

Volume 14 | Issue 1

Winter 2010

Advocacy for Tenant and Community Empowerment: Reflections on My First Year in Practice

Shekar Krishnan

Follow this and additional works at: <http://academicworks.cuny.edu/clr>



Part of the [Law Commons](#)

Recommended Citation

Shekar Krishnan, *Advocacy for Tenant and Community Empowerment: Reflections on My First Year in Practice*, 14 CUNY L. Rev. 215 (2010).

Available at: <http://academicworks.cuny.edu/clr/vol14/iss1/8>

ADVOCACY FOR TENANT AND COMMUNITY EMPOWERMENT: REFLECTIONS ON MY FIRST YEAR IN PRACTICE

*Shekar Krishnan*¹

In May 2009, the landlord of a rent-stabilized building in Williamsburg, Brooklyn openly declared his intention to force out the current tenants if they did not leave on their own. Located on North 8th Street right off trendy Bedford Avenue, the property was prime real estate in Williamsburg. The only obstacles that stood between the landlord and the potential for him to reap large profits were the rent-stabilized status of the building and all the tenants who paid the regulated rent, a fraction of the market rate. Once he forced those tenants to leave, he could “gut rehab” the apartments, move them out of the rent-stabilization system, and easily generate five to six times the amount of revenue from the building.

The tenants, however, refused to walk away from their homes. So the landlord decided to take matters into his own hands: in June 2009, he illegally excavated a portion of the building’s foundation, removing a chunk of the cellar wall. His unauthorized work, done without requisite permits or prior City approval, compromised the structural stability of the entire building. That immediately prompted the City to vacate the building for safety reasons. To ensure that the tenants could not return to their apartments, even if the City later lifted its vacate order, the landlord then shut off all sewage, gas, water, and electrical services in the building, and padlocked

¹ I would like to acknowledge the individuals without whom this article would not have been possible. I am grateful to the entire staff of Brooklyn Legal Services Corporation A for making my experience at the organization immensely enjoyable and educational. Many of the attorneys gave me invaluable advice and guidance over the year as I worked through my caseload as a new lawyer. I would like to especially thank Martin S. Needelman, Project Director of Brooklyn A, and more importantly, a mentor, teacher, and friend. Marty is the reason behind my unforgettable and defining experience at Brooklyn A. He showed me by example how to be an effective lawyer for our clients. He helped me navigate completely new and unfamiliar legal terrain and patiently answered all of my numerous questions along the way. Marty’s insight and wisdom enabled me to find meaning and perspective in the work I did. His selflessness, passion for the pursuit of justice, and unshakable determination to help those in need are truly contagious. I am also grateful to him for reviewing drafts of this article and providing important feedback. In addition, I wish to express my indebtedness to Zoe Levine, a lawyer devoted to public service and an inspiration for me. Her constant encouragement and numerous suggestions, after taking the time and effort to review multiple drafts of this article, helped me shape my scattered thoughts into an organized narrative of my experience at Brooklyn A. As always, thank you to my family—parents Raghavan and Lalitha Krishnan and sister Sheela Krishnan—for their constant guidance and support in any endeavor I undertake.

the front door. In a matter of days, all six tenants in one building on North 8th Street had lost their homes. One of the tenants had lived in her apartment for over thirty years and raised her family there. Another lived with her husband and two young children. With no more than a couple days' notice, all of them had to leave their apartments and belongings behind, indefinitely.²

Represented by Brooklyn Legal Services Corporation A ("Brooklyn A"), a community-based legal services organization in North Brooklyn, the tenants sued the landlord in Housing Court, to compel him to perform the repair work necessary for the City to lift its vacate order on the building. Brooklyn A and the tenants won two orders for the landlord to reinforce the building's foundation and restore essential services to the apartments. If complied with, both orders would have laid the groundwork for the tenants to return safely to their homes.

I became involved in the case in December 2009, several months after starting a one-year position at Brooklyn A. This was one of my first cases out of law school and I was confident that the judicial system would quickly wipe out the injustices our clients had suffered; the facts were one-sided, the plight of the tenants beyond dispute. But when I started working on the case, alongside Martin S. Needelman, Project Director and Chief Counsel of Brooklyn A, I was stunned to learn that the landlord had failed to do any repair work in accordance with the court orders. I was sure that the Court would be as appalled as us by the landlord's non-compliance; each day its orders were flouted was one more day the tenants remained out of their homes.

Instead, the Court failed to take any corrective action, and repeatedly extended the deadlines for the landlord to complete the already belated work. From December 2009 through May 2010, I unsuccessfully petitioned the Court to hold the landlord accountable for work that should have been done six months earlier, but was still unfinished. Martin (Marty) Needelman and I even brought an action for contempt in March 2010, but the Court adjourned the proceeding at each monthly appearance, without taking any definitive action. It was clear that the landlord had no intention to comply with the Court's deadlines precisely because the Court was

² See generally Cara Buckley, *Year After Evacuation, Brooklyn Tenants Still Aren't Back Home*, N.Y. TIMES, June 30, 2010, at A24; Juliet Linderman, *The Struggle for 172 N. 8th Street*, GREENPOINT GAZETTE, July 23, 2009, available at <http://www.greenpointnews.com/news/the-struggle-for-172-n-8th-street>; Juliet Linderman, *The Fight Continues at 172 N. 8th Street*, GREENPOINT GAZETTE, June 17, 2010, available at <http://www.greenpointnews.com/news/the-fight-continues-at-172-n-8th-street>.

never going to hold him accountable for his actions; the landlord would instead do the work when he pleased. Eleven months after the landlord destroyed the building, he had still not done any repairs. Our case was not simply stalled in Court, it was stalled by the Court. And the building on North 8th Street remained vacant, with our clients out of their homes. Did the Court not feel impelled to take some corrective action? Where was its moral outrage, its sense of injustice?

Finally, in the middle of May 2010, the landlord unexpectedly shored up the foundation of the building; he sensed, perhaps, that vacant, rundown property was ultimately of no use to him. Regardless of his motives, the work he did was enough for the City to lift its vacate order on the building, an unanticipated result that meant our clients now had every legal right to re-enter their homes, as the building was deemed safe for occupancy. The landlord, however, refused to respect their rights or the law: he would not remove the padlock he had placed on the front door or restore the water, sewage, gas, and electrical services to the apartments. The landlord simply did not want the tenants back in the building, regardless of their rights. Still, the Court took no action against him.

So on June 13, 2010, Marty and I staged a demonstration with our clients outside their building on North 8th Street. The rally was our moment to call public attention to this shameful situation and put an end to it. We were joined by neighborhood housing organizers, elected officials, community activists, and local residents, who all supported our clients' efforts to move back into their homes. They knew that the landlord's actions were part of a troubling pattern of displacement in the rapidly changing communities of North Brooklyn.

As the crowd cheered, our clients cut the landlord's padlock and opened the front door to their building. For the first time in a year, they entered their homes. The building was in complete disrepair and still had no working facilities. But our clients planned to spend the next few nights sleeping in their apartments, even in the building's rundown state, to assert their rights. They wanted to take this symbolic stand. To them, what mattered was that they were finally home.

The purpose of our demonstration outside our clients' building that day in June was to show that the Court and the landlord would not make the final decisions about the outcome of these struggles. We wanted to convey the message to the landlord that the tenants would assert their basic rights and dignities, even if the

justice system failed to uphold them.³ We would not let the ineffectual response of Brooklyn Housing Court dictate whether or not tenants' rights would be protected.

When our demonstration ended and I headed back home that summer afternoon, I was baffled by the whole chain of events: after less than one day of community mobilization, our clients were able to move back into their homes. By that point, we had been stuck in court for over a year, trying unsuccessfully to produce the same result by judicial order. In short, one day of grassroots organizing achieved an objective that one year of litigation had not accomplished, a rather difficult concept for a new lawyer like me to comprehend

While the plight of the North 8th Street tenants was particularly appalling, the underlying problems are sadly not atypical for low-income residents of Williamsburg and Greenpoint. Tenant harassment, the deprivation of services, and baseless evictions are pervasive issues within the communities of North Brooklyn, contributing to massive displacement of the poor. During my year at Brooklyn A, Marty and I represented close to thirty tenant associations from rent-stabilized buildings across both neighborhoods that all had substandard living conditions.

In fact, the most powerful lesson I drew from my community-lawyering experience at Brooklyn A was that legal action could never be the sole focus of neighborhood struggles. Sometimes, as the North 8th Street case illustrated to me, a court could be wholly unresponsive to the needs of the low-income. Other times, legal victories did not translate into reform in the neighborhood.⁴ Litigation by itself was often insufficient to address the recurring problems of a community. That is why the mission of Brooklyn A's model of community-based legal services is not simply to secure legal victories for clients, but rather to *empower* the residents of

³ See generally Williamsburg Tenants Win Yearlong Fight for Their Homes (NY1 television broadcast June 14, 2010), available at <http://www.ny1.com/content/120371/williamsburg-tenants-win-yearlong-fight-for-their-homes>; Erin Durkin, *No Direction Home, Tenants Bust into Bldg, but Find Trouble*, N.Y. DAILY NEWS, June 16, 2010, at 53; Juliet Linderman, *The Fight Continues at 172 N. 8th Street*, GREENPOINT GAZETTE, June 17, 2010, available at <http://www.greenpointnews.com/news/the-fight-continues-at-172-n-8th-street>.

⁴ For example, Brooklyn A litigated in federal court for over 20 years to enforce the judicial consent decrees it won to desegregate Williamsburg public housing. *Williamsburg Fair Hous. Comm. v. New York City Hous. Auth.*, 493 F.Supp. 1225 (S.D.N.Y. 1980); *Williamsburg Fair Hous. Comm. v. New York City Hous. Auth.*, 2005 WL 736146 (S.D.N.Y. Mar. 31, 2005). See *Ungar v. New York City Hous. Auth.*, 2009 WL 125236, at *1-3, 15-16 (S.D.N.Y. Jan. 14, 2009).

North Brooklyn.⁵ In the context of housing matters, that meant showing dysfunctional landlords they had to respect low-income residents. We wanted these landlords to understand that they needed to satisfy and build a relationship with their tenants.

