

**THINGS TO THINK ABOUT IN CONSIDERATION OF A RENT STRIKE**  
**RIDGEWOOD TENANTS UNION**  
**APRIL 8 2020**

**TRADITIONAL RENT STRIKES**

Like our friend Dont Rhine of LA Tenants Union says, a rent strike is not a rent strike without a union! There has to be a collective body of people that have made the decision together to participate on a rent strike. Without it, especially if you actually don't have the money to pay rent, that will be your best source of leverage--if all the tenants in your building or a good majority of the tenants in your building are in it with you.

Traditionally and in the more legal sense, a rent strike is done by a tenant association in a building with bad conditions or where tenants are experiencing harassment and tenants withhold rent as a tactic within their overall strategy to use their collective strength to force a landlord to treat them right. This is never a quick solution but a long-term fight to win repairs, end harassment, and assert tenant power.

**The traditional organizing strategy is:**

- tenant starts organizing neighbors interested in joining a tenant association
- tenants start filing complaints with 311 for the bad conditions/harassment
- you get enough tenants on board and have your first meeting
- there you decide to officially form a tenant association and someone takes the initiative to draft a letter on behalf of the TA letting landlord know they have formed a TA and including the list of bad conditions and other demands,
- that letter is sent to the landlord and other elected officials and the city agencies can be copied on it so the landlord understands that you know your rights
- your demand letter includes a time limitation for a response, can be 30 days or less
- if no response from the landlord, the TA can escalate by deciding to go on a rent strike
- just this particular phase can take one whole month and doesn't include the relationship building and outreach that it will take to even get to this point where you have your first meeting

The decision to withhold rent collectively, or going on a rent strike, is a strategic decision you and your neighbors make to increase your tenant power. If the tenants are working with a tenant rights organization, the organization can connect them to a legal service provider but it is not always necessary to have an attorney unless the TA decides to take the landlord to court. This is the very next step after the process I describe above--you start a legal action in court to put further pressure.

Once you start withholding, to put more pressure on an unresponsive landlord you can take them to court by starting an HP Action and if the conditions in your building are severe, you can start a case called a 7A--I will

explain that more later. But the point is that this is just not a decision that happens overnight because you have to build the groundwork to get to the moment where everyone in the TA makes the decision to go on a rent strike. Withholding rent gives tenants bargaining power.

## **RENT STRIKES UNDER COVID 19**

Under COVID 19 we now see that many folks, where they were once living paycheck to paycheck, they just now don't have any money to pay the rent because many have been left unemployed. So the decision of not paying rent is a decision already made automatically for many just by the mere situation we are in. Perhaps you and your neighbors are in this situation. The hard part in this scenario is convincing your neighbors that still have a steady income to stand in solidarity with those that just can't pay AND then also convincing your other neighbors who may have lost their jobs but are scrambling to do whatever they can to pay their rent. The latter are neighbors that will have to make the decision to take care of their well-being over protecting their landlord's investment property (or if they are a small landlord, they will have to get over feeling bad for them). Either of these neighbors will have to be organized--there will be some or a lot of relationship building that has to be done and that's harder to do under these conditions.

BUT whether or not you have the money to pay, taking the collective step to go on a rent strike can be powerful as long as it's being done together with your neighbors. The first step is to let your landlord know that you have started a tenant association and that you have x, y, z demands that you are making. In your initial organizing to get more tenants on board, I would not post letters to anyone's doors stating right away that you are organizing a rent strike--you just don't know what everyone's take is on this and so you want to get a sense first by having a conversation, not by letting them know in a letter you've posted on their door. Another reason for not being open about a rent strike right away with neighbors you don't know well is that you do not know where their allegiance falls--they might think the landlord is on their side and they might not want to ruin the relationship they think they have with the landlord even during a pandemic.

