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ETERNAL AGITATION IS THE PRICE OF LIVING HERE

Among the many tenants who have toiled to make a Harlem apartment complex livable, one woman fights every day for civilized conditions. > *By Curtis Stephen*

City Limits WEEKLY #684

April 27, 2009

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Deborah Elliott-Bloodman sits in her poorly maintained apartment, among moving boxes for a temporary move to another unit. *Photos by Alissa Ambrose*

Inside a 12-story Harlem apartment building, Deborah Elliott-Bloodman, 54, peers down from a living room window to survey the streets below. It's the day before Easter, and a driving rainstorm sends pedestrians without umbrellas scurrying along the sidewalks. While Elliott-Bloodman, a native of Savannah, Georgia, usually greets the season with enthusiasm, her mood at the moment resembles the gloomy weather. The source of her frustration is the drab two-bedroom apartment that she's presently living in and her daunting experiences with poor living conditions, a succession of negligent property managers and New York City's housing court system.

After more than two decades of half-starts, interminable delays, court battles, and plenty of intrigue and infighting, the rent-stabilized building at 644 Riverside Drive – whose traumas *City Limits* chronicled nearly ten years ago – is undergoing renovation as part of a third-party transfer agreement that will turn the property over to tenants to run as a co-op, ultimately transforming these renters into owners. The same holds true for the adjacent building at 640 Riverside Drive.

Supervising the multimillion-dollar rehabilitation project is the temporary owner of both buildings, the SHUHAB Housing Development Fund Corporation, a nonprofit affordable housing developer in Manhattan. The daily maintenance of the properties is being overseen by the Queens firm Wavecrest Management.

The lackluster gray 644 complex would hardly garner a second look from the outside. Yet beyond the main entrance doors, the premises are abuzz with activity. Built nearly a century ago, the building's aging pipes and infrastructure are sorely in need of repair, and two-man crews venture back and forth from the lobby to assorted floors carting garbage bags, ladders and tools. Meanwhile, tenants like Elliott-Bloodman are being temporarily moved into vacant apartments there or next door at 640. But for many tenants, the project has produced far more headaches than simply short-lived discomfort. From the perspective of

PERSONAL

Elliott-Bloodman and many of her neighbors, the latest installment in this long and often sad housing story is as fraught with frustration and unfairness as the previous chapters. But change *is* coming to this collection of 229 units – glacially, painfully – and maybe even to “the system” of tenant complaints, enforcement, and the too frequently inequitable housing court.

River view ... and shoddy landlords

When she first arrived to 644 just over 30 years ago, Elliott-Bloodman fell in love with its surroundings. “I always liked the water and I wanted to be close to it,” she says of the Hudson. “And the park was nearby for my children to play.” In those days, she recalls, repairs were done with relative ease. “The super was like family. You'd knock on the door, tell him what was wrong and he'd send someone right over. He knew that his job was to service us,” she says.

But those comparatively idyllic moments, longtime residents say, didn't last, as conditions at 640 and 644 rapidly eroded during the late 1970s. “We've had a long and tortured history,” says Bill-Lee Lanndis, a 20-year resident at 644. In a period spanning one of the city's most turbulent eras in the late 1970s and lasting well into the '90s, ownership of the properties bounced between the notorious landlords Andonis Morfesis, whom tenants reportedly dubbed “Devil Landlord,” and Alex DiLorenzo III, who gained further infamy in 1990 as the owner of Happy Land, the Bronx social club where 87 people were killed in an arson fire. “Those guys were shady millionaires who got all this money from owning these buildings, but never spent a dime on them. They ran them into the ground,” remembers Lanndis. “We had to walk around with flashlights because there was no electricity and vagrants slept in the lobby.”

