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### **A Crisis within a Crisis: NYC Landlords Ramp Up Harassment of Vulnerable Tenants in Wake of Pandemic**

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## A Crisis within a Crisis: NYC Landlords Ramp Up Harassment of Vulnerable Tenants in Wake of Pandemic

From old-school bullying tactics to advanced tech-surveillance, landlords in areas most affected by COVID-19 are targeting tenants despite eviction moratorium



*Dexter Lendor and Delene Ahye in their apartment at 22 Hawthorne St. Brooklyn, N.Y., Nov. 24, 2020. (Photo by Joseph Jungermann)*

By Joseph Jungermann

It was Tuesday evening, Nov. 24th, when an NYPD van pulled up across the street outside a three-story brownstone deep in the heart of Brooklyn's Prospect Lefferts Garden. The van's lights illuminated the block, where tenant residents and couple [Delene Ahye and Dexter Lendor](#) looked on from their third-floor room on 22 Hawthorne St.

Crown Heights Tenant Union activists stood in solidarity on the sidewalk beneath, protecting the couple from what they described as the intensification of harassment from the building manager

Kenneth Banks, a partner of the apartment's small-scale landlord Seyed Moussavi, who owns one other brownstone in Brooklyn.

Lendor was sitting on a row of steps just outside his apartment. He was staring at a double-locked door, which used to be a vacant storage closet, but as of November 10, displayed a plate with Banks' name, information and two companies: "22 Hawthorne St. LLC," the business entity Moussavi used to purchase the building, and "New T.T.P. Records LLC," Banks' record company label that was [officially filed](#) with the NYS Department of State on Sept. 10, 2020.

There is only a thin wall that separates the couple's room from Banks' office. Lendor and Ahye claim that since June, Banks has arrived there every morning at 5 a.m. for "work," routinely making noise and waking the couple regularly. Banks has also allegedly threatened the couple that he plans to make the new office into his music studio.

"No one should be living like this," Lendor said, watching Ahye in their 15-by-25-foot apartment, shuffling their belongings across two mattresses that are on the floor perpendicular to the wall shared with Banks' new office.

The couple said that Moussavi and Banks started harassing them after the pandemic arrived on New York City's doorstep in March.

Since then, the pandemic has threatened the housing security of hundreds of thousands of low-income New Yorkers and those who lost their jobs as unemployment rates in New York City spiked to a record-high of 20.4% in June of this year.

Lendor was one of them. In July 2020, Banks fired him from his position as the super of the building, a position that allowed him to live in the building rent-free since he moved there in 2014. Lendor said he was fired after Banks accused him of illegally renting out rooms in the building and running water from the apartment to an adjacent residence. Banks said he fired Lendor for multiple reasons, alleging that Lendor would routinely harass other tenants and destroy property inside the building. Lendor disputed all of these allegations.

Banks and Moussavi cannot legally evict Lendor and Ahye for any financial hardship they might have caused by not paying rent during the pandemic. Governor Andrew Cuomo signed an [executive order](#) in [September](#) to extend tenant protections under New York State's Tenant Safe Harbor Act until May 1, 2021.

But the order does not prevent landlords from trying to force out tenants for reasons other than non-payment of rent. And what's more, New York's eviction moratorium has failed to prevent landlords from continuing to harass low-income tenants and has offered no tenant protections against unlawful harassment.

Already burdened with more sickness and death during the pandemic than other New Yorkers, low-income tenants of color are particularly vulnerable to additional harassment by landlords seeking to take advantage of the city's health and financial crisis.

An analysis of city-wide housing maintenance code complaints submitted to the Department of Housing and Preservation Development (HPD) comparing two pre-Covid and post-Covid points shows that while housing maintenance coding violations are down, complaints filings are still consistent, and the tenants filing the complaints are more vulnerable now.

The top neighborhoods filing for complaints are from tenants like Ahye and Lendor who live in areas that are rent-burdened and experiencing the highest Covid-case rates. These are also the neighborhoods with the lowest number of rental vacancies stemming from people who fled the city during the pandemic.

When mapped against COVID-19 case rates per 100,000 people across New York City neighborhoods, the increase in rental inventory from September 2019 to September 2020 tells an unmistakable story of inequality.

On average, those in wealthier neighborhoods with lower Covid-19 case rates have lower rent burdens and experienced a greater increase in rental inventory (more flight).

Conversely, those in lower-income neighborhoods with higher Covid-19 case rates experienced a lower rate of rental vacancies—or in most cases a negative percent change.

