

A Guide to Forming a Tenants' Association in New York State

Author's note: For those readers residing in a building owned by Carnegie Management, Inc. of New York City, and for those readers whose current issues relate to Covid-19 and resulting quarantine orders, please see the section at the end (titled section 7, Notes on...).

A Summary of Steps:

1. Talk to your neighbors and get their contact info if they have any interest.
2. Follow-up with more detailed information and schedule a meeting.
3. Have an introductory meeting to discuss your common interests and goals with other tenants.
4. At subsequent meetings, choose a structure for your association and pass bylaws.
5. Congrats! You're a TA. Consider consulting with and hiring an attorney.
6. Take action towards your TA's goals and get your landlord to do the same.

Forming a tenants' association requires multiple steps, some are optional and some may require variations in tactics specific to your building or your fellow tenants. The important thing to remember is that there is no set formal process or specific ways you must organize. If you and other tenants are already discussing your common needs and rights and pursuing those things as a coordinated group, you already are a TA. However, to ensure that you are recognized as a unified group by fellow tenants, landlords, and most importantly the courts, we've compiled this guide. This guide lays out those activities, and the order in which they appear is a suggestion as to the order they might be done.

But by all means, you don't have to take this author's word for it!

Here are some other guides to Forming a TA and resources on tenants' rights you might find useful:

[Forming A Tenants' Association](#) (MET Council on Housing)

[IUT – Guide to setting up a Tenants' Association](#) (International Union of Tenants)

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<http://tenant.net/Rights/attygentenantsguide2008.html#23> (NYS Attorney General)

[Housing Issues](#) (same as above)

It is also noteworthy that the author of this document, while informed, is *not* an attorney nor legal expert. The advice given on matters of law is worth verifying for your own peace of mind and consulting with an attorney is never inadvisable.

1 Initial Outreach

- The biggest hurdle to forming a tenants association is making contact with your neighbors - all of them.
- While there is such a thing as a tenants association or union that spans multiple buildings, your best target is people who share your landlord, starting with people who have apartments in the same building you live in.
- A tenants association's most important function is to take collective and coordinated action against a specific landlord, so in effect, a TA is formed in specific opposition to a specific building owner, as opposed to being a more general protest movement or tenant advocacy group.
- How you might go about reaching out to your neighbors could take multiple forms.
 - Knocking on doors and talking to people in person is most effective.
 - If you are concerned about safety, anonymity, or other things, you may consider putting flyers under doors or in mail slots, standing outside a building and talking to people exiting and entering, reaching out through social media or by phone, and so on.

Your goal is first to introduce the idea of a TA to people, and second to ask for their contact information so you can follow up with those who have any level of interest. You should be absolutely clear that every tenant has the right to organize with other tenants, and the law specifically prohibits landlords from interfering in that, or retaliating after the fact. These are the important pieces of law involved:

New York Consolidated Laws, Real Property Law - RPP § 230 and 230-b.

Right of tenants to form, join or participate in tenants' groups

[New York Consolidated Laws, Real Property Law - RPP Article 7](#)

1. No landlord shall interfere with the right of a tenant to form, join or participate in the lawful activities of any group, committee or other organization formed to protect the

rights of tenants; nor shall any landlord harass, punish, penalize, diminish, or withhold any right, benefit or privilege of a tenant under his tenancy for exercising such right.

2. Tenants' groups, committees or other tenants' organizations shall have the right to meet without being required to pay a fee in any location on the premises including a community or social room where use is normally subject to a fee which is devoted to the common use of all tenants in a peaceful manner, at reasonable hours and without obstructing access to the premises or facilities. No landlord shall deny such right.

and

NY Senate Bill S6458 (passed 2019)

[STATE OF NEW YORK SENATE - ASSEMBLY](#)

c. The tenant's participation in the activities of a tenant's organization.

2. No landlord [or] or premises or units to which this section is applicable or such landlord's agent, shall substantially alter the terms of the tenancy in retaliation for any actions set forth in paragraphs a, b, and c of subdivision one of this section. Substantial alteration shall include, but is not limited to, the refusal to continue a tenancy of the tenant [or], upon expiration of the tenant's lease, to renew the lease or offer a new lease, or offering a new lease with an unreasonable rent increase.

