

How to Fight an International Landlord

Spencer Woodman

16 Mar 2009



Photo (cc) [TAPorto](#)

In late 2007, East Harlem tenant, Victor Calentre opened his rent check to find an additional bill charging several hundred dollars for unspecified repairs he knew nothing about. He assumed it was a mistake on the part of his landlord, British-based real-estate conglomerate, [Dawnay Day International](#). But as the fine increased month after month -- reaching \$8,000 -- Calentre suspected that this was not merely an error and soon discovered he was not alone.

Spurred on by Calentre and his fellow tenants, [Movement for Justice](#) in El Barrio embarked on a campaign to fight Dawnay Day and protect residents of rent stabilized apartments. The British firm, though, was no ordinary New York landlord, and so the Movement for Justice went beyond conventional tactics, framing their effort as a fight over consumer rights rather than housing, using the logic that tenants are, in fact, consumers too. The group also reached far outside its neighborhood to oppose Dawnay Day, organizing a network of British activists to confront the firm on its home turf. In doing this, the Movement for Justice believes it may reshape the way similar organizations fight gentrification.

Troubled Buildings

Originally, many tenants celebrated when Dawnay Day took over their buildings. Tenants had accused the previous landlord, [Steven Kessner](#), of neglecting basic repairs for rent-stabilized tenants and offering financially desperate tenants buy-back sums far below the market rate.

According to the tenants, though, Dawnay Day, has continued and even intensified Kessner's efforts to drive out the buildings' rent-stabilized tenants. The new landlord began issuing rent-stabilized tenants erroneous fines, like Calentre's. It charged residents for false repairs and appliances that were never purchased, and set fines for improper use of appliances. Initially bewildered, the tenants soon became convinced these charges were not mistakes, but administered selectively to rent-stabilized tenants in an effort to intimidate and drive them out, allowing the owner to charge the market rate.

"When it became clear that Dawnay Day was worse than the previous owner, we had to sit down and figure out how to take on this multi-national corporation," said Juan Haro, a leading member of Movement for Justice. "We had never before faced this kind of landlord."

After several strategy meetings, the 440-member tenant group settled on a two-pronged strategy: It would file an innovative lawsuit and also would begin to build an international support base to confront the firm in its home base in Britain.

Phil Blakely, director of Dawnay Day, said in an [interview](#) with WNYC that his firm had done nothing wrong. "I am ... sort of upset and disappointed that we've been accused of the things we've been accused of and that we are as bad or worse than Steven Kessner," Blakely said.

Tenants as Consumers

The tenants wanted to take legal action against Dawnay Day to clear the frivolous debts. With the pro bono help of lawyers from Harlem Legal Services (the 125th Street branch of Manhattan Legal Services) and the [Neighborhood Economic Development Advocacy Project](#), the Movement for Justice sorted through already-tested legal approaches, none of which looked promising.

Because Dawnay Day was not necessarily charging incorrect amounts of rent, housing laws -- on which tenant groups usually rely -- did not offer much remedy. These laws pertain more to rent payment and collection than to separate charges like those issued by Dawnay Day.

"What to do here was not explicitly covered in housing law, so we had to look at what other bodies of law could cover this practice," said Chaumtoli Huq, a lawyer with Harlem Legal Services. "Then we found that this case was more appropriately covered by consumer protection laws. ... All tenants are also consumers."

The Movement for Justice decided to incorporate consumer laws to the fight over housing displacement. A first step was to notify its tenant members of the [Federal Fair Debt Collection Practices Act](#), which guarantees a consumer's right to challenge or receive written verification of debt. Members who had received false charges then wrote to Dawnay Day, notifying it of the law and demanding verification of their charges.

This strategy worked, but only temporarily.

For several months, the tenants' debts decreased or, in some cases, disappeared. But then false charges appeared again. Calentre, for instance, had fines -- for repairs that were never done, a refrigerator that he hadn't bought, interest and late fees -- in excess of \$8,000 when he protested to Dawnay Day. He then watched the charges fall to the low hundreds, but a few months later, they climbed back up to nearly \$4,000, where they hover currently and without explanation.

