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# Tenant *Inquilino*

Housing for people, not profit

Vol 34, No. 4  
April 2004

Metropolitan Council on Housing  
339 Lafayette St.  
New York, NY 10012  
PERIODICAL

## Independence Plaza North Reaches Deal With Landlord

### Tenants to Get Section 8 Vouchers or Limited Increases as Building Leaves Mitchell-Lama Program

By Nathan Weber and Julie Miles

**T**he tenants' association at Independence Plaza North has reached an agreement with their new landlord to limit rent increases for current residents once the Tribeca building leaves the Mitchell-Lama housing program in late June.

The settlement presumes that as many as two-thirds of the tenants in the 1,337-unit building will be eligible, based their on household income, for "enhanced" vouchers provided by the federal Department of Housing and Urban Development). In that program, tenants pay 30 percent of their income for rent, and the voucher covers the difference between that amount and the market rent, as determined by the city's Department of Housing Preservation and Development.

"The tenants of Independence Plaza North are delighted that this settlement will enable them to continue to live in affordable housing for years to come," said Neil Fabricant, president of the Independence Plaza North Tenants Association. "Affordable, racially integrated Mitchell-Lama housing has been an enormous asset for middle- and moderate-income New Yorkers. This agreement benefits not only the thousands of tenants of Independence Plaza, but also sets a precedent that should help other Mitchell-Lama

tenants whose owners seek to convert their apartments to market-rate rents in the future."

The agreement also lets tenants who are not eligible for vouchers remain in the development without having to pay market rents. For these tenants, most of whom have resided at Independence Plaza for more than two decades—and lived through the destruction of the World Trade Center, only a few blocks to the south—rent will increase gradually, at rates slightly more than those for rent-stabilized tenants.

For the next nine years, non-voucher rents will increase in accordance with

the city Rent Guidelines Board's annual guidelines. This year, that would be 4.5%. In the tenth, eleventh and twelfth years of the agreement, rents for non-voucher tenants will go up by the amount of the RGB guidelines, plus an additional 3-1/3 percent each year. After that, annual rents will increase as scheduled by the RGB, plus one percent.

"This is great news for the residents of IPN and great news for Tribeca," said City Council Speaker Gifford Miller, who played an active role in the negotiations over the building's fate." This agreement will prevent the displacement of tenants and it will pre-

vent the loss of thousands of affordable housing units at a time when the need for affordable housing in our city has never been greater." The agreement was reached after several months of intense meetings between negotiating teams for each of the parties, which were convened with the assistance of Miller at the request of both parties.

Under the complex array of Mitchell-Lama law and regulations, owners have the option of prepaying low-cost long-term mortgages and leaving a program that keeps rent levels affordable. That al-

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## Tenant Movement Mourns Chelsea Activist Jane Wood

By Gloria Sukenick

We have lost one of the tenant movement's most dedicated and committed activists. Jane Wood, founder of the Chelsea Coalition on Housing, died in her home March 17, a short time before her 97<sup>th</sup> birthday.

Her long history of fighting landlords and saving the homes of Chelsea tenants won her the loyalty of countless neighborhood residents who, when called, would join Jane in the many protests and demonstrations she initiated.

"Considered a giant in the tenants' rights movement, Ms. Wood was credited by housing advocates

for helping to prevent the eviction of hundreds, if not thousands, of tenants, as her Chelsea neighborhood became gentrified," the *New York Times* wrote in her obituary. "She ... could always deliver a rousing speech at tenant protests, Rent Guidelines Board meetings, or neighborhood rallies."

The only daughter of a wealthy banker and a Mayflower descendent, Jane was brought up in very privileged circumstances, and was a debutante and a real beauty. But her life changed completely after she arrived in New York City during the Depression and

became active in the socialist movement.

"She felt that what she saw was terrible, and she felt that she had to do something for those less fortunate," her stepson, Timothy Wood, told the *Times*.

She took various factory jobs, and also worked as a waitress and printer. She became a union organizer and was for a time the only woman member of the International Typographers' Union. In 1947, Jane married Bob Wood, a Communist Party organizer. They both became early supporters of the Cuban revolution.

Jane founded the Chelsea Coalition on Housing in the 1950s, when the building of Penn South displaced large numbers of tenants. She helped ensure that those who lost their homes were given priority in the new housing.

Roberta Gelb, a longtime

tenant on West 16<sup>th</sup> Street, recalled that at various times she was called on to play the role of Santa Claus, replete with beard, belly and jolly laugh, at the Christmas party the Chelsea Coalition held every year. She had also been persuaded by Jane to appear as a turkey in a demonstration that took place in front of Barney's on Thanksgiving Day.

