

Anti-Tenant Suits By The Housing Authority

by {ga=jlampert}
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An attorney at the Legal Aid Society was aghast recently when the New York City Housing Authority filed a case against a woman to evict her because she did not have window guards installed in her apartment. The guards prevent small children from falling out of windows. The attorney was aghast because the guards had been installed almost a year earlier.

Still, even when housing authority attorneys were shown pictures proving that the window guards were in place, they still pressed for the tenant to accept probation as punishment.

"I don't get it," said Judith Goldiner of the Legal Aid Society, the attorney who had helped the woman. "They are bringing really frivolous cases."

More than 550,000 people live in public housing in New York City, making the housing authority the city's largest landlord. In 2003, the most recent year's statistics available, the housing authority filed 116,761 cases against tenants, according to the deputy chief clerk of the Civil Court. The agency has about 100 attorneys in its legal department, although not all of them are engaged in landlord-tenant issues.

At the same time that it is the city's largest, many advocates believe the housing authority is also the city's worst landlord.

The housing authority's "mandate to assist poor people and do all that they can to help them with their housing are very low on their list of priorities," said Sandy Russo of Legal Services for New York. "They don't do any of it. It's gotten a lot worse. They are much more aggressive in getting people out."

"Their policies and practices run from cruel to benign neglect and don't take into consideration the needs of their population," she said.

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In an email discussion group recently, attorneys who practice in Housing Court have been sharing similar stories of the housing authority's penchant for filing cases that seem to stand reason on its head. The cases range from the absurd to the hostile to the unethical.

Cases the housing authority files seem aimed at harassing tenants more than anything else. Yet, because people's homes are being put at risk, any case filed is very serious..

In one, for example, an argument between two former friends that involved little more than raised voices in the hallway led to a proceeding to terminate a tenancy. In another, a tenant's failure to pay for delivered Chinese food led to a proceeding.

In some cases, the allegations the housing authority bases its cases on are demonstrably false and should never have led to a case in the first place, attorneys said. David Bryan, director of the Comprehensive Rights Unit at Brooklyn Legal Services Corporation "A," said the housing authority's attorneys are not fulfilling their professional obligation to review and verify the grounds for cases before actually filing them.

A special part in each of the city's housing courts handles housing authority cases and on any given day, Bryan said, dozens of the cases the agency brings are quietly discontinued when the authority's attorneys discover that the allegations being made are false.

"As attorneys, (professional rules) require that an attorney do a reasonable investigation before actually bringing a case," he said. "My contention is that the housing authority does not do that."

Attorneys said they were unsure why the housing authority files cases they consider frivolous. Some suggested the agency has a quota, but a spokesperson for the housing authority flatly denied that.

The main reason for the frivolous cases is contempt for the poor, Bryan said, a view echoed by advocates who assist public housing tenants.

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"It's just a job to them," said Maria Muentes, a housing advocate at University Settlement Society of New York. "They think they're cleaning up (housing authority complexes)?â,-?. Even as they are trying to evict some senior, disabled woman, they think they're doing a good thing."

Howard Marder, a spokesperson for the housing authority, defended the agency's legal department against the allegations. He said he would not comment on specific cases and that attorneys in the agency's legal department were unavailable to discuss its work.

"Everyone is afforded the full protection of the law," Marder said. "There is a long process to give residents as much of an advantage and due process as possible. Way before they get to court, they are asked if they need an attorney, informed of their rights and given a list of attorneys."

As for complaints about attorneys, Marder said advocates or attorneys should file formal complaints, which "we would investigate fully." He said he was unsure how many such complaints have been filed against the agency's attorneys and that administrators' reviews of the legal department's performance were not available.

"They resist anything reasonable at all," said Bryan from Brooklyn Legal Services. "They bluff and scare the tenants. They'll tell the tenants, 'I'll give you six months to move.' The scope of what goes on is outlandish."

Joe Lamport is the assistant director of the City-Wide Task Force on Housing Court, a coalition of community housing organizations.

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