I quickly learned that cases in Brooklyn Housing Court, if successful, could help with such efforts, but they were seldom enough. One problem with litigation was that cases concerned the resolution of a discrete dispute among parties, not the building of a long-term relationship between tenants and their landlord. Most importantly, from my very first day on the job, I confronted the sad truth that Brooklyn Housing Court is institutionally incapable of protecting the rights of poor tenants in a meaningful way. It is also a court removed from, and thus unfamiliar with, the depth of local struggles. As a result, Brooklyn A's model of advocacy for tenant and neighborhood empowerment extends well beyond the courtroom. It also involves communal and collective action *in* the neighborhood to help residents address many of the problems they face.

In essence, Brooklyn A's unique approach to legal services forced me to radically re-think the perception of legal advocacy that I harbored as a student just a year earlier. In the academic setting, I understood the law and the court to be the primary mechanisms through which individual rights were vindicated. The lawyer navigated this system to achieve a desired result that would provide adequate relief for the client. A case began with a legal problem or issue and ended with some sort of judicial resolution. But as a first-year lawyer in Brooklyn A's Group Representation Unit, I found myself thoroughly re-examining my untested and long-held assumptions about the nature of legal advocacy. In particular, through my housing cases, I began to understand that the courtroom was not the only forum for community-based lawyering. Rather, litigation was but one tool in an array of neighborhood empowerment strategies, which also included tenant organizing and various other efforts at grassroots mobilization. As my experi-

⁵ Brooklyn A's advocacy methods represent one version of the many different models of community lawyering that exist. For a good survey and analysis of some of the various models of community-based legal services, as well as the different objectives they may have, see Angelo N. Ancheta, *Community Lawyering*, 1 *ASIAN L.J.* 189 (1994) (reviewing GERALD P. LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992)); Michael Diamond, *Community Lawyering: Revisiting the Old Neighborhood*, 32 *COLUM. HUM. RTS. L. REV.* 67 (2000); Michael Cardozo, Lynn M. Kelly, Yolanda Garcia, & Sam Sue, *Roundtable Discussion: Responses to the Opening Address*, 25 *FORDHAM URB. L.J.* 699, 699–720 (1998); Sheila R. Foster & Brian Glick, *Integrative Lawyering: Navigating the Political Economy of Urban Redevelopment*, 95 *CAL. L. REV.* 1999 (2007).

ence at Brooklyn A was my first exposure to the legal profession, it has undoubtedly had a powerful impact upon my overall view of legal advocacy. I found myself repeatedly confronting questions and concerns about what I believe are some of the most fundamental principles of our justice system, namely its ability to protect the rights of the most vulnerable in our society.

The aim of this article is to present to the reader my reflections about the year I spent at a community-based legal services organization for the low-income and the way in which it profoundly influenced my understanding of the role and effect of legal advocacy. My perspective is that of a first-year lawyer attempting to decipher this experience in the context of my initial expectations of our justice system, after graduating from law school, and through the lens of the tenant representation I undertook as an attorney in Brooklyn A's Group Representation Unit. While my responsibilities in the Unit included other types of litigation, namely a communitywide fair housing and civil rights case, this article is focused on my experience representing indigent tenants from rent-stabilized buildings in North Brooklyn. The daily hardships and oppression my clients experienced in their homes, and the unexpectedly turbulent and chaotic nature of Brooklyn Housing Court, forcefully challenged my initial, and previously academic, understanding of legal advocacy. In this article, I have sought to candidly discuss just how my work influenced my perspective.⁶

Part I provides a short narrative of Brooklyn A as an organization and how I came to work there for a little over a year. Part II discusses my experiences in Brooklyn Housing Court and what they revealed to me about the vital importance of complementing legal action with grassroots organizing efforts. Part II includes general observations drawn from my almost daily presence in Housing Court as well as specific lessons I gathered from the North 8th Street saga, profiled in more detail. Part III then takes the analysis from the courtroom to the community to explore the importance of tenant organizing for our legal advocacy efforts at Brooklyn A. In particular, it presents my thoughts about two mobilization tactics that we frequently used—monthly meetings with a tenant association and the initiation of a rent strike. In Part IV, I describe the organizing challenge that I believe may lie ahead for tenant advocacy in Williamsburg, examined through the lens of my work with

⁶ Throughout the article, for the sake of privacy, I have refrained as much as possible from providing the exact addresses of buildings. Moreover, with the exception of Marty Needelman, any names mentioned in the piece are fictitious.

one specific tenant association. Finally, Part V offers a concluding look at how my time at Brooklyn A shaped my understanding of the proper role of litigation in the context of community-based legal services.

In addition to providing my reflections about tenant representation and community-based lawyering, the discussion that follows also includes at various points a descriptive explanation of the work I did. This is because my perspective was shaped not only by the unique nature of legal representation at Brooklyn A, but also by the fact that the cases I had were my first assignments as a lawyer. From community-based advocacy, to the trials and hearings in court, everything about my experience at Brooklyn A was completely new. So I have tried to document the work I did at Brooklyn A while also discussing the questions it raised for me.

Admittedly, I do not have the experience or the expertise to offer much in the way of answers to the questions I confronted during my year in Williamsburg. But it is my hope that my questions themselves, as presented here, may be of some value, in the slightest way possible, to the spirited national discussion about the provision of free civil legal services to the poor.⁷

PART I. BROOKLYN A: “BUILDING COMMUNITIES, ENSURING OPPORTUNITIES, AND ACHIEVING JUSTICE”⁸

Founded during the 1960’s, as part of President Lyndon Johnson’s “War on Poverty” program, Brooklyn Legal Services Corporation A (Brooklyn A) has provided free civil legal services to the poor of North and East Brooklyn for close to fifty years. Rooted in the neighborhoods it serves, including Williamsburg, Greenpoint, Bushwick, East New York, Cypress Hills, and Brownsville, Brooklyn A’s mission is to empower the communities of North and East Brooklyn. Lawyering in this setting involves a versatile mix of transactional work as well as individual and group-based litigation. The services provided must be diverse in order to respond to the needs of the community residents. In this sense, Brooklyn A does not decide the pressing issues for which legal services for the poor are required; the clients—community-based organizations, neighbor-

⁷ See, e.g., William Glaberson, *Judge’s Budget Will Seek Big Expansion of Legal Aid to the Poor in Civil Cases*, N.Y. TIMES, Nov. 29, 2010, at A21. The vigorous push by New York State Chief Judge Jonathan Lippman to increase civil legal services funding for the poor is a much-needed and highly laudable effort. It is critical that the Legislature also take up the issue and allocate significantly more financial resources to legal services organizations across the state to aid their efforts.

⁸ Brooklyn Legal Services Corporation A letterhead (on file with author).

hood coalitions, and individual residents—identify the issues and the lawyers then provide the representation.

When I joined Brooklyn A in September 2009, fresh out of law school, I became immersed in this model of community-based legal services for one year. Originally, I was set to start as an associate at a corporate law firm. However, many firms, including mine, presented associates with the chance to defer their offers due to the declining economic climate. I opted to defer my employment until January 2011 and to spend the year doing public interest litigation at Brooklyn A. I was drawn to the organization's mission of empowering low-income communities through the representation of residents with limited access to the legal system.

As an attorney in Brooklyn A's Group Representation Unit, I worked alongside Martin S. Needelman (Marty), Project Director and Chief Counsel of the organization. Marty has been a lawyer and a resident in the community of Williamsburg for over forty years. Tenants across the neighborhoods of North Brooklyn know and adore him. I gathered this very quickly based on the number of individuals who shouted his name and warmly embraced him whenever we walked anywhere in the neighborhood; it was clear that he had made a tangible difference in their lives through his noble work. Marty is not simply a lawyer in Williamsburg or a resident. He has been an active participant and voice in the community dialogue of North Brooklyn for decades.

In addition to his role as Project Director of Brooklyn A, Marty also supervises the Group Representation Unit. Due to resource and staffing limitations, Marty and I were the only attorneys in this Unit for the majority of my time at Brooklyn A. In collaboration with over fifteen tenant organizers from a number of local community organizations, Marty and I together represented close to thirty low-income tenant associations from rent-stabilized buildings across Williamsburg and Greenpoint. A tenant association is an organized group of tenants in a building who communicate with their landlord in a collective capacity to ensure that their building is properly maintained and that services are adequate. The tenant associations Marty and I represented contained anywhere between three and twenty tenants in each rent-stabilized building. On behalf of an association, we brought affirmative cases to seek repairs or to take the building away from an absentee landlord. We also defended residents in eviction cases, a routine occurrence in Williamsburg and Greenpoint, neighborhoods where many small-time

landlords attempt to make space for new, wealthier residents by forcibly emptying their buildings of the poor.

But in representing tenants as a member of Brooklyn A's Group Representation Unit, I learned the same fundamental lesson every day: litigation had to be accompanied by organizing efforts and community mobilizations in order to effectively protect the rights of our clients.

PART II. BROOKLYN HOUSING COURT

Nothing in law school prepared me for Brooklyn Housing Court, which fell far short of even my most basic expectations of a court in our country's judicial system. The Court's institutional inertia and apathy frequently rendered it incapable of protecting the rights of the impoverished. No matter how straightforward the issues in our cases or how evident the plight of our clients, litigation in Housing Court was a protracted battle that rarely produced favorable results. Even if Marty and I did win a case, the Court made its decision only after long and undue delays. Unfortunately, however, Housing Court often serves as United States Supreme Court for the poor: it is the only court, the highest court, most of them ever see. As a result, it is the only legal forum often available to them to exercise their rights as tenants.

The Housing Court experience for my clients and me began at the very entrance of the building, where almost every day we waited in long lines and wondered what surprises were in store for us that day. Over the course of the year, I saw people wheeled out of the building in stretchers after fainting in the courtroom; arguments that almost turned into fistfights; and on one very memorable occasion, a witness on the stand unearthed from his bag a container of bedbugs and a collection of pornographic magazines and waved them in the air (demonstrative evidence he felt necessary to corroborate his trial testimony).