Jane fought Barney's when it displaced tenants on West 17<sup>th</sup> Street, when it demolished their homes

to build a soon-to-fail women's store. She won alternate housing in the neighborhood for those tenants—at the same affordable rents they had been paying prior to their displacement.

Another of Jane's notable struggles involved the battle with Leo House, a women's residence affiliated with Catholic Charities. One of the tactics employed was a procession at John Cardinal O'Con-

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Jane Wood

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**Jane Wood**

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nor's residence to convince him to intervene on the tenants' behalf. Another action took place during the Christmas holidays in front of Leo House, with the theme, "Still No Room at the Inn." With the support of the Chelsea community (that included then-City Councilmember Tom Duane and Assemblymembers Richard Gottfried and Deborah Glick), she managed to delay the eviction of a group of women for several years.

Susan Cohen, now a leading tenant attorney, credits Jane with her decision to enter law school after Jane had organized her building. She is but one of the many housing activists who worked with Jane and went on to become strong

tenant proponents. Jane was determined and stubborn. She could be most difficult, but she had the kind of social consciousness that is, sadly, in short supply today.

Even when she was in her 90s, Jane marched in demonstrations regularly, sometimes with crutches, sometimes with a walker. As long as she was upright, she was there—except for the time in 2001 when she had a sleep-in in the lobby of her six-story building, lying down to "sleep" on an air mattress in order to protest a long delay in replacing the elevator.

Jane Wood left a legacy. Those she worked with are determined to continue the work she began so many years ago. When asked if the Chelsea Coalition on Housing would continue to help tenants fight for their rights, Norma Aviles replied, "What else could we do?" Norma, Kernan Huttick, and others who Jane has helped during her many years of activism will keep the Coalition alive.

Jane had asked that instead of sending flowers, people should make contributions to the Chelsea Coalition on Housing, PO Box 1164, Old Chelsea Station, New York, NY 10113. Her hope was that the work she began so many years ago would be a resource to help tenants for many more years.

*There will be a memorial service June 5 at the Fulton Senior Center, 119 Ninth Avenue.*

**YOUR APARTMENT OR YOUR PET?  
New Yorkers shouldn't be forced to choose!  
Support Intro 189 (formerly Intro 380)**

We pet-loving New Yorkers are in trouble!

The courts have expanded the rights of landlords, co-op boards, and some condo boards to enforce a no-pet clause for each pet a person obtains. That is, even if you already have a cat or a dog, it does not mean you automatically have the right to adopt another or to replace one that has passed away.

THERE IS A SOLUTION: City Councilmember Melinda Katz has proposed Intro 189. It states that once a landlord or a board waives the no-pet clause, it is waived for the duration of a person's occupancy, not just for the lifetime of a particular pet. Thus, once the no-pet clause has been waived for your first pet, every pet thereafter is grandfathered in. (It would not protect people whose pets create a nuisance.)

- No tenants with well-behaved cats and dogs should be forced to live in fear of having to choose between their homes or their pets.
- Federal law already grants tenants in public housing the right to have pets.
- Numerous studies point to the health benefits, both physical and emotional, that people derive from having pets.
- It will open up homes for thousands of wonderful, adoptable cats and dogs who would be needlessly killed at overburdened city-funded animal shelters each year.

**Urge the City Council to Schedule a Hearing on Intro 189**

- Speaker Gifford Miller: (212) 788-7210; e-mail, miller@council.nyc.ny.us.
- Councilmember Madeline Provenzano (chair of the housing committee): (718) 931-6060; e-mail, provenzano@council.nyc.ny.us
- Councilmember Melinda Katz (sponsor of Intro 189): (212) 788-6981; e-mail, katz@council.nyc.ny.us.

*For more information, contact Elinor Molbegott, legal counsel of the Humane Society of New York, at: ElinorM328@aol.com*

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is published monthly except August by Metropolitan Council on Housing (Met Council, Inc.), 339 Lafayette St., NY, NY 10012 (212) 979-6238

Tenant/Inquilino is distributed to members and to affiliated organizations of Met Council as part of their membership. Subscriptions are \$2.50 per year for members, \$5 for institutions per year.

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Articles, letters, artwork and photographs are welcome. Text furnished on Microsoft Word for Macintosh is preferred. 3.5" MACINTOSH OR IBM FORMATTED DISKETTES ARE PREFERRED.