[HERE IS A LETTER YOU CAN POST TO START THE CONVERSATION](#)

[HERE IS A SAMPLE LETTER TO YOUR LANDLORD](#)

The sample letter to the landlord is not going to capture everyone's situation because literally every building is different and there is no one size fits all approach to how this works unfortunately, but these templates might give you a better sense about how you can start. But you want to be mindful that you are BARGAINING and when you bargain, you don't show all your cards right away. Organizing is a lot about escalation, so think about this in your first letter to your landlord. Even though we know they might not take kindly to a negotiation of rent, it is better to start with a tone that isn't adversarial from the onset. You build up to that if they will not

meet with you. Make sure to translate your materials into Spanish if there are monolingual Spanish-speakers in your building (or any other language).

## **RELATIONSHIP BUILDING IS THE MOST IMPORTANT**

You will not get anywhere if you don't talk to your neighbors, so right now is a good time to figure out the best way to communicate with them. We recommend that you DO NOT stick flyers under peoples' doors or in their mailboxes--tape them up on each door with your contact info. Ask your neighbors if they have Whatsapp or if they can do e-mail once they have made contact with you. If you can get on Whatsapp, you should start a building Whatsapp thread and start talking to your neighbors about their job and rent situation and how they feel about the next coming months. Ask what they need and how you might be able to help with that. Bring up organizing a tenant association so that you all can demand for better treatment now and for the rest of your tenancies.

## **TENANT ASSOCIATIONS ARE LIKE PREVENTATIVE MEDICINE**

Tenant associations don't have to be created in a crisis. You can always create a tenant association even when there is no emergency. Maybe you want to plant a garden in your courtyard or you want to see if the landlord will let tenants store things in the basement--it's all better when you ask for these things together with the neighbors in your building. It's always a good idea to form a tenant association--this way you know who lives in your building, you can form a community within your building, and that way when there is a crisis you'll be ready to remedy the situation together with your neighbors.

## **ASKING FOR A MEETING**

It is good practice to ask for a meeting or at least to try and have a conversation with the landlord because if you escalate and if you end up in court, you can tell a judge that you actually did try to take care of things amicably. Organizing is all about escalation and bargaining power.

## **YOUR RIGHT TO ORGANIZE**

Tenants have the right to organize [under New York State law](#). Here is some more [information about your right to organize](#) a tenant association.

## **JOIN YOUR LOCAL TENANT GROUP OR UNION**

This isn't meant as an exhaustive list of information and should not be taken as legal advice. But in any of the organizing work that you are doing it, you'll be much stronger if you are joining others. Other tenants in

buildings owned by your landlord and your local tenant group or tenant union. Here in Ridgewood, the Ridgewood Tenants Union (RTU) has been organizing to build tenant power against luxury developers and unscrupulous landlords that want to take advantage of tenants. Every landlord is different and you might have better luck dealing with your landlord that owns their private home than with a landlord with a huge portfolio. The ones that have huge portfolios are often big multi-million dollar companies that only invest in property to make a profit and do not care about you--this is why organizing with your neighbors is important because you'll only be strong if you are working with them. And you'll be stronger by joining a local group that is building power throughout your neighborhood against developers that only want to make a profit.

### **BE MINDFUL OF WHAT FLYERS YOU PUT UP**

Landlords will try all kinds of dirty tactics to get you not to organize in your building. To be on the safer side, it's best to post up flyers that might be less harmful to you and gives them little opportunity to mess with you legally. For example, if you post up flyers in your building that claim they are a slumlord that is negligent, it is safer to say "THERE ARE X NUMBER OF VIOLATIONS IN THE BUILDING! LET'S GET TOGETHER TO WIN REPAIRS!" When trying to talk about your landlord, it is best to use claims that you know to be true and if you are not sure, it might be best not to say them. Use your escalation tactics when you get your neighbors on board with starting a tenant association and then no one particular tenant will be a target but you'll all be in it together.

