



September 10, 2015, NEW YORK—Tenants at 90 Elizabeth Street today filed a lawsuit in Manhattan Housing Court against their landlord, James Fong, who has taken actions that have made their lives intolerable in an effort to force them to surrender their tenancy rights. (Above, Legal Services NYC Manhattan program client Betty Eng shows off a pipe that was ripped from her bathroom by building workers.)

Press coverage: (Chinese language) [Sing Tao](#), [The China Press](#), [World Journal](#), [Epoch Times](#), [NTDTV](#)

Mr. Fong, who owns multiple buildings in the Chinatown area, purchased 90 Elizabeth Street in June of this year from previous predatory landlord Marolda Properties. Since the takeover, conditions in the already-distressed building have gotten even worse than before. Mr. Fong has engaged in dangerous demolition and construction work that has compromised the structural integrity of the building and caused heaps of dust and debris to enter tenants' apartments, resulting in serious coughing and breathing issues for the residents. Fire retardant materials that were ripped out of vacant apartments under his predecessor still have not been replaced, putting building residents at risk.

As of this week, the 20-unit building has 69 open housing violations, including 51 that are classified as "hazardous" or "immediately hazardous." The building is infested with roaches and vermin, apartments lack working smoke detectors, electrical wiring is exposed, the path to the rear fire exit is blocked, and ceilings, walls, and floors throughout the building contain cracks and holes, causing plaster to fall into the apartments. Vacant apartments are left unrepaired and unattended, with falling and warped ceilings, water damage and mildew that threaten the health and safety of residents.

Below: Some of the conditions at 90 Elizabeth Street (courtesy CAAAV)



Four individual tenants and the 90 Elizabeth Street Tenants Association are represented by **Legal Services NYC's Manhattan program**, and have partnered with **Asian Americans for Equality** and **CAA AV Organizing Asian Communities** to fight back against their new landlord's predatory practices.

“In my unit, there is a toilet in my living room since they tore it out of my bathroom, and disconnected all of my kitchen sink’s pipes,” said **Betty Eng, a building resident**. “There is a hole under the kitchen sink with pipes hanging, and the main drain pipe is disconnected. In order to have any water to cook, everything has to come from the second bathroom sink where there is a drainage problem as well as a huge crack in the ceiling which looks like it will fall down at any moment. The toilet has been there since July 19th and the workmen said they would finish the repairs all the while trying to get me to accept a very lowball buyout offer. No one should live with a torn up kitchen, toilet in the living room and falling ceilings in almost every room. My life counts, not just the lives of the rich landlords whose only goal is to evict the rent-regulated tenants so we can be replaced by market priced units.”

The tenants’ repeated complaints to 311 about the illegal and unlawful conditions and construction in the building garnered the attention of the **Tenant Harassment Prevention Task Force**, a collaboration of the Office of the NYS Attorney General, the NYS Homes and Community Renewal’s Tenant Protection Unit, and City agencies, including the NYC Department of Housing Preservation and Development, NYC Department of Buildings, NYC Department of Health and Mental Hygiene, and the New York City Law Department, among others. The Task Force did a surprise inspection of the building at the end of July, resulting in the issuance of Stop Work Orders and multiple violations for the illegal gut renovations happening throughout the building and the resulting health and safety threats to the residents. Most notably, the Task Force issued a DOB violation against the owner for falsifying its plan submissions.

“For too long, tenants of 90 Elizabeth Street have had to endure constant tenant harassment under the building’s previous owner, Marolda Properties,” said **Manhattan Borough President Gail Brewer**. “They should not be subjected again to dangerous living conditions and the same bullying tactics under the new owner, James Fong of Asian Inc. The building has 69 open housing violations, 51 of which are classified as “hazardous” or “immediately hazardous.” I stand in solidarity with the 90 Elizabeth Street Tenants Association, CAAAV, Asian Americans for Equality, and Legal Services NYC today as they file the HP action case to hold Mr. Fong accountable.”

“Mr. Fong has repeatedly broken the law, putting the health and safety of his tenants at risk, and engaging in deplorable acts of tenant harassment. Through the guise of unnecessary construction, this landlord attempted to drive rent-stabilized and rent-controlled tenants from their homes,” said **NYC Council Member Margaret Chin**. “I will continue to work to empower city officials to hold landlords like Mr. Fong accountable for their actions, and to protect residents from all forms of tenant harassment.”

“Tenant harassment and dangerous living conditions of any kind are unacceptable,” said **State Senator Daniel Squadron**. “I join my colleagues, the 90 Elizabeth Street Tenants Association, Legal Services NYC, CAAAV, and Asian Americans for Equality in calling for tenant protection and landlord accountability here and at every building.”

The new owners have created hazardous conditions in this building by engaging in illegal construction and gut renovating vacant premises without permits,” said **Staff Attorney Anita Wu of Legal Services NYC’s Manhattan program**. “The owners have allowed the building and units to fall into an egregious state of disrepair. Tenants have also been harassed with unsolicited buyout offers. The tenants of 90 Elizabeth deserve a safe and habitable place to call home.”

Christopher Kui, Executive Director of Asian Americans for Equality (AAFE), which has been working with the residents of 90 Elizabeth Street since 2013 through the Marolda Coalition, said, “AAFE is proud to stand alongside our partners as we continue to preserve affordable housing by standing up for tenants’ rights and fighting back against tenant harassment. AAFE is dedicated to stemming the tide of gentrification brought in by owners utilizing illegal construction tactics to displace working families, immigrants and seniors. No matter how long the fight, we are committed to ensuring that harassment tactics by predatory owners have no place in New York City.”

“James Fong, like any landlord in Chinatown, needs to answer to the tenants’ demand for safe and clean housing,” said **Wai Yee Poon, Chinatown Tenants Union Organizer at CAAAV**. “Like predatory landlords all over the city, Fong bought the building at a disproportionately higher price than the rent roll of this rent-stabilized building, and is using construction as harassment to drive people out of their homes. CAAAV’s Chinatown Tenants Union and other groups in the Stabilizing NYC coalition are committed to work with tenants to end predatory equity.”

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