

HARASSMENT



A PARTNERSHIP OF THE LEGAL AID SOCIETY AND LEGAL SERVICES NYC



MINKWON CENTER
For Community Action

PRESENTED BY QUEENS LEGAL SERVICES

89-00 SUTPHIN BLVD., 5TH FLOOR

JAMAICA, NY 11435

**INTAKE MON-THUR 10AM-3PM, FRI
EMERGENCIES ONLY**

Legal Definition of Harassment



- “Harassment” refers to any act *or omission* that causes *or is intended to cause* any tenant to leave the apartment or to give up any of their rights.



Examples of Harassment



- Spitting at you or cursing at you
- Stopping or taking too long on essential services (e.g., not fixing the elevator for weeks)
- Bringing baseless, frivolous court cases (e.g., you paid your rent and still getting sued in nonpayment case)
- Taking your stuff out of your apartment without permission
- Taking off your apartment door
- Breaking or changing the locks without giving a new on

What YOU can do about harassment:



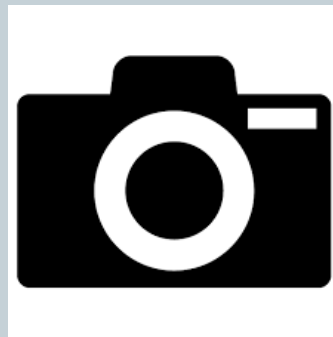
- If you've been harassed, you can file a Housing Part ("HP") harassment case in the Queens Housing Court (you can and should include any repairs you may need in the apartment that the landlord has refused to fix).



What evidence will be you will need:



- Notes: include the date and any acts/omissions the landlord has taken that prevent you from exercising your rights as a tenant.
- Letters or emails from/to the landlord.
- Dates/times you've called 311.
- Pictures and/or videos of harassment.



You WIN the harassment case:



- If the judge agrees that the landlord has harassed you, the judge will order the landlord to stop.
- The judge can also order the harassment a housing code violation and you may ask for penalties.
- The judge can order a fine between \$1,000-\$5,000 – which is paid to the city, not to the tenant. (Repeat violations: between \$2,000 - \$10,000)

What if you already have a case in Housing Court?



- If your landlord is currently taking you to court to evict you, and the same landlord has harassed you, then you can raise the harassment issue as a counterclaim
- Harassment is NOT a defense in a non-payment case or in a holdover eviction proceeding
- If you're not sure about these type of cases, you can ask anyone here tonight

You prefer not going to court:



- If you are a rent-regulated tenant, you can avoid going to court and instead go the DHCR website www.nyshcr.org to file a complaint
- If there's a finding of harassment, the landlord can't charge future rent increases until DHCR says that he/she can and the landlord might be fined



Know Your Rights



REPAIRS

**WHAT PROTECTIONS DO
TENANTS HAVE?**

What's the Law?



In any rental agreement (written or oral), the landlord has a legal obligation

- Premises must be fit for human habitation
- No conditions that are dangerous to the health and safety of the tenant
- Obligation extends to public/common areas of the building
- This obligation is called the “**warranty of habitability**”

Conditions / Violations



- Conditions that need repair are commonly called “violations”
- Violations are classified into 3 groups – “A” non-hazardous (90 days to correct), “B” – hazardous (30 days to correct), “C” immediately hazardous (24 hours to correct)
- Violations can include: lighting, building entrance doors, elevators, stairs, fire escapes, smoke detecting devices, locks to apartment doors, HOT WATER & HEAT, painting, vermin, collection of waste and more...
- Note: Conditions that were created by the tenant are not the legal obligation of the landlord

Heat & Hot Water



- Landlord must provide heat between October 1 and May 31
- If outside temperature is below 55° apartment temp. must be around 68°
- Landlord has the obligation to provide hot running water between 6 am and midnight

What should the tenant do?



- Make a detailed list of violations in the apartment (room by room) and public areas
- If heat is an issue buy a thermometer and keep record of inside temperature (morning, afternoon and night)
- Notify the landlord (It's a good idea to do it in writing)
- Call 311 and ask for an inspector to visit the apartment (City authority records the violations – HPD website)
- Keep records – photos, videos, copies of letters to landlord, inspectors' visit record, receipts of money spent making repairs

What happens when the landlord refuses to make repairs?

- Tenant can commence a case in Housing Court to force the landlord to make repairs
- Speak to an attorney or represent yourself
- Organize tenant association and commence case against landlord as a group

Tenant Association

**WHY IS IT IMPORTANT
THAT TENANTS ORGANIZE
THEMSELVES?**



What Is a Tenant Association?



- A tenant association is a union of all or most of the tenants in a building.



The Rights to Organize a Tenant Association



- No landlord shall interfere with the right of a tenant to form, participate in the lawful organization or any group formed to protect rights of tenants.
- Tenants' groups or other tenants' associations shall have right to meet in any location on the premises which is devoted to the common use of all tenants in a peaceful manner. No landlord shall deny such right.

Power in Numbers!



- Tenants working together can apply more pressure to make necessary changes.
- A strong tenant association has power to negotiate, file complaints with city and state agencies, get help from elected officials, and go to court.
- A successful tenant association can impact the whole neighborhood.



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N.Y. / REGION

Landlords to Repay Over \$1 Million in Fees

By CHARLES V. BAGLI APRIL 14, 2014

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Ben Warren, a retired theatrical prop designer, had lived in his Bronx tenement for more than 30 years when the building changed owners in 2007. Soon, heat and hot water became sporadic, repairs went undone and tenants started being harassed.

After he spent 21 days in the hospital with a case of pneumonia he believes was triggered from the lack of heat, Mr. Warren decided to do something about his residence. He, his neighbors and the tenants of 41 other rent-regulated buildings with the same owners in the Bronx, Brooklyn and Manhattan began organizing for better conditions.



Success Story



- In 2014, tenants of 1511 Sheridan Ave in Bronx experienced illegal fees, repair issues, and harassment by landlord.
- Tenants from 41 different buildings in Bronx, Manhattan, and Brooklyn, owned by the same owners, organized to collectively fight bad conditions in their buildings.
- Tenants were awarded \$1 millions in rebates and management company promised to make all repairs within a year.
- There are cases like this all over the city.

Starting a Tenant Association



- Talk to your neighbors: Get consensus on whether your neighbors are experiencing the same problems (Building-wide issues).
- Find out who can be initial participants: tenants who are vocal about their problems, or expressed discontent.
- Set up a meeting. (Place, materials, meeting agenda, facilitators)
- Reach out to tenants to promote the meeting.

How Can We help?



- We can provide a meeting place.
- We can provide graphic materials for outreach to tenants.
- We can help with translation/interpretation.
- We can give advice on what the steps are in forming a strong tenant association.
- We can provide legal help if necessary.

Even with all the help, it is important that we have tenants who are aware of their rights and willing to actively protect them!