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RENT STABILIZATION ASSOCIATION • 123 William Street • New York, NY 10038

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July 2, 2020

Hon. Lawrence Marks  
Chief Administrative Judge of the  
State of New York  
25 Beaver Street, 11<sup>th</sup> Floor  
New York, New York 10004

BY EMAIL

Dear Chief Judge Marks:

I hope this letter finds you safe and well.

I am writing with regard to the Housing Court, which I know has been the subject of much of your attention as you work to re-open all of the courts throughout the State. While I recognize the complicated issues relating to the physical re-opening of the Housing Court in light of social distancing and other required public health measures, there is an ever-increasing sense of urgency for genuine re-opening to occur beyond that which has been announced to date.

It is no secret that the housing courts have long suffered from overcrowding and inadequate facilities and there is no need for me to belabor that point. It is evident that, without fundamental changes in operations, structure and technology, re-opening will take some time to occur. That being said, it is imperative that this occur expeditiously. At a minimum, given these circumstances, OCA must locate additional facilities- potentially including other existing court facilities- and expeditiously adapt them for use by the Housing Court so that cases can proceed. E-filing, which has been discussed for years, must finally be implemented, sooner rather than later.

Each month that goes by not only prolongs the unresolved status of cases which were pending before the courts were closed but also precludes property owners from being able to have new matters addressed as well. The only plans that have been issued to date relating to the use of virtual conferences only address cases where both the landlord and tenant are represented by counsel. Those plans do not include a strategy for addressing cases where tenants are unrepresented, which are a significant majority of all cases.

Each month that goes by is yet another month where property owners are stuck in a place from which there is no escape. While rents go uncollected and housing court cases stagnate, owners are confronted by the harsh reality of property tax and water and sewer charges that are due and owing

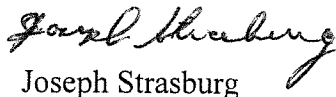
to the City, as well as mortgage, utility, insurance, labor, repair and other costs. While many tenants are experiencing financial and other hardships as the result of the pandemic and are unquestionably deserving of the various legislative, administrative and executive protections that have been adopted to date, owners have no viable mechanism to enforce their claims for rents that are due and owing against other tenants who are not experiencing such hardships.

Tenant advocates have been aggressively using their platform to publicize their view that the housing courts should remain closed unless and until a vaccine or cure is made available. That approach is simply untenable. We and our members have remained on the sidelines of that one-sided conversation, waiting patiently to see a viable re-opening plan relying upon additional facilities, 21<sup>st</sup> century technology and flexible scheduling. In response to the concerns of our 25,000 members, we can no longer wait patiently.

We urge you to take action to re-open and re-start the housing courts as soon as possible while ensuring that the health concerns of courthouse employees, litigants, attorneys and others are appropriately and adequately protected.

I look forward to your response and discussing this with you further.

Sincerely,

Handwritten signature of Joseph Strasburg in cursive script.

Joseph Strasburg