With an ownership vacuum, tenants banded together for a takeover. “We really had to struggle,” says Lillian Williams, who in the 1980s was a founding member of the 644 tenants association. “There were days when I just wanted to rip someone's head off.” For years, the legal battles dragged on. It wasn't until 2001, after a protracted fight in bankruptcy court, that a judge ruled that both 640 and 644 had been abandoned by ownership and granted proprietorship to the city of New York. The city later agreed to turn the property over to tenants to preserve as affordable housing after undergoing a physical rehab.

Completing that formidable task may not happen for another five years, projects temporary owner SHUHAB. Yet officials caution that even that estimate is potentially too optimistic, given the spiraling price of the rehab – which has already received nearly \$27 million in loans from HPD and Bank of America – along with the escalating daily operation costs for the properties. “To their credit, Wavecrest has been keeping the buildings going even as they're putting their vendors off,” said Brent Sharman, director of management and organizational development at UHAB (the Urban Homesteading Assistance Board, and parent of SHUHAB). “There's probably about \$500,000 in unpaid bills for those vendors. Sometimes, Wavecrest reminds us that they can't go on forever without making payments as if there's a bottomless pit of financial resources. The bills are piling up and it's definitely become a source of tension and concern.”

Tenants are concerned about the uncertainty, too. “SHUHAB inherited a mess, but we'll be inheriting a nightmare if the project keeps going this way,” charges Lanndis, who chairs the tenants' newly-formed construction committee. “All they're doing are cosmetic changes that aren't addressing the fundamental structural issues with the pipes, the plumbing units and the electrical wiring.”

Presently, there are 754 open violations at 644, according to HPD, including elevator-related infractions and a slew of

previous orders to correct impairments to individual apartments. And more than 150 complaints were made by tenants to HPD just since the beginning of 2009. "That's certainly more than we'd like to see for a building of this size," HPD spokesman Seth Donlin said earlier this month. "We were out there two or three days ago. It's not just the number of violations, we also look at them in relation to the number of apartment units. We're involved with this property and we're very much aware of the conditions."



Elliott-Bloodman covers her windows with plastic to try to keep warm, but with drafty windows and no heat, it was a cold winter.

According to Sharman, none of the parties really know where the additional rehab funding will come from. The question of money, he said, is "not without dialogue here."

"How can we can we do this without an endless stream of funding? How do we keep it going while responding to tenant complaints? I honestly don't know, but it's something that we're actively discussing," Sharman said.

In mid-March, the 644 tenants association met with Harlem Councilman Robert Jackson, who heard a litany of complaints about damages to apartments as a result of the rehab project. A spokesperson at Councilman Jackson's office says that inquiries from *City Limits* served as a reminder for its community liaison, Martin Smith, to follow up with tenants about obtaining a report to submit to officials at the city's Department of Housing Preservation and Development (HPD). That was one of the latest, but certainly not the first, in a long line of outreach efforts to local representatives. The limited success of those efforts has led some tenants to bring their grievances to Housing Court.

A building in shambles

Meanwhile, aggrieved tenants charge the spate of rehab-related mishaps continues. Lanndis said earlier this month that the day before he was slated to move into another apartment temporarily, he heard the sound of dripping water in his living room. "I had boxes piled up from the floor to the ceiling," he recalls. "I didn't know what was going on." That is, until a few of the boxes were moved. "I saw that part of the ceiling had come down and the water was leaking out from there. It damaged my carpet along with other things that I had inside a few boxes."

Lanndis, a legally blind cancer survivor who shares an apartment on the 11th floor with a roommate, says that he grabbed a bucket to hold "the cascading water" and left multiple messages at an emergency number supplied to tenants. SHUHAB has since agreed to reimburse him for damages to the carpet. But Lanndis is still rankled by the response he got from

an e-mail he sent to Paul Martinez, a Wavecrest senior property manager who oversees 644. Lanndis shared Martinez' e-mail (typos included): "How is Wavecrest neglecting any of this issue if everytime something occurs we send someone the reason you are in this program is because prior to SHUHAB and Wavecrest your building was in shabbles we are working on this and if you didn't know it was leaking how were we to know. Were not psychics"

"That was a vicious and non-professional thing to say," Lanndis says. "I know that SHUHAB has a tough job. But what's happening here isn't a rehabilitation, it's a colossal act of vandalism."