### **HOW MANY TENANTS SHOULD JOIN YOU**

You really want a majority of tenants on board but at least  $\frac{1}{3}$  will do. However, this really depends on how much power you want to build against your landlord. You can have a tenant association with just two tenants in a 6 unit rent-stabilized building but think about how powerful that will be versus getting more tenants on board. The only set number that you want is  $\frac{1}{3}$  of the tenants in occupancy of a building when you are starting a case called an Article 7A, which allows HPD to appoint an administrator to manage your building if it is in bad shape. This is done through the housing court and can be started by a group of tenants with the help of a legal service organization.

### **CALL 311 FOR BAD CONDITIONS**

Getting violations in the building or individual apartments recorded is important. HPD stands for Housing Preservation and Development and is one of the city's housing agencies. They have inspectors that go to your building when you call 311 for issues like lack of heat, bedbugs, leaks, etc. Their headquarters at 100 Gold

Street is closed and so are their neighborhood offices, but inspectors are still going out to calls for immediately hazardous conditions. From the 311 website:

*HPD's inspectors are only inspecting hazardous violations for heat, hot water, and other dire conditions. HPD will log non-emergency housing complaints and schedule when regular inspections resume. HQS inspection for vacant Section 8 units should resume next week.*

## RESEARCH YOUR LANDLORD AND YOUR BUILDING

While you are trying to build relationships with your building to organize your first meeting, you should be researching the status of your building and all the information you can get on your landlord and their other properties, if any. The first thing you should know is the status of your building and this is extremely important because some tenants have more protections than others depending on the type of building they live in. To find out more information about your landlord and your building, you should go to the following websites:

- <https://whoownswhat.justfix.nyc/> - This website was created by our friends at JustFixNYC, an organization that creates tools to make it easier for tenants to enforce their rights. After you plug in your building address, the first page will give you an overview of your building--the name of the landlord/agent, their business address, the year your building was built and the number of units (this is important and will be discussed later). The website also gives you a list of the landlord's portfolio, the other properties under their name or addresses they are somehow connected to. This is important if you want to take your organizing beyond your building and into other buildings managed/owned by your landlord to try and form a coalition.
- [Automated City Register Information System \(ACRIS\)](#) - Run by the Department of Finance, it lets you search property records such as deeds and mortgage documents, you can be automatically taken to this website from the overview page on Who Owns What.
- [Housing Preservation and Development \(HPD\)](#) - HPD does many things such as build affordable housing that's not actually affordable to those most in need and enforce the housing maintenance code, the set of laws that establishes the minimum standards of safety in all apartments throughout the city. When you call 311 to make a complaint about lack of heat, it gets routed to this agency. On the website you can search by address and you'll get information on the number of units that exist in your building, the owner and manager's information, and a list of all open code violations. If your building is rent stabilized, the HPD website will note it on the first page when your building's profile pops up--right on top in red letters it might say something like this: *This building has filed records with the New York State Division of Housing and Community Renewal at least one time from 1993 to the present year and may contain one or more regulated apartments.* More on this later. ONE IMPORTANT THING: on the HPD website you can also look up complaints your neighbors have made in the past. If you are trying to organize a tenant association to start a rent strike, you might want to focus on these neighbors first. If

they have made complaints to the city before about bad conditions in their apartment, it might mean they are not as scared about enforcing their rights as your other neighbors might be.

- [Department of Buildings](#) - Also searchable by address, it returns a list of building code violations (such as illegal conversions) and you can look up work permits a landlord might have been issued
- [Department of Finance Property Tax Info](#) - This website is searchable by address and you can look up property taxes billed and paid by your landlord and look at the assessed value of the building you live in
- [OASIS Map](#) - This map is searchable by address and under “location report” provides you with all types of information related to the property you live in, especially zoning information and at the bottom it tells you who all your elected officials are that represent your district
- [AM I RENT STABILIZED](#) - Use this website to search if you might be living in a rent stabilized apartment. You can also search via the DHCR website [HERE](#).
- [E Courts](#) - In this website run by the court system you can search for your landlord’s name to see if they have any current cases against tenants in your building. If there is an open case, you can see if the landlord brought a nonpayment case, a holdover and all prior and upcoming court dates.

