

**ncer**

# Yes, It's Illegal for Landlords to Discriminate. And Yes, They Still Do It.

By DW Gibson



Photo: Spencer Platt/Getty Images

“Every black person has a price,” said Ephraim, the pseudonymous Brooklyn landlord I interviewed for my book *The Edge Becomes the Center*. (Read his interview [here](#).) Ephraim detailed how he buys deeds off black homeowners in neighborhoods like Bed-Stuy, buys out the tenants, and then rents their units to white people who can pay more. Often the deeds he buys are on homes going through foreclosure, a process that in New York can take years. Ephraim sometimes buys the buildings from the banks. Other times, he’s just collecting as much rent as he can until the banks get around to seizing the property. Readers were right to

point out that the arrangement sounds at the very least shady and in many cases illegal. The Fair Housing Act very clearly forbids discriminating against tenants based on race, for instance, but that doesn't mean it doesn't happen. To get a better sense of the prevalence of landlords like Ephraim — and how tenants try to fight back — I spoke with Celia Weaver, the assistant director of organizing and policy at Urban Homesteading Assistance Board, a New York-based nonprofit that helps low-income homeowners and renters.

**I'm curious to hear your thoughts on the activities that Ephraim described.**

It's just horrifying. We hear stuff like that, mostly from tenants, and landlords are usually smarter than to say it outright. So it's kind of shocking, honestly. And, of course, evidently illegal. Usually we get landlords saying, "We want to get a different kind of tenant to come in here." Things like that. Nothing ever really this blatant.

**Do you feel like the tactics Ephraim employs as a landlord are prevalent throughout Brooklyn? Or does Ephraim feel like an outlier?**

It's absolutely so prevalent. Landlords do actively try to buy out low-income people, and the buyout offers get bigger and bigger the more resistant the tenants are and the more organized the tenants are. There was an interesting anecdote in what [Ephraim] said, that some person will take \$2,000 and one person will take \$20,000 and he doesn't like it when the tenants talk to each other because then everyone wants more money. It's absolutely been true. In my experience, the more organized the tenants association is, the more tenants get offered.

**What general counsel do you provide for tenants who might be living under precarious circumstances? Perhaps someone who suspects his landlord might not be acting legally, like a situation where a building is going through foreclosure and the deed holder might be holding up the process to prolong the window of time when rent can be collected.**

We tell everyone to get their rent history from [DHCR](#) [New York State Department of Homes and Community Renewal] and look out for giant jumps, jumps that are larger than 20 percent increase. If anyone in a building is being offered a buyout, we really encourage tenants to talk to each other about that and share the information. If you see construction workers dividing up units, we're very concerned about that. In terms of foreclosure: I've been working with one building that's been in foreclosure for four years because the landlord sold the deed to some random guy who's been holding up the actual foreclosure so that he can keep collecting money. It's just insane. Foreclosure really opens up the door for lots of other kinds of fraud. It also opens up an opportunity. When we work with tenants whose buildings are in foreclosure we always say this is an opportunity to organize and take back the building for yourself. Whether you want it to become a co-op or mutual housing or anything like that. Foreclosure is a time when tenants need to be extra diligent about what their rights are because in New York

City, they have the same rights whether an owner is in foreclosure or not in foreclosure. It's all public information if a building is in foreclosure. You can go to e-courts online — for Brooklyn, it would be the [e-court site](#) for Kings County Civil Supreme Court. Unfortunately, you can't mass download all open foreclosures. You can do that from [Realty Trac](#), but you have to pay per record. You have to search by the LLC name, and then you can see the open foreclosure case. Tenants are supposed to be notified when a foreclosure begins. I don't think that law is always enforced, but it is on the books.

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### **Do you see any silver linings for tenants who might be subjected to these circumstances?**

The rent-stabilization laws are expiring this year and I think one really interesting thing that has happened in the last week is that the New York *Times* editorial board came out in favor of stronger rent laws, which is really historic, because the New York *Times* likes to pretend we're living in this perfect Economics 101 free market where rent stabilization has a repressive effect on the market. So that's a huge victory for the tenants' movement.

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