Advantages of Forming a TA

- You may have one, several, or no particular reason to form a TA when you choose to do so. It is never a bad idea to join with your fellow tenants to pursue common interests, like keeping rental prices within reason, maintaining the property, and preventing unfair evictions or other actions.
- Though laws protect tenants, they also protect landlords. And, without a TA, landlords tend to have all the leverage because you typically do not want to be forced to leave your home or forced to live in poor conditions because of a negligent or malicious landlord, but withholding your rent alone is of minor concern to a landlord collecting from many units.
- With a TA, far more rent money can potentially be withheld as a bargaining tool when called for, and other action can be coordinated for greater impact.
- Another major advantage of forming a TA is that when the court system is involved, tenants can share an attorney and legal expenses.
- Even outside a court, a TA can be used to coordinate tactics and bargain collectively to the benefit of all members who alone would have little bargaining power or influence.

How to discuss a TA with your neighbors

- When first introducing the idea to your neighbors, stress that your foremost purpose is to keep them in the loop on what is happening in your building, inform them of their rights, and remind them they are not obligated to anything at the outset.
- You may encounter opposition, even hostility, toward the idea of forming a TA from other tenants. People will be afraid of the landlord refusing to renew their lease or taking other retaliatory measures. It is your job to give them a better picture of their rights and explain the usefulness of a TA.
- All you really need is for them to remain open to the idea and agree to give you contact information so you can follow up with more information.
 - Email addresses are most vital here, but you may deem that phone contact or other means work better as a mass communication tool in your circumstance.
 - Also keep in mind you do not need everyone's contact info, nor for every single tenant in your building or group of buildings to be involved, but the more people you bring into a TA, the more powerful it will be.
- Note who seems enthusiastic about the idea and may be willing to help with the work involved in the TA's formation and ongoing activity, because you will need help.

2 Follow-up

Once you have a list of contacts, they will expect to hear from you soon. It is important to reach out to everyone over a short period of time and to follow up within a few days. Whether you're seen knocking on doors by a superintendent or spotted on a security camera, the landlord will find out at some point. They will try and scare tenants away from speaking to organizers or otherwise intimidate them to prevent them from joining a TA. Be sure to state your case in favor of a TA first, and be sure to point out that those kinds of retaliatory bully tactics are exactly what a TA is meant to fight against. Remember that you have rights and laws that are on your side. It's also noteworthy that you are absolutely allowed to record in-person or phone conversations or interactions with the landlord or their agents or employees and (in New York State) have the right to do so without their knowledge.

In your reach out efforts, identify allies willing to help knock on doors, pass out flyers, and so on. It is of the utmost importance to stay organized and coordinated with your fellow organizers. There are many ways to do this. One effective method is to use shared documents and file folders through Google Drive or Dropbox where you can store information like a contact list. If you don't have people who have committed to helping you yet, it may be one of the first things you ask when reaching out to your contact list.

What to include in your first communications

- Introduce yourself
- Briefly explain what you are doing and why

- Tell people you wish to have a general interest meeting in the near future (include a time, date, and place, be it physical or digital).
- Encourage them to join the meeting regardless of where they stand on any given issue, including the formation of a TA.

Early on, mass communications and gatherings, physical or digital, should be set up carefully. Make sure everyone's contact information stays invisible to the group. You do not want to leak info about your members anywhere a landlord or superintendent can see easily. There is no need for extraordinary secrecy though. Eventually, the TA and its members will be known to the landlord, but the further along in the process before the landlord can intimidate and retaliate against people, the better.

3 Have a Meeting

Your first meeting does not need an agenda, nor any formal goal necessarily. Its most important function is for people to see that they are not alone in wishing to push back against the power the landlord has over them and their homes, to exchange ideas about why they want a TA, and what they think it should look like in terms of goals, structure, and so on. This may include suggestions for possible bylaws, nominations for officers, or ideas about how to reach out to more tenants. You may find that while everyone has a unique situation and unique perspective, they also have something critical in common: one or many grievances against the landlord. That's all that matters.

Structuring your first Meeting

- A good way to start is to allow everyone some time to speak, introduce themselves, and share something of the reason they are interested in organizing a TA.
- Afterwards, it may be a good idea to survey what resources are available. For example:
 - Some may be good writers or designers, or good at making spreadsheets or otherwise technically savvy.
 - Some may have been part of a TA or similar group before. Some may have a long history of dealing with the particular landlord, or may have been to court against a landlord before.
 - Some may have a printer or a bike or car and simply be willing to participate in flyering your building or others.
 - Some may be able to help interpret written materials for people for whom English is not their primary language.
 - Some may know other people that the TA can work with, like lawyers, journalists, activists, and so on.
- In any case, most people will have something they can offer. A TA does not have to be a ton of work if tasks are divided among many hands.

