accused of not living in the home they had occupied for years.)

"Equity companies regarded rent-regulated housing in New York City as 'underutilized,' " Grinthal explains. "So these firms, dozens of them, partnered with local real estate and management companies and bought up large buildings, promising their investors along the way they'd get a huge rate of return." But private equity's foray into real estate has not been successful. A number of the firms defaulted on the loans they took out to purchase the buildings, and walked away – leaving the properties in disrepair and the tenants stranded. At the same time, smaller, non-equity developers, like Marolda, took on some of the private-equity firms' favorite tactics, including bringing non-primary-residence lawsuits against occupants they wanted out.

The end goal in all these cases is to "deregulate" an apartment, taking it out of rent-stabilization and allowing it to be rented for whatever amount a landlord wishes. For landlords, the magic number for a rent-stabilized apartment is \$2,500. If they can inch the rent up to that level and the apartment then becomes vacant, it can be deregulated and the landlord is free to charge, in the words of the Rent Control board, "whatever the market will bear." Additionally, once a unit is deregulated, landlords are free to renew or not renew the lease of a market-rate tenant as they wish, whereas the leases of rent-controlled tenants are automatically renewed.

Affordable-housing advocates say that the \$2,500 limit – first passed as a \$2,000 limit in 1994 – has created a direct incentive for landlords to oust their rent-stabilized tenants as fast as possible. There's a legal way to do that: by offering tenants a buyout, meaning cash,

another apartment, or sometimes both, if they'll agree to move.

"If landlords are interested in relocating tenants, they have to be very patient and very generous," says Jan Reynolds, a real estate broker who has done some tenant relocation work. In general, she says, most wealthy landlords are more than willing to fork over whatever it takes to get a rent-stabilized tenant out. "Generally speaking," she says, wryly, "this is a city of rich people, and people with money will pay."

But when they're unwilling to pay, things can get unpleasant. One newer tactic for landlords who have just bought a building is to send in their own, very forceful, "tenant relocation specialists," who are often unwilling to take no for an answer.

The New York Attorney General's office issued a cease-and-desist order in August against one such relocation specialist, Anthony Falconite, an ex-cop accused of forcing tenants to take buyouts through a combination of intimidation and threats. In the cease-and-desist order, the AG's office says he made a habit of following tenants to and from work, confronting them at their jobs, their families' houses, and even out of state. He's also accused of verbally abusing tenants, physically forcing his way into their apartments or gaining access by lying about who he was (i.e., a maintenance worker) or by persuading tenants' children to let him inside.

Brandon Kielbasa, an organizer with the Cooper Square Committee, a tenants'-rights group that works in the East Village and Lower East Side, says tenants have told him about Falconite and a number of other relocation specialists, who tend to show up soon after a landlord takes over a building.

"There are three stages," he says. "First, in the acquisition stage, they besiege the building with tenant relocation specialists and lawsuits." Next, he says, "the renovations start." Kielbasa believes they're done in a deliberately obnoxious way, to drive the remaining rent-stabilized tenants out.

"When mass construction happens and it's happening around the remaining rent-regulated tenants who knew their rights and weren't going to give up their apartments, you know it's deliberate," he says. "All of sudden there's the most bombastic construction project ever bearing down on them, where their utilities are shut off, ceilings collapsing, doors left open day and night, work on evenings and weekends."

The final stage, Kielbasa says, is management – "or mismanagement" – in which the landlords will stock the building with as many new tenants as possible. They'll either start managing the building normally at that point – a good thing – or step up their harassment, refusing to repair rent-stabilized tenants' apartments.

Many tenants don't even get to that point, says Grinthal, the attorney with MFY Legal Services, choosing instead to take a buyout, one that oftentimes isn't a particularly good deal for them.

"A certain percentage will sign agreements that they don't understand or that are ill-advised, giving up a lot of their rights, giving up their tenancy," he says. That's because fighting with your landlords, especially in housing court, is difficult and time-consuming. Proving that you're a primary resident, for example, "can mean handing over huge amounts of documentation: bank statements, health records, credit card statements. It can be difficult and expensive. It's invasive."

