



7, 2010

Assemblywoman Amy Paulin
Legislative Office Building 627
Albany, New York 12218

Re: Support of A.08644

Dear Assembly Member Paulin:

The National Organization for Women of New York City, the largest NOW chapter in the U.S., strongly supports Bill A.08644 which would add a 14th exception to Section 1602 of the Civil Practice Law and Rules (CPLR), eliminating landlords and security companies ability to shift liability for inadequate building security to criminals who have injured tenants.

As the current law of negligence stands in New York, a landlord who has been found negligent for failing to maintain reasonable security, gets to share responsibility for his/her negligence with the criminal intruders who gained access as a result of inadequate security and physically harmed a tenant.

A scenario that is not uncommon involves a residential building with a history of prior robberies and assaults, yet the landlord doesn't have working locks on any of the entrance doors. A woman or girl is raped by a building intruder and the landlord is sued in civil court and found guilty of negligence for not meeting requirements for reasonable security. The landlord can argue that it's the criminal's fault that the tenant was raped.

We believe that is against public policy to permit landlords who are on notice that their building fails to have reasonable security and are on notice that there has been prior criminal intrusion into their building to share the responsibility for their negligence with the very criminals the security is designed to keep out.

This law is fundamentally flawed. A criminal can not put locks on the front door to keep rapists and other criminals from gaining entrance. The rapist is not complicit with the landlord. Landlords who do not provide basic security need to be held accountable. Allowing them to shift that accountability endangers the public.

Women and children are the losers under the current law. It is mostly women and girls who are caught alone in the common areas of their buildings by intruders who take them at knife point to the roof and rape them. It is mostly women with protective orders that need to be able to keep their abuser from entering the building where they live.

NOW-NYC urges the New York State Assembly to vote to pass this bill so that women and girls can attain justice and so that landlords will be compelled to ensure adequate security measures. Parents leaving their children at home deserve a measure of peace and comfort knowing their children are safer in a building with doors that lock.

Sincerely,

Sonia Ossorio, Executive Director of NOW-NYC