

October 2, 2012

Dan Ruben
Executive Director
Equal Justice America

Dear Mr. Ruben,

I spent my summer working at Brooklyn Legal Services Corporation A under Martin S. Needelman. Brooklyn A does a variety of work ranging from representing clients who have been denied public benefits to defending individual tenants in housing court. However, my internship focused almost exclusively on group representation of tenants. I personally handled around five to six buildings.

Brooklyn A would represent tenants in a specific building who were facing similar issues due to neglect or mismanagement of the landlord. Many buildings I handled had been working with Brooklyn A for some time so the work was mainly transactional, such as when we helped the coop board of a low income coop do the necessary paperwork involved with selling one of the empty apartments in the building. Other times we were representing a tenants association in bringing Housing Part (HP) proceedings against the landlord for lack of repairs.

However, it is not hard to think of what the highlight of the summer was. Due to cutbacks, my partner and I inherited a building from a lawyer who was no longer working at Brooklyn A. When we first received the building the work was calm enough. The tenants had been dealing with a neglectful and unresponsive landlord for over three years. The lawyer previously working on the case had thought to bring a proceeding to have the court appoint a 7A administrator, a proceeding which would essentially take away control of the building from the landlord and

allow the tenants to get necessary repairs made by a court appointed administrator. That had not been done, however, because the building had gone into foreclosure and we could not take any action while the foreclosure case was current. Therefore, we were attending court to represent the interests of the tenant but we could not do anything proactively until the foreclosure was resolved.

The case was moving smoothly until the bank failed to reach a settlement with the landlord. A few days after the foreclosure sale was ordered, on a Friday afternoon, we get a call from the tenants saying that the Department of Buildings (DOB) had posted a vacate order on the entire building necessitating the removal of all the tenants. This would mean that our sick and disabled tenants would end up in a shelter. Worse, it would provide the landlord with an opportunity to enter the empty building and begin reconstruction work on the apartments (so as to rent them at market rate to newcomers).

When my partner and I spoke to Marty, he said that in the long term we needed to write an order to show cause (OSC) to stop DOB from implementing the vacate order but that in the short term we would have to put pressure on the DOB so they would not carry out the vacate order on that same day. The short term meant making a lot of frantic calls late into Friday night to the borough commissioner of DOB and to local councilpersons. The long term meant writing an order to show cause over the weekend – something I had never done before and for which I felt woefully unprepared.

In the end, however, we were successful. The DOB did not carry out the vacate order that Friday night. The judge granted our motion, agreeing that the circumstances surrounding the vacate order were suspicious—the landlord had

been seen at the building with a DOB inspector and the timing of the vacate order itself was fortuitous for the landlord, coming shortly before he was going to lose the building in a foreclosure sale. Moreover, the DOB, I believe partially as a result of the evidence we presented in court, rescinded the full vacate order down to a partial order that affected only three of the units in the building—an issue we are still litigating in court.

Despite these victories I did not take away a sense of ultimate triumph. In fact, the tenants are still dealing with many of the same issues they had when the summer began. Worst of all, the landlord has sold the building to another person who we believe is a close friend in the community. That had the effect of stopping the foreclosure proceedings and weakening our case for a 7A (since the court is likely to give the new landlord a chance to make repairs before appointing an administrator) and I believe this new landlord has the same intentions as the old one—to remove rent stabilized tenants illegally and rent the apartments at market rate.

What I *did* take away from the work is a clear understanding of the desperate need for more funding for organizations that provide free legal services. While one of the facets of the internship that I enjoyed the most was its trial by fire nature, the tenants who had been fighting this terrible landlord for three years deserved better than to have to rely solely on two interns who had never before written an OSC to keep them in their homes. As I said, because of cutbacks the tenants had lost the lawyer that was previously handling their case and Marty, who himself was handling over 15 buildings in the area, could not provide the sort of hands on work that this building called for although he did provide invaluable advice and guidance

which we would have been lost without. On the other hand, I took away that one or two people working diligently can indeed make a difference. After all, despite our inexperience we were successful in getting the vacate order lifted. That meant more to me than I could put down in this letter.

Sincerely,

Adrian Diaz