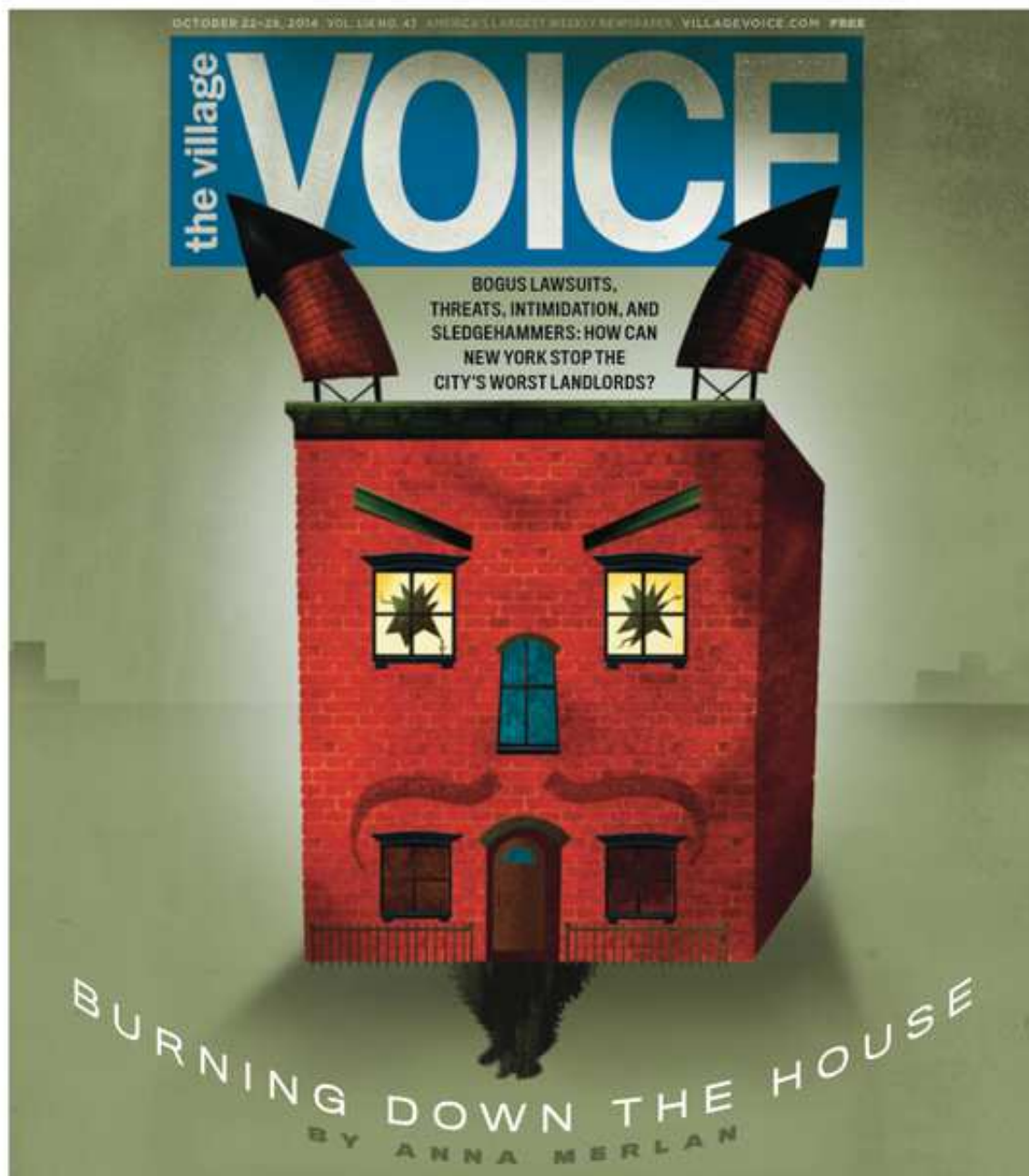
And it often turns up evidence landlords can use in their favor: "For most people, if you demand enough documents, a few will show up with other addresses on them," Grinthal says. "I don't know about you, but I've forgotten to change my address a few times when I've moved. That stuff shows up and gets used against them." In the case of the Marolda

I've moved. That still shows up and gets used against them. In the case of the Marolda tenants, many of them had common Chinese surnames, meaning it was easy for the landlords to find people with the same name who lived at other addresses.