Periodicals postage paid at New York, NY  
Postmaster: Send address changes to:  
TENANT/INQUILINO  
339 Lafayette St.  
New York, NY 10012

Metropolitan Council on Housing, founded in 1958, is incorporated as Met Council, Inc., a membership organization dedicated to decent, affordable, integrated housing.

# EL INQUILINO HISPANO

## EL movimiento de inquilinos está de luto por la activista de Chelsea Jane Wood

Por Gloria Sukenick  
Traducido por Lightning Translations

Hemos perdido una de los activistas más dedicados y comprometidos del movimiento de inquilinos. Jane Wood, fundadora de la Coalición sobre Vivienda de Chelsea (Chelsea Coalition on Housing), murió en su hogar el 17 de marzo, poco antes de cumplir 97 años.

Su larga trayectoria luchando contra los caseros y salvando los hogares de los inquilinos de Chelsea le ganó la lealtad de un sinnúmero de residentes del vecindario, quienes al recibir sus llamadas acompañaron a Jane en las numerosas protestas y manifesta-

ciones iniciadas por ella.

“Fue considerada un gigante en el movimiento por los derechos de inquilinos. Se atribuyó a la Sra. Wood ayudar a evitar el desalojo de centenares, si no miles, de inquilinos, al volverse burgués el vecindario de Chelsea,” escribió el New York Times en su obituario. “Siempre pudo pronunciar un discurso conmovedor en las protestas de inquilinos, reuniones de la Junta de Regulación de Renta o manifestaciones vecindarias.”

Única hija de un banquero acudado y una descendiente del

*Mayflower*, Jane se crió en circunstancias privilegiadas; como joven, se presentó en la sociedad y fue realmente hermosa. Pero su vida cambió por completo después de que llegó a la ciudad de Nueva York durante la depresión y comenzó a colaborar con el movimiento socialista.

“Sentía que lo que veía era horrible; sentía que tenía que hacer algo para los menos afortunados,” dijo al *Times* su hijastro, Timothy Wood.

Consiguió varios trabajos de fábrica y también fue empleada

como mesera e impresora. Se hizo organizadora sindical y por un tiempo fue la única mujer miembro del Sindicato Internacional de Tipógrafos (International Typographers Union). En 1947, Jane se casó con Bob Wood, un organizador del partido comunista. Los dos apoyaron la revolución cubana desde un principio.

Jane fundió la Coalición sobre Vivienda de Chelsea en los años cincuenta, cuando la construcción de Penn South desplazó

*pasa a la página 4*

### Los Ajustes de la “Junta de Regulación de Renta” de la Ciudad de Nueva York (Orden No. 35)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2003 hasta el 30 de septiembre de 2004, incluyendo las concesiones de Pataki adoptadas por la Legislatura Estatal el 19 de junio de 1997

Los topes de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 2003. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 2003. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha. No se permite el recargo también conocido como el «impuesto de pobres.»

**Los Contratos para Apartamentos Vacíos o Nuevos** En junio de 1997, el gobernador George Pataki, al intentar destruir la regulación de rentas, forzó cambios que les dieron a los caseros un recargo muy grande por los apartamentos vacíos. Una cláusula de la “Reforma al Acta de Regulación de Renta” de 1997 permite que los nuevos alquileres sean incrementados en un porcentaje obligatorio: 20% para un contrato de dos años, y por un contrato de 1 año, 20% de incremento menos la diferencia en el tope de renovación para los contratos de 1 y 2 años. La ley permite también incrementos adicionales para los apartamentos vacíos donde no se habían cobrado incrementos por desocupación por ocho años o más.

**Exceso de Cobro** Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar un alquiler ilegal. Una vez que el inquilino haya tomado posesión del apartamento, puede escoger

entre llenar un formulario de queja de exceso de cobro de renta con la oficina de la División de Vivienda y Renovación Comunal (DHCR), o disputar la cantidad de la renta en la corte de vivienda de la ciudad para que se determine cuál es el alquiler legal.

Si un posible inquilino da muestras de conocer sus derechos, lo más probable es que el casero no firmará ningún contrato con tal inquilino. Los caseros evitan contratar con inquilinos que les pueden dar problemas. El exceso de cobro de alquiler es muy común. Todos los inquilinos deben luchar contra posibles excesos de cobro. Obtenga y llene un formulario *Form RA-89* con la oficina de DHCR para determinar el alquiler correcto en los archivos oficiales. Llame a la DHCR a (718) 739-6400 para obtener un formulario, o búsquelo en el sitio [www.dhcr.state.ny.us](http://www.dhcr.state.ny.us).

