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# NYCBA HOUSING NEWSLETTER

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## [Court Rules Airbnb Room-Sharing is Profiteering](#)

In what appears to be a case of the law catching up with technology and opportunism, New York County Supreme Court issued an injunction to prevent a rent-regulated tenant from renting out through Airbnb. Ruling, in *Brookford v. Penraat*, that the tenant had been “profiteering” by renting out her rent-controlled apartment at higher rates than the landlord can charge, the court granted the preliminary injunction as the plaintiffs had demonstrated irreparable injury and as the violations were egregious enough to foreshadow the outcome of the case.

The ruling follows on the heels of Airbnb’s launch of a major advertising campaign against the backdrop of Attorney General Eric Schneiderman’s scathing report alleging illegalities to a majority of Airbnb rentals.

## [Moving on at the Housing Court](#)

February 2nd signals the Housing Court’s annual rotation of judges. See the table below to keep abreast with the changes.

Who	Current	Moving to...
<b>J. Andrew Lehrer</b>	Bronx	Brooklyn
<b>J. Joel Kullas</b>	Bronx	Queens
<b>J. Inez Hoyos</b>	Queens	Bronx
<b>J. Brenda Spears</b>	Manhattan	Bronx
<b>J. Lydia Lai</b>	Brooklyn	Queens
<b>J. Maria Milin</b>	Brooklyn	Manhattan

## [Battle over Rent-Control Forecast for Albany](#)

With the June expiration of the current rent stabilization law looming, experts foresee a major public battle over the future of rent regulation—reports AM New York.

The article notes the city has lost roughly 230,000 rent controlled and stabilized units since the 80s. Of these, loopholes in the current laws are to blame for more than 55,000 losses, said Assemblyman Brian Kavanagh (D), who represents Stuyvesant Town and Peter Cooper Village.

Meanwhile landlords’ advocates are concerned that many smaller landlords will struggle without further de-regularization.

## Molly Murphy Speaks at Jan. 6th Meeting

On January 6, Molly Murphy, Special Counsel to the Commissioner, NYC Human Resources Administration, spoke before the Housing Committee as a guest speaker. Special Counsel Murphy stressed that Commissioner Steven Banks' focus lies on reducing poverty and income inequality, and homelessness prevention, and explained the various ways in which HRA is seeking to meet these goals. HRA, for instance, is making efforts to enhance inter-agency communication and to solicit referrals of clients potentially in need of rent arrears assistance from the courts, NYCHA, and city marshals. Increasing venues of access to homelessness prevention programs is crucial, as it allows for early intervention. Further measures taken are:

- Placed HRA representatives at HomeBase and will establish HRA presence at 250 Broadway to allow prequalification approval and onsite information.
- Enabled electronic funds transfers to NYCHA for emergency assistance grants. HRA expects to open up this service to other landlords in 2015.
- HRA is also expanding its rental assistance programs under the Living in Communities (LINC) program. Under the LINC umbrella, five different programs work together to help families with children who are working, episodically homeless, or include a domestic violence survivor, as well as single adults and adult families, and people age 60 and above meet their rent burden.
- HRA is also expanding their legal counsel program in housing court.

These measures are in addition to HRA's current efforts such as homelessness diversion teams and emergency assistance grants.

## [NYCHA Hit with a Lawsuit by Frederick Douglass Houses Tenants](#)

On January 9, 2015, the New York Daily News reported on a lawsuit filed by tenants of the Frederick Douglass Houses against NYCHA seeking remedy of alleged "deplorable" housing conditions. The lawsuit, filed by Legal Services NYC Harlem Office and *pro bono* counsel King & Spalding on behalf of aggrieved tenants, seeks repair of conditions including roof water damage.

## City Council Holds Airbnb Hearing

A recent New York City Council hearing pitted affordable housing advocates against proponents of apartment-sharing services like Airbnb.

Housing advocates and tenants voiced concerns that apartment-sharing not only introduces strangers into the hallways but, by reducing the stock of apartments on the market, displaces low-income New Yorkers from affordable housing. According to City Councilman Corey Johnson, it is unfair for people to live in a building where an apartment is being used as a *de facto* hotel with "people coming and going...no idea who they are."

But some residents believe that the income from renting out their space has become vital to keeping up with the increases in the cost of housing. In their view, apartment-sharing is not a part of the affordable housing crisis, but a solution.