Housing Court was my first exposure to a court as a practicing attorney. The hallways of the building were pure chaos. They reminded me of a raucous open-air bazaar. In the halls outside of the courtroom, "justice" was hawked on the cheap, as I watched landlords' attorneys and tenants, unrepresented by counsel, haggle over the terms of a settlement over rent or repairs. In these situations, the playing field was never equal. Putting aside the merits of any particular dispute, a negotiation between a landlord almost always represented by counsel and a pro se tenant over the terms of a legally binding settlement is no negotiation at all. It seemed to me

more like an exercise in bullying and badgering, with grossly unequal bargaining dynamics. As I observed these scenes daily, I wondered what exactly was being discussed and agreed upon. Did these tenants know what rights they had? Were they waiving these rights as part of the settlement? And would the presiding judge who was going to so-order the agreement, in between adjudicating dozens of other cases that day, have time to carefully review the settlement terms for their adequacy? In theory, parties settled through mutual agreement. But when one party had a lawyer to advocate for its interests and the other did not, I could not believe that these legal settlements were truly on fair and equal terms. In short, what I saw in the hallways of Housing Court served as a daily and painful reminder to me of the dire need for increased funding for civil legal services for the poor.

The inside of a courtroom was not much better. The galley was packed with tenants, many very poor, who were forced to wait hours, sometimes an entire day, for their case to be called. I gathered that for the unrepresented tenants, the worst part about the waiting was that they did not know when it would end, whether their case would even be called before lunch. Most of them, including our clients, lost a full day of wages. And if they even went up more than once to ask court personnel when their case would be called, they often risked being yelled at and having their file moved to the bottom of the stack.

As I waited for my cases to be called, I watched this scene replay itself every day. Almost all the tenants in the courtroom who suffered through the endless waiting were racial minorities. In fact, sitting in Housing Court, I often wondered if any analysis had ever been done of how the deficiencies of the *civil* justice system might adversely affect minority populations, especially in inner cities. Early on in my time in Housing Court, one thing became readily apparent to me: the unresponsiveness, hostility, and dysfunction of the institution have an overwhelming adverse impact on individuals of color in Brooklyn.

For our clients, leaving the comfort of their communities to enter the unfriendly and chaotic environment of Housing Court in the middle of downtown Brooklyn was quite an intimidating experience. One of the first things Marty told me when I arrived at Brooklyn A was that we would always drive our clients from their building down to Court, and then accompany them to the appropriate courtroom. We asked our clients to sit together, in a row, at the front of the room. We wanted the judges to see the solidarity of

our clients and the faces of tenants who waited all day for their case to be called. If tenants did not make their presence felt in court, they sadly risked being treated like a mass of indistinguishable individuals to be reprimanded rather than respected.

I believe the real problem with Housing Court, however, is the disconnect between the well established and numerous rights of the poor under the rent-stabilization laws, and the legal system's actual enforcement of those rights. As a law student, I naively assumed that if violations of individual rights were clear and indisputable, then the legal system would provide an effective remedy. It seemed like a straightforward principle. Not so in Housing Court. The very structural organization of the Court largely precluded the enforcement of tenants' rights, no matter how strong they were on paper. This is because the Court simply did not devote enough administrative resources for proceedings that tenants brought under the rent-stabilization laws. For example, there were two types of tenant-initiated cases Marty and I brought on behalf of our clients: 1) an HP (Housing Part) action to compel a landlord to perform necessary repairs in an apartment building and correct violations of the Housing Maintenance Code,⁹ and 2) a 7A action, under Article 7A of the Real Property Actions and Proceedings Law ("RPAPL"), to indefinitely take a building away from a neglectful landlord while a court-appointed administrator maintains and repairs the building to bring it into compliance with the Code.¹⁰ According to Housing Court rules, both types of tenant-initiated cases could only be litigated in one courtroom before a single judge. But the fact that only one courtroom with one judge was assigned for

⁹ See generally N.Y.C. ADMIN. CODE §§ 27-2001–27-2153 (2010) (providing a comprehensive set of housing standards for all dwellings in New York City as well as injunctive, criminal, and civil relief for enforcement of those standards). Under the Code, a party may petition the Housing Court for "orders requiring the owner of property or other responsible person to abate or correct violations of this code." N.Y.C. ADMIN. CODE § 27-2121. The Code also provides a timetable for when violations should be corrected based on their level of hazard. N.Y.C. ADMIN. CODE § 27-2115. Civil fines can be imposed for each day beyond the deadline that the violation remains uncorrected. *Id.* But in my year there, I never saw Brooklyn Housing Court enforce these deadlines or even fine a landlord for missing them.

¹⁰ N.Y. REAL PROP. ACTS. § 769 (McKinney 2010) (describing Article 7A proceedings, which govern the judicial appointment of an administrator to a building "for the purpose of remedying conditions dangerous to life, health or safety"). "The court is authorized and empowered, in implementation of a judgment . . . to appoint a person other than the owner, a mortgagee or lienor, to receive and administer the rent moneys Any administrator is authorized and empowered in accordance with the direction of the court, to order the necessary materials, labor and services to remove or remedy the conditions specified in the judgment, and to make disbursements in payment thereof" REAL PROP. ACTS. § 778.

all tenant-initiated cases in Brooklyn, while at least six to eight courtrooms existed in the same building for eviction cases, created a severe imbalance in the administration of both proceedings. If our clients initiated a Housing Part (“HP”) action seeking repairs for violations of the Housing Maintenance Code, we had to prepare them for the fact that it would take months or even a year to obtain a court order compelling the landlord to undertake the necessary work; the backlog of HP cases was simply too great. Delays, such as lengthy adjournments, inappropriately prolonged a case about immediately hazardous conditions into an extended affair. Such adjournments meant Marty and I would routinely show up with all our tenants in court, wait for several hours for our case to be called, and then return to Williamsburg with the case just adjourned, or postponed, to another date, all over our objections. I felt that on most occasions we went to court, nothing was accomplished. Frequently, the individuals we represented gave up multiple days’ worth of wages to arrive in Court and have their case adjourned for more than a month. They returned home with no relief and were forced to continue living in deplorable conditions, despite their ongoing case for repairs.

In one instance, we represented nine clients who at various times over the course of the year lived without heat and hot water, but with bedbugs and a broken elevator. We initiated a case in the fall of 2009, seeking a judicial order against the landlord for the immediate repair of such dangerous conditions. But because of a number of adjournments granted by the Court, all of them over our objections, the hearing on our petition began the following summer, nine months after we started the case, and concluded in the fall of 2010. By the conclusion of the hearing, the problems that formed the basis of our original petition had all changed. The building also had additional violations of the Housing Maintenance Code that did not even exist at the time we brought the case. In the end, it took one full year to obtain a basic court order for repairs in the building. How could the rights of my clients be protected in a system that could not even give their most pressing concerns prompt and adequate consideration?

While the delays in an HP action were frustrating, the lengthy adjournments of 7A cases violated the law. The relevant statute requires that the Court appoint a city-approved housing administrator to manage and rehabilitate a building where “there exists . . . a lack of heat or of running water or of electricity or of adequate sewage disposal facilities, or any other condition dangerous to life,

health, or safety . . . for five days . . . or course of conduct by the owner or his agents of harassment, illegal eviction, continued deprivation of services or other acts dangerous to life, health or safety.”¹¹ During the time of the 7A Administration, a landlord is barred from entering the building, though remains responsible for the payment of taxes, debts, and the mortgage. The duty of the 7A Administrator is to repair and maintain the building to the extent feasible given the rent collected.¹² Once the court appoints an administrator to a building, the landlord can reclaim day-to-day management duties only if he meets a strict legal standard about his financial and personal ability to care for the property.¹³ Given the serious nature of 7A cases, the statute states that once a case is ready for trial, adjournments “shall not be for more than five days except by consent of all the parties who appear.”¹⁴ However, as the backlogged HP Part¹⁵ was the only courtroom for tenant-initiated cases like the 7A proceeding, I witnessed Housing Court routinely violate the statute’s prohibition against undue delay. Over the course of a year, Marty and I instituted at least six 7A proceedings. But the Court adjourned each trial for several months, in blatant violation of the law.

Since our clients and their cases were significantly affected by the lengthy adjournments, Marty and I sent a letter to the Court on May 4, 2010.¹⁶ We stated that if our concerns about the statutory violations went unaddressed, we would be forced to bring judicial action (specifically, a mandamus action) against the Court to ensure its compliance with the time limits of the statute. The Court responded by accelerating the dates of all of our 7A trials. As the cases were now packed into a very tight schedule, with Marty and I the only two lawyers on them, so began an extremely hectic summer of trials.

While the Court’s remedy proved effective for two of our proceedings, the overall inertia of Housing Court continued to stall most of our 7A cases, including the one for the tenants of North 8th Street, who were vacated from their building in June 2009 because of the landlord’s illegal excavation work.

¹¹ N.Y. REAL PROP. ACTS. § 770 (McKinney 2010).

¹² *See id.* § 778.

¹³ *Swallow v. Schnipper*, 12 H.C.R. 208B, N.Y. L.J., Sept. 21, 1984, at 14, col. 4 (App. Term 2d Dep’t & 11th Jud. Dists.)

¹⁴ N.Y. REAL PROP. ACTS. § 774 (McKinney 2010).

¹⁵ Part B of Brooklyn Housing Court, informally known as the “HP Part”.

¹⁶ Letter on file with author.

North 8th Street Tenant Association Revisited: Out of their Homes, Again

The ability of the North 8th Street tenants to re-enter their apartments rested heavily on the outcome of the multiple actions we had brought in Housing Court. Marty and I were shocked by the futility of our contempt motion, brought to penalize the landlord for failing to comply with the Court's prior orders for repairs. In opting to repeatedly adjourn the motion, the Court simply seemed averse to punishing the landlord for violations of its previous orders. Astonished by how the landlord had not been held accountable for his refusal to repair the building, we decided to table our contempt action and instead institute a 7A case in March 2010, hopeful that this strategy would yield better results.

This building presented a textbook case for the appointment of a 7A Administrator. Although the case was brought in March, and ready for trial shortly thereafter, the proceeding was adjourned until June, in blatant violation of the 7A statute. By the time the 7A trial—my first full trial as lead counsel—actually started, our five clients had been out of their homes for almost an entire year.¹⁷

The trial lasted from June until August 2010, which was also a violation of the 7A statute because, despite our objections, the Court granted the opposing side a number of adjournments in excess of five days. During the trial, I obtained testimony from New York City's Department of Building (DOB) officials, who confirmed that the landlord's illegal excavation work forced the City to vacate the building one year ago. Our clients also testified about landlord harassment, the appalling conditions in their apartments, and the hardships they faced after being vacated from their homes.¹⁸ In light of the City's vacate order and the lack of any services in the building, it was not difficult to establish a *prima facie* case under the 7A statute, namely that conditions hazardous to life, health, and human safety had existed in the building for more than five days.

