

Attorneys at Manhattan Legal Services (a program of Legal Services NYC) are finding new and innovative ways to defend rent-stabilized tenants against an abusive overseas landlord. The March 16th edition of the *Gotham Gazette* has the story.

Chaumtoli Hoq, an attorney with Manhattan Legal Services, is among those advocating on the tenants' behalf.

Originally, many tenants celebrated when Dawnay Day took over their buildings. Tenants had accused the previous landlord, Steven Kessner, of neglecting basic repairs for rent-stabilized tenants and offering financially desperate tenants buy-back sums far below the market rate.

According to the tenants, though, Dawnay Day, has continued and even intensified Kessner's efforts to drive out the buildings' rent-stabilized tenants. The new landlord began issuing rent-stabilized tenants erroneous fines, like Calentre's. It charged residents for false repairs and appliances that were never purchased, and set fines for improper use of appliances. Initially bewildered, the tenants soon became convinced these charges were not mistakes, but administered selectively to rent-stabilized tenants in an effort to intimidate and drive them out, allowing the owner to charge the market rate.

"When it became clear that Dawnay Day was worse than the previous owner, we had to sit down and figure out how to take on this multi-national corporation," said Juan Haro, a leading member of Movement for Justice. "We had never before faced this kind of landlord."

After several strategy meetings, the 440-member tenant group settled on a two-pronged strategy: It would file an innovative lawsuit and also would begin to build an international support base to confront the firm in its home base in Britain.

Phil Blakely, director of Dawnay Day, said in an interview with WNYC that his firm had done nothing wrong. "I am ... sort of upset and disappointed that we've been accused of the things we've been accused of and that we are as bad or worse than Steven Kessner," Blakely said.

The tenants wanted to take legal action against Dawnay Day to clear the frivolous debts. With the pro bono help of lawyers from Harlem Legal Services (the 125th Street branch of **Manhattan Legal Services**) and the Neighborhood Economic Development Advocacy Project, the Movement for Justice sorted through already-tested legal approaches, none of which looked promising.

Because Dawnay Day was not necessarily charging incorrect amounts of rent, housing laws -- on which tenant groups usually rely -- did not offer much remedy. These laws pertain more to rent payment and collection than to separate charges like those issued by Dawnay Day.

"What to do here was not explicitly covered in housing law, so we had to look at what other bodies of law could cover this practice," said Chaumtoli Huq, a lawyer with Harlem Legal Services. "Then we found that this case was more appropriately covered by consumer protection laws. ... All tenants are also consumers."

[...]

Sifting through New York State consumer law, the group's lawyers found a statute in the New York General Business Law forbidding false and deceptive business practices. Because issuing false charges to customers falls under this law's provision, the Movement for Justice filed a lawsuit on behalf of 22 tenants, like Calentre, who had received allegedly false charges from Dawnay Day. The suit demanded that the charges be eliminated and that Dawnay Day refrain from such activity in the future."

To read more about the pending lawsuit, and about the advocates' unconventional approach, [click here for the full article](#).

"The outcome remains to be seen here, but the general principle is that we need to look at other bodies of law and be creative in the ways we confront landlords," Huq said. "As landlords like Dawnay Day come in, they bring in new practices. So we need to look at these new problems and be ready to come up with novel solutions."