Other tenants are just as livid. Lillian Williams, who has resided at 644 since 1977 and serves as a floor captain, alleges that one particularly ghastly incident happened recently. "The pipes on the 12th floor just busted down several floors in the apartments on the B-line," said Williams. "Tiles just started falling off the walls. And in the kitchen area, water from the pipes was falling down and some of it looked like it contained fecal matter."

Tenants are also lodging complaints with SHUHAB – a joint venture between the Settlement Housing Fund, a nonprofit developer, and the affordable housing advocacy group UHAB. "The project is finally moving, but [the pipe collapse] surprised me. It's expensive to temporarily move tenants into other buildings, so we have to use the apartments available on the property. The conditions there are not that great," said Sharman of UHAB. "This building has been distressed for many years and that's the fault of past ownership. People complain about the conditions and I don't blame them."

Days after Elliott-Bloodman and her 9-year-old granddaughter, MaKayla, were moved from their sixth-floor apartment into a ninth-floor unit, she walked around the dwelling in a somber daze. "Being here is just mentally exhausting. I really could just cry," says Elliott-Bloodman. The list of items in need of repair is seemingly endless: loose floorboards with fully exposed nails, kitchen walls whose holes at the base easily accommodate a steady flow of rodents and vermin, inoperable electrical sockets, a nonfunctional doorbell, a stove with faulty knobs, a missing radiator in the living room, rusty windows that stick, and a main entrance door whose flimsy lock appears to be anything but secure. "I don't feel safe in here. Whenever I complain, people say that I just like to complain," says Elliott-Bloodman. "I shouldn't have to come in here to pick out what's wrong."

In fact, according to the terms of her temporary relocation agreement, it's surprising that she was moved into the apartment in the first place. The document states the following: "Owner agrees that the Temporary Relocation Apartment will have a functional kitchen and bathroom and will be in a safe, sound and sanitary condition, and that Tenant will not be obligated to move to the Temporary Relocation Apartment if it does not reasonably meet this criteria."

Disorder in the court

Established in 1973, the Housing Part of the New York City Civil Court – as it's officially known – handles the roughly 300,000 cases filed annually by landlords and tenants in the five boroughs. According to the state Office of Court Administration, 290,486 suits were brought in 2008 by landlords against tenants in nonpayment and eviction cases citywide. And 12,421 other suits had been filed by tenants, mostly in the effort to force landlords to make repairs. Unlike criminal court proceedings, which require that indigent defendants receive legal representation after the landmark 1963 Supreme Court decision *Gideon v. Wainwright*, no such provision exists for low-income tenants in housing court.

As a result, legal observers have long argued, poor tenants – the vast majority of whom represent themselves – are at a distinct disadvantage given that an overwhelming number of landlords have lawyers. According to the City-Wide Task Force on Housing Court, a nonprofit coalition of housing and legal advocacy groups, more than 90 percent of landlords in housing court have attorneys while more than 90 percent of tenants don't. Though a number of legal services agencies across the city provide free or affordable representation to needy tenants, they cannot keep up with demand. Elliott-Bloodman, for example – who says that she's been in courtrooms seeking apartment repairs more times than she'd care to remember; the city's housing court database traces her many court appearances back to at least 2003 – finally secured help last June from the Manhattan-based firm MFY Legal Services, which provides civil representation to lower-income clients.

The power imbalance plays itself out daily – on the fifth floor of 111 Centre Street, for instance, where tenants and landlords square off in lower Manhattan. But there's also plenty of action elsewhere.

On the second floor, tenants appear before courthouse staffers, who sit behind glass-encased ticket windows as they field a range of inquiries, retrieve case files and collect assorted fees. Not surprisingly, the atmosphere is often contentious. One afternoon in early April, a diverse group of 10 people stood in line. It wasn't long before two women from the group engaged in separate arguments with the same courthouse staffer. Soon after, one of the women stormed out of the room. "Civil court!" she scoffed. "They're not civil in here and there ain't no justice either."

