
NYCBA HOUSING NEWSLETTER

MAY/JUNE 2015—LAST NEWSLETTER BEFORE SUMMER BREAK

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[Housing Court Welcomes Three New Judges](#)

In June Housing Court welcomed three new Judges:

Jeannine Bear Kuzniewski currently sits in Kings County Housing Court. Judge Kuzniewski was previously a court attorney for Judge Gilbert Badillo.

Bernadette Black now sits in the New York County Housing Court. Judge Black previously worked as a court attorney for Judge Louis Villella

Michael Weisberg also now sits in the New York County Housing Court. Judge Weisberg was a Director of the Housing Law Unit—part of the South Brooklyn Legal Services organization.

[APS Visit To Housing Court Committee Workshop](#)

On May 26, 2015, the Housing Court Committee welcomed a few very special guests from the Human Resource Administration (HRA): Molly Murphy, Special Counsel to the Commissioner, HRA, Dan Tietz, HRA Chief Special Services Officer; Deborah Holt-Knight, Executive Director for APS; and Adam DiLeo from HRA's Office of Legal Affairs. The discussion focused on the operation of Adult Protective Services in the context of various Housing Court cases. Guests walked the committee through the standards of eligibility for APS assistance, the appropriate procedure and timeframe of the referrals to APS, and other services provided by the agency. The representatives additionally answered many specific questions posed by the members of the Committee.

[After Long Battle, City Creates New Office of Civil Justice](#)

The Gotham Gazette remarks on the long history behind the recent passage of Intro. 0736, which establishes a new, city controlled Office of Civil Justice, tasked with marshaling city resources behind legal representation for low-income defendants, among other things. The new office will be modeled after its criminal analog, the Office of Criminal Justice, and was signed into law on June 16th this past month. The periodical also outlines the backstory to the legislation dating back over the past 10 years.

[Regulation Laws get 4 Year Extension in End of Session Confab Deal](#)

According to the New York Daily News, in a significant rebuke of Mayor Bill de Blasio's agenda, New York State leaders reached an end-of-session accord that, among other things, extends the expiring rent regulation laws for four additional years. The deal also provides for a modest increase (from \$2,500 to \$2,700) to the prevailing rent at which vacancy decontrol can occur, preserving the practice. Additionally, the agreement includes at minimum a six month extension of the controversial affordable tax credit program aimed at incentivizing developers, with the potential to become a four year reprieve, should additional terms be met regarding construction wages.

[Regulated Rent To Be Frozen](#)

The City Rent Guidelines Board voted 7-2 for no rent increase on one year leases, and a two percent increase for two year leases.

[Green Housing Preservation Program Announced](#)

HPD Commissioner Vicki Been and HDC President Gary Rodney presented the new Green Housing Preservation Program to assist owners of small- to mid-sized multifamily properties to undertake energy efficiency and water conservation programs. The Program expects more than 10% annual reduction in utility costs.

Commissioner Been also expects the Program to advance Mayor de Blasio's affordable housing platform, as the owners are expected to pass the savings in utility costs to the tenants.

[Tenants Properly Notified Rent Subsidies Loss](#)

New York Law Journal reports that the Court of Appeals reversed *Matter of Banos v. Rhea, 60*, and *Matter of Dial v. Rhea, 61*, holding that the NYCHA adequately notified the two tenants of the impending loss of Section 8 subsidies.

At issue was whether the notice of default letter by itself could began the statute of limitations period. The tenants, represented by Kathleen Brennan of The Legal Aid Society and Michael Weisberg formerly of the South Brooklyn Legal Services, argued that the default judgments given against them were invalid without the two additional notices required by the 1984 federal consent judgment, *Williams v. New York City Housing Authority, 81-cv-1801*. The 4-3 majority, however, disagreed, and found that the notice of default letter or the T-3 letter was sufficient notice.

[Property Tax Distortions in New York](#)

Citylab.com writes that the massive gap between the market value of luxury properties and their assessed value for property taxes indicates that the extremely wealthy are not paying their share of property taxes.

[Proposed Bill Would Ban Persistent Tenant Buy-outs](#)

A new bill introduced in the City Council would ban landlords from repeatedly trying to buy tenants out of their apartments after the tenant's express refusal. Under the bill, a persistent landlord could face anywhere from a \$1,000 to \$10,000 fine for harassment.

[Two year Ban on Hotel / Condo Conversions](#)

The City Council passed a bill banning converting hotels into condos for two years. The bill passed with a strong majority of 42-8, and is backed by the hotel workers union.

Real estate groups opposed the bill as an illegal infringement on property rights.

[NYC Bans "Poor Doors"](#)

According to the Washington Post, by placing specific language to the 421a program legislation designed to promote the construction of affordable housing, Mayor Bill de Blasio effectively outlawed separate entrances for lower-income tenants in condos where developers capitalized on the associated tax incentives. Citing the "un-American" nature of such means of egress, the legislation was passed in Albany last Friday. Worth noting was the strong demand for the affordable units at 40 Riverside Blvd, where 88,000 applications were filed for the 55 affordable units available, even before the ban, underscoring the need for additional housing.

[The Plight of Those Who Can Pay the Rent](#)

The Wall Street Journal sheds light on the Come Home NYC program that serves the 'working poor' in New York, a segment of the population who make enough to pay the rent charged for many apartments in the city but struggle with the credit and income requirements that many landlords require.

The centerpiece of the story is Ayra Garcia, who was forced into a shelter with her 15-year old niece despite having a steady job as a teacher, because she lacked the savings to pay the three months of rent and a security deposit on a new apartment. She stayed at the shelter for five months.

Through the Come Home NYC program, which provides insurance to landlords for taking in homeless families residing in shelters, Ayra Garcia was ultimately able to find an affordable apartment for her and her niece.

The Come Home NYC program is relatively small in scope (\$1.5 million of funding) but has been helping the homeless working class find affordable living situations since last November.

[Construction Boom in NYC for Luxury Housing](#)

According to the New York Building Congress, last year was a record year for spending on construction of luxury housing. This is a cause for concern to Richard Anderson, the building congress's president, as this trend does not match the city's need for housing that is affordable for middle-class residents.

[City Council Takes Aim at AirBnB](#)

In two related pieces of legislation co-sponsored by Brooklyn Councilman and Housing Committee chair, Jumaane Williams, Manhattan City Council members Helen Rosenthal and Yuanis Rodriguez propose tough penalties for property owners who operate illegal hotels, along with mandating an annual report from City Hall to highlight the scope of such short-term rentals. According to the New York Daily News, this legislation comes on the heels of rapid growth for AirBnB in New York City. A report by the NYS Attorney General's office found that bookings increased over 1000% in the past four years, 37% of the revenue was generated by only 6% of city landlords and some landlords warehouse entire floors of rent-stabilized buildings to rent on a per-day basis.