Yet it was the events outside the courtroom that significantly shaped the course of the trial. As described earlier, during the middle of our two-month trial for a 7A Administrator, the landlord incredulously and spontaneously decided to do the work necessary

¹⁷ *E.g.*, Buckley, *supra* note 2.

¹⁸ In fact, a state government agency (Division of Housing and Community Renewal) reduced our clients' rent to \$1/month because of the damage to their apartments and the fact that they could not even enter their homes.

to remove the City's original vacate order on the building, though the repairs were approximately six months late. Nevertheless, as a result of the work, the City deemed the building safe for occupancy and lifted its vacate order. The tenants had every legal right to move back into their homes, although the landlord refused to provide access or restore any services to the building.

But after the tenants ultimately moved in on June 13, 2010, following our neighborhood demonstration, their time at home unfortunately proved to be a short-lived affair.¹⁹ Two days later, the Department of Buildings (DOB) decided that they had to vacate the building again, after discovering a major hole in the basement foundation. The evidence strongly indicated that just hours before our clients returned home, the landlord and his workers had secretly entered the building and *again* demolished the basement walls, destabilizing the building, again, and provoking a second vacate order to keep our clients out of their apartments.

The landlord's actions, two vacate orders, and the complete lack of services in this building made it a slam-dunk case for a 7A Administrator, I thought. The only defenses proffered by the landlord, represented by counsel, were that the *tenants* had destroyed the building and that the cost of repairs would far outweigh the building's market value after the repairs, rendering demolition the only sensible option. Both arguments were specious and baffling. Additionally, on equitable grounds, the landlord could not assert that the building was irreparably damaged when he himself inflicted the damage.²⁰

When I submitted the final brief in August, at the end of the trial, I expected to receive a favorable decision within a few days. Our case was so strong that none of us had doubts about winning. It was a question of when the decision would be issued, when the administrator would be appointed. Every day of delay in this proceeding had cost our clients immensely. With the exception of a two-day stay in their apartments, our clients had been out of their homes for over a year at the conclusion of the trial. Once an administrator was appointed, work to remove the still existing second vacate order could begin immediately. As one lawyer who had watched the full trial told me, "The decision in this case should have already been written." I thought so too.

Naturally, I was stunned that it took close to three months for

¹⁹ *E.g.*, Linderman, *The Fight Continues at 172 N. 8th Street*, *supra* note 2.

²⁰ *See, e.g.*, *Quiles v. Term Equities*, 22 A.D.3d 417, 421 (N.Y. App. Div. 1st Dep't 2005).

the Court to decide in our favor and transfer this building to 7A administration. Our trial ended in the middle of August—we received the court’s decision in the beginning of November. That is not to say we were unhappy with the result. The Court issued a twenty-three page decision, remarkable in breadth and scope, appointing one of the community-based tenants’ rights organizations we worked with as the 7A Administrator.²¹ But there was never any doubt that the building qualified for 7A Administration under the statute; the facts were one-sided and shocking. It was the time it took for the Court to make a decision in this pressing matter that mystified all of us.

In fact, the Housing Court did not issue the decision voluntarily. By November 2010, the North 8th Street case was one of our three 7A actions for which a decision had not been rendered, even though the trials concluded more than two months before. New York State law, however, requires the court to make a decision on a motion within sixty days after the parties’ final submission after trial.²² In any other judicial forum besides Housing Court, we would not have invoked this law. But given the egregious and routine delays of Housing Court, despite the pressing nature of many of the cases, we had no choice but to raise the issue. So once again, Marty and I prompted the Court to issue its decision by underscoring the dire need for speedy relief and threatening legal action (a mandamus suit) for the Court’s violation of a statutory mandate. As soon as we submitted our letter to this effect, the Court released its decision.²³

Even when the Court got it right, as it did in the North 8th Street case, it failed to do so in an efficient and effective manner. In deciding the case, the Court had failed to comply with two separate statutes: 1) the provision limiting adjournments in a 7A case (no more than five days);²⁴ and 2) the law governing the timetable for a decision on a motion (sixty days).²⁵ If Marty and I had not called attention to both violations, they would have gone unaddressed. Meanwhile, it is the poor who suffer because of the delays

²¹ *In re [Redacted]*, For a Judgment, pursuant to Article 7A of the Real Prop. Actions and Proceedings Law, appointing a court-designated adm’r for the premises known as 172 North 8th Street, Brooklyn, N.Y., 11211, Block: 2320; Lot: 10, L&T Index No. 61681/10 (Housing Ct. Kings County 2010) (on file with the author).

²² N.Y. C.P.L.R. 4213(c) (McKinney 2010) (“The decision of the court shall be rendered within sixty days after the cause or matter is finally submitted . . .”).

²³ Letter on file with author.

²⁴ N.Y. REAL PROP. ACTS. § 774 (McKinney 2010).

²⁵ N.Y. C.P.L.R. 4213(c) (McKinney 2010).

in court. They are forced to live with hazardous conditions in their apartments or remain out of their homes for however long it takes for their case to be resolved. If the North 8th Street litigation, with its shocking facts, took over a year to resolve, and only after immense pressure from us, I can only imagine how many other serious cases languish in Housing Court.

Through my cases, I quickly learned that exclusive reliance upon the ability of the Court to vindicate the rights of our clients was too risky an approach. It involved an abdication of power to an institution that was simply not as invested in the housing issues of a community as our clients. The uncertainties of lawyering in Housing Court also left too much to chance in struggles between oppressive landlords and the poor. Sometimes the Court would issue a favorable decision, but sometimes it would not; and we as lawyers could never predict which way the case would go or even when we would obtain a good ruling. The inadequacy of Housing Court's response to the grievances of the poor severely frustrated our ability to achieve results simply through litigation. The judicial process was also too stalled or drawn-out to be effective. In virtually all instances, the struggles between oppressive landlords and the poor unfolded on the ground at a much faster pace than the litigation itself.

Consequently, my time in Brooklyn Housing Court frequently left me frustrated and shocked by our judicial system, at least with respect to its treatment of the poor and how it addressed violations of their rights. At various times in the year, when some of our cases made virtually no progress in court, I felt ashamed of the very legal system within which I worked. I resented telling my clients that after waiting in court for half a day on their case, we would all have to return home because the proceeding had been adjourned for another month. The tenants, many of who were seeing a courtroom for the first time, had such high hopes about litigation and were just as shocked as me to learn that Housing Court fell far short of our expectations.

Truthfully, I often left court wondering whether the lawyering I did actually made any difference. "What's the point? What are we gaining here?" I often asked Marty as we left court and drove back to Williamsburg with our clients. "I can't understand how being a lawyer does much good in this system. The cases are so straightforward—at least it's clear that there's a big problem between the landlord and tenants, regardless of who is right. But instead of working through the problem, and sorting out the issues, the court

is happy to defer them for another day or take months to make a decision. We're wasting our time here."

"You're looking at it in the wrong way," Marty would respond after patiently listening to my tirades. "If you're looking to the court to completely help our clients, you're making a mistake. Housing Court is usually too dysfunctional to make a significant difference. But that's why we don't rely on the Court. That's why we have demonstrations, rent strikes, neighborhood rallies, and press conferences to complement what we do in court." "Then why not focus exclusively on creating tenant associations, conducting rent strikes, and demonstrating—where exactly does court fit into this?" I questioned.

"Because these are all wars of attrition that require some combination of legal and non-legal strategies to collectively pressure a landlord until he realizes he needs to respect his relationship with tenants, regardless of their economic status," Marty replied. "Our cases are not just about the outcome. Every time we go into a court for a hearing, even if it's one that we'll eventually lose despite the merits of our case, that costs the landlord time and money. While we work for free for our clients, he's paying his lawyers for each court appearance. Then, outside of court, the landlord still has to deal with an organized tenant association, a rent strike, or some other organizing tactic on a daily basis. If the tenants stay united, come to court for each appearance and continue acting in solidarity outside of court, eventually, the landlord will tire of this fight and give up; he'll either reform his behavior and respect our clients, or ultimately lose the building entirely to the tenants, and that's how we win. If the landlord doesn't change, we continue the fight in court and our organizing efforts out of court. These are all wars of attrition."

It was a tension that I wrestled with every day during my year at Brooklyn A, my expectations of what the Court could provide, what I wanted it to provide, pitted against the limitations of what the Court could actually do to protect the poor. I suppose this conflict was unavoidable. I had left law school energized and eager to draw upon my newly acquired legal skills to navigate a court system that I anticipated would serve as the focal point of my efforts, a venue where transgressions of legal rights could be effectively redressed. I had to believe this, otherwise I would not have had seen much value in the profession I was about to enter.

Housing Court provided me with another kind of education, an important corollary to what I had learned in the academic set-

ting. Its deficiencies initially angered me, especially at the beginning of my year at Brooklyn A. As a new lawyer, I was looking to the Court for a solution that it simply could not provide. I perceived litigation as the way to conclusively address my clients' problems, focused all my efforts on the courtroom, and came up short virtually all the time. My expectation of the promise of litigation directly conflicted with the limitations of Housing Court, a source of deep frustration for me. But as my shock about Housing Court wore off, I realized that my ability to advocate effectively for my clients improved when I accepted the limits of the forum in which I found myself and instead channeled my frustration and energy towards finding innovative ways to use the judicial process to aid my clients and me in our efforts. Over the course of the year, I began to see the deficiencies of the Court as a challenge for me to think more creatively about a case, to see the importance of various strategies beyond simply securing a particular result in court.

As Marty repeatedly told me, if I changed my perspective and instead perceived the struggle between our clients and an oppressive landlord as a war of attrition, as opposed to merely a lawsuit to obtain a favorable court ruling, then what we did outside of court mattered as much as the actual litigation. The objective was not to run to court and hope we could win our case, but to use litigation in combination with other strategies in order to craft the most effective solution for our clients. We had to work with our tenants to employ non-cooperation tactics that would continue to put pressure on the landlord even when our case dragged on with endless delays and adjournments in court. It was the only way to empower tenants and ensure that the unreliable nature of the legal system did not impede our abilities as lawyers to effectively and zealously advocate for our clients.