Simultaneously, an expletive-laden argument ensued at a nearby ticket window between two other women, who exchanged words both in English and Spanish. Strangely enough, despite the chaotic atmosphere, a male staffer dozed off at his station and awoke with a start only after hearing the rapping of fingers against the window. "A lot of people have likened that place to Calcutta," says Louise Seeley, executive director of City-Wide Task Force on Housing Court.

Far more foreboding, however, is the fifth-floor hallway just outside the courtrooms, where the wheeling-and-dealing and eyebrow-raising negotiations between solitary tenants and well-heeled attorneys for landlords takes place prior to the start of any hearing, legal observers say. "That's a pretty infamous hallway," notes Seeley. "Housing law is a very complicated legal process. And here you have situations where tenants are signing and agreeing to things that aren't always in their best interests with lawyers who know every inch of that building and the law."

Elise Brown, a supervising attorney at MFY Legal Services, contends that housing court is, generally speaking, a fair and orderly process for most who defend themselves – or, as they're also dubbed, pro-se litigants. "There's a pro-se complaint form, you fill it out and say, 'These are the problems in my apartment, I need repairs.' Once it's filled, you get a date to return, which is about ten days or two weeks later," she explains. New York City Housing Court also features an instructional [video](#) on its website for prospective litigants.

Aside from legal counsel for the landlords, attorneys for HPD also appear at court proceedings. In response to complaints initiated by apartment tenants, HPD inspectors are sent to examine the areas in need of repair. Those findings are shared in court. "At the hearing, the judge will say to the landlord, 'Okay, when are you going to make these repairs?' The landlord will say, 'We need an access date,'" Brown explains. "The tenant will then say, 'Okay, I'm home from work on Wednesday morning' and then you negotiate from there. It can be a very simple process."

But far too often, many advocates contend, the process is anything but simple – particularly for low-income tenants who file repair-related grievances, as the case of Elliott-Bloodman illustrates.

For want of a handicap rail

Elliott-Bloodman receives public assistance and pays roughly \$400 per month in rent. She was employed for several years as a teacher's aide at a public school in Brooklyn, but says arthritis forced her out of work. By 2005, as Elliott-Bloodman busied herself as a volunteer with local community groups and as her granddaughter's primary caretaker, the deterioration of her apartment became a regular source of distress. "The floors were rotting, the walls were peeling, I wasn't getting any heat or hot water and the mice was eating my Shredded Wheats," she recalls. "At first I was hiring people to do repairs, but after awhile you can't keep doing that and paying rent."

Elliott-Bloodman remembers calling 311, HPD and "just about any number I could get my hands on." Eventually, the apartment was inspected and led to the discovery of a whole different problem. "They found 93 lead violations," she recalls. Elliott-Bloodman says that she had little knowledge about the housing court process, but managed to secure legal representation as she was temporarily moved to another unit. When Elliott-Bloodman returned to her apartment, she says that a number of the original damages hadn't been fixed. (Even the fire department has incident reports from visits in 2007 and 2008, when she called them to respond to a caved-in ceiling with leaking water.) "You try to follow protocol and go through all these agencies, but it was very frustrating."



Elliott-Bloodman in a daily routine: Trying to track down the repairmen.

As Elliott-Bloodman's neighbor, Bill-Lee Lanndis says that her experiences mirror those of other tenants. "Wavecrest has handled her situation terribly. But she isn't alone," he says. "There are a lot of seniors here, people who don't speak English and other people who don't want to make any waves. It isn't easy to get a lawyer for housing court, so you have to try to fight somehow." Fellow tenant Lillian Williams agrees. "If you speak out a lot, you might be labeled a problem tenant. I'm a very loud and aggressive Hispanic, so I know," she says with a laugh. "But I always tried to give her as much advice as I could and let her know what steps she could take." For Elliott-Bloodman, those steps included trips to housing court in the spring of 2008 after she filed repair complaints against Wavecrest.

