May 1, 2019, New York â€" Over 130 rent-stabilized tenants and their attorneys [filed a legal opposition](#) today with New York State's Homes and Community Renewal (HCR) to their landlord's application to install a facial recognition entry system in their buildings at Atlantic Plaza Towers at 216 Rockaway Avenue and 249 Thomas S. Boyland Street in Brownsville, Brooklyn.

In their opposition, tenants refuted the landlord Robert Nelson's argument that their unique biometric data is the same as a photograph and expressed privacy concerns over the fact that the entry system would give him unfettered control over their biometric data. Tenants also questioned the bias and accuracy of the untested system, called StoneLock, which could lock out the predominantly elderly, black and brown, and female tenants from their own homes. Tenants pointed out that the system not only violates rent-stabilization laws but is an attempt by the landlord to attract wealthier tenants to the buildings in gentrifying Brooklyn. Tenants are represented by Brooklyn Legal Services' Tenant Rights Coalition, a program of Legal Services NYC, who filed the opposition on the tenants' behalf. Tenants are requesting a hearing from HCR and are asking the agency to deny the landlord's application.

"We know next to nothing about this new system and our landlord refuses to sufficiently answer our questions about how the system works, what happens to our biometric data, and how they plan to address accuracy and bias gaps," said **Icemae Downes, a longtime tenant**. "We don't believe he's doing this to beef up security in the building. We believe he's doing this to attract new tenants who don't look like us."

"The ability to enter your home should not be conditioned on the surrender of your biometric data, particularly when the landlord's collection, storage, and use of such data is untested and unregulated," said **Samar Katnani, an attorney at Brooklyn Legal Services' Tenant Rights Coalition, a program of Legal Services NYC**. "We are in uncharted waters with the use of facial recognition technology in residential spaces and HCR does not have the jurisdiction or authority to adequately protect tenants. We hope that HCR does the right thing and rejects this landlord's application which poses a serious threat to tenants' privacy and well-being."

Mr. Nelson sought permission from HCR, the state agency that oversees rent-stabilized housing in New York, to install the facial recognition entry system in both buildings of Atlantic Towers back in July 2018. The landlord failed to inform tenants of his plan, who received a letter from HCR in October/September 2018 notifying them of the landlords pending application. Hundreds of tenants immediately sent HCR letters objecting to the proposed system, asking the agency to reject the plan and give them an extension to file a formal opposition, filed today. NYS Assemblywoman Latrice Walker and NYC Council Member Alicka Ampry-Samuel supported the tenants' request for an extension.

In February 2019, Nelson Management Group sent a security representative to the building to explain the "benefits" of new system to tenants, but according to tenants, they failed to answer basic questions regarding access to and storage of their biometric data, accuracy and bias of system, or why the building needed added security. According to tenants, the only thing the landlord was able to confirm was that the system was being installed to ensure the "right people are entering the building."

In today's filing, tenants outline their reasons for opposing the new facial recognition system, including:

- **New system provides no additional security benefit:** Contrary to the landlord's arguments that the new system is for added security, the tenants' current security system is robust, including 24-hour camera surveillance, a security guard at front desk, and a key fob entry system. In fact, the landlord has not identified a single security or safety issue at Atlantic Towers to justify the new system. If anything, tenants feel overly-surveilled and harassed by landlord, whose building manager regularly slips photos of tenants under their doors alleging behavior that violates building rules, such as tenants speaking to their neighbors about their opposition to this very application, tenants taking out their garbage, and children playing in the hallway and laundry room. Tenants say that heightened level of surveillance is having a chilling effect on their ability to enjoy their homes.
- **New system runs afoul of HCR's own privacy standards:** In its previous decisions approving key fob entry systems in rent-stabilized buildings, HCR held that any database or record associated with a key fob system may not contain tenants' confidential or personal information (i.e., Social Security Numbers, birth certificates, passports or drivers licenses). This facial recognition entry system runs afoul of those standards as it necessitates tenants surrendering their unique biometric data which will be stored in a database controlled by the landlord, posing a significant risk to the tenants' individual privacy rights.
- **Discriminatory impact and accuracy of new system:** The landlord cannot guarantee that the tenants, 90% of whom are people of color and 80% women, will have uninterrupted access to their homes. Multiple studies have proven that artificial intelligence systems have accuracy and bias issues, "perform[ing] better on lighter-skinned men than darker-skinned individuals and women." Rent-stabilization laws were created to protect targeted groups access to housing. Requiring tenants to surrender their biometric data to landlord in order to maintain their rent-stabilized housing is not consistent with those laws.
- **New system violates existing Rent Stabilization Laws and Codes:** The Rent Stabilization Code makes it illegal for

landlords to engage in conduct that "interferes with, or disturbs the privacy, comfort, peace, repose or quiet enjoyment of the tenant or is intended to cause the tenant to vacate such housing accommodation." The proposed facial recognition system will add another layer of surveillance that will further diminish the quiet enjoyment of tenants in their homes and their ability to access their home. Additionally, rent-stabilization laws require landlords to offer rent-stabilized tenants renewal leases "on the same terms and conditions as the expired lease." In this instance, requiring tenants and their guests to provide their biometric data, information not already in the landlord's tenant files, is a complete change in terms and conditions of tenants' leases.

For these reasons and many others, tenants are requesting that HCR holding a hearing and ultimately deny the landlord's application to install facial recognition entry system in their buildings. The tenants' opposition is supported with letters from the New York Civil Liberties Union, AI Now, Professor Christopher Gilliard, Ph.D. of Macomb College, and Joy Buolamwini, MIT Algorithmic Bias researcher joined by prominent AI researchers.

Read the filed opposition [here](#).

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"The installation of facial recognition technology would give landlords access to mountains of sensitive data on their tenants and guests, providing an unprecedented level of real-time surveillance over tenants' private lives and social associations," said **Lee Rowland, Policy Director at NYCLU**. "The potential for harm caused by the unregulated use of this invasive technology is amplified for women, children, and people of color, groups who make up the majority of the tenants at the Atlantic Plaza Towers and who are more likely to be misidentified by facial recognition software. Tenants have good reason to fear that this technology will infringe on their privacy and their right to access housing on equal and non-discriminatory terms."

"We already know that the poor, Black, and brown folks already suffer surveillance disproportionately both from private companies--because privacy features with technology tends to cost more--but also from the state, in the form of increased scrutiny of law enforcement in particular neighborhoods," said **Christopher Gilliard, PhD, a professor at Macomb Community College**. "Being under constant surveillance adds a level of stress to a person's day to day existence because there's the sense that they are always under suspicion, even when they are doing nothing wrong. There's a degree to which every law-abiding individual should be entitled to a sense of being free from scrutiny, and adding facial recognition—absolutely a surveillance tool--to people's homes subjects them to an undue level of scrutiny and stress simply because the landlord finds it more convenient."

"The potential installation of a facial recognition entry system raises serious concerns around accuracy, bias, and threats to the privacy and security of all tenants," said **Rashida Richardson, Director of Policy Research at the AI Now Institute at NYU**. "Research on facial recognition systems has consistently found bias against individuals who do not present as white males -- which means gender and racial minorities in this demographically diverse neighborhood who have already complained about invasive scrutiny are now at risk of being locked out of their own homes."vivors who have come forward thanks to our partner at Legal Services NYC will encourage the DOE to ensure the safety of all students in schools."