But since litigation by itself did not do enough to help our clients, developing effective organizing tactics had to be a significant part of the work in Brooklyn A's Group Representation Unit. Helping our clients form tenant associations, and then regularly meeting with them, therefore became a critical organizing component of legal representation. It also enabled us to work effectively with a group of tenants to design other mobilization strategies, such as a rent strike. Moreover, such tactics helped me to understand how our cases were not isolated instances of mistreatment and neglect, but instead part of a larger community pattern of ongoing and massive displacement of Williamsburg's poor. I also began to see at a very personal level how my clients were affected

by the problems they faced and how helpful litigation or other advocacy strategies could be in providing solutions. Community-based lawyering at Brooklyn A required this level of close personal interaction between lawyer and client. It was the only way for an attorney to be an effective advocate for tenants.

PART III. THE POWER OF TENANT ORGANIZING

One of the only things constant in the neighborhoods of Williamsburg and Greenpoint is change. As the cost of living continues to skyrocket in Manhattan, waves of new residents make their way into North Brooklyn in search of better deals. Over the years, this has meant new apartment buildings in Williamsburg, new stores, new coffee shops, and new bars. The newness of everything in turn attracts more residents from elsewhere, and the cycle continues. Whenever I took a stroll outside Brooklyn A's storefront office—situated on the corner of Broadway and Havemeyer Street—I marveled at the pace of commercial and residential construction around the neighborhood. Unfinished luxury high-rises on lots vacant just weeks earlier dotted the streetscape of the Southside and Northside of Williamsburg. Just when I thought Bedford Avenue—the trendy thoroughfare in the neighborhood—was oversaturated with hip stores or restaurants, I found myself staring at new ones. While the market crash had stalled development by the time I arrived in the fall of 2009, I got the sense that this was just a temporary freeze; soon enough, I figured, the unfinished buildings would be finished and new residents would pour in again.

For almost all of my clients, the change was too much, too fast, and justifiably so. They had seen their neighborhoods, and their neighbors, change at an alarming rate. The places they used to frequent as children or now with their families had disappeared without a trace, memories erased by jarring condominiums that now stood in their place. Gone were the small stores, shops, or the many family-owned bodegas. Gone were the many fixtures of the neighborhood they used to know, the Williamsburg where they raised their children, the community they called home.

That is not to suggest that all has been lost over the years because of new development. In fact, from the 1960s through the time I started working at Brooklyn A, the organization, in conjunction with other local groups, has helped develop over 2,000 units of well-maintained, low-income housing, all virtually immune from displacement. This has been accomplished through a combination

of legal and communal tactics. For example, over the last thirty years, Brooklyn A's litigation under Article 7A of the RPAPL²⁶ has resulted in the creation of a significant number of tenant-owned, low-income cooperatives. After a building was taken away from a dysfunctional landlord and transferred to 7A Administration under Article 7A, the City eventually conveyed the property's title to the existing tenants. In this way, rental units were converted into low-income cooperatives. Additionally, the local community-based organizations, whose tenant organizers I worked with on a daily basis, have also developed and now manage non-profit government-subsidized housing. The creation of cooperatives and subsidized housing managed by community organizations has protected tenants in these buildings from displacement because landlords cannot purchase the properties and then rent the units at exorbitant rates. As a result, the recent waves of displacement now target low-income tenants in less protected situations.

Certainly, development is not an entirely bad thing. The continuous influx of new residents into North Brooklyn has increased the public resources and private investment directed towards its neighborhoods. But that does not make up for the negative effects, namely *massive* displacement of low-income residents. In Williamsburg, the problem is that change over the last ten years has been far from seamless. Neighborhood development has not been harmonized with neighborhood preservation; one has instead come at the cost of the other. The very reason why Brooklyn A exists and why I had a large caseload there is because poor residents are being displaced from the neighborhood at a higher rate than they are welcomed in.

One reason for this forced displacement is the high number of baseless evictions of tenants without access to lawyers; this is the easiest, almost undetectable, way for landlords to create available space for higher-paying tenants. Another problem is that vacant land is more often than not sapped up for the construction of market-rate housing, which in the Williamsburg rental market is priced too high for many impoverished tenants. The upshot is that their great need for affordable or public housing remains unmet, while the amount of land available for housing itself diminishes, forcing them to flee to other neighborhoods in New York City to find shelter. Then there are residents, some of them Brooklyn A's clients,

²⁶ N.Y. REAL PROP. ACTS. § 769 (McKinney 2010). The statutes govern the judicial appointment of an administrator to a building "for the purpose of remedying conditions dangerous to life, health or safety." *Id.*

who leave voluntarily. They see the demographics of their blocks and buildings changing rapidly, causing them a sense of deep discomfort and alienation from a place they no longer recognize as home. At the end of each day, on the drive over to nightly tenant meetings at our clients' homes, Marty would rattle off to me which apartment buildings that are now almost entirely white had been almost 100% Latino just twenty years ago.

In North Brooklyn, heavy displacement is the dark side of development, one that many newspaper articles and glitzy magazine profiles of these neighborhoods carelessly gloss over. Residential or commercial construction has been done on the backs of the poor and often times changed the neighborhood in thoughtless ways. And until City Hall and City Council grasp the ramifications of this zero-sum game, and make an effort to balance the development and residential rezoning initiatives they tout with community revitalization, anti-displacement, and legal counseling programs, Williamsburg will incur more harm than good from the transformation it continues to experience.

Group Representation

Brooklyn A's clients hail from rent-stabilized buildings mostly on the Southside of Williamsburg, a largely Latino neighborhood that stretches from Metropolitan Avenue at the north to Broadway at the south. There is a high concentration of poverty on the Southside, which makes the neighborhood particularly susceptible to displacement. Many small-time landlords there find the allures of the market irresistible. Given the large influx of new residents into Williamsburg in the last decade, these landlords face the following choice: 1) continue to rent their apartments to our clients, many of whom can only afford to pay around \$600 for a rent-stabilized, one-bedroom apartment for a family of three; or 2) rent the unit instead to one of the new residents in the neighborhood who is willing to pay \$1900 for the same space and does not know that the apartment is rent-stabilized.

In such a lopsided situation, many landlords on the Southside invariably choose to rent to new residents who can pay much more than the existing tenants. As a result, the most ruthless of the landlords resort to unlawful evictions and other deplorable measures as a way to force out poor tenants. Building services are shut down and repairs neglected in the hopes that low-income tenants will find the conditions unbearable and move out. For landlords who

use these illegal tactics, law-breaking is just a routine cost of doing business.

Although concentrated on the Southside, such a pattern of displacement is widespread throughout the Williamsburg and Greenpoint communities. I began to see from my first day on the job that a lawyer at Brooklyn A could not afford to see each housing case as an isolated occurrence, regardless of whether the representation involved an individual tenant or a tenant association. Moreover, as an attorney in the Group Representation Unit, representing exclusively tenant associations, I had to contextualize my cases in light of the broader housing dynamics in North Brooklyn. The very theory behind group representation at Brooklyn A is that the pervasive nature of displacement in North Brooklyn requires a collective mobilization by tenants in response. Abusive landlords exploit the fact that most low-income tenants do not have access to a lawyer. The purpose of group representation is to combat this inequity by providing legal counsel to an organized group of residents in a building—a tenant association—that utilizes collective action and economic power to defend itself. The tenant association is an unincorporated entity, consisting of tenants in a building who have decided they want to organize and work together to improve conditions in their apartments or collectively communicate with the landlord.

Tenant Associations and Monthly Night Meetings

Helping the tenants of a building form an association, with simple by-laws to govern democratic decision-making, and then meeting with them on a monthly basis constituted the first organizing strategy that Marty, the housing organizers we worked with, and I employed prior to any other work on a case. In this sense, a tenant association was the building block for grassroots or legal efforts. It served as a vehicle for coordinating a building-wide response, legal and non-legal, to a landlord who was harassing or trying to evict individual tenants. But the impact of a tenant association was not confined merely to a single building. Rather, over the years, by organizing every building into a tenant association at the outset of representation, the lawyers at Brooklyn A and housing organizers from local community groups have together mobilized a large cross-section of poor tenants in the neighborhoods of Williamsburg and Greenpoint. Creating a tenant association therefore helped to organize buildings as well as the larger community.

Once the tenant association was formed, Marty, the housing

organizers, and I met with the clients on a monthly basis. Each tenant meeting was conducted in the New England style town-hall format. We often met with all the tenants in their building lobby. Our clients would sit on the stairwell and we would sit or stand facing them. This was our chance to hear our clients' concerns about their living conditions and relationship with the landlord, to answer any concerns or questions they had about legal representation, and to decide our tactics—legal and non-legal—going forward. We also used the meetings as a way to notify the tenants of any upcoming hearings or trials. In court, Marty and I represented the tenant association as an entity, though this often involved individual representation when the landlord attempted to evict each of the tenants in retaliation for organizing.

At the monthly night meeting in their building, tenants in an association made all the tactical decisions as a group. These decisions included whether to launch a rent strike, start a legal action, or end an ongoing strike and release the rent to the landlord. While the simple by-laws we helped create for each association required only a majority vote for all decisions, I found that tenants, neighbors and partners in this struggle, often sought to build consensus amongst themselves and maintain a unified front. Our clients typically embodied the spirit of collective action that defined the very nature of our representation.

On all my cases, I was particularly fond of these monthly tenant meetings that preceded any court appearance. They reminded me of the nature of the advocacy in which I was involved: specifically, the objective of our representation was not just about mechanically protecting our clients' rights; it was about making abusive landlords understand that they had to respect tenants and develop a functional and dignified relationship with them. The night meetings also infused a sense of purpose into the legal work I did. They made me realize that what was at stake in any of our cases was not just what happened in court or the decision we won or lost. What was at stake was whether or not the work I did made an appreciable difference or improvement in the lives of my clients, a difference tangible enough for me to recognize when I stepped into their building lobby or apartment for a meeting.