"Now, the bills don't even say what the charges are for," Calentre said. "They just show the amount that is owed in addition to the rent."

As it became clear that the letter-writing initiative provided no permanent fix, the Movement for Justice elected to file a lawsuit against Dawnay Day. Because the firm had complied, at least momentarily, with the tenants' requests of debt verification, they could not take them to court for violating the debt collection act.

Sifting through New York State consumer law, the group's lawyers found a statute in the New York General Business Law forbidding false and deceptive business practices. Because issuing false charges to customers falls under this law's provision, the Movement for Justice filed a lawsuit on behalf of 22 tenants, like Calentre, who had received allegedly false charges from Dawnay Day. The suit demanded that the charges be eliminated and that Dawnay Day refrain from such activity in the future.

Though the suit is still pending, the plaintiffs are optimistic. They say Dawnay Day asked for a settlement, which the Movement for Justice rejected because it did not include an all-encompassing commitment to stop issuing the false charges.

International Effort

At the same time, the Movement for Justice was taking the tenant's fight to Europe and particularly the United Kingdom, where Dawnay Day is headquartered and well known. The Movement for Justice had concluded that building a support base on the company's home turf was an essential tactic to their fight.

"We could have kept the struggle local, but targeting Dawnay Day in just Harlem or New York City would not be successful," Calentre said. "This is really an international struggle."

The Movement for Justice has circulated an online pamphlet explaining the situation and seeking help from a wider community. It called for the creation of a "multi-national network of allies and supporters who will stand by and support us in our struggle as we expand our resistance to take on Dawnay Day Group in London and any other global, national or local threat to our right to dignified housing, autonomy and self-determination." Though no one knew how effective the pamphlet would be, it generated a fair amount of interest.

"Lots of people stepped up -- more than we had imagined," said Haro, who went to Europe to press the tenants' case. "And many of them said, 'if you come, we will generate support for you here on the ground'... They understood that this was not just about raising awareness, but for creating a practical support base."

With such a response in March 2008, Haro went to England, Scotland, France and Spain, to meet with groups that offered to hold forums about the Dawnay Day situation. As Dawnay Day remains little known in the U.S., a main objective of the trip was spreading information about the firm's tactics among people somewhat familiar with the company. Over the course of the six-week trip, Haro attended 25 meetings and public forums.

After these events, "movement support committees" formed consisting of people who pledged to give their active support to the New York tenants. These activists agreed to participate in direct action efforts to raise awareness in Dawnay Day's home country in order to more effectively apply pressure to the firm.

As the trip concluded, the Movement for Justice and its new international allies began planning a mid-October action, in which press conferences and demonstrations would be held at Dawnay Day's offices in both London and Scotland. By mid-summer, the plane tickets for the event had been purchased, the local activists' commitments secured, and the plan solidified.

But then the unexpected occurred. A victim of the global financial meltdown, Dawnay Day posted major losses in July, and began selling off assets worldwide. With the landlord's future uncertain, Movement for Justice canceled the October action and refunded their plane tickets.

Today, while the lawsuit continues, the Movement for Justice is refraining from direct action against Dawnay Day until it is certain as to whether Dawnay Day will retain its East Harlem real estate. Meanwhile, basic repairs go undone and false fines continue, though the tenants have noticed that the landlord has become a bit less brazen in the latter practice.

Although the murkiness of the situation has frustrated some of the tenants, the Movement for Justice sees the past two years as a triumph in organization and innovation, strengthening its position to negotiate with the buildings' future owners and other landlords. The group also takes satisfaction in seeing that its efforts have created a template that other tenants' organizations can use. For example, [Queens Vantage Tenants Council](#), a tenant group in Queens, has adopted the use of consumer law in a different fight over false charges.

"The outcome remains to be seen here, but the general principle is that we need to look at other bodies of law and be creative in the ways we confront landlords," Huq said. "As landlords like Dawnay Day come in, they bring in new practices. So we need to look at these new problems and be ready to come up with novel solutions."

This document is provided for "fair use" not-for-profit, educational purposes (and other related purposes). If you wish to use this copyrighted material for purposes of your own that go beyond "fair use," you must obtain permission from the copyright owner.