



NEW YORK STATE SENATOR

Brian Kavanagh

Attorney General James Cracks Down on Tenant Blacklisting

BRIAN KAVANAGH August 17, 2022

| COMMITTEE: **HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT**

Attorney General James Cracks Down on Tenant Blacklisting

Clipper Equity Denied Rental Applications After Obtaining Applicants' Housing Court Records

AG James Warns Landlords Against Using Housing Court Records to Conduct Background Checks for Tenant Applicants

NEW YORK – New York Attorney General Letitia James today continued her efforts to protect New York tenants by cracking down on “tenant blacklisting,” or when landlords use housing court records as a basis to deny a potential tenant’s rental application. Tenant blacklisting was made illegal in 2019 following changes to the Real Property Law, which outlawed efforts to deny housing to renters with a history of landlord-tenant court cases. As a part of her efforts to eliminate tenant blacklisting in New York, Attorney General James **took action against, and secured a settlement with, Clipper Equity, LLC (Clipper Equity)**, a New York City real estate company that denied applicants with past housing court records and violated city and state Human Rights Laws by requiring applicants to disclose their marital status. The Office of the Attorney General (OAG) has also launched an **online complaint form for New Yorkers to report instances in which landlords have engaged in tenant blacklisting.**

“Fair access to housing is a human right. No one should ever be denied that right due to previous, private circumstances often beyond their control, such as an inability to pay rent during a public health and economic crisis like the COVID-19 pandemic,” said **Attorney General James**. “Let this be a reminder to all New York landlords — blacklisting prospective tenants because of their housing court history is an unfair and illegal practice, and it will not go unchecked. I have always stood up for tenants, and my office will continue to fight tenant discrimination and ensure lawless landlords are held accountable.”

In 2019, the enactment of the New York Housing Stability and Tenant Protection Act (HSTPA) made it illegal for a property owner or landlord to deny a rental application based on the applicant’s housing court records. If there is documented evidence that a property owner or landlord obtained an applicant’s housing court records and subsequently denied the application, the law presumes the landlord or property owner made the decision to deny based on the applicant’s court records. The burden is on the landlord or property owner to prove the applicant was denied for other reasons.

To remain in compliance with the law, OAG recommends landlords and property owners refrain from requesting a potential tenant’s court records and rental histories altogether and cease relationships with tenant screening bureaus who continue to provide court records. Any New Yorker who believes that they have been denied an apartment because of their rental history should [submit a tenant blacklisting complaint online with OAG](#).

In its investigation of Clipper Equity, OAG determined the company had improperly obtained housing court records for 25 potential tenants and then denied housing to seven of those same applicants. The OAG found that Clipper thus violated the law. Clipper also violated city and state Human Rights laws by requiring potential tenants to disclose their marital status. As part of the agreement, Clipper Equity will take the necessary steps to comply with the laws it broke and has committed to ending its discriminatory screening

policies. Clipper Equity was also required to produce evidence proving its compliance to OAG, and OAG reserves the right to take further enforcement action if Clipper Equity violates the agreement.

“I was proud that we enacted New York’s ban on tenant blacklists as part of the Housing Stability and Tenant Protection Act of 2019,” said **State Senator Brian Kavanagh, Chair of the State Senate Committee on Housing, Construction, and Community Development**. “Reasons tenants might be in housing court vary, including cases in which landlords fail to provide basic services or engage in harassment, or when tenants are unable to pay rent because of emergency circumstances. Whatever the reason, the law requires that prior housing court cases may not be the basis for rejecting prospective tenants’ applications to rent a home. I thank Attorney General Letitia James for her investigation into the discriminatory practices of Clipper Equity and for taking the proactive step of setting up an online complaint platform to give voice to New Yorkers who may have fallen victim to blacklisting. Both are important steps toward strengthening our commitment to fair access to housing for all.”

“I was pleased that tenant blacklisting was finally made illegal as part of New York’s Housing Stability and Tenant Protection Act in 2019, but there are still some unscrupulous landlords who try to engage in this objectionable practice,” said **Assemblymember Steven Cymbrowitz, Chair of the State Assembly Committee on Housing**. “I commend Attorney General James for taking appropriate action to crack down on tenant blacklisting and ensuring that violators will be punished for attempting this form of harassment.”

“Now more than ever, tenants need basic protections against efforts by landlords to deny them access to housing,” said **Adriene Holder, chief attorney of civil practice, The Legal Aid Society**. “With the lapse of eviction moratoria, coupled with skyrocketing rents and New York City’s exorbitant cost of living, demands for housing is at an all-time high, and government must ensure that landlords abide by the law. The Legal Aid Society thanks Attorney General

James for her continued support and advocacy on behalf of tenants statewide.”

This agreement is the latest in Attorney General James’ efforts to protect tenants. Earlier this month, the Attorney General secured more than \$400,000 for tenants harassed by Ink Property Group, along with up to \$1.75 million for affordable housing and joined New York State Homes and Community Renewal (HCR) Commissioner RuthAnne Visnauskas in preserving an affordable housing cooperative development in Rockland County. In July 2022, she recovered nearly \$300,000 of illegally withheld security deposits for Brooklyn tenants. In June 2022, Attorney General James delivered \$50,000 to Community Action for Safe Apartments (CASA), a tenant organizing project, from law firm Kucker, Marino, Winiarsky & Bittens LLP after they unlawfully provided improper and damaging legal advice to New York tenants and shut down a landlord for exposing children to lead paint hazards in Syracuse. In April 2022, she sued Brooklyn-based eviction lawyers for engaging in deceptive rent collection practices and initiating frivolous lawsuits against New York tenants.

This matter was handled by Assistant Attorney General Jane Landry-Reyes of the Housing Protection Unit. The Housing Protection Unit is led by Brent Meltzer and is a part of the Division for Social Justice, which is led by Chief Deputy Attorney General Meghan Faux and overseen by First Deputy Attorney General Jennifer Levy.