**La Apelación de la Renta de Mercado Justa** Otro tipo de exceso de cobro sucede frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a renta controlada y se alquila con renta estabilizada. La Junta de Regulación de Renta (RGB) establece anualmente lo que ellos llaman el

“Tope Especial de la Renta de Mercado Justa,” el cual es empleado por la DHCR para bajar las rentas de mercado injustas de los inquilinos que llenan el formulario llamado “Apelación a la Renta Justa de Mercado” (FMRA). Según la Orden 35, es la Renta de Mercado Justa de HUD o un 50% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de abril de 1984 o después debe dejar de poner a prueba la llamada “Renta Legal Inicial Regulada” (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de “Apelación a la Renta Justa de Mercado” como de “exceso de cobro.” La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

**Exención de Incrementos para las Personas de Mayor Edad:** Las personas de 62 años o más que viven en apartamen-

tos estabilizados y cuyos ingresos familiares anuales son de \$24,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

**Unidades de Desván (Lofts)** Los incrementos legales sobre la renta base para las unidades de desván son de un 4 por ciento por un contrato de un año y un 7 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

**Hoteles y Apartamentos de una Sola Habitación** La pauta es un 3.5% para hoteles de clase A, casas de huéspedes,

hoteles de clase B (de 30 habitaciones o más), hoteles de habitaciones solas (SROs) y casas de habitaciones (clase B, de 6 a 29 cuartos), por encima de la renta legal que se pagó el 30 de septiembre de 2003. No se permite ningún incremento de vacancia. No se puede cobrar el incremento estipulado por la pauta a menos que un 75% o más de las unidades en el edificio sean ocupados por inquilinos permanentes de renta estabilizada o controlada pagando las rentas reguladas legales. Además, no se permite ningún aumento cuando el dueño deje de dar al nuevo inquilino de aquella unidad una copia de los Derechos y Obligaciones de los Dueños e Inquilinos de Hoteles, según la Sección 2522.5 del Código de Estabilización de Rentas.

**La Desregulación de Rentas Altas y Altos Ingresos** (1) Los apartamentos que legalmente se alquilan por \$2,000 o más por mes y que se desocuparon entre el 7 de julio de 1993 y el 1ro. de octubre de 1993, o en o desde el 1ro de abril de 1994 son sujetos a la desregulación. (2) La misma desregulación se les aplica, para el mismo período establecido en (1), a los apartamentos que legalmente pagan \$2,000 o más mensualmente aunque no se desocupen, si el ingreso total de la familia es más de \$175,000 en los dos años consecutivos previos. Para cumplir los requisitos de esta segunda forma de desregulación, el casero tiene que enviarle un formulario de certificación de ingreso al inquilino entre el 1ro de enero y el 1ro de mayo, así como someter dicho formulario al DHCR y conseguir su aprobación.

Para pautas previas, llame a la RGB al 212-385-2934 o busque el sitio [www.housingnyc.com](http://www.housingnyc.com).



| Tipo de Contrato                          | Renta Legal Actual   | Contrato de 1 Año  | Contrato de 2 Años  |
|---|--|--|---|
| <b>Renovación del Contrato</b>            | Todas  | 4.5%   | 7.5%  |
| <b>Contratos para Apartamentos Vacíos</b> | Más de \$500   | Incrementos por desocupación cobrados en los últimos 8 años: 17%   | 20%   |
|   |  | Incrementos por desocupación no cobrados en los últimos 8 años: 0.6% por el número de años desde el último incremento por estar vacío, más el 17%    | 0.6% por el número de años desde el último incremento por estar vacío, más el 20%                         |
|   | Menos de \$300   | Incrementos por desocupación cobrados en los últimos 8 años: 17% + \$100   | 20% + \$100   |
|   |  | Incrementos por desocupación no cobrados en los últimos 8 años: 0.6% por el número de años desde el último incremento por estar vacío, + 17% + \$100 | 0.6% por el número de años desde el último incremento por estar vacío, + 20% + \$100                      |
| Renta de \$300 a \$500                    | Incrementos por desocupación cobrados en los últimos 8 años    | 17% o \$100, lo que sea mayor  | 20% o \$100, lo que sea mayor   |
|   | Incrementos por desocupación no cobrados en los últimos 8 años | 0.6% por el número de años desde el último incremento por estar vacío, mas 17%, o \$100, lo que sea mayor  | 0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o \$100, lo que sea mayor |

## Wood

viene de la página 3

muchos inquilinos. Ella ayudó a garantizar que se les diera prioridad para la nueva vivienda a los que perdieron sus hogares.