Establishing Bylaws and Voting Protocols

- At this first informal meeting, you should start to imagine what needs to occur at your first *formal* meeting.
- The only formal requirement for proceeding as a TA is to adopt bylaws. These are the rules that state what your TA is, who comprises the membership, and how it's going to function generally.
- You might also consider rules for voting on leadership, rules for voting on actions to be taken by the membership (such as a rent strike), rules for collecting or spending money if needed (e.g. for legal fees), and so on. And those rules can always evolve and change as the membership of the TA sees fit.
- It is not necessary for a TA to formally incorporate, report their existence to any government body, fill out any forms, or anything like that.
- The bylaws, and the votes and consensus that create them and adopt them, formally create the association and make it a recognizable entity where law is concerned.
- Such bylaws should be discussed publicly at the first formal meeting, and passed at a subsequent meeting by whatever voting system a majority of the group agrees is appropriate.

Other things you may consider trying to accomplish within the first formal meeting or two are nominating leadership, voting on leadership, and delegating tasks and projects to individuals or committees.

Sample Bylaws: [345 Tenant Association By-Laws \(revised\).docx.pdf](#)

4 Structure Your Group

Again, there is no particular structure you must adopt. You may have no official leadership and choose for the group to delegate tasks and responsibilities as they arise. If you do choose a more formal structure, this is a brief breakdown of example roles you may designate:

- **President:** The president might do things such as liaise with the landlord directly, liaise with the TA's attorney, report on those communications to the wider group, and act as a chairperson at meetings.
- **Vice President:** The TA may need to meet or do some activity when the President is not available, and a VP can act in their place. You also may have several VPs covering different areas, like one who might lead outreach to tenants and others who might lead outreach to attorneys or the media.
- **Secretary:** A secretary's job is primarily to coordinate the TA's official and internal communications. They may let the membership know of scheduled meetings, take notes

for and email the minutes of meetings or a newsletter to members, make meeting agendas, write letters, petitions, surveys, or other materials that may be needed.

- **Treasurer:** Not all TAs require a treasurer as not all require exchanges of money. However, even a small TA with no attorney fees may choose to collect monthly or annual dues for common expenditures. The TA may simply want to collect small sums from its members and use them to buy paper, ink, or a printer. In cases where a lawyer is involved, a treasurer may be responsible for managing legal fees, dividing them among the group, collecting them, and generally accounting for common money. Regardless of whether a TA is collecting small sums or larger attorney's fees, it may be useful to set up an independent bank account, which at least 2 or 3 members can oversee and access. Note that many (but not all) banks will hold accounts for an unincorporated association (which a TA usually is, like a Parent-Teacher Association).
- **Special Officers or Other Positions:** You may see fit to permanently or temporarily designate a person or people to do particular jobs not already listed or not listed in your bylaws. In these cases, it's at the TA's discretion to appoint people as the membership sees fit, like a dedicated social media account manager, graphic designer for things like flyers, planners for singular events, and so on.

Once your TA is formed in real life and formalized on paper, you may wish to inform the landlord of your existence, and that you will be bargaining collectively going forward. You may consider whether or not you wish to identify your member apartment numbers, names, or merely inform them of the organization while keeping members anonymous for the start. One good way to inform the landlord of your formation is to notify via a letter posted using certified mail, so you have a record of having done so.

Whatever bylaws, structures, or leadership positions you choose to adopt, the most important aspect of those is that they become the rules by matter of consent of the members, typically by voting. People are far more likely to be agreeable, abide by the rules, and participate enthusiastically if they had input in making the rules and choice in the matter of adopting them. A TA ought to be a tool for breaking or balancing unfair or imbalanced relationships and power structures, not for creating such injustices.

5 Attorneys

Your TA may immediately, or eventually, have a need to explore hiring an attorney. You might be considering suing a landlord for violating a warranty of habitability (by not providing adequate heat, for example), or some tenants may be facing an unjust eviction or rent increase and need to enforce laws that protect their ability to stay in their homes. While an attorney is not an absolute requirement for a TA generally, or in any specific dispute with the landlord, it certainly can't hurt to have an expert in law at your service. In some cases, an attorney will be an

absolutely necessary asset and advisor, particularly if your group or the landlord intends any court action. And yes, of course, attorneys are expensive. It's worth reiterating that a major advantage of a TA is that you can divide such expenses across tenants of your building or multiple buildings facing similar conditions caused by the same landlord.

