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Garodnick Applauds Stuyvesant Town Tenants' Major Legal Victory on Retroactive Damages in Rent Overcharge Case

Council Member Dan Garodnick applauded another significant legal victory for tenants of Stuyvesant Town and Peter Cooper Village in the *Roberts v. Tishman Speyer* case – one that opens the door for them to receive considerable damages for rent overcharges.

In a strongly worded decision by Justice Richard B. Lowe III published today, the New York Supreme Court ruled that tenants are entitled to retroactive damages for rent-overcharge claims because their landlord – first MetLife, and then Tishman Speyer – had improperly deregulated apartments that were receiving the J-51 tax abatement.

“This is another huge win for tenants,” said Council Member Garodnick. “The Court of Appeals first resolved the question of liability – now we are getting a clearer picture of damages. MetLife should not fight this any further. Residents were illegally overcharged for years, and we expect them to get the recovery they deserve.”

The New York Court of Appeals ruled on October 22, 2009 that building owners are not entitled to deregulate apartments while receiving the J-51 tax abatement from the City of New York. The Court did not rule on the question of retroactivity at that time.

MetLife subsequently argued that the *Roberts* decision should not apply to them because the October ruling came several years after the company sold Stuyvesant Town and Peter Cooper Village, but Justice Lowe’s decision called those arguments “unpersuasive” and stated that *Roberts* should be accorded “full retroactive effect.”

In rejecting MetLife’s argument, the Court established that the law would apply retroactively against both MetLife and Tishman Speyer if a class-action is certified by the Court. Class certification is still pending.

Garodnick singled out for praise Alex Schmidt, as well as all of the attorneys at Wolf Haldenstein, for another successful day in court.

Garodnick is a life-long resident of Peter Cooper Village, and a member of the putative class in *Roberts v. Tishman Speyer*.

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