



Legislation Text

File #: Res 1035-2007, **Version:** *

Res. No. 1035

Resolution calling upon the Office of Court Administration to stop selling information from landlord/tenant proceedings in the Housing Part of the New York City Civil Court.

By Council Members Foster, Brewer, James, Mark-Viverito, Palma and Sanders Jr.

Whereas, The Housing Part of the New York City Civil Court, generally referred to as the “Housing Court”, handles residential landlord and tenant cases with over 300,000 cases filed each year; and

Whereas, According to the Civil Court of the City of New York, 90% of the cases filed in Housing Court are non-payment cases, compared to 10% filed as holdovers, and many non-payment cases are based on a landlord’s failure to repair the apartment or provide required services; and

Whereas, The Office of Court Administration (OCA) currently sells respondent names and information of every New York City Housing Court case and transmits them electronically to tenant screening companies; and

Whereas, The funds received by OCA from the sale of Housing Court data does not provide any financial benefit to the Housing Court’s operations because those funds are placed into OCA’s general budget instead of the Housing Court’s budget; and

Whereas, Tenant screening bureaus prepare reports that include credit ratings, criminal records, history of court appearances, and employment history and sell this data to other companies and prospective landlords; and

Whereas, The tenant screening reports, which are used by landlords to screen prospective occupants, may result in tenants being unjustifiably blacklisted because such reports contain incomplete information; and

Whereas, The list may include frivolous cases, cases brought in error, dismissed cases, cases brought by

tenants for repairs, or cases won by tenants, but none of these may have any bearing on a tenants ability to uphold a lease agreement; and

Whereas, In June 2007, The New York County Lawyers' Association issued the “Report on Resources in the Housing Court” which recommended ending the sale of Housing Court data because it “impedes tenants’ assertion of the warranty of habitability, and has a negative impact on preservation of the housing stock, a purpose for which Housing Court was established”; and

Whereas, In *White v. First Am. Registry, Inc.*, 2007 U.S. Dist. LEXIS 18401, the United States District Court for the Southern District of New York found that the screening companies “have seized upon the ready and cheap availability of electronic records to create and market a product that can be, and probably is, used to victimize blameless individuals”; and

Whereas, Denying tenancy to individuals on the list simply because they were involved in a proceeding in Housing Court inhibits free movement and can have a chilling effect on a tenant’s willingness to assert his or her rights; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Office of Court Administration to stop selling information from landlord/tenant proceedings in the Housing Part of the New York City Civil Court.

CFP
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