A TA can certainly be used to bargain collectively without the aid of an attorney. The threat of withholding rent or taking other actions may be enough to get a landlord to agree to a given term, like a regulated annual rent increase, a written commitment to make a repair or improvement, or a halt to an eviction. But an attorney can also be a useful resource in negotiation out of court. Keep in mind that negotiations out of court can be used in later legal issues in court, e.g. a landlord suing a guarantor in civil court would become null if the landlord had already settled with the tenant themselves. Though you can research the law yourself, it is difficult to be expertly versed in it and, without experience, impossible to anticipate how a housing judge might view a certain situation or interpret a law.

Attorneys, particularly expert tenants' attorneys, have experience in difficult negotiations and protracted battles with landlords, expertise with court actions as recourse for the complaints of tenants and landlords alike, and the ability to represent your TA in court as a unit. They maximize your chances of a favorable outcome. The advice of an experienced and qualified attorney is second to none when it comes to your rights and is the best course of action in a dispute with a landlord. It may also be worth considering that hearing much of the information about TAs and tenants' rights from a lawyer may be critical to making your fellow tenants feel at ease, accurately informed, and confident in joining you.

Organizations such as Housing Justice For All, Right to Counsel NYC Coalition, etc., may be able to help your TA secure representation at low or no cost and are worth contacting.

<https://www.righttocounselnyc.org/>

<https://www.housingjusticeforall.org/>

6 Goals and Action

So, if you've formed a TA, what now? The answer will depend on your particular common conditions and common goals, but there is no reason you shouldn't shoot for the moon. You cannot anticipate how your landlord will react to your formation. But you now have a very powerful tool to enforce your rights as tenants and bargain better deals and lease contracts. Possible goals to fight for include:

- A decrease in rent across the board
- Multi-year leases with no increase in rent

- Major upgrades to your building to save on money on utilities (like improved windows and insulation)
- Abolition of late fees or other unfair additions to the agreed monthly rental price

The TA should do whatever it sees fit to better the homes, lives, and financial situations of its members.

Consider connecting and coordinating actions with other buildings whether they already have formed TAs or need help in starting one. Other buildings owned by the same landlord are most directly useful in fighting for your specific goals. But connecting with other TAs in your neighborhood or city can be helpful in fighting for one general goal. Multiple TAs can coordinate legal efforts, protests, press releases, and press coverage. With your fellow TAs, you can share tactics, experiences, ideas, and resources to the advantage of all.

7 Notes for Tenants of Carnegie Management and Notes on Tenancy During Covid-19

The following are additional notes, which do not pertain to the formation or functioning of a TA generally, but relate specifically to the ongoing tenant activity in buildings owned by Carnegie Management Inc., and also refer to the specificities of this unique moment in time, the months of Covid-19 quarantine and the accompanying economic shutdown.

Tenants all over the world, the US, New York State, and New York City are facing the same situation, a dire one. We have been asked, essentially, to continue to pay our usual expenses while the economy is in freefall, and many of us are losing our jobs or much of our income. This is untenable and deeply unjust. Government agencies and officials at every level mandate that we stay home, but they have no mandate for how we will stay in our homes when we can't pay the rent.

You, your friends, your neighbors, and fellow tenants everywhere may be experiencing economic hardship for any number of reasons. You may be a musician with no gigs, a bartender with no bar, a lawyer with no courts in session, or a lab technician with no lab to go to. Some of us have lost some income, many of us have lost all. Whatever the case, many of your fellow tenants simply do not have rent money and no ability to earn it. Further, when quarantine is ended, we will all need time to recover financially. Whether or not the worst of the Covid-19 pandemic could have been avoided, this crisis is not of our making, and we should not have to suffer when others profit.

And yet, our common landlord, Carnegie Management, Inc., insists we pay them rent. To be clear, no one is asserting that Carnegie are the best or worst landlords in NYC. Nor is anyone claiming that Covid-19 nor the resulting quarantine is their fault. However, we are asserting that to offer no reasonable relief to those who need it at this time is unreasonable, immoral, and cruel. Furthermore, it makes no real business sense.

It is unreasonable because you simply cannot collect money that does not exist. It is immoral and cruel because they are in a position of power over our lives and wellbeing and show no understanding or compassion of any kind. And it makes poor business sense to ruin this relationship with their revenue base and attempt only to squeeze people for every last dime when there is nothing to be gained.

Pursuant to fighting against this situation, we have formed a TA, are encouraging you to do the same in your building, and to join with us under the same attorney and activities. We are not asking, for the moment, that you or everyone in your TA go on rent strike, nor pay attorney fees, nor take any particular course of action. We are asking that you join in the process of organizing and informing yourselves, consulting with an attorney, and helping us determine what is ultimately the best action to take as a large group of people who wish for Carnegie Management to meet our demands for relief, which are as follows:

- **Rent forgiveness for those who cannot pay.**
- **A pledge to cease evictions of all tenants.**
- **A freeze on all rent increases for the next 24 months.**
- **A pledge to secure safety deposits of all tenants.**
- **A pledge of lease renewal to all who cannot pay.**

The purpose of these demands is to ensure that all Carnegie tenants have reasonable housing security during the quarantine and for the financial recovery period afterwards.

