

When Is Construction Harassment?



During construction, it becomes increasingly difficult for tenants to determine whether or not their landlord has their best interests in mind. To make things worse, landlords sometimes blatantly use the process of construction to lean on and drive tenants out of their apartments. When construction is carried out this way, it is a form of harassment; however, not every problem a tenant has during construction qualifies as tenant harassment. Below are some things to keep in mind when trying to determine if what you are experiencing is construction as harassment.

First, it's important to distinguish the types of behaviors that can be legally interpreted as harassment. While tenants may be inconvenienced by some of the landlord's actions – an isolated delay in making repairs, for example, or making too much noise during a phase of construction – these may not be large enough (or occur frequently enough) to be considered harassment.

Keep in mind the scope and repetition of any issues, as these will be the main factors the courts take into consideration when evaluating whether or not harassment occurred. When incompetent actions progress into a pattern of outright negligence and disregard, tenants should seriously consider the probability of harassment. The following are all telltale indicators of tenant harassment:

- **Construction past 7 PM on weekdays**
- **Unannounced utility shutoffs**
- **Massive amounts of debris in the halls**
- **No attempts to mitigate dust from construction**
- **Calls to the property manager's office voicing your concerns go unanswered**

Though any type of tenant can be the victim of harassment, rent-regulated tenants are often targeted due to the potential market value of their apartments. If you're a rent-regulated tenant, keep a record of all incidents during construction and call in 311 complaints to the city as these issues occur. Also, talk to your neighbors; they're likely experiencing these issues, too. If [or when] it becomes clear that the landlord is letting construction run amok with little regard to you, reach out to your local tenants' rights organization (such as the Cooper Square Committee) for assistance on how to exercise your rights.

***Don't give up your apartment (and give your landlord what he/she wants)!
Organize and fight to save your home!***



Prepared by the Cooper Square Committee
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