

CITY VIEWS: OPINIONS AND ANALYSIS

Sister to a 'Worst Landlord'

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It doesn't feel good to see your own brother featured in the news as the year's worst landlord.

It would feel even worse to be doing nothing about it.

My brother is Josh Neustein, whose Ten Seventy One Home Corp owns residential buildings all over New York City. Flagrant violations of the New York City Housing Code in many of those buildings, rented primarily to low-income New Yorkers, earned him first place on Public Advocate Bill DeBlasio's "NYC's Worst Landlords Watchlist" for 2011. My brother's company racked up more publicly listed violations than any other New York City landlord last year: more than 1,100 violations altogether, some 750 of them deemed "hazardous," according to reports.

What a distinction for my family!

I wish I could say I was taken totally by surprise at seeing my brother named the city's worst landlord, but I was really more saddened than shocked since this was not the first time that he had been exposed in the press.

But the main point, as I see it, has been to shed the sense of personal shame for something more active and more socially useful. If my brother is going to be publicly identified as a "slumlord," I want to link the "Neustein" name with the opposite: the sort of reform that can change slumlording from the shamefully profitable business it is to the crime it ought to be.

And one crucial tool for doing this, I've found, is already at hand.

Few New Yorkers are aware that section 27-2118 of New York City's Administrative Code makes it a crime – yes, a crime – for a landlord to "willfully or recklessly" tolerate hazardous conditions in his or her buildings, or to maliciously refuse to comply with corrective orders from housing officials. Under this section, many of the landlords exposed on DeBlasio's list – whose scofflaw violations include vermin, exposed wiring, lack of heat in winter and other clearly dangerous conditions – could be hauled before a criminal court and, if convicted, sentenced to as much as a year in jail, a \$1,000 fine per violation, or both.

What's more, under this law the "evidence of prior service of civil process . . . arising from the same violation" is permissible to prove the landlord's knowledge of the offending condition. In other words, a building owner's history of ignoring milder efforts to get him to fix his apartments is part of the case that could land him in jail – and this kind of history is exactly what puts landlords like my brother on DeBlasio's list in the first place.

Why, then, isn't the city trying to put at least its worst landlords behind bars? Almost every day, someone goes before a criminal court on charges less threatening to the public welfare. If poverty, as Gandhi taught, is the worst form of violence, surely reckless slumlording – which is already criminal under the Administrative Code, and which imposes on helpless people some of the most dangerous ravages of poverty – ought to be regarded as a form of violent crime. And this violent crime is affecting not a handful but thousands of tenants throughout the city. Would New York's citizens sit back silently if prosecutors decided to ignore a rash of robberies, say, on a similar scale?

Authorities to whom I've presented this idea have generally given two reasons for not even trying to use this part of the Administrative Code against landlords. The first is simply that it hasn't been done before. The second is that landlords are likely to plead ignorance of the hazardous conditions when threatened with prosecution. The first objection seems hardly worth an answer, and as for the second, if HPD officials are doing their job of notifying landlords of serious violations (and creating a documentary record of such notice), it won't be easy for the worst owners to explain how they just failed to see, or remember, a whole stack of violation notices. And even if only a few of them ended up paying large fines (\$1,000 per violation, multiplied by hundreds of serious violations, can add up fast), or doing jail time, negligent landlords around the city would have to sit up and take notice.

Will milder cures work? New York City already has a vast bureaucracy supposedly devoted to exposing and correcting housing violations, but DeBlasio's list is eloquent testimony that the system doesn't do much good. The worst landlords generally ignore violation notices – and why shouldn't they? They amass fortunes cheating their tenants and laughing at the law. And they seldom face any real consequences.

As long as the city ignores the one law that puts teeth into tenant protection, uncaring landlords can ravage our fellow-citizens with impunity. That might stop if the worst of them faced the criminal charges the law says they ought to face.

Years ago, I remember my parents warning my brother not to forget his tenants' welfare as he acquired more and more buildings. After all, he and I are both children of an Orthodox rabbi, raised with a strict sense of social justice.

As long as my brother is on the list of the city's worst landlords, I've got to help cure the evil that is caused by massive code violations. In truth, all New Yorkers can play a role by demanding city prosecutors make use of Administrative Code's section 27-2118. Otherwise, our law enforcement system is passively abetting the criminal acts of slumlords.

We are all our brothers' keepers.