## **RISK INVOLVED IN ORGANIZING**

Many people ask about the risk involved in organizing a tenant association or a rent strike. People are concerned about their credit score being impacted, going to housing court, or facing other retaliation. There is no way there will never be a risk involved in organizing for better conditions or for a break on the rent or to have the rent waived in full. You won’t know the risk involved until you’re actually engaged in an organizing drive. You might be surprised and not get a lot of pushback but you also may face a landlord who will not stand for any organizing efforts in your building. The best thing you can do is know the rights protecting you and your neighbors and figure out a strategy from there.

## **RENT REGULATED TENANTS**

You are most likely a rent-stabilized tenant if you live in a building built prior to 1974, has 6 or more units, and the rent was under \$2774 ([this was the vacancy decontrol amount](#)) in June 2019. You might also be rent stabilized if you live in a [J-51 building](#). There will be resources below that explain all your rights under the Rent Stabilization Law but the main things to know are that if you are rent stabilized you are entitled to a lease renewal for 1 or 2 years (your choice), rent increases are decided by the Rent Guidelines Board (RGB), and you have strong protections against eviction. If you are following the terms of your lease, you will be fine.

However, there are circumstance in which a landlord may refuse to renew your lease and that is if 1) you aren't using the apartment as your primary residence (for example, maybe you are living somewhere else while renting your rent stabilized apartment via AirBnB) 2) the landlord wants to recover the apartment for themself or a close family member 3) landlord wants to demolish your building (this requires approval of DHCR).

The landlord of a rent stabilized apartment must register each unit annually with the Division of Housing and Community Renewal (DHCR). DHCR is the housing agency at the state level that oversees the Rent Stabilization Laws that protect rent-regulated tenants. If a landlord fails to register an apartment with DHCR, they are technically not allowed to collect a rent increase during the time the apartment goes unregistered. A landlord cannot sue a tenant retrospectively if they don't pay the rent increase but once the landlord registers the apartment they can begin to collect the rent increase moving forward. [HERE is a chart of all the rent increases](#) approved by the Rent Guidelines Board up to 2020. Another right that rent-stabilized tenants have is the right for a family member to inherit their apartment [through succession rights](#).

## **GET YOUR RENT HISTORY**

If you have done the research online and all your research is telling you that your apartment is rent-regulated, you also want to confirm this information by getting your rent history . Your rent history is a document that shows who has lived in your apartment going back to 1984 and how much they were paying in rent. This is a good document to cross check with the RGB rent increases to see if your landlord has been legally increasing rents over time. If you see that your landlord might have overcharged you within the last 4 to 6 years, you can file a rent overcharge complaint with DHCR. [HERE is a fact sheet](#) that talks more about rent overcharges. You can request your rent history right now by texting the word "RENT HISTORY" to (646) 783-0627. It will eventually come to your mailbox.

## **UNREGULATED TENANTS**

Tenants who live in rent-regulated apartments have more protections against evictions and so there might be less of a risk when organizing a tenant association or rent strike for them. All tenants have a right to organize, but unregulated tenants have less protections against eviction especially if they don't have a lease.

Unregulated housing is privately owned and not subject to the protections under the Rent Stabilization Law. Unregulated housing is usually buildings that have 5 or less units, buildings of any size built since 1974 and buildings where the rent was higher than \$2,774 in June 2019.

