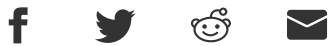


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# 'Is It Facial Or Is It Racial?': Brooklyn Tenants Fight Proposed Facial Recognition Tech

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➡ A group of Brooklyn tenants have filed a complaint with the state against Nelson Management, which is trying to install a facial recognition system in a rent-stabilized complex. BRAHMJOT KAUR / GOTHAMIST

A group of Brooklyn tenants have filed a formal complaint with the state against a landlord trying to install a facial recognition system, potentially setting off a legal and ethical debate about the increasing use of keyless entry systems which may collect and track residents' biometric data.

In a complaint submitted to the state Homes and Community Renewal (HCR) agency on Wednesday, Brooklyn Legal Services' Tenants Rights Coalition argued that the proposed facial recognition technology at Brownsville's Atlantic Plaza Towers raised serious privacy and civil rights concerns for the tenants, most of whom are black. Tenants said they were presented a plan by the landlord to improve security at the front entrances of the building by using a facial recognition system known as StoneLock. The company advertises the product as a "frictionless entry system" that collects biometric data based on facial features. The process involves submitting to an initial face scan, but tenants said it was not clear whether they could opt out.

Currently, few states have laws governing the collection of biometric data, according to Samar Katnani, the attorney at Brooklyn Legal Services who is representing 134 tenants at Atlantic Plaza Towers. It is unclear exactly how many New York City residential buildings are using facial recognition technology, but keyless systems have become increasingly popular (<https://www.nytimes.com/2016/01/03/realestate/new-york-discovers-keyless-entry-systems.html>). Civil rights advocates have argued that surveillance technology has historically been used to police and gather evidence against low-income communities of color.

State rules require landlords of rent-regulated apartments built before 1974 to seek permission from HCR for any "modification in service." According to HCR, this is the first application the agency has received involving facial recognition

technology.

But such technology has appeared in at least one affordable housing project built under the aegis of the city. In February, the city's Department of Housing Preservation and Development, the New York City Housing Development Corporation and the private developer Omni New York announced a 154-unit affordable housing complex in the Bronx touted as having a "state of the art facial recognition system (<https://www.prnewswire.com/news-releases/omni-new-york-llc-celebrates-opening-of-176-units-of-leed-certified-affordable-housing-for-families-and-formerly-homeless-veterans-300409398.html>)." The apartments will be for low-income tenants and homeless veterans.

"There's nothing protecting tenants from this technology," Katnani said. "It's the wild, wild west."



The Atlantic Plaza Towers tenants are asking HCR to deny the application, but they have also asked the state to hold a hearing and hear testimony as part of its deliberation process.

Nelson Management, a prominent New York City landlord which owns a portfolio of roughly 12 buildings, applied to the HCR last July for permission to install the technology at the entrances of the roughly 700-unit rent-stabilized complex at 249 Thomas S. Boyland Street and 216 Rockaway Avenue.

Tenants at the building were notified about the landlord's application beginning in September. As part of the rules, they were given 20 days to respond.

Since that time, nearly 350 tenants have submitted objections, either through Brooklyn Legal Services or individually, according to Katnani.

In January, Brooklyn Legal Services' Tenants Rights Coalition wrote a letter on behalf of the tenants objecting to the plan, as well as asking for more time to initiate an administrative proceeding against the landlord's application.

As part of their formal complaint on Wednesday, the legal team submitted letters of support from the New York Civil Liberties Union and various experts on artificial intelligence.

Katnani said HCR is not required to make a decision on the application within a certain time frame. As a result, administrative proceedings can drag on for years. A spokesperson for HCR said the application "continues to remain under review."

In a statement, a spokesperson for Nelson Management said, "Nelson Management Group prioritizes identifying and implementing cutting edge technology at all our properties to create a safer environment for tenants and provide the highest-quality housing in the rent-stabilized market. The sole goal of this proposed technology is to advance that priority and support the safety and security of residents."

The company added: "We have yet to install anything having to do with a facial recognition system. We have engaged a leading provider of security technology for proposed upgrades, which has assured ownership that data collected is never exposed to third parties and is fully encrypted. We appreciate engagement from tenants on this matter and look forward to feedback from DHCR. As always, we will comply with DHCR's recommendations and keep tenants updated on implementation should we move forward with this upgrade in security technology."

During the press conference on Wednesday at HCR's offices in Jamaica, Queens, tenants brought signs protesting Nelson's plan with chants of "Is it facial or is it racial?" and "Today us, tomorrow you."

Among them was Icemaë Downes, a tenant who has lived at the complex for 51 years. Referring to George Orwell's classic dystopian novel, she said, "This is 1984 coming your way,"

*Additional reporting contributed by Brahmjot Kaur.*

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