



NEW YORK STATE SENATOR

Thomas K. Duane

Rallying for Affordable Housing

THOMAS K. DUANE May 4, 2012



On May 3, I joined New York State Senator Daniel Squadron, U.S. Representative Jerrold Nadler, Manhattan Borough President Scott Stringer, New York City Councilmember Margaret Chin, and Independence Plaza North (IPN) residents to call on the New York State Court of Appeals to give IPN tenants permission to appeal a New York State Supreme Court Appellate Division decision that jeopardizes not only IPN residents but tens of thousands of other tenants living in buildings that receive New York City J-51 tax benefits.

The Appellate Division recently ruled in *Denza v. IP Associates* that if a landlord receiving J-51 benefits decides to “retroactively” terminate and repay the benefits, the apartments will no

longer be rent-stabilized. This undermines the monumental 2009 Court of Appeals ruling in *Roberts v. Tishman Speyer Properties, L.P.*, which affirmed that landlords who receive New York City tax abatements for renovations must extend rent stabilization protections to their tenants during the abatement period.

It is crucial that the Court of Appeals does the fair and just thing by allowing IPN tenants to appeal the dreadful decision by the Appellate Division. It is inconceivable to me that New York State's highest court would deny an appeal of this decision, which, if it stands, would allow landlords to break their contracts via a dubious legal loophole. Landlords should not be allowed to enjoy the benefits of a contract when it is convenient and walk away from a contract when it is not.