According to housing court documents, Judge Pam H. Jackman Brown signed an order last April demanding repairs, including the placement of handicap rails along with corrections to loose bathroom tiles and an unsecured faucet in the kitchen sink.

Incredibly, Judge Sheldon J. Halprin signed another order nearly one month later that required the same repairs from the previous order. In short, nothing had changed.

"Every time I went to court, the judge gave them a date to do the repairs and they wouldn't show up when they were supposed to," claims Elliott-Bloodman. "Those lawyers would slander me, mentally exhaust me, and the judges wouldn't do anything." Wavecrest's legal defense countered that on multiple occasions she failed to provide access to the apartment. "Sometimes people would knock on my door and whenever I asked them for ID, they would show me a driver's license," insists Elliott-Bloodman. "They're supposed to show me a badge or some kind of proper identification. I can't just open my door to any and everyone."

The battle over the repairs, which included a broken shower rod, took place as an entirely different issue arose. With SHUHAB and Wavecrest working on the rehab project, Elliott-Bloodman claims that she was threatened with eviction by Martinez, the Wavecrest manager, if she didn't agree to a temporary move to the ninth-floor unit that she now occupies. Elliott-Bloodman says that she was reluctant, given her knowledge of some of the proffered apartment's defects. And she thought the apartment's physical layout would present a challenge for her arthritis. She was a client of MFY Legal Services at this point – but even they did not follow through, in her view. "They could have sent someone over to see the apartment to really know what it was like, but they didn't," she says of the firm. "Everybody was badgering me to sign that agreement. But who was really looking out for me and my granddaughter?"

For its part, MFY says that it faces a number of constraints, both in terms of staffing and funding. Indeed, it's a given in the field that legal services providers can't keep up; a recent [report](#) by Legal Services NYC says, "In the area of practice with the highest number of advocates, housing, studies still estimate that only 10-15% of the eligible tenants get representation." Says Sara Fulton, MFY's supervising attorney who oversaw the case: "We have a lot of clients. And we don't necessarily go out and see every apartment that clients have repair issues in."

Waiting in vain

In early March, Elliott-Bloodman was cradling a cane, sitting on a bench outside courtroom 526-B with her MFY attorney, Garen McClure, awaiting the 2 p.m. start of her hearing. She had made arrangements in advance with a friend to watch MaKayla after school. By now, she knows the routine. "They make you spend the whole day here," she says. As Elliott-Bloodman walks into the courtroom, it's clear that she's fed up with just about everyone associated with the case – Wavecrest management, HPD inspectors, and even her own attorney.

With Elliott-Bloodman sitting behind McClure in a sparsely full courtroom, they jostle over whether she should take the ninth-floor apartment. "They can say whatever they want," she says about the opposing side. A half-hour later, both sit and wait as Judge David Cohen passes the time too, paging through *The New York Times*.

"The process just isn't accessible to pro-se tenants," explains McClure. "There's a need to make it more possible for tenants to enforce their rights." Elliott-Bloodman immediately adds, "My rights have not been respected. I agree with that."

As the 3 o'clock hour approaches, no one is sure what's causing the delay. At the same time, Cynthia Davis, a representative from Reverend Al Sharpton's National Action Network, which Elliott-Bloodman recently contacted about her case, arrives to view the proceedings. "Attorneys for landlords typically have a lot of cases in one day and will sign in, disappear into the courthouse, and then reappear at their own pleasure. It's a

problem for our side too," Elise Brown of MFY, who also had a case on the docket, noted later.

Soon after, Rhonda Gaynier, the attorney for Wavecrest (who declined a later interview request, as did Wavecrest CFO Susan Camerata) walks over to McClure and takes a seat. "My client has a key," she says matter-of-factly about the ninth-floor apartment – as encouragement to Elliott-Bloodman to accept the unit temporarily – and offers to settle the terms prior to the hearing.

