

For Immediate Release: September 30, 2015

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NEW REPORT AND LEGISLATION: End the use of hazardous construction as a form of tenant harassment

Results of Tenant Surveys Details How Lack of Sufficient Enforcement Leads to Unsafe Conditions for Tenants

New 12 Bill Legislative Package Provides Protections for Tenants and More Tools for DOB Enforcement to Tackle Tenant Harassment

New York - A [new report](#) by the Stand for Tenant Safety coalition was released today on the steps of city hall. The report, which is based on surveys of 150 rent stabilized tenants and the Department of Buildings' (DOB) records of 57 buildings where survey respondents live, documents aggressive construction practices in occupied buildings and the ways in which construction is used to displace rent-regulated New York City tenants. Stand for Tenant Safety (STS) is a coalition of community-based organizations, legal service agencies and tenant advocates who are working to document instances of "construction as harassment" and protect tenants.

The report release coincides with the introduction of a legislative package of 12 City Council bills that aim to reform the Department of Buildings, the agency tasked with issuing permits to developers and responding to tenants who report violations. Bill sponsors include Council Members Margaret Chin, Rafael Espinal, Daniel Garodnick, Corey Johnson, Ben Kallos, Stephen Levin, Mark Levine, Rosie Mendez, Carlos Menchaca, Antonio Reynoso, and Helen Rosenthal.

The report details some staggering findings:

- **Negligent response time from DOB:** It took an average of 46 days for the Department of Buildings (DOB) to respond to 311 calls in the buildings surveyed; **the longest response time to a complaint was 926 days.**
- **Safety hazards:** 15% of people surveyed could not access fire escapes during construction.
- **Health hazards:** Nearly three quarters of tenants reported that construction was a threat to their health and safety, with 87% citing excessive dust in their buildings and 73% citing construction debris in the hallway.
- **Displacement and buyouts:** 52% of respondents considered moving out because of the construction; 53% were offered a buyout before or during construction—a mechanism used by landlords to displace rent stabilized tenants; and a third of those that were offered a buyout said they felt pressure from a landlord or landlord representative to take it.
- **Insufficient services from DOB:** 71% of respondents rated their overall experience of reporting problems to 311 as fair or poor; 70% rated DOB fair or poor in addressing their problem, 22% said that their problem was never addressed.

"This research confirms and documents what we've been hearing repeatedly from rent stabilized tenants across New York City--major construction is severely impacting tenant's health, safety and well-being

and is being used to displace long-time community members,” said **Alexa Kasdan, Director of Research and Policy at the Community Development Project at the Urban Justice Center.**

The 12 bill legislative package that was introduced today includes the following (see [report](#) for more information and additional bills):

1. Require DOB to inspect at risk buildings instead of allowing for self-certification.
2. Create a list of contractors who have been found guilty of working without a permit and increase oversight of those bad actors.
3. Require DOB oversight for tenant protection plans. At present, it is remarkably easy for landlords to claim a building is vacant or has no rent-regulated tenants, even when that is demonstrably false. The landlords claim this so they can avoid creating a Tenant Protection Plan. This bill would make landlords more accountable to the DOB.
4. Create an inter-agency task force. The DOB, the Department of Housing Preservation and Development (HPD), the Department of Health (DOH) and the Department of Environmental Protection (DEP) must frequently collaborate to address tenant concerns. This task force would convene once a month, do annual reports and facilitate oversight hearings.
5. Create a real time enforcement unit within DOB to respond to the most egregious violations or at risk buildings immediately.

"Having lived through two years of reckless construction with rarely an effective response from DOB to get it under control, I can say that beyond those many, long days of dangerous, unhealthy, and stressful conditions, the result has led to 1 bedroom apartments rented out as 2 bedrooms, at an inflated cost to new tenants, and potentially unsafe conditions for everyone, including firefighters and other first responders," said **Shawn Dahl, resident of the East Village in Manhattan.**

“This legislation will protect tenants from harassment by construction. Almost 2 years ago, I ended up homeless because my landlord started intensive work in our building without permits. This legislation will protect rent regulated tenants,” said **Catalina Hidalgo, resident of Greenpoint, Brooklyn.**

At the press conference, coalition members and sponsoring City Council members highlighted that construction as harassment endangers tenants and decreases the ever-shrinking supply of affordable housing in New York City. They called on the DOB to take immediate action and to begin working with them to combat “construction as harassment.”