While we have yet to determine many details of how a large coalition of Carnegie tenants should work, we can tell you the following: we have reached out to (nearly) every Carnegie-owned building in NYC (15 in total) and found that many people are experiencing hardship and are interested in organizing. We have secured a very experienced and highly regarded tenants' attorney, Jack Lester, who has more than 40 years in the field (<http://www.jacklesterlaw.com/>). He has tried very significant cases with large groups of tenants previously. While we are open to all new ideas, tactics, and so on, the strategy recommended by the attorney is roughly as follows:

- Those who cannot afford to pay in whole or in part should simply not do so, and no one should be forced to remove funds from savings or incur debt to pay rent during quarantine.
- Those who cannot pay should cease communication with the landlord and refer them to the attorney.
- Those who wish to withhold out of solidarity or other reasons should simply put the rent money aside in escrow or a savings account on the appropriate dates, and refer the landlord to the attorney.

- This withholding of rent, out of need or otherwise, is meant to force Carnegie to negotiate and engage with our collective bargaining plan pursuant to the five demands listed above, and, through our attorney, broker a deal along those lines out of court. Though we are also not precluding the possibility of court actions against us or in our favor, after the rent moratorium (now extended until August 20, 2020) is lifted. We are also not precluding other issues to be brought forward in negotiation.

It is important to remember that at the moment, landlords cannot evict, and therefore have to accept non-payment with no recourse for a time. They may call, email, knock on your door, claim a given penalty will be applied, and otherwise harass people, but they cannot do more than that. Even after that eviction moratorium is lifted, it is the expectation of the attorney that courts will not necessarily re-open immediately, and that even if they do, they will have a backlog that will prevent any action taken in the courts from materializing for a long period (months at least). Under normal circumstances, which these are not, an eviction proceeding takes an average of at least 8 months before a judge can order that a tenant must vacate. So under these circumstances, if Carnegie were as vindictive as possible and unwilling to negotiate as they accumulate unpaid rents on their balance sheet for such a long period as more than a year, it would come at incredible cost to them. We expect they will wish to reach a settlement out of court eventually, no matter how much time elapses, or what transpires in court. Beyond this, there is the likelihood that judges will not look favorably upon any landlord evicting a tenant who is offering to try and pay back rents or has them in savings or escrow, and will urge settlement.

Note that a TA can protect tenants from non-renewal of their leases, as made clear in the laws cited in the first section of this guide. Landlords are forced to grant one-year renewals to avoid a ruling of illegal retaliation against the formation of TA. This will apply every time your lease is up for a renewal as long as you are a member of a TA, as long you are otherwise in good standing, i.e. having paid rent or placed the same money aside when you are able.

Please, note that the author of this document, while informed by detailed conversations with an attorney, is not one. We wish for your group of tenants to meet (via digital means) with our attorney or call him to answer your questions directly and expertly. We realize everyone's situation may be unique. These are difficult decisions we are asking people to make over matters important to their lives, and we wish for everyone to base them on as much information as possible.

Also note that the strategy above--of forcing Carnegie to the negotiating table through a rent strike, be it short or prolonged--is not the only effect we can have. Other tenants of other landlords are also striking all over, especially in NYC. As a larger movement, we hope to pressure politicians and large financial institutions at every level to pass legislation towards moratoria on all manners of rent, and on all manners of mortgages, which would negate the need for an unprecedented number of lawsuits, evictions, and general fallout from the quarantine period.

The greater our numbers, the harder they will find it to ignore us, pressure us, threaten us, deceive us, or deny our rights to be treated fairly with dignity and respect. The time has come for change, perhaps temporary, or perhaps more permanent. Our fight is not only against Carnegie Management, but that is where it starts. Thank you for reading. We hope you join us, whatever your contribution.

Here are some other resources you may find helpful:

[Met Council on Housing: Home](#)

[Can't Pay Rent!](#) (NYS petition)

[Home | Rent Strike 2020 | Working Class Power | United States](#)

[COVID-19 RENT STRIKE](#) (NYC-based group)

<https://www.facebook.com/groups/210400130027204/> (Action FB Group NYC)

[Right to Counsel's Rent Strike Tool Kit](#)

[DSA-NYC Tenant Organizing Manual](#)