As she briskly walks away, McClure turns to *his* client, but she's still not budging. "They're not doing anything," Elliot-Bloodman tells him about the unit. "The door and the windows are a mess in there."

McClure nods in acknowledgment. "There's no reason to give up without getting this on the record. I just don't want your expectations..." he begins, then trails off.

Finally the first case is called, involving a middle-aged Asian couple. And then finally, just shy of 3:30 p.m., the case of Elliott-Bloodman is called into session. "Is there an issue with the shower?" Judge Cohen asks. "It's a big game to her," Gaynier says to the judge about Elliott-Bloodman.

Wearing a broad smile, Judge Cohen asks Gaynier about the failure to have the shower rod installed and insists upon a date for the repairs to take place. Gaynier then leaves to make a telephone call – presumably to Wavecrest. Upon Gaynier's return, Judge Cohen sternly inquires about the failure to insert handicap rails near the bathtub in Elliott-Bloodman's apartment. Elliott-Bloodman tells the judge that she purchased the rails, but that they weren't installed after she repeatedly asked building management about doing so. "Handicap bars?" Judge Cohen asks incredulously while casting a long glare at Gaynier. "Go do it," he adds.

In a 2005 [report](#) released by the New York County Lawyers' Association, legal scholars offered recommendations for revamping the city's housing court system for the 21st century. But change is unfolding in unexpected ways; in March it was announced that Fern Fisher, who since 1997 oversaw the city's Housing and Civil Court, had been appointed as the deputy chief administrative judge for New York courts. Legal and housing advocates credit Judge Fisher with providing more translators for non-English speakers and expanding the pool of court-appointed guardians for poor tenants with mental illness. But now they're reassessing their collective strategy in the effort to obtain a series of other reforms for pro-se litigants, including the [prominent display](#) of tenants' rights in courtrooms across the state. "Part of the problem is that Judge Fisher's position is not being replaced, so we're still trying to figure out, who do we go to?" says Seeley. Advocates are also keeping their eyes on a New York City Council bill that seeks to require that poor seniors be supplied with attorneys for eviction proceedings.

On the heels of pro-tenant City Council measures like enacting anti-harassment legislation, expectations among advocates are high, but also tempered by the financial recession. "We knew this bill was going to be expensive even before the crisis hit," says Manhattan Councilwoman Rosie Mendez, a former housing lawyer who introduced the bill in 2007 and is working on scheduling a hearing in Council's Committee on Aging. "We need to take a gradual approach. But ultimately, I'd like to see all low-income tenants represented in court," she says. "Even lawyers who are good in one area have a difficult time with housing law, so you can imagine what pro-se litigants face when it's their home or their apartment that they're fighting for."

It's a sentiment that Elliott-Bloodman, as someone who has appeared in court with – and without – legal representation undoubtedly shares. Inside her temporary apartment, she stares

at a photograph of her granddaughter and allows herself a brief smile. "I want to move on with my life. I do have goals besides running around trying to get the basic services that I'm already entitled to. I'm not asking for anything special," she says.

Because of the property's condition, the possibilities – and responsibilities – of becoming an owner rather than a renter are hardly appealing. "Who knows what's going to happen? How can this even be an attractive place to live with the things that are happening now? Who is going to want to live here? Co-op?" she asks with a laugh. "I'll see it when it happens."

As she looks around the apartment, Elliott-Bloodman contemplates returning to the one venue that has frustrated her about as much as her living quarters over the years – the courtroom. "This time," she adds, "I'm going to have to find a civil rights lawyer."

- Curtis Stephen

Note: The SHUHAB Housing Development Fund Corporation is a unit of UHAB, the Urban Homesteading Assistance Board. City Futures, City Limits' parent nonprofit, is a subtenant of UHAB, and UHAB Executive Director Andy Reicher is chairman of the board of City Futures.

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