Most importantly, these meetings were opportunities for me to spend time with my clients in their own homes, listening to, understanding, and in fact seeing their concerns. By visiting the tenants in their building, I saw firsthand the daily suffering they endured. When I later represented them in court, seeking repairs or an im-

provement in services, the image of their hardships was at the forefront of my mind as I argued their case. My personal investment in my clients' cases also made my work substantially more challenging, and at times frustrating, as the Court was often unresponsive in addressing the problems tenants faced. Overall, however, monthly night meetings with tenants in their homes added a dimension to my legal work that I would have completely missed had I limited my interaction with clients to the formal office or courtroom setting.

Rent Strikes

After forming a tenant association, our clients' next major organizing decision was usually whether or not to start a rent strike. During the initial series of tenant meetings, Marty, as well as one of the housing organizers we partnered with, and I would discuss with our clients the conditions in their apartments and whether they felt that the living situation was so bad to warrant a strike. The strike was a tactic separate and independent of any litigation that we might undertake to obtain repairs. The point was to provoke an economic war with an absentee landlord and to do it collectively, putting a much bigger dent in his pocket than if an individual tenant decided to hold back rent. The unlikely response we hoped for was that the rent strike would serve as a wake-up call for the landlord, forcing him to undertake major repairs neglected up until that point. However, landlords often responded to a rent strike by bringing an eviction case against each resident for the failure to pay rent: with respect to one tenant association we represented on the Southside, the landlord brought twenty eviction cases against each of our twenty clients who went on strike. Either way, whether the landlord chose to perform the repairs or instead start an eviction proceeding, I found that the rent strike was a critical tool in grabbing the attention of a dysfunctional landlord. It also shifted the terms of the landlord-tenant relationship in the tenants' favor; through collective action, the poor now had greater financial leverage than the landlord, whose pocket was severely dented by the tenant association's refusal to pay rent.

For example, we represented about fifteen tenants in a rent-stabilized building on South 4th Street in Williamsburg. The building had racked up at least seventy-five violations of New York City's Housing Maintenance Code; sixty of those violations were hazardous or immediately hazardous. Our clients had to live with mold in their apartments, peeling and pervasive lead paint, crumbling ceil-

ings and floor tiles, and an infestation of rodents and roaches. But these conditions actually strengthened the resolve of the tenants in the building, a cohesive group of individuals eager to assert their rights against the landlord no matter the risk of retaliation.

Given the appalling conditions and the likelihood of lengthy litigation in court, the tenants elected to start a rent strike shortly after forming a tenant association. Marty and I became counsel on the case in January 2010, during the second year of the strike. Seeking alternate forms of legal relief, our clients pursued two court cases—a Housing Part action to compel the landlord to make repairs²⁷ and a 7A proceeding for a court-appointed administrator to rehabilitate the property.²⁸ As we pursued the litigation, which dragged on for seven months, the tenants continued their strike.

By the summer of 2010, the tenants on South 4th Street were withholding approximately \$100,000 in rent. At that point, the landlord started making repairs, while pleading with Marty and me to convince the tenants to pay rent. The landlord was in the difficult position of paying his lawyers for the litigation but without any rental income from the building. Under the tenants' instructions, we did not budge for the first six months of litigation, refusing to turn over any money whatsoever to the landlord until some work was done. Soon after, in the early fall of 2010, the landlord's agents began replacing cracked ceilings overnight. Specialists, hired by the landlord, eliminated the mold and the vermin problems in our clients' apartments. Some of our clients received new bathrooms and new kitchens. In short, as both our cases and the rent strike continued, I saw the tenants' homes undergo radical transformations in a matter of months.

The quality and durability of the repairs remain to be seen. But it was clear that the two-year strike proved an effective tactic in convincing the landlord to make some significant repairs. As I ended my tenure at Brooklyn A, the South 4th Street tenants voted as a group to turn over several months' rent to the property owner, as an incentive for him to complete the work. Our clients decided to pay one installment to the landlord as a gesture of good faith, but hold on to the bulk of the withheld rent until the progress of repairs could be more clearly evaluated. At the time I left Brooklyn A,

²⁷ See N.Y.C. ADMIN. CODE § 27-2121 (2010) (“[T]he court, on motion of any party . . . may issue such . . . orders requiring the owner of property or other responsible person to abate or correct violations of this [Housing Maintenance] code.”)

²⁸ N.Y. REAL PROP. ACTS. § 769 (McKinney 2010).

the struggle was ongoing, and the building owners still had to prove themselves.

The rent strike was also a powerful way to communicate the message to the landlord that he needed to start developing a relationship with his tenants. If he would not cooperate, the tenants would not as well; their relationship was a two-way street. But the landlord at the South 4th Street building struggled to grasp this message. He instead perceived the nature of his relationship with the tenants or their attorneys as transactional. Since he had been deprived of a substantial amount of income from his building on South 4th Street, his sole focus was on how to recoup it. He wanted to know what work would be enough to fully or partially end the strike.

Suspecting that Marty would never compromise because of his years representing tenants, the landlord and his lawyer often approached me in court, thinking that my inexperience would lead me to act as a mediator between them and the tenants, instead of an advocate for my clients. But my answer to them was always the same: "This is not a money deal or a transaction, and definitely not an issue to be resolved between you guys and me." Looking at the landlord, I stated: "This is about your relationship with the tenants, not about exchanging money for repairs. Speak to them, hear what they want, and make them happy; if you can do that, I assure you our clients will pay their rent on time, every month. It's that simple."

It really was that simple to me, no matter how complex some of the cases became. The landlord simply needed to respect our clients and their rights, and work with them to create a functional landlord-tenant relationship, one that did not depend on a tenant's income level. These were not sophisticated issues to hash out, I thought. These matters concerned the provision of basic services, such as heat or hot water, routine exterminations, and building maintenance.

Sadly, litigation was often needed to facilitate the relationship between a landlord and tenants and sort through the seemingly straightforward issues. But, as the South 4th Street case revealed to me, litigation also gave us as the lawyers undue importance in the matter. It was bad enough that the South 4th Street landlord viewed the nature of the rent strike as transactional, a reciprocal arrangement where he would do some work and then get paid some of the withheld income; he simply could not grasp the strike's message about developing a more durable relationship with

tenants. Even worse, however, the landlord perceived the transactional relationship to be between him and the *lawyers*, not the tenants. At what point, he wondered, would Marty and I be satisfied with what he did in order for us to counsel our clients to pay him some rent? He posed the question to us and never asked our clients for their input.

Similarly, most of the landlords we litigated against saw Marty and me—not our clients—as the individuals to satisfy, the ones they needed to form a relationship with. In this manner, they perceived court as the forum for deal-making between them and us. I often had to emphasize to landlords and their counsel to direct their attention to our clients who stood beside us. Even if that meant heated arguments in court between an angry group of tenants and their landlord—which often resulted when we went to court on the South 4th Street case—the point was for property owners to start communicating with our clients, their tenants, and to develop a relationship with them. In matters of what constituted satisfactory work and tolerable living conditions, our clients—not the lawyers, and not the courts—were the final decision-makers.

The South 4th Street case and others like it convinced me that organizing tactics, such as the formation of a tenant association and a rent strike, were powerful tools that needed to accompany any litigation we pursued. They were the methods through which all of the residents in a given building could quickly unite and assert their rights against a dysfunctional landlord, no matter how slowly their case progressed in court. Such a collective expression of tenants' rights often proved more effective in forcing the delinquent landlord to take action than any case we brought in Housing Court.²⁹ Reliance solely upon litigation meant relinquishing control to an unpredictable and dysfunctional court, weakening tenants as a consequence. The rent strike or other methods of non-legal advocacy were therefore the only ways to ensure that our clients preserved and augmented their power even if the judicial process dragged on indefinitely. As a result, the landlord was forced to pay his lawyer for every court appearance, no matter how infrequent that may have been, *and* then deal with the added burden of

²⁹ See, e.g., Cara Buckley, *After Years of Poor Conditions, a Night of Sudden Repairs*, N.Y. TIMES, Feb. 22, 2010, at A16 (describing a group of buildings in Bedford Stuyvesant for which the landlord—the New York City Housing Authority—performed repairs, albeit patch-up jobs, through the night in advance of a press conference and demonstration that Marty and I held with our clients outside the Authority's office). At the time of the demonstration, the companion Housing Court case requesting a judicial order for repairs had been stalled for two months without any results.

a resolute, organized group of tenants in the interim. Combining litigation with sustained out-of-court efforts that kept our clients unified in their opposition to the landlord's behavior thus served as a highly effective way to work around the morass of Housing Court and achieve results for tenants.

I also began to understand that the grassroots mobilization of tenants within the neighborhood could send a powerful message to landlords about the kind of relationship they needed to develop with tenants. Such communal efforts underscored the fundamental principle that our clients, not the courts, were the final arbiters in these struggles. The courts would not set the tone for how our clients would be protected. As the South 4th Street case illustrated, once in court, landlords ignored their tenants and focused solely on negotiating with us, the lawyers. Therefore, in addition to litigation, we had to draw upon out-of-court strategies as well. This was, after all, advocacy for tenant and community empowerment. The goal was not to simply secure judicial relief. Rather, it was to ensure that our clients, not the courts or the landlords, remained the final authority on issues affecting their basic rights. For example, if the court ordered our clients to end a rent strike, despite the existence of appalling living conditions, the tenants would comply with the decision, however unjust, and pay the withheld rent to the landlord. But if conditions did not improve shortly thereafter, our clients would start a new strike and their battle for decent housing would resume, out of court. In this way, our clients were not confined by an unfavorable ruling in a case, but rather made their own decisions about how to respond to violations of their rights.

Viewing legal advocacy in this way also helped me feel less stymied and frustrated by the inaction of Housing Court. I instead began to think more expansively about how to help the tenants we represented beyond simply commencing litigation. After all, the problems our clients faced did not begin and end in the courtroom. They were tied directly to fundamental socioeconomic inequities that exist within the community and that are contributing to massive residential displacement. In order to be effective, poverty lawyering in this setting must address these inequities. And in doing so, it must encompass more than filing a case and pursuing a "just" legal result. By harnessing the power of non-legal advocacy outside of the courtroom and inside the neighborhood, I also realized something quite powerful: that even if I did not win the case in court, I could still—through other means—help empower my clients, and by extension, the communities I served. This philoso-

phy comprises the fundamental goal of Brooklyn A's model of legal services.