Roberta Gelb, una inquilina del oeste de la calle 16 desde hace mucho tiempo, recordó que en varias ocasiones le tocó hacer el papel de Santa Claus, con todo y barba, panza y risa alegre, en la fiesta navideña celebrada todos los años por la Coalición de Chelsea. Jane también le persuadió aparecer como un pavo en una manifestación que se armó frente a la tienda Barney's en el día de Acción de Gracias.

Jane luchó contra Barney's cuando éstos desplazaron a inquilinos en el oeste de la calle 17, al demoler sus hogares para construir una tienda de ropa femenil que pronto fue al pique. Ganó vivienda alternativa en el vecindario para aquellos inquilinos—con las mismas rentas asequibles que habían pagado antes de su desplazamiento.

Otra lucha notable de Jane trató de la batalla con la Casa Leo

(Leo House), una residencia de mujeres afiliada con Caridades Católicas (Catholic Charities). Una de las tácticas empleadas fue una procesión a la residencia del Cardenal John O'Connor para convencerle de intervenir por parte de las inquilinas. Se hizo otra acción durante la época navideña frente a la Casa Leo, con el tema "Todavía no hay espacio en la posada." Con el apoyo de la comunidad de Chelsea (que incluyó al entonces concejal Tom Duane y los miembros de la asamblea estatal Richard Gottfried y Deborah Glick), consiguió demorar por varios años el desalojo de un grupo de mujeres.

Susan Cohen, ahora una destacada abogada de inquilinos, atribuye a Jane su decisión de entrar a la facultad de leyes después de que Jane organizó a los inquilinos de su edificio. Ella es sólo una de los muchos activistas de vivienda que trabajaron con Jane y llegaron a hacerse fuertes partidarios de los inquilinos. Jane fue decidida y terca. Podía estar sumamente di-

fícil, pero tenía una conciencia social lamentablemente difícil de encontrar hoy en día.

Aun teniendo más de noventa años, Jane marchó regularmente en manifestaciones, a veces con muletas, a veces con andador. Mientras estaba erguida, estuvo presente—con la excepción de la ocasión cuando organizó una manifestación ocupando el vestíbulo de su edificio de seis pisos, acostándose para "dormir" en un colchón de aire para protestar una larga demora en remplazar el ascensor.

Jane Wood dejó un legado. Aquellos con quienes trabajó están resueltos a continuar el trabajo empezado por ella hace tantos años. Al preguntarle si la Coalición sobre Vivienda de Chelsea seguiría ayudando a los inquilinos a luchar por sus derechos, Norma Aviles contestó, "¿Qué más podríamos hacer?" Norma, Kernan Huttick y otros ayudados por Jane durante sus muchos años de activismo mantendrán viva a la Coalición.

Jane había pedido que, en vez de mandar flores, la gente haga contribuciones a la Coalición sobre Vivienda de Chelsea, PO Box 1164,

Old Chelsea Station, New York NY 10113. Tenía la esperanza de que el trabajo que empezó hace tantos años sería un recurso para ayudar a los inquilinos por muchos años más. Se celebrará un oficio conmemorativo el 5 de junio en el Centro de Personas Mayores Fulton (Fulton Senior Center), 119 de la Novena Avenida.

## Leah Williams de RENA

*Tenant/Inquilino* también quiere reconocer la muerte de Leah Williams, sostén principal de la Asociación de la Vecindad Riverside Edgcombe (Riverside Edgcombe Neighborhood Association, RENA), por mucho tiempo afiliada de Met Council. Williams fue líder de inquilinos en Harlem y una de los activistas principales de RENA desde los años 1960 hasta los 1980, incluyendo muchos años como presidenta del comité de vivienda del grupo (que conduce una reunión semanal sobre los derechos de inquilinos). Según Jeanie Dubnau de RENA, "Williams fue bien conocida en su comunidad de Harlem por su voz elocuente, la cual ella alzó por los derechos de inquilinos, los derechos civiles, la paz y la igualdad."

## L.A. Court Rejects "Landlord's Solution"

A judge in Los Angeles has thrown out challenges to a city law that bars landlords from adding draconian rules to tenants' leases and then evicting them for lease violations.

Los Angeles Superior Court Judge Malcolm Mackey ruled March 2 that an amendment to the city's rent-control law that prohibited such evictions was a "valid exercise of the city's police power." Los Angeles, which has almost 600,000 rent-controlled tenants, enacted the amendment early in 2003, after a wave of evictