

Facing the Scam: What to Do If You've Fallen Victim to a NYC Apartment Rental Scheme

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There is a horrific scam that preys on the vulnerability of renters in New York City, and it happens more often than you might think. The process of securing an apartment in the city is already difficult enough. It involves gathering numerous documents and endless days and nights of searching. When you find a place you like, you have to move quickly. It's in the midst of this stressful process that the scam happens.

The scam takes many different deceptive forms, but the elements remain the same: someone pretends to be a broker or an agent; that person shows you an apartment, either in person, maybe virtually; acceptance of your security deposit, and perhaps even the first month's rent and broker's fee. Then, this person vanishes, leaving you without an apartment and out a lot of money.

It turned out that the person wasn't an agent or broker at all. Maybe they were able to obtain a set of keys to a vacant apartment and show you the place. Or perhaps they assured you they had arranged for the keys to be delivered to you after you paid. There are even some horror stories of the person giving the would-be renters the keys to an apartment, the would-be renters moving in with belongings, and then an actual broker with prospective tenants walking in to find the occupants getting settled.

There are many ways to prevent this from happening, and the New York Police Department has given its tips for avoiding the scam. As has StreetEasy. But what do you do if it's already happened to you? Of course, you can go to the police and see if the scammer can be apprehended and prosecuted, but you also want to get your money back. That's when having an attorney at your side can make all the difference.

Going after the "broker" or "agent" is one strategy. There are some pieces of information that you and your attorney can use to help go after them. Ideally, this is bank account information or actual names and phone numbers. Doing that investigative work with your attorney will go a long way in identifying the individual who scammed you. If you can identify them, you can file a lawsuit against them.

Another strategy, depending on the circumstances, is to go after the actual landlord or whoever has the right to be in the apartment. Sometimes, it's the tenant who is behind on rent and pretending to sublet the apartment. Other times, the landlord has made it just a bit too easy to get the keys to the apartment, and someone saw the opportunity to hatch their scheme. Regardless, going after them for their fault in causing you to get scammed gives you a chance to get your money back.