PART IV. ORGANIZING TENANTS IN A CHANGING NEIGHBORHOOD:
THE GRASSROOTS CHALLENGE OF THE FUTURE

While tenant organizing was extremely important for our work in Brooklyn A's Group Representation Unit, I could not help but wonder if some of our grassroots strategies—in particular, the rent strike—needed to be refined in light of Williamsburg's rapidly changing housing dynamics. Drove of new residents are moving into the community, many renting apartments in our clients' buildings. At the time I worked at Brooklyn A, the rent of one new resident alone (say, \$1900) easily equaled the total rent of three to five of our clients; that disparity is growing at the present day. For the buildings with smaller tenant groups that we represented, the rent of one new resident constituted a significant percentage of the total amount of monthly rent withheld by the entire tenant association.³⁰

Since new tenants generally were not members of the tenant associations that Marty and I represented, they did not participate in any of our organizing efforts. For example, even if all our clients went on a rent strike, new residents continued to pay their monthly rent to the landlord. But because they all paid significantly higher rents than our clients, the fact that they did not participate in the rent strikes raised serious questions for me about whether our strikes actually had a significant financial impact on the landlord. After all, even if our clients were on strike, the landlord was still generating substantial income from the building through the other tenants.

Yet from casual conversations with new tenants in some of our clients' buildings, I learned that many were extremely unhappy with conditions in their apartments, even though they continued paying their monthly rent. Was there a way, then, to bring these new, dissatisfied renters into a tenant association and encourage their participation in our rent strikes? I often wondered. If we could build a coalition of new residents and our clients, who had lived in their apartments for decades, not only would it send a

³⁰ I found that the landlords of our clients' buildings invariably rented apartments to new tenants at rates that were blatantly illegal under rent-stabilization laws. To take advantage of new tenants, many of who did not know their apartments were rent-stabilized, these landlords fraudulently registered the units at a market rate and then charged new residents a much higher price than permitted by the law.

strong message to the landlord—namely, that all of the building’s tenants jointly protested their mistreatment—it would also exponentially increase the tenants’ power. Could this be done?

The Case of the South 3rd Street Tenant Association

In early January 2010, Marty, a tenant organizer named Linda, from one of the major community-based organizations we worked with, and I had our monthly meeting with the tenant association on South 3rd Street. The tenants were just as dejected as us to learn that we had recently lost the case to repair the building’s new entrance door. During the previous summer, the landlord’s contractors had installed the new front door to replace a broken one, per a court settlement with our clients. The settlement required the landlord to do this work and, in return, the tenants to end their lengthy rent strike. Yet in replacing the building’s door, the landlord’s contractors created another problem: whereas the old door swung inwards, the new one swung outwards. The way in which the door swung made a difference to my clients, who found it very difficult to stand on the narrow steps outside the building, open the door outwards, and then attempt to enter the building, all the while holding on to their grocery bags or laundry. The old door was easy to push open, even if tenants had their hands full. The newly installed door created a particularly troublesome situation for some of our elderly clients with limited mobility.

This was simply not a minor mistake for my clients; it was a continuation of a longstanding pattern of shoddy work and carelessness by the landlord. In fact, our clients did not even know their landlord. In the decades that some of them had lived in the building, they had never seen or spoken to the owner. Our clients’ building also had no superintendent or contact person in the event of an emergency. The tenants were so fed up with the indifference and absenteeism of the landlord that by the fall of 2009, they were withholding \$50,000 in rent because of the botched door replacement and other serious conditions in their individual apartments. They would not pay any rent to the landlord unless he fixed the new front door. But instead of working with our clients to solve that problem, the landlord sued them. He claimed that he had fully complied with the settlement by installing the door, regardless of how it opened, and that the tenants violated their end of the bargain by refusing to end the rent strike.

The Court ordered a hearing in December 2009 to determine if the door replacement fulfilled the terms of the settlement agree-

ment, which would require our clients to end the strike and pay the landlord the withheld rent. At the January meeting, we presented to our clients the Court's decision that the landlord had indeed replaced the door in a satisfactory manner and was therefore entitled to receive any withheld rent. I was shocked at the result. The issue of the door swing was not a trivial concern for our clients. It created daily hardships for them in a very tangible way. I had inspected the door and seen for myself the problems created by its swing. Yet we could not convince the Court or the landlord that the door swing was more than just a minor inconvenience. I could not help but wonder—if a group of tenants on Park Avenue in Manhattan had this problem, would both the landlord and Housing Court still treat it as a minor inconvenience?

The Court's decision deeply troubled all of us at the tenant meeting in January. The sad reality of the case was that \$50,000 withheld in a rent strike—a year's worth of rent from ten tenants—was not enough to force the landlord to expend some effort to reverse the door's swing, a job that would surely cost much less than \$50,000. The landlord clearly thought very little of his relationship with our clients. In light of our loss in court and the landlord's stubborn refusal to fix the door, our collective mood at the January meeting was gloomy.

At that meeting, however, we had a new participant, Sally, who wanted to organize the building around this issue and the other bad conditions in residents' apartments. Sally was not one of our clients. She was a new tenant who had just moved to South 3rd Street and wanted to become involved with the tenant association. Her participation in the meeting was unprecedented. In a building of approximately thirty apartments, half of which were comprised of new tenants of different ethnicities and half of long-term, low-income Latino tenants, Sally was the first new, white, and English-speaking resident to attend an association meeting. Towards the end of the meeting, Ms. Rivera, president of the tenant association and a resident of the South 3rd Street building for fifty years, expressed to Sally the need to bring more of the new tenants into the association. It would go a long way in getting the landlord to improve conditions in the building, Ms. Rivera had explained to her. The landlord would certainly listen to the concerns of new residents, given the high rents they paid, Ms. Rivera had also mentioned. I was hopeful that her appeal would convince Sally. It did—she offered to inform other new residents in the building about our meetings, the purpose of the tenant association, and our case.

Ms. Rivera asked Sally and me if we would be willing to start the outreach that very night, to knock on the doors of each resident's apartment and explain the purpose of the tenant association and the nature of the litigation in Housing Court. We all agreed that this was an excellent idea.

That night, Ms. Rivera, Sally, and I knocked on the door of every single apartment where a new resident lived, about fifteen doors in total. When a tenant answered, I remained silent and let Ms. Rivera and Sally explain the nature of the tenant association, the need for collective action to improve the conditions of the building, and how all the residents of this building, short-term or long-term, were members of a community that needed to act in solidarity. Both of them stressed that if everyone in the building petitioned together for the new door to be fixed, the result could be different. I did not feel right playing a major role in these conversations. Our aim was to empower tenants. This was Ms. Rivera's and Sally's building and their neighbors. It would be inappropriate for me, as one of the lawyers and organizers, to insert myself into a dynamic in which I was an outsider, not a tenant. I chimed in only when both of them wanted me to answer a specific question.

What we learned that night was both informative and encouraging. All of the new residents seemed interested in joining the tenant association and promised to attend next month's meeting. Like our clients, they too had serious problems in their apartments, from major leaks to a lack of heat and hot water. The landlord had also not responded to their requests for repairs. This building seemed ripe for large-scale organizing because all of the tenants were unhappy about the landlord's neglect.

At the same time, our conversations also revealed to me the misconceptions new residents harbored about the tenant association. Such preconceived notions had served as impediments to their participation in our organizing efforts. For example, the new tenants assumed the monthly tenant association meetings were exclusively for Latino residents because many of the reminder notices posted throughout the building were written in Spanish. But that was because the only tenants who regularly attended the meetings were our clients, all Latino and Spanish-speaking. I had not realized, however, that to some of the tenants, the signs functioned as an agent of exclusion. The new residents also expressed concerns they felt when passing by our monthly tenant meetings in the lobby. While I was frustrated to see them walk by, wondering why they never showed any interest in stopping to discuss with their

neighbors the conditions of their building, the tenants heard Spanish and assumed we were speaking ill of them, the newcomers to the community. It seemed that there was a sense of mistrust between both groups of residents that had to be cleared up before the building could be organized.

During the course of these frank discussions, the new tenants expressed a strong desire to become involved in the tenant association. Now that they knew the purpose of our organizing tactics, they felt more comfortable and interested in participating. They were also unhappy with the quality of living conditions in their apartments and wanted to take action. Sally, Ms. Rivera, and I brainstormed that night about creative ways to remind them about the next meeting, which they all promised to attend. We would post signs in English and Spanish. Sally would collect everyone's email addresses and send a reminder a week before the meeting.

That night, I left South 3rd Street feeling enthusiastic and excited. This building no doubt exemplified the changes in the neighborhood; the building contained almost the same number of short-term new residents as long-term tenants, our clients, who had raised families there. If we could organize all the residents, I figured, and build a bridge between the new and long-term residents, perhaps this building could represent the future of tenant organizing and advocacy in Williamsburg. South 3rd Street could be the model for the rest of the community, a novel and revolutionary way of combating displacement by bringing everyone in the building together. The possibilities seemed truly endless to me.

Marty and Linda were more skeptical. While organizing all of the residents of the South 3rd Street building was a novel idea for me, Marty and Linda had been down this same road before with various other tenant associations, and the results had not been successful. Drawing from their wealth of knowledge and experience, both of them felt that new residents always expressed an interest in joining the organizing efforts, but then never actually followed through on their intentions. They would come to one or two meetings and then fail to show up again, either because they lost interest or had moved out. New residents just did not have the same stake in the building as our clients because they only lived in Williamsburg for a short while and then moved on, Marty and Linda later explained to me. This building was different, I responded. There was something special here. To me, the new residents really did seem to want to join the tenant association and the case. I

asked Marty and Linda to wait until the next meeting and assured them the attendance would jump dramatically.

In mid-February 2010, at the next monthly meeting of the South 3rd Street tenant association, not a single new resident showed up. Even Sally did not attend; I later learned she had moved out of the building at the end of January and I never saw her again. All of our clients were in attendance and as puzzled as me about the failure of any new residents to show up, especially after how enthusiastic they seemed last month. I can never forget the conversation Marty, Linda, and I had after the meeting that night. We debated and speculated about the reasons no new residents had participated. Both Marty and Linda had correctly predicted this outcome; their wisdom and experience tamed my grand and naïve expectations. Still, I felt dejected and disappointed. The residents I spoke with the previous month seemed so interested in joining the tenant association. I truly felt let down by their absence. But Marty and Linda both reminded me that what I had witnessed was by no means an anomaly. Almost all the tenant associations we worked with on the Southside of Williamsburg struggled with the same difficult question of how to first generate and then sustain the involvement of a building's new residents, who could contribute significantly to organizing efforts if only they chose to.