The rents in these apartments go by whatever the market will bear and if you don't have a lease, there is no limit as to how much your landlord can increase your rent. If your rent was once \$1500 and the landlord wants to double it next month, they are allowed to do so (though they should give you notice). A landlord is also not legally obligated to provide a tenant with a lease and if you do have a lease, they are not legally obligated to

renew that lease once it expires. A landlord can also evict a tenant without cause, meaning, they don't have to have a good reason for evicting a tenant, they just have to serve you a notice of termination and then start an eviction proceeding in the housing court. We are trying to change this by fighting for the [Good Cause Eviction Law](#). Even though a landlord can start an eviction proceeding without needing a good reason, they still cannot illegally evict you so long as you have lived in your apartment for 30 or more days.

The Unlawful Eviction law states that only a marshal can evict you from your apartment--a landlord is not allowed to take matters into their own hands. This is also illegal if it's done by a primary tenant to a subtenant--if a primary tenant tries to force you out of your apartment or room without a marshal's notice, this is illegal. A marshal's notice is the document a landlord gets in court after the end of an eviction proceeding--if they are awarded a possessory judgment, they can go to the marshal who will then serve you a 14 day notice. Again, a landlord or primary roommate cannot take matters into their own hands and force you out or take away your essential services like heat and hot water. If this happens you must call 911.

## **SOME THINGS TO THINK ABOUT**

If you are going on a rent strike and not paying either all or a part of your rent, the landlord has a right to start a nonpayment proceeding in the housing court. This means you are being sued for rent that is owed, this is not an eviction (or holdover) proceeding but it can lead to an eviction if the rent is not paid. However, the court will always give a tenant the time to pay or to seek out rent assistance from the city or non-profit charitable organizations. Going to housing court can be scary, stressful and it's a hassle to spend either half a day or a full day there, but it doesn't mean you will be evicted at all or right away. Of course, if you live in an unregulated apartment a landlord can always elect to start an eviction (holdover) proceeding instead of a nonpayment, but that is nothing you can foresee and so here lies the risk of organizing. You simply won't know if you'll be victorious unless you do it and do it with your neighbors.

However, if you live in an unregulated apartment and a landlord sues you for rent arrears, there are some legal defenses you might have. Maybe the landlord did not serve you the proper notices or did not serve those notices properly. [HERE is more information](#) on service. If you know the landlord has not served you properly, you can bring up this defense in court. A judge might either dismiss or discontinue your case and the landlord will have to start over.

Maybe your landlord failed to register your apartment. Rent-stabilized apartments must be registered with DHCR and unregulated apartments must be registered with HPD. A landlord of an unregulated apartment cannot collect rent until they complete a registration with HPD. If a landlord brings a nonpayment case for an unregistered building a judge can either pause or stay the case or completely dismiss or discontinue it. Landlords must register dwellings that have 3 or more apartments AND any private house that is



owner-occupied. **If there is a case brought against you, always consult with an attorney before going to court.**

## REGARDING THE MORTGAGE MORATORIUM FOR LANDLORDS

As you can see [HERE](#) landlords are scared of potential rent strikes and seem to be ready to use their resources to stop them from happening. This should not scare anyone from enforcing their right to form a tenant association and going on a rent strike. Some folks want to know more about the mortgage protections for landlords and [THIS email](#) gives you an overview.

## LIST OF RESOURCES

### Organizing Guides

[Rent Strike Guide by Right to Counsel Coalition and Housing Justice for All Coalition](#)

[LA Tenants Union FOOD NOT RENT Guide](#)

[Philadelphia Tenants Union's COVID-19 Organizing Guide](#)

[TANC Pandemic Organizing Guid - March 2020](#)

[NYC DSA Tenant Organizing Manual - February 2018](#)

### Tenants Rights

[RENT MORATORIUM information from Right to Counsel Coalition](#)

[Housing Court Answers](#)

[Met Council On Housing Tenant Rights Information](#)

[Fact Sheets from DHCR On All Issues Affecting Rent Stabilized Tenants](#)

[Information On Roommates and Subtenants from DHCR](#)

[Rent Guideline Board Apartment Orders](#)

[Reasonable Accommodations and Disability Discrimination inthe Context of COVID-19](#)