The potential benefit for the landlord is huge, Grinthal says, and the expense is minimal. "It's not expensive to bring a case in housing court. It costs \$45 in fees. A housing court petition is maybe one to three pages long. It's a form. You pay a lawyer \$100 to file it, and boom, you're in. Now the tenant is scared and in a legal situation where they're going to sign papers they don't understand and you can demand they hand over their entire lives to you. That's pretty good for \$145 if you want to put pressure on tenants."

At the Marolda buildings, Grinthal says, many tenants opted not to even attempt that fight: "Lots of tenants took buyouts."

The payoffs are often depressingly small, he adds. "I'm talking about \$5,000 to \$15,000, and you're giving up an apartment with a rent of 600 bucks. You'll spend that in a year or less."



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The avenues for tenants who wish to fight their landlords are few and unappealing. An enormous backlog in housing court means cases can often stall there for years. There's also a confusing mishmash of agencies: While the Department of Buildings enforces the city's building codes and labor laws, it's the Department of Housing Preservation and Development that enforces anti-harassment laws, along with the state Division of Housing and Community Renewal.

What that means is that for tenants like Catalina Hidalgo who believe they were being harassed with nuisance construction, the agency in charge of investigating those complaints – the Department of Buildings – can investigate them, and even put stop-work or vacate orders in place. But they can't gather evidence of construction being used for harassing purposes. The affordable-housing advocates say the DOB, HPD, and the state need to work more closely together to communicate, so that issues like the ones at the Israels' properties can be remedied more quickly.

"HPD and the DOB don't work together that much, and those agencies need to talk to each other more," Kielbasa says.

HPD didn't return several phone calls from the *Voice* requesting comment for this story. Alexander Schnell, a DOB spokesman, told us that HPD, the DOB, and the FDNY have begun working together much more closely, starting in April of this year, when they formed a joint investigation team that performs weekly inspections on landlords suspected of harassing tenants.

"The goal of the inspections performed by this task force is to identify questionable construction or building conditions and prevent any further actions on the part of the building's management that might result in the displacement of tenants, either from their units or the building," Schnell says.

Over the past six months, he adds, the agencies have jointly attempted inspections of more than 180 sites where instances of tenant harassment were reported. As a result of the inspections, the DOB handed out nearly 500 Environmental Control Board violations, 30 stop-work orders, and just two full vacate orders.

Schnell says the DOB alerts the HPD "to any suspected tenant harassment conditions when responding to building complaints."

"Collaborating to protect the rights of tenants and ensure safe living conditions in buildings will continue to remain a crucial priority for HPD and DOB," he says.

But the other issue, according to Grinthal, is that even when the DOB sees construction violations and fines landlords for them, those penalties are often minimal.

"I've seen more substantial fines from DOB" in recent years, he says. "But I've also seen fines and violations that sit open for years and years. If a DOB inspector goes to a building and the building staff won't let them in, DOB can get in but they have to make more of an effort: Go to court, get a warrant, bring in the police. They often do not take that step."

Elsewhere, though, there are some signs of progress. The City Council recently passed a bill, sponsored by Lower Manhattan City Councilmember Margaret Chin, which will increase fines to \$10,000 from \$5,000 for landlords who are found to have harassed their tenants. It will also require HPD to maintain a watch list of harassing landlords.

Frank Ricci, the director of governmental affairs for the Rent Stabilization Association, argues that there are already numerous laws meant to protect tenants from harassment.

"There are 12 laws on the books," he says. "If those weren't a deterrent, why would the 13th

"There are 12 laws on the books," he says. "If those weren't a deterrent, why would the town be?"

At the same time, he argues that harassment allegations are isolated incidents. "I keep reminding people that there are 1 million stabilized apartments in the city, with over 2 million tenants. I don't think this is a widespread or pervasive problem."

One thing that landlords and tenants'-rights attorneys can agree on, seemingly, is that the Department of Buildings could do more to investigate allegations of construction as harassment.

Both Ricci and the affordable-housing advocates point to the Israels and their buildings as the worst-case scenario.

