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Contact:

Alejandra Lopez
The Legal Aid Society
ALopez@legal-aid.org

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Legal Services Organizations Petition Court to File Amicus Brief in Support of the Good Cause Eviction Law in Albany

(NEW YORK, NY) – The Legal Aid Society, Legal Services of the Hudson Valley and The Legal Aid Society of Northeastern New York on behalf of Legal Aid Society of Northeastern New York, Community Voices Heard, United Tenants of Albany, and For The Many filed a motion seeking to file an [amicus brief](#) in *Deborah Pusatere et al v. The City of Albany et al* in support of the Good Cause Eviction Law (Albany City Code § 30-324 et seq.), which prohibits landlords from evicting tenants in unregulated apartments without good cause. In the absence of this law, tenants living in unregulated housing are vulnerable to the whims of their landlords, who do not need to demonstrate a reason for evicting them.

In an effort to reverse the Good Cause Eviction Law, plaintiffs – including the president of a landlord’s association, real estate companies, and property owners – filed the aforementioned lawsuit. The matter is currently pending before the Honorable Christina L. Ryba in Albany County Supreme Court.

The amicus brief raises the following points:

- **The Good Cause Eviction Law provides a measure of stability to tenants in a housing market that is overwhelmingly stacked against them.** The Good cause eviction law is essential because it prevents needless evictions and the cascading

problems that result from eviction, countering the host of forces that currently favor landlords in the rental market while allowing landlords to continue renting their properties to tenants they have freely chosen.

- **The Good Cause Eviction Law does not conflict with the procedural rules in the Real Property Actions and Proceedings Law (RPAPL) and the Real Property Law (RPL).** The Good Cause Eviction Law regulates the circumstances when a landlord can terminate a tenancy. In contrast, the RPAPL and RSL provide procedures to terminate a tenancy and then file a case in court once that tenancy is terminated. However, these are procedures that can be used only when such termination is allowed. Thus, there is no conflict with the Good Cause Eviction law.
- **The Good Cause Eviction Law is not rent control and bears little resemblance to New York State's rent regulatory schemes, which place far greater obligations on landlords and provide deeper protection for tenants.** For example, owners of rent stabilized housing must file annual registrations, including the rent charged in each housing unit, with the State, and may be subject to penalties for failure to provide required services. Rent increases are limited to annual caps set by a local rent guidelines board and landlords may only increase the rent based on improvements in accordance with a statutory formula. The Good Cause Eviction Law creates no such obligations for property owners, requiring only that owners show good cause to evict, and therefore does not conflict with the rent regulation laws.
- **The Good Cause Eviction Law is not unconstitutional.** The law is not an illegal taking. It does not compel landlords to rent out their properties which the plaintiffs all do voluntarily. Not one plaintiff has claimed that the law will cause them any economic harm, let alone severe enough harm to violate the United State Constitution. Neither is the Good Cause Eviction Law a violation of the Contract Clause. Both state and federal law is clear, the government is allowed to override contracts to advance the public interest. Here the City of Albany is advancing the important purpose of preventing the economic and health consequences of eviction.

“Tenants can do everything right, live somewhere for one year or twenty years yet be subject to eviction at the landlord’s whim -- and the only requirement for landlords is that they provide 30 to 90 days’ notice that the tenancy is not being renewed,” said **Ellen Davidson, Staff Attorney in the Civil Law Reform Unit at The Legal Aid Society**. “For this reason, it is in the tenant’s interest to remain silent in the face of housing conditions that threaten their health and safety, harassment, and discrimination. It is impossible for tenants to assert their rights without risking eviction.”

"Rent-paying, lease-abiding tenants shouldn't have to fear losing their housing for no reason, or hesitate to ask for repairs for fear that they will be evicted in retaliation," said **Juanita O. Lewis, Executive Director of Community Voices Heard**. "Good cause eviction is a necessary policy to prevent people from groundless evictions, especially since we are in the midst of a statewide affordable housing crisis."

“For the first time in 49 years, when we pick up the phone to advise a distressed tenant about an unwarranted eviction notice, we have the ability to tell them they are protected by Good Cause,” said **Canyon Ryan, Executive Director of United Tenants of Albany**. “In the past, tenants had no default protections. Landlord-Tenant laws have been designed to protect property holders over working class families. This is a step in the right direction, and it would be devastating to our communities to have this legislation drawn back before we see what positive changes a full implementation of Good Cause would bring.”

“Big landlords are raising rents, speculating on property values, and serving no-cause evictions throughout upstate - it’s not ‘just a New York City’ issue,” said **Jonathan Bix, Executive Director of For the Many**. “There’s a reason we passed this in Newburgh, Poughkeepsie, Kingston, and Beacon too, and predatory real estate interests aren’t going to stop the momentum good cause has no matter how hard they try.”

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