A larger percentage of them are also rent-burdened, paying at least 35 percent of their monthly income on rent. Put simply, despite the pandemic raging around them, they simply couldn't afford to leave. This is the population of tenants, like Lendor and Ahye, who appear to be at the greatest risk of harassment from landlords.

Dr. Thomas Angotti, Professor Emeritus of Urban Policy and Planning at CUNY Hunter College, stated that during past NYC crises, lower-income populations suffered the most, losing their jobs and housing in the process. "If that pattern continues and it probably will, then it's true that the lowest income neighborhoods, the communities of color, communities of new immigrants are the ones that are going to take the hardest hit."

Ahye, a former nursing assistant who has been out of work since 2011 due to a serious health condition, and Lendor, who works in construction but Ahye claims he cautiously takes shifts due to not wanting to jeopardize her health because of the virus, live below the NYC poverty line. In their Crown Heights neighborhood, 47.6% of the residents are rent-burdened—above the city-wide average of 44.2%—and more than a fifth of the residents have incomes below the city's [poverty threshold](#) of \$35,044 annual income.

Ahye and Lendor's inability to move from their current residence is caused by both a lack of income and housing availability in affordable areas and has left the couple stuck, desperate and vulnerable to predatory landlord harassment.

Since Moussavi signed the deed to the 22 Hawthorne building in October 2015 from previous owner Iris Miguel, who is also Lendor's aunt, there have been 62 HPD violations, [according to justfix.nyc](#). Moussavi refused to comment on the violations, but Banks, who Moussavi stated could speak on his behalf, said that when they inherited the building in 2015, it had "tons" of pre-existing violations on it.

"When we first got the building, we bought it as a fixer-upper. It had mad problems," Banks said.

But of the 62 violations, 44 of them occurred recently between July and November 2020, after the pandemic.

Some of these violations include multiple cases of mice and roach infestations on separate floors, mold spread and damaged walls, ceilings and windows.

Rachael Joseph, a resident of the 22 Hawthorne building for over 20 years and living on the top floor just above Lendor and Ahye, stated that she too has had a poor experience with building manager Banks and landlord Moussavi.

Joseph had reached out to Moussavi earlier this year in February about water leaking through her window and rotting/water damage around her kitchen sink in her room. Then in September, she texted Moussavi to complain about severe mold damage and mildew collecting on the floor's bathroom wall and edges of the bathtub.

According to Joseph, the issues have still not been fixed.

"The problem is still in there," said Joseph. "Even lately, a lot of rats just coming up in my building; I never used to have rats. All of a sudden, they're a bunch of rats and roaches in my room. I don't think it's fair to me. You talking to them [Moussavi and Banks] and nobody's paying you any mind."

Since 2007, the building has lost eight out of 10 rent-stabilized units, according to [justfix.nyc](#). But 2013, two years before Moussavi bought the building, was the last time rent-stabilized units were registered, according to property tax bill data from [justfix.nyc](#). Lendor claims that there are currently six tenants who live in the building. When asked to show lease information, both Lendor and Joseph claimed that Moussavi stopped giving his tenants leases almost immediately after taking over the building. Instead, tenants pay on a month-to-month basis, offering little to no documentation between existing tenants and landlords.

According to [HPD](#), "Not offering leases, lease renewals, or repeatedly trying to pay you to move out of your home or to give up your rights ('a buyout')," is harassment.

When asked to comment on the status of the building's units and occupancy, Moussavi refused a response and hung up the phone.

"There will be landlords who are getting attractive offers by speculators. And those attractive offers often consist of a deal where they [landlords] convey the building as empty," said Dr. Angotti. "So they evict people to facilitate the sale to a speculator."

Ahye and Lendor believe Moussavi and Banks are doing all they can to push them out, claiming that they have successfully bought out at least one previous tenant. Moussavi and Banks offered Lendor about 18 buyouts ranging from \$4,000 to \$7,000 in the last eight months, Lendor said.

Harassment, [according to HPD](#) also includes "if you advise the owner in writing that you do not want to be contacted about any buyout offer, the owner cannot contact you about it for 180 days unless you advise the owner in writing at some earlier time that you are interested in discussing a buyout or unless the court permits the owner to discuss a buyout offer with you."

Banks claims that Lendor has been the one trying to extort both him and Moussavi by actively damaging building property as a way to demand a larger buyout.

Joseph says she never witnessed Lendor damage property within the building, but she stated that she too has received buyout offers "multiple times, every minute" verbally by Banks since the beginning of last year.

"If they could get me out of here with \$2, they will get me out of here with \$2," Joseph said.

