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Hoylman takes aim at building demolitions as tool to oust tenants

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By Sabina Mollot

Under current law, landlords can oust tenants from a building by claiming they're going to be demolishing it.

However, the owner wouldn't necessarily face any penalties if that demolition never ended up happening, and State Senator Brad Hoylman has said he is looking into changing this.

The topic of ousting tenants, particularly lower rent paying ones under this scheme was recently covered in an article in [The Real Deal](http://therealdeal.com/2016/06/02/an-insiders-guide-to-evicting-rent-stabilized-tenants/). [\(http://therealdeal.com/2016/06/02/an-insiders-guide-to-evicting-rent-stabilized-tenants/\)](http://therealdeal.com/2016/06/02/an-insiders-guide-to-evicting-rent-stabilized-tenants/) The article focused on a talk given by landlord attorney Michelle Maratto Itkowitz in which she discussed the practice, saying that as far as she knew, building owners have not faced penalties for not making good on a demolition plan following the evictions. That said, she warned an owner might be sued "by a nasty person with a grudge," yet also stressed that landlords who try to harass tenants out of their homes were looking for trouble, like the recently arrested Steven Croman.

After seeing the article, Hoylman, told Town & Village he was "researching the issue" and noted that in his district, on the East Side as well as the West Side, he'd seen demolitions and questioned their legality due to their having been done "without appropriate permits."

As far as using demolition — or even the threat of it — as a tool to empty buildings, Hoylman said, "There should be consequences for bad actions on the part of landlords. They shouldn't benefit from a windfall due to an illegal act such as a demolition. We're researching the issue to try to understand if there's a legislative response that's appropriate."

The loophole in the law was flagged to Hoylman by the ST-PCV Tenants Association.



State Senator Brad Hoylman

Meanwhile, Harvey Epstein, project director of the Community Development Project at the Urban Justice Center, said while the demolition threat angle isn't common, "it's gotten more common" in recent years. The Urban Justice Center has taken a number of those landlords to court.

"We want to make sure that's not a vehicle to evict low-income tenants," Epstein said.

However, he admitted, those cases have nearly all been lost, as tenants don't often have much in the way of recourse. The agency did however win one case recently.

"There was an owner of a building in Brooklyn and the judge didn't believe that the owner was going to demolish the building," Epstein said.

The case took two and half years, but all the tenants are still there. He added that the lawsuits filed by UJC can "can drag them out for five years," which can be a good deterrent for such tactics.

Epstein added that landlords do have to go through a number of steps to even get as far as prepping the building for demolition.

"You can't just demolish a six-story building and then build a six-story building," Epstein explained. "You have to have a reason, like you have FAR (floor area ratio) to build a 20-story building" as well as having the funding for the project. Additionally, the housing agency, Homes and Community Renewal, would then have to discuss it at a hearing. "Is it within FAR? Are they really going to build it?" If they meet the requirements, "HCR will most of the time grant them."

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