"I can't imagine why a judge hasn't ordered them to fix the properties," Ricci said, speaking generally. (The Israels aren't members of the RSA, and he's not familiar with all the facts of the case.) "Why hasn't HPD gone in, restored the services, and then put a lien on the building? That would make the most sense to me."

Through their attorney, the Israels deny having anything to do with the vandalism at either building, and say they're working as fast as they can to fix them.

**LANDLORDS HAVE
STARTED SENDING
'RELOCATION
SPECIALISTS' TO
PRESSURE TENANTS
INTO MOVING.**

"The Israels are Brooklyn residents who are committed to improving housing in their home community," Glenn Spiegel, JBI Management's attorney, writes in a statement to the *Voice*. "The properties they manage are generally between 80 and 100 years old, most requiring extensive rehabilitation to bring them up to code with modern safety standards. Their finished properties are beautiful and functional residential buildings that reflect the character of their neighborhoods and provide quality homes for a growing number of Brooklyn families."

With respect to 98 Linden and 300 Nassau, he adds, "JBI Management has been committed from the beginning to making the necessary repairs as quickly and safely as possible. A Dept. of Buildings Stop Work Order prevented any repairs from being made at 98 Linden Street until that order was lifted on Sept. 9th. Once the order was rescinded, repair work began immediately and is currently underway. JBI is making similar efforts to obtain necessary approvals for repair work at 300 Nassau Avenue. JBI Management has certainly never vandalized its own properties, nor has it ever engaged in an effort to force out rent stabilized tenants."

Meyers, the attorney representing several of the Israels' tenants, including Hidalgo, says

that the incentives for landlords to make repairs quickly in that situation are "perverse." By dragging out the work over months or years, he says, landlords can increase the odds that tenants simply give up and find somewhere else to live. That starts from the moment that the city issues a vacate order on a dilapidated building.

"The city doesn't always realize that a vacate order is basically a gift to the landlord," he says. "It's a very effective tool for getting those rent-stabilized tenants out."

A better solution, he says, is one that costs the landlords money, immediately and continually, until the repairs are made. The city's concerns – moving people out of a dangerous building before someone gets killed – are legitimate, he says. But there are other avenues aside from vacate orders.

"We had a situation in another building in Williamsburg several months ago where the landlord was wanting to do extensive renovation," he says. With many tenants remaining in the building, the landlord sent workmen in to start gutting the drywall, creating a serious fire hazard. Normally, the city would effect a vacate order. But in this case, Meyers says, "they put a 24-hour fire marshal on watch in the building. It's an expensive measure, but ultimately all that's billable to the landlord. They put this fire marshal in the building for a couple weeks, which gave the tenants enough time to negotiate an agreement with the landlord." The landlord agreed to move them into another building he owned for what Meyers calls "a substantially discounted rent."

As far as non-primary-residence cases like the ones the Engs and other Marolda tenants face, Grinthal says a simple solution there would be requiring a higher burden of proof from the landlords.

"When the property owner brings their case, they have to do more than just say in their papers, 'We believe you're not living here,' " he says. "They should have to meet a higher standard." That would ensure that only legitimate non-primary-residence cases move forward, he says, without forcing the tenant into "six months of handing over all their personal details."

In June, Betty Eng's lawyers filed a motion for summary judgment, asking for the judge to recognize her and her brother as the apartment's legal residents and to dismiss Marolda's case once and for all. They're awaiting a decision.

Eng says the experience has left her and her neighbors feeling like they're being accused of breaking the law. "None of us do anything illegal," she says. "We're not drug addicts. I don't even have any parking tickets. And going to court just makes you feel like you're a criminal."

As for Hidalgo, even the intervention from the state hasn't sped up repairs at 300 Nassau. Desperate for a safe place for herself and her children, she's signed a temporary lease on an apartment in Williamsburg, paying several times what her old rent was and dipping into her savings to cover it. It can't last much longer, she says.

Hidalgo is concerned that if the Israels ever actually do the repairs, "they'll do a shitty job," as she puts it – another way to try to discourage the rent-stabilized tenants from coming home. In the meantime, she says, the whole thing feels like a nasty waiting game.

"I feel like they're delaying everything so we get tired of waiting and just go on with our lives," Hidalgo says. But she won't give in. "I'm fighting my way back to that apartment. I love the area. I grew up there. Greenpoint is my home."