Banks' offer to Joseph: two months rent to find a new place. Joseph currently pays \$450 a month for her apartment, which consists of a bedroom and a small kitchen.

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On August 13, Ahye was home one afternoon while building workers headed to the bathroom located above her kitchen to work on the interior renovation of a wastewater pipe.

As Ahye was preparing food, the ceiling above her collapsed, sending sheets of heavy plaster crashing down on her. The gas pipe fastened to both the ceiling and the wall snapped away from its rusted clamps, and Lendor took Ahye to the emergency room for treatment.

Banks claimed that Lendor had staged the scene. "He took sheetrock in the hallway and put it up in his apartment," said Banks. "And guess what he did. He ripped it down."

The next day, the NYC Department of Buildings (DOB) issued a full stop-work order, though Ahye claims the workers have continued to work throughout the building and there have since

been five complaints logged by the DOB for work being done contrary to the order since the time of this writing.

The DOB issued an OATH/ECB violation and \$2,500 fine for work being done without a permit, which included the installation of a 4-inch wastewater pipe through all floors, a new plywood floor, new stairs, an overhead electrical outlet and approximately 80% of new sheetrock. In the same week, the HPD issued a building-wide emergency violation for no water supply.

“They shut off our water for four days,” Ahye said, adding that there was no warning at all from the landlord.

According to the Displacement Alert Project (DAP) portal, the HPD has issued 18 violations on the 22 Hawthorne apartment 3F where Lendor and Ahye live. Six of those violations were Class C, or immediately hazardous, violations and all offenses occurred after the pandemic began.

Ahye and Lendor say that they do not know what kind of work is being done above them, but Banks claims that the only work being done in the building is “maintenance” work for existing tenants that need it.

When asked if work was being done on Joseph’s apartment, Banks responded with a simple no.

When asked if maintenance work was being done on the other two vacant apartments instead, Banks replied, “I have nothing to do with that. We are discussing his [Lendor’s] apartment. I don’t know why everybody is so interested in wanting to know what we’re doing. I’m just trying to get the building up to code.”

According to Joseph, major renovations are being done daily on the top floor, despite the full work-stop order being in place, converting a piece of Joseph’s room and a vacant apartment into two smaller rooms for new tenants to rent out.

There is currently one active complaint open through the DOB on the fourth floor where Joseph lives for “construction illegally trying to create a one-bedroom apartment; subdividing other areas of an apartment, house or a building illegally,” according to the complaint.

The DOB complaint states that a male denied inspectors access to the fourth floor twice on August 21 and then again on October 30.

Lurline Green, a tenant resident on the first floor of the apartment since 2005 and currently living in her \$750 a month single-bedroom, kitchen and bathroom apartment, stated that she has had her stove removed on Dec. 3. At the time of this writing, she has still not had the stove replaced.

“I am not working for a lot of money to go buy food every day,” said Green. “I can’t afford \$20 a day for food.”



Feingold, the co-founder of the Crown Heights Tenant Union, described Moussavi and Banks' tactics as "an exacerbation and intensification, a turn to old gangster tactics that we hadn't seen on this scale really before."

When asked if the couple had experienced any trouble with Banks or Moussavi before the COVID-19 crisis, Lendor responded, "None."

"When the pandemic hit, he [Moussavi] saw an opportunity because they couldn't pay rent at all," Feingold said. "He saw it as an opportunity just to short circuit the law and get rid of a family that he wanted to get rid of."

Feingold accused Moussavi of blatantly ignoring the eviction moratorium. He described the landlord's actions as "self-help evictions, ignoring the law and the process and kicking people out with brute force."

These so-called self-help or "invisible" eviction efforts are happening across the city according to Feingold, adding to established landlord harassment techniques like abusive construction, buyout offers and intimidation.

But it's not just "brute force," landlords are also using high-tech equipment to surveil and harass at-risk tenants.

On March 16, the first day that New York State courts were forced to close due to the pandemic, Sonny Singh of 70 South Elliott Place in Fort Greene, Brooklyn, received an [unexpected visit from landlord Judith Grunbaum's agent, Samuel Grunbaum](#).

[According to court documents](#) filed with the Kings County Supreme Court on Sept 30th, Mr. Grunbaum "berated the Plaintiffs for an alleged city inspection violation, stating that he was entitled to visit their home at any time without notice, and threatened to throw away belongings left in the common living space."

Attempts to reach both Samuel and Judith Grunbaum were unsuccessful.

