

# How to Force Out Rent-Controlled Tenants

By DW GIBSON JUNE 4, 2016



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THE arraignment of the notorious New York landlord Steven Croman last month was a rare bit of good news for the tenants in his buildings, many of whom have said they have endured hazardous conditions designed to force them out of their homes. Mr. Croman was charged with 20 felonies related to his rental income (he has pleaded not guilty), and faces a civil suit accusing him of using illegal means to force tenants out of their rent-stabilized apartments, in order to renovate them and find new tenants to pay market rates.

Unfortunately, Mr. Croman's alleged approach to emptying buildings is not at all uncommon. Altering or destroying a building in order to make it unsafe is the method of choice for many property owners operating in some of the city's most rapidly changing neighborhoods. When tenants can no longer cope with the danger, they often reach out to city agencies for help, which plays right into the property owner's hand: A city inspector pays a visit, observes the hazards and issues an order to vacate. Tenants then have mere hours to leave their homes, and once they vacate an apartment it is nearly impossible for them to get back in.

Even when housing court disputes are settled and a judge finds a property owner responsible for illegal construction, such decisions rarely involve criminal charges. Occasionally, city and state governments are able to work in concert to arrest a bad actor. But the number of bad actors far exceed the arrests. Brooklyn, which is undergoing an aggressive wave of gentrification, is rife with property owners who engage in these practices with impunity. Specific examples are easy to come by.

In 2014, for instance, tenants of the seven-unit building at 94 Franklin Avenue, which is owned by the Tiferes Yehuda Family Trust, were told that construction would soon take place in the backyard. When tenants asked the building manager about it, she explained that a new playground was in the works. Soon construction workers showed up and threw away tenants' belongings — toys, grills, patio furniture — without warning. Jackhammering began and was so severe that exterior windows shattered and dust seeped into tenants' homes, affecting an asthmatic child living inside. The dust, noise and debris became part of daily life for the next year.

In court affidavits, one tenant says that when she called the building manager about the situation, she denied that construction was taking place. And the work continued. A crew began putting up a wall just a few inches from the back of the building. The tenants called 311, and the Department of Buildings sent over an inspector. The work continued, and tenants called 311 again. When an inspector saw that the construction was eliminating egress and cutting off natural light, a stop work order and a vacate order were issued. The tenants were given hours to leave.

That was July 2015. The work continued and five months later, in December, another stop work order was issued. Since evacuating nearly a year ago, the tenants have had limited access to their apartments and had to arrange visits through the manager. Inside, they discovered water damage, a rat infestation and rotting floors. In court documents, lawyers for the property owner say that the manager has since been replaced and that repairs have been made, and continue to be made, to lift the vacate order. The Department of Buildings has brought criminal actions against the owners and the city is seeking to appoint an administrator to the building. Meanwhile, all of the tenants are still displaced with no guarantees that they will be able to move back into their homes. One family has entered the shelter system.

The case at 172 North Eighth Street, an eight-unit building in Williamsburg, is another example. In June 2009, tenants in the rent-stabilized apartments were ordered to vacate because of an illegal excavation of the basement by the building's owner, listed publicly as 172 Realty Capital, that compromised the structural integrity of the building. The building had 76 open violations from the city, including 34 labeled "immediately hazardous." Repairs were reportedly done and the order was lifted. Some tenants returned to find no running water, no electricity and no functioning sewage. Then, two cellar walls were found to have collapsed. Another vacate order was issued, forcing the tenants out yet again.

After a year-and-a-half-long court battle to take the building away from the owner, the judge appointed an administrator to oversee the repairs needed to make the building livable again. The tenants finally moved back to their apartments in 2014. No criminal charges were brought against 172 Realty Capital. Its repeated attempts to regain control of the building have so far failed.

Those who struggle to survive the war of attrition and stay in their homes often describe a sense of dread that remains with them — the anticipation of another knock on the door, whether from an antagonistic building manager or a city inspector delivering an order to vacate.

One tenant, Tranquilina Alvillar, received that knock at the door in 2011. She lived in a rent-stabilized unit at 193 Bedford Avenue and paid \$700 a month. She was ordered to vacate her apartment after the company that bought the building that year, Reno Capital, had offered her at least one large buyout — a one-time payment to forfeit the rights to the apartment — which she refused. As renovations began on the other apartments, the hallways filled with dust and equipment. It is no exaggeration to say that Ms. Alvillar was living in a construction site when the city ordered her to leave. She had been living there for 24 years.

Over the next year, she filed several lawsuits to get her apartment back. While the cases played out, Reno Capital went ahead with renovations on Ms. Alvillar's apartment and, upon completing the work, rented the place out for \$2,900. After the vacate order was lifted in December 2012, she visited the building only to discover that a new tenant had moved into her apartment. Again, she sued the owner. Two years later, Ms. Alvillar won the

case, and when she returned to her apartment she found a much smaller space than the one she was forced out of.

That was in 2014. But even now she still fears another knock on her door, and with good reason: Reno Capital continues to assert that she is not the legal tenant of her apartment and is now trying to get the courts to reverse earlier decisions.

In order to protect tenants from such situations, the city should change its approach to issuing vacate orders. If an order is issued because of illegal activity on the part of a property owner, the affected tenants should be given stable housing (at present the American Red Cross provides them with temporary housing) and representation through a nonprofit, housing-focused legal aid office.

The bill for these two expenses, housing and lawyers, could be covered by steeper fines for property owners who provoke vacate orders. Such fines, along with a more aggressive pursuit of criminal charges for bad behavior and violations, would go a long way toward addressing this systemic behavior. Building owners might then think twice before taking a sledgehammer to their properties — and at least once about the people who in live in them.

DW Gibson is the author of “The Edge Becomes the Center: An Oral History of Gentrification in the Twenty-First Century.”

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A version of this op-ed appears in print on June 5, 2016, on page SR7 of the New York edition with the headline: How to Force Out Rent-Controlled Tenants. Today's Paper | [Subscribe](#)

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