

**TESTIMONY OF LUCY BLOCK BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL AND HUMAN RIGHTS ON
INT. 85-A REGARDING HOUSING ACCOMODATIONS AND TENANT BLACKLISTS**

September 19, 2019

To Chair Eugene and members of the Committee on Civil and Human Rights,

My name is Lucy Block and I am the Research and Policy Associate at the Association for Neighborhood and Housing Development (ANHD). ANHD builds community power to win affordable housing and thriving, equitable neighborhoods for all New Yorkers. As a coalition of community groups across New York City, we use research, advocacy, and grassroots organizing to support our members in their work to build equity and justice in their neighborhoods and city-wide.

My testimony regards Intro 85-A. ANHD enthusiastically supports the elimination of tenant blacklists and ending discrimination against tenants for their involvement in housing court. While we applaud Council Member Kallos and the bill's sponsors for this important advancement of tenant rights, we have concerns that we feel are imperative for the Council to take into account.

Why we oppose the use of blacklists

The tenant blacklist is an illegitimate and exploitative mechanism that systematically disempowers tenants. Landlords take tenants to court frivolously and abusively as a tactic to harass and remove them from their homes.¹ This has overwhelmingly impacted people of color, who face many layers of barriers to housing stability. Research by geographer and analyst Abe Solberg showed that the Black population in a census tract was the best predictor of eviction filings.² After being targeted by a landlord and displaced via housing court, tenants on the blacklist face discrimination that adds additional obstacles to the already arduous search for decent and affordable housing.

The mere existence of the tenant blacklist also undermines all tenant protections, discouraging any tenant from using the legal system to assert their rights. Whether they've been involved in housing court proactively or defensively, the blacklist places a scarlet letter on tenants' written records and prevents them from securing stable housing.

Our concerns with Intro 85-A

As laid out above, we strongly believe New York City must take action to bar the use of tenant blacklists in the rental market. At the same time, we have several concerns with the proposed legislation:

1. The fines outlined in the bill are not nearly high enough to disincentivize use of the tenant blacklist. Starting at \$100 per unit, the penalty falls easily into the category of the "cost of doing business." If listing an apartment with a monthly rent of \$2,000, a landlord already loses more than \$100 every two days they do not rent it out. We believe these penalties should be raised

¹ You can find the most egregious examples of landlords who harass tenants via housing court on the "NYC's Worst Evictors" website (<https://www.worstevictorsnyc.org/evictors-list/>)

² Abe Solberg, MA's independent analysis showed a 75% correlation between variables of Black population and eviction filings in Brooklyn and Staten Island census tracts. For more information, contact charles.solberg@mail.mcgill.ca.

significantly, so that the cost of using a blacklist is comparable to the rent a landlord would receive from that unit. We believe the initial penalty should be at least \$1,000 per unit per month, and ideally on a schedule corresponding to unit size (e.g. beginning at \$1,500 for a studio apartment and increasing by \$500 per bedroom).

2. Savvy landlords can claim they are denying a tenant's application for reasons other than that tenant's involvement in housing court. For this reason, it would be more effective to prevent the creation and usage of blacklists themselves.
3. In a case where a landlord rejects a prospective tenant because of their history in housing court, that tenant must file a complaint with the Human Rights Commission. A tenant who has already been denied an apartment and has to seek another would need to spend additional time and energy to hold the landlord accountable. By the time any action is taken, the apartment will have long been rented to someone else, so the proposed law does not help that individual tenant obtain an apartment. Similarly to the above, an intervention in the creation of blacklists themselves would provide more benefit and protection to tenants seeking housing, rather than creating consequences for landlords.

We believe the additional enactment of Intro 1250-2016 would help address concerns two and three. Intro 1250-2016 requires licenses for tenant screening bureaus. That bill would have rigorous requirements for details of any court case included in a report, alleviating the issue of the gross oversimplification of housing court involvement. Because these standards are stringent and would require significantly more resources and effort for tenant screening bureaus to produce, it would interfere with the business model of tenant blacklists, which attempt to efficiently provide a method to landlords of filtering out "undesirable" tenants. If produced according to the law's requirements, it would likely need to be priced much higher, and fail to serve the same purpose.

We applaud Councilman Kallos, the bill's other sponsors, and this committee for your efforts to discourage the practice of using blacklists to bar tenants from housing. As we've pointed out, we think the effort must go farther to be truly effective.

You are welcome to contact me with any questions or for further clarification.

Respectfully,

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