

Rent Strike 101: Rights & Risks

Rent strikes are legally allowable and defensible in cases where a landlord is not providing adequate living conditions for tenants or addressing repair needs.

Specifically:

- The warranty of habitability (Real Property Law §235-b) states that tenants have a right to livable, safe and sanitary apartments, and this is a right that is implied in every written or oral residential lease.
- When this right is violated, tenants have a legal right to collectivize and advocate for their rights (Real Property Law § 230), and a right to withhold their rent, sue their landlords, and seek a rent reduction (Real Property Law §227)

Rent strikes are not without risks:

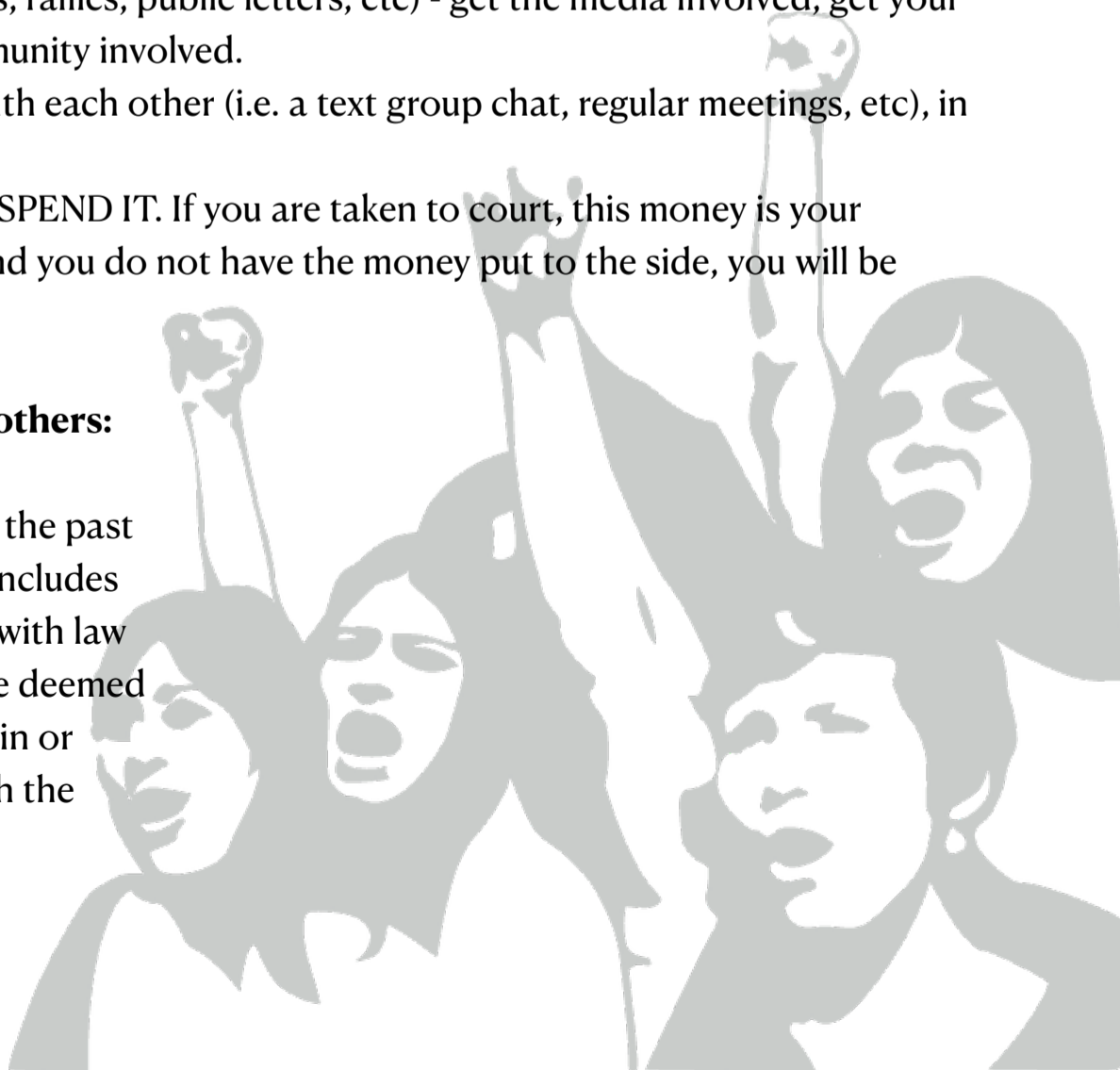
- Landlords sometimes engage various forms harassment and retaliation to intimidate tenants in resuming rent payments
- Landlord can take you to housing court for non-payment
- *For public housing tenants, there is an additional risk that NYCHA could bring an eviction case administratively to terminate a tenancy for chronic rent delinquency (if you have been late or missed previous payments while not on a rent strike).

Risks can be mitigated:

- Collectivize with your neighbors. Having a majority of tenants in a building go on rent strike together minimizes harassment and retaliation.
- Publicize the action (press conferences, rallies, public letters, etc) - get the media involved, get your elected officials, get the broader community involved.
- Devise an easy way to communicate with each other (i.e. a text group chat, regular meetings, etc), in general and in an emergency.
- Put your money to the side - DO NOT SPEND IT. If you are taken to court, this money is your protection. If you are taken to court and you do not have the money put to the side, you will be evicted.

Some tenants face greater risks than others:

- Tenants who are not on the lease
- Tenants who have been late on rent in the past
- *For public housing tenants, this also includes tenants who have regular interactions with law enforcement, or who may be otherwise deemed “dangerous” and excluded from living in or visiting the building in accordance with the permanent exclusion policy.



Steps for going on Rent Strike:

Communicate & Collectivize

- Talk with your neighbors, figure out what the issues are, how you all want to address it, and what your demands are.
- Assess the individual risks each tenant faces and make sure this is the right action for them. If needed, think of additional ways vulnerable tenants can support a broader rent strike without putting themselves at greater risk.
- Create a list of tenants who are going on rent strike and their contact information.
- Create a way for all tenants to speak with each other.
- Identify building or floor captains who will help keep track of the action and will be the point persons for tenants if issues arise.

Document, Inform & Publicize

- Document the shared issues tenants are collectivizing around and be sure available channels for addressing the issue have been pursued - this includes reaching out to elected officials.
- Send a letter to your management office or property manager outlining your intention to go on rent strike, the day the strike will begin, and what demands must be met by the landlord for the strike to end.
- Make sure your local electeds and other officials are aware of the issue tenants are facing, and receive a copy of your letter to your building manager.
- Publicize the rent strike. The more people that are aware of the action and reasons behind it, the harder it is for your landlord to harass, retaliate and attempt to evict, and the more likely they are to feel the pressure and meet your demands.

Communicate!

- If there are instances of harassment, retaliation, or attempts to evict - reach out to the network, the broader community, local electeds, and the media.



We are stronger
together than we
are apart.

