

**BROOKLYN, NY** (May 30, 2023) – In a historic ruling, a Kings County Housing Court judge ruled in favor of tenant Beverly Rivers, who utilized a rarely-used defense called the Rent Impairing Violations (RIV) defense to eliminate alleged rent arrears and, together with her tenant association, force the landlord to make repairs.

The RIV defense is unique because once the existence of rent impairing housing code violations is established, the law demands that tenants receive a 100% rent abatement for the time the violations were on record. The legal strategy was made possible by a new Defense Fund, a joint effort between Flatbush Tenant Coalition, UHAB, and Brooklyn Legal Services’ Tenant Rights Coalition, with funding from Robin Hood and North Star Fund. The Defense Fund removes the financial barrier tenants must overcome to use the defense. This marks the first time that a tenant has used the Defense Fund to clear all alleged arrears and avoid eviction, setting a precedent that will allow tenants across NYC to hold landlords accountable for dangerous living conditions.

- **Read the decision [here](#).**
- **See photo of rodents in Ms. Rivers’ home [here](#)**
- **See list of RIVs in 125 Lenox Road [here](#).** (items with asterisk)

“Without this vital Defense Fund, my team would not be able to defend me during this traumatic process. And without Right to Counsel, I would not have had a lawyer,” said **Beverly Rivers, a leader in her tenant association at 125 Lenox Road in Brooklyn and a member of Flatbush Tenant Coalition’s steering committee**. “These are things that tenants need across the board! I’m so thankful to have had these resources available to me to enforce my rights. Landlords should not be allowed to get away with forcing tenants to live in these conditions. This victory shows that tenants can win the fight for safe housing and not have to fear being displaced.”

Under the Rent Impairing Violation defense, tenants have the legal right to withhold rent due to unsafe conditions if repairs are not made within six months, but to exercise this right they must deposit the entirety of their unpaid rent with the court. Because of this financial barrier, low-income tenants are rarely able to raise and sustain this defense. Currently, there are more than 130,000 open Rent Impairing Violations citywide – violations that are immediately hazardous to tenant safety. The Defense Fund, which is currently only open to tenant leaders involved in long term organizing campaigns with UHAB and Flatbush Tenant Coalition, is a powerful new tool that tenants can use to avoid eviction, clear arrears, and demand repairs.

Ms. Rivers lived for years with unsafe and hazardous living conditions, including rats, roaches, fly infestations, ceiling leaks, defective windows, defective stove and refrigerator; and fire safety issues. Yet, despite countless complaints to her landlord, including Joseph Popack and One Lenox LLC, they refused to make the necessary repairs. Ms. Rivers withheld her rent for over a year in hopes of forcing the landlord to make repairs. When the landlord moved to evict her for nonpayment, Ms. Rivers was able to assert the Rent Impairing Violation defense with support from FTC and Brooklyn Legal Services’ Tenant Rights Coalition. Her court victory cleared the rent she withheld and dismissed the eviction.

“Tens of thousands of households across the city are robbed of the stability and peace of mind that comes with high-quality housing, and they deserve immediate relief,” said **Sham Manglik, Senior Program Officer, Housing, at Robin Hood**. “As New York City stares down a housing and economic crisis, The Defense Fund flips the script in housing court by backing up tenants with a revolving fund, similar to a bail fund, and sends a clear message to landlords that tenants’ homes cannot be allowed to fall into disrepair.”

“The Defense Fund helps to level the playing field for those disenfranchised in housing court, especially low-income BIPOC tenants,” said **Margy Brown, Executive Director of UHAB**. “We look forward to using this defense on a building-wide level so tenant associations can push for the wholesale repairs they need to live safely. The defense fund also gives tenants another tool to push for resident ownership, as tenants in the Bronx did last year.”

“As we saw when 19 people lost their lives in a deadly fire last year in the Bronx, building conditions are a matter of life and death,” said **Sabrina Simon, Co-Lead Organizer & Outreach Coordinator with the Flatbush Tenant Coalition**. “This victory sets an important precedent for future cases involving rent impairing violations. Landlords have gotten away with leaving their buildings in disrepair for too long.”

“This defense and victory is a message to slumlords citywide that they can no longer get away with blatantly ignoring their legal obligations to maintain safe living conditions for tenants in New York City,” said **Catherine Barreda, Director of Brooklyn Legal Services’ Tenant Rights Coalition**. “Tenant leaders and housing advocates have fought for years to hold slumlords accountable, and so often withholding rent leads only to minimal rent abatements or extended and protracted litigation that tires out tenants more than landlords who have less to lose at trial. But now, thanks to this new community Defense Fund which allows tenants to overcome the monetary obstacles of the Rent Impairing Violation Defense law, tenants have another, sharper legal tool in their belt to get the justice they so rightly deserve.”

Click [here](#) to learn more about rent impairing violations and the Defense Fund.

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#### **About UHAB**

UHAB is a nonprofit working to stabilize and expand resident-controlled housing across New York City. Since 1973, UHAB has empowered low- to moderate-income residents to take control of their housing and enhance communities by creating strong tenant associations and lasting affordable co-ops.

#### **About Flatbush Tenant Coalition**

The Flatbush Tenant Coalition is a member-led group of more than 90 tenant associations and over 500 tenant leaders in Flatbush, East Flatbush, and South Crown Heights working collectively to build tenant power. We educate tenants about their rights and how to organize to make change. We organize and support tenant associations and develop tenant leaders. We take united action in campaigns to strengthen tenant rights in NYC and across the state. Working together to build tenant power, we help to create a more just and equitable society.

#### **About Brooklyn Legal Servicesâ€™ Tenant Rights Coalition**

Brooklyn Legal Servicesâ€™ Tenant Rights Coalition, a program of Legal Services NYC, provides legal and advocacy services to tenants in East New York, Brownsville, Flatbush, and surrounding neighborhoods, assisting thousands of tenants to fight evictions, address bad housing conditions, and force scofflaw landlords to comply with the law. Brooklyn Legal Servicesâ€™ Tenant Rights Coalitionâ€™s work is funded by NYC Human Resources Administrationâ€™s Anti-Harassment and Tenant Protection program.