"None of us had ever heard of or interacted with him before," said Singh. "[He] started just letting himself into the house to conduct so-called business and 'investigate.' The first few times he refused to identify himself. He called himself the owner. So this was all very shocking to us."

Mr. Grunbaum allegedly hired a team of people to perform illegal lockouts in the building and visited the home daily.

But his most ambitious form of harassment involved advanced technology instead of old-school bullying techniques.



On June 9, according to court documents, Mr. Grunbaum and about 10 workers installed four interior security cameras in the apartment—one on each floor. The apartment is set up as a rent-stabilized, single-room-occupancy brownstone with six other tenants. Occupants share a common living room area, kitchen, bathroom and backyard with individual bathrooms. The cameras were equipped with infrared technology to capture movements at night.

“They never gave us a reason why they were installing them, but we know that they’re intended to intimidate and to surveil us; they have nothing to do with safety,” said Singh.

Singh emailed the building’s management company YHT Management on June 10 addressing concerns about the legality of the cameras, in which the company responded to Singh relaying the landlord’s statement:

“One of the main reasons we installed a camera system is to protect our self’s [sic] from this kind of frivolous allegations,” said the statement.

But according to evidence submitted in the same case by the landlord’s attorney, the cameras were used for more than protecting the landlord from harassment allegations, capturing multiple photos of Singh with his hair exposed. Singh, who is a practicing Sikh and wears a turban in public, has also filed a complaint against the Grunbaums for religious discrimination in the existing harassment case represented by his attorney Stephanie Rudolph of Communities Resist.

“They use the tape to publish photos of him not wearing a full head covering and say he’s not that religious. It’s disgusting,” said Rudolph, who stated that the landlords are constantly surveilling their clients and using private photos against them.

“I don’t leave the house without a turban. And so to be recorded all the time in my home with my turban off feels like an invasion, it feels like a violation to me,” said Singh.

“They’re trying to use that kind of stuff against us, literally posting screenshots from their cameras into the public records, which kind of almost proves our point about invasion of privacy,” Singh continued.

Dr. Erin McElroy, a Postdoctoral Researcher at NYU’s AI Now Institute who studies biometrics in housing across the country, stated that the use of surveillance to harass tenants is troubling at a time when the pandemic is forcing people to stay remote.

“I would say in general, what we’re seeing is that in lower-income neighborhoods, this technology could be deployed without tenant consent,” said McElroy.

“I think for people who aren’t historically targeted by certain sorts of surveillance, it gets rendered an advantage, but for people who have been targeted historically by surveillance or

are still being targeted by them it seems to be just getting deployed against their will,” said McElroy.

What’s more concerning is that the data collected by companies responsible for providing the equipment is not subject to any government oversight.

“That’s a huge problem,” McElroy said. “It’s because that’s a private industry, private companies, many of which might even have non-disclosure agreements attached to them. It’s really, really hard to get that information from the companies and there is no oversight.”

City Council has currently proposed several pieces of legislation including requiring property owners to submit registration for biometrics and surveillance used on the premise, prohibiting the use of biometric recognition technology and implementation of stronger protections for biometric privacy.

All pieces of legislation are still in committee at the time of this writing.

While Singh and the rest of the Fort Greene tenants move their case against the Grunbaum’s forward, Ahye and Lendor are in the midst of a harassment case against Moussavi and Banks.

Back on Nov. 24th, as the Crown Heights Tenant Union’s public protest to protect Ahye and Lendor from landlord harassment drew to a close and tenant organizers began to move away from 22 Hawthorne and the police slowly followed, Ahye and Lendor were ready to retreat to their apartment for the night. But first, Lendor decided to walk from the second floor and down into the basement. His movements were cautious, and every word that slipped from his mouth was nearly inaudible—his lips barely parting as if to carefully share a secret without being heard.

Lendor pointed out two new surveillance cameras, one on the first floor, another in the basement. Similar to the ones in the Fort Greene building, Lendor claimed that the cameras were installed without any explanation from the landlord or landlord’s agent.

Lendor had opened the basement door and stood just inside the frame. Just ahead of him were a set of steep steps leading to the ground level, separating him from the crisp, refreshing night air. He waited for a brief moment at the bottom, finally out of the camera’s sight, with a shadow cast upon the climb in front of him.

“I don’t even want to be here no more, man,” Lendor said.

“But where else am I gonna go?”

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*Coverage of Dexter Lendor, Delene Ahye and Sonny Singh is a follow-up investigation of stories that first appeared in THE CITY by reporters Allison Dikanovic, Peter Senzamici and Christine Chung.*