To this day, I have not lost faith in the new residents of the South 3rd Street building. I believe their professed interest in participating was real and sincere. But they, like many other newcomers to our clients' buildings, may also have other competing priorities. Many are starting out their lives in New York City. Their short-term residency in Williamsburg may be just a placeholder, a way to get by and live in the city as they sort out their other priorities. Maybe my assessment is wrong and there are other reasons to explain their lack of participation in the tenant struggles. Regardless, this much is clear: when new residents do not join in the organizing efforts, it significantly hinders the ability of other tenants to resolve building-wide disputes with a bad landlord.

But worse, their lack of participation reinforces patterns of racial discrimination that form the subtext of the displacement story in Williamsburg. The fact is that baseless evictions and other efforts by slumlords to weed out poor tenants from their buildings have a severely disproportionate impact on racial minorities, particularly Latinos, in this community. That is precisely the reason why almost all of Brooklyn A's clients in the Group Housing Unit are Latino and from the Southside: while displacement occurs throughout

Williamsburg, it is especially prevalent in the Southside, one of the poorest areas in North Brooklyn, and also the heart of the Latino community in Williamsburg. The intersection of inner city poverty and race in the Southside of Williamsburg means that when landlords attempt to displace the poor to make way for wealthier residents, they are really displacing Latino families who have spent years making their lives and homes in the neighborhood. Based on my observations from the numerous tenant associations Marty and I represented, the landlords in North Brooklyn who resort to such hostile tactics and harassment are mostly white; the tenants, our clients, who suffer are almost all Latino.

So when new residents move into an apartment, pay much higher rent than the other residents, but do not join in any organizing efforts, the landlord comes to believe that the concerns of Latino tenants must not be legitimate because no one else in the building shares them. In this sense, the landlord comes to see the Latino tenants as the real concern, the “rabble-rousers,” and therefore refuses to cooperate with them. For example, in the case of the South 3rd Street building, the landlord did not provide any of our clients with his name or phone number. Yet he gave many of the new residents that same information so they could reach him in the event of an emergency. Moreover, the landlord refused to fix the door in part because he believed that since the poor, Latino tenants were the only residents complaining about the issue, it could not have been a serious problem.

In some cases, such differential treatment is more pernicious and involves targeted efforts to evict Latino tenants. With respect to one Southside building that Marty and I represented, the number of Latino families had dropped from thirty to six over the last twenty years because the horrendous living conditions in their apartments became unbearable. For example, the Latino families were the only tenants who did not have a private heating system, which the landlord had installed in everyone else’s apartments. This meant our clients were the only ones who depended upon the building’s boiler for services. Thus, when the boiler routinely malfunctioned, it deprived only the Latino families of heat and hot water in the middle of winter. Even worse, each time a Latino family moved out of the building because of these intolerable living conditions, the landlord overtly refused to rent the unit to another Latino tenant. Instead, he renovated the vacant apartments (by installing private heating systems among other amenities) and then rented them only to white residents. As a result, Marty and one of

the most experienced housing organizers we worked with told me that they had seen the number of the tenants in the association dwindle over the years: there are now six Latino families left in the building.

New residents may not even realize that their lack of participation in tenant associations isolates Latino tenants in disputes with a dysfunctional landlord and reinforces such disparate treatment. But even if this is a completely unintended result, for which they should not be blamed, that does not diminish the critical need for *all* tenants to: 1) learn the history of the neighborhood in which they live; 2) understand the nature of longstanding patterns of displacement and housing discrimination in the community; and 3) most importantly, make an effort to then work together with fellow neighbors to address the problems in their building that actually reflect much larger communal concerns. In fact, the reason why Brooklyn A's tenant meetings are conducted mostly in Spanish is not to exclude other residents, as some new tenants have thought, but because nobody else in the building participates in these public meetings except for the Spanish-speaking tenants (Brooklyn A's clients).

At the same time, if new residents did join a tenant association and become involved in a case, it would admittedly raise a host of other organizing issues that cannot be overlooked. To meaningfully participate in the strategizing and decision-making of the tenant association, the new residents would need to understand the history of the Williamsburg community, the dynamics of finding affordable housing in a changing neighborhood, and the extent of displacement as a result of the new development. The English-speaking residents would also have to be incorporated into the tenant associations in a way that did not alienate our Spanish-speaking clients; meetings would have to be fully bilingual. Another issue that would certainly arise is how to strategically organize in an environment where short-term and long-term residents naturally have different interests and investments in the future of the building. These hurdles are not insurmountable, but they would require careful consideration.

The South 3rd Street experience profoundly affected my view about the organizing component of our advocacy efforts. It convinced me that the remarkable pace of development in Williamsburg, and the accompanying influx of new, short-term residents into the neighborhood, raises serious questions about how to mobilize tenants in a building when all of them now have different

stakes in the community. The South 3rd Street tenant meeting provided me with a glimpse of what could happen if these important questions are not ultimately addressed. It stunned me that a \$50,000 rent strike by half of the building's residents, and litigation over the quality of the landlord's work, were tactics simply not powerful enough to obtain repairs. The landlord received much more rental income from the other half of the building that did not join our rent strike, making his holdout decision about the door financially sustainable even as he also paid his lawyers to fight over the issue in court.

The situation at South 3rd Street is by no means anomalous. I found that at some of our clients' buildings across Williamsburg and Greenpoint, dysfunctional landlords are exploiting the fact that the rapid growth of the neighborhoods' real estate markets has created two groups of residents—one that has a vested interest in the outcome of the area's housing struggles, and another that does not, one that can only afford to pay a regulated rent, and the other that can pay a significantly greater market rate. Those landlords driven solely by profit can afford to neglect low-income tenants, even individuals who are represented by counsel and well organized, because the landlords generate significant revenue from higher-paying residents in the building who do not participate in tenant advocacy efforts.

In fact, such landlords do not just exploit the economic differences between a building's residential tenants. Some of the rent-stabilized buildings I represented also contained valuable commercial spaces, such as trendy bars or stores, on the first floor. It was not uncommon for me to see the landlords we battled against establish a close relationship with the high-paying commercial tenant while completely ignoring our clients and their concerns. With respect to one building on the Southside of Williamsburg, a landlord had not collected rent from our clients in ten years nor obtained a valid certificate of residential occupancy for their apartments. He generated enough money from the building's new commercial tenant—a bar owner—that he saw no need whatsoever to interact with our clients.

In sum, anti-displacement strategies, both legal and grassroots, must somehow respond to this predicament, which I suspect will only get worse as new residential and commercial tenants continue to pour into North Brooklyn. Advocacy tools, such as the rent strike, may need to be refined to ensure that they remain effective and can adapt to the evolving residential makeup of a given build-

ing. In neighborhoods like Williamsburg, mobilizing tenants while the community constantly expands and diversifies, in terms of its socioeconomics and ethnicities, seems to be the organizing challenge of the future for lawyers and other local advocates.

PART V. CONCLUSION

The most important lesson I drew from my experience at Brooklyn Legal Services Corporation A is that the representation of low-income tenants through community-based legal advocacy often requires a comprehensive approach to problem-solving, one in which litigation is but one tool in a larger arsenal of strategies. The problems of litigating in Housing Court initially served as a source of deep frustration and disappointment for me. As a new lawyer handling my first caseload, I arrived in court with a set of untested assumptions about legal advocacy. I fully expected the judicial system to redress the housing problems my clients encountered on a daily basis. If it was so evident that their rights had been trampled, then I figured securing justice for them was a matter of initiating a case under the appropriate laws and navigating the various stages of litigation. The court would clearly see the suffering my clients endured and issue a just decision on the merits.

Bridging the gulf between my expectations of what litigation could do to help my clients and what it actually accomplished took some time. But once the shock of Housing Court wore off, I began to understand the necessity of accepting the limits of litigation and instead looking beyond the judicial system for solutions. It was then that I realized exactly why tenant organizing was such a vital component of Brooklyn A's model of legal representation. If the battles between low-income tenants and landlords determined to evict them were about attrition, and not distant court victories, then organizing was one of the most effective ways to sustain tenant solidarity during these protracted struggles for fair and decent housing. Strategies such as rent strikes, demonstrations, or the creation of tenant associations applied steady and unyielding pressure on a delinquent and neglectful landlord, even if a case for repairs remained stalled in court. At the same time, these tactics may need to be re-tooled given the changing nature of the Williamsburg community. My work with the various tenant associations revealed to me the challenges of organizing buildings where all of the tenants had different stakes in the outcome of our advocacy efforts. In those instances, landlords sought to take advantage of the fact

that some tenants participated in organizing efforts and others did not.

Nevertheless, I realized that combining litigation with strategies outside of the courtroom ultimately empowered our clients and the communities we served, in that it enabled *tenants* to make the final judgment as to whether or not their landlords treated them in a dignified way. Housing Court, removed from the community, unfamiliar with the neighborhood dynamics, and mostly unresponsive to the poor, would not dictate the pace and progress of our advocacy efforts. The goal was to use the benefits the judicial system could offer, but not depend exclusively on them. The nature of our work was to convince landlords to respect tenants and develop a relationship with them, not with the courts or lawyers.

I am fully aware that the lessons about *legal* advocacy that I learned at Brooklyn A may apply only to the unique model of community-based lawyering espoused by the organization. Additionally, most courts are not like Brooklyn Housing Court and in other settings, organizing may or may not be an appropriate tactic to combine with litigation. But while I cannot predict how my nascent career path will twist and turn, or what type of legal advocacy it may involve at each stage, I would be deeply remiss to say that the experiences and lessons I took with me when departing this truly noble organization will no longer have any relevance to my life. After all, I will always be a member of some community, whether in my capacity as a lawyer or a resident. And Brooklyn A has provided me with a blueprint for advocacy that is inherently not limited to the legal setting. The organization also taught me far more than simply how to be a better tenant advocate or lawyer. Most fundamentally, my time there has helped me understand what it means to be an active and reform-minded citizen in any community in which I reside or serve.