

Decatur Tenants Fight Landlord in Court

January 14, 2010 at 12:00 AM

By Ashley Villarreal

In November, after years of what they considered severe landlord neglect, the residents of 3525 Decatur Ave. banded together to fight back. Now, the landlord's continued unresponsiveness and some confounding legal setbacks have only strengthened their resolve.

For the past four years, residents had pestered the landlord to rid their 86-unit Norwood-area apartment building of mass bedbug infestations, fix crumbling ceilings, and most recently, to fashion a new wheelchair ramp for handicapped residents.

Resident Maria Torres was forced to call the Fire Department because a leak had finally reached an open fuse. "When the firefighters came I just started crying," she said.

This fall, residents began organizing themselves and calling in reinforcements. At their first tenants association meeting in November they invited professional tenant organizers, a new pest control company, the NYC Commission on Human Rights, and 11th District Councilman Oliver Koppell's office.

Rosemarie Morales, the landlord's representative from 3525 Decatur Avenue, LLC, attended and said it was the first she had heard of most complaints. She vowed to fix what she could, but said tenants were refusing to open doors to workers.

Some tenants said they were wary to let people in without identification. Others said those hired by the landlord were unqualified.

Leigh Shaun Gregory, who let the landlord's exterminators treat her bedbugs, said a short visit, a spray bottle, and advice to throw out more than \$2,000 in furniture was all the treatment she received. Later, she discovered her exterminators were only certified for termites.

Despite Morales' reassurances, eight residents decided to file a lawsuit against Robin Shimoff, daughter of Bronx landlord Jacob Selechnik, who regularly tangles with tenants and housing organizers because of his history of neglecting buildings and short-changing tenants.

At their Dec. 3 trial, Judge Francis M. Alessandro separated their case and each was denied the majority of their evidence, residents said.

Dane Pookrum, a resident who has struggled since 2008 for concessions on a previous water damage case, said Alessandro seemed to have no real intention of listening to their case. Alessandro, who retired at the end of 2009, was admonished by the Court of Appeals in October after the NY State Commission on Judicial Conduct recommended his removal for omitting information on a loan application. He didn't return phone calls seeking comment.

"At one point in the trial the judge blurted out 'sustained' and the attorney was talking at the time and had not even said 'objection,'" Pookrum said.

Alessandro rejected a letter from The Department of Housing Preservation and Development (HPD) to the landlord stating it was forced to enter his apartment for emergency repairs, Pookrum said. This would have proven the landlord's negligence, he said.

"The judge saw that a lot of evidence didn't have anything to do with the case," Morales said.

Gregory said it felt like residents had no chance to defend themselves. "He wouldn't allow us to question the representative and we were representing ourselves so weren't we supposed to cross-examine?"

In upcoming weeks, residents are looking for help from elected officials, and have appealed to the city's Public Advocate and the Bronx Borough President's office.

Sarah Hausman, an organizer with Urban Homesteading Assistance Board (UHAB) who has tracked complaints at the building since it was purchased by Selechnik in 2005, said the tenants' situation is common. "Chances are this building is a case of predatory equity since it seems like they're harassing them in a lot of ways," Hausman said. In the last several years, Hausman said, landlords looking to turn a quick profit have neglected or harassed existing tenants in an effort to force them out and hike up rents in their apartments.

One disabled resident, who wished to remain nameless, said she falls into this category. After writing a letter refusing to pay rent until obstacles (trash, furniture, etc.) to the basement exit were moved and/or new ramps were put in, she received a reply from Shimoff's office saying she would have to appear in court. "I'm just a tenant and it's only my rights," she said. "I'm a little scared."

Despite the fear of some, Pookrum is leading the charge to fight back. "They think they can just give people the runaround and they'll just give up," he said. "I'm not giving up until someone looks into it, and that's when their whole house of cards is gonna fall."

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