“Far too many bad landlords are getting away with knowingly providing the city Department of Buildings with false information through self-certification. This process, which allows the landlord to hire his own engineer and architect to rubber stamp inspections for work permits, is often the first step in the process to harass tenants through construction. I look forward to working with my Council colleagues, city officials, and community advocates to pass this comprehensive legislative package and stop tenant harassment before it has the chance to begin,” said **Council Member Margaret Chin.**

“Since I’ve taken office, landlords using construction as a means to displace tenants has become an increasingly pervasive problem in my district. My bills in this package seek to raise fines for building owners who do construction work without a permit or in violation of a stop-work order, and to require additional oversight for contractors who do this illegal work. Fines need to be more than just the cost of doing business, and contractors need to face consequences for breaking the law. The DOB must do more to protect tenants from unscrupulous landlords, and to protect tenants’ rights and quality-of-life,” said **Council Member Antonio Reynoso.**

"The Stand for Tenant Safety (STS) coalition of 22 community organizations and 12 council members came together to develop ideas and implement solutions designed to improve the lives and safety of

millions of New York City tenants," said **Council Member Ben Kallos**. "Every day, my office receives calls and emails about construction in and around buildings, harassment of tenants, or building repairs that have been ignored. This comprehensive legislative reform package will provide critical and overdue transparency over the Department of Buildings, improve the department's enforcement mechanisms, and curtail the actions of bad landlords."

"Tenants should not be put at risk by landlords who use building construction as a means to harass and to drive tenants out of their buildings. And the denial of basic amenities coupled with loud noise and toxic fumes from constant construction is an unacceptable, yet all too familiar tactic designed to drive rent-stabilized tenants out of their apartments. That's why I'm proud to sponsor legislation in this robust package of bills that will strengthen tenant protections and make information about the maintenance of key services during construction publicly available. For the safety and health of all New Yorkers, and to protect the affordable housing we have now, it is time we make meaningful reforms at the Department of Buildings that will hold bad acting landlords accountable," said **Council Member Mark Levine**.

"Too often landlords get away with claiming their building has no occupants and forcing tenants to live amidst a gut renovation. Tenants in my district have experienced dangerous conditions, including the removal of an exterior wall, the only stairwell in the building, or a fire escape. Until DOB finds a solution to check every landlord's claims of 'no occupancy,' it remains complicit in the harassment that landlords inflict on tenants. My and Council Member Corey Johnson's bill will require DOB to post a permit's occupancy status on the DOB website and on the work permit itself, so tenants can quickly identify any false claims and use this newly available information to pursue a stop work order and proper tenant protections. I am hopeful this greater transparency will keep landlords accountable and tenants safe in their homes," said **Council Member Helen Rosenthal**.

"I am proud to stand with the STS Coalition and my Council colleagues. For far too long some of the city's worst property owners have used devious, despicable tactics, as well as construction renovations to harass and intimidate tenants. As you will see from the survey's results, the end result of lax oversight by the Department of Buildings (DOB) is the harassment of thousands of New Yorkers annually. If DOB wants to right a wrong, then the agency must stand with us to initiate reforms that will ensure that construction is safe with tenants in residency and that tenants get the help they need. The intent of this legislative package is to make New York City the best and safest place to live, work, and play. I believe that is something worth working for," said **Councilwoman Rosie Mendez**.

ABOUT THE COMMUNITY DEVELOPMENT PROJECT AT THE URBAN JUSTICE CENTER

The Community Development Project (CDP) at the Urban Justice Center strengthens the impact of grassroots organizations in New York City's low-income and other excluded communities. CDP partners with community organizations to win legal cases, publish community-driven research reports, assist with the formation of new organizations and cooperatives, and provide technical assistance in support of their work towards social justice.

ABOUT STAND FOR TENANT SAFETY

Stand for Tenant Safety (STS) is a citywide coalition of community organizations who are fighting to protect the lives and homes of New York City tenants where landlords are using construction as harassment. Through this community driven effort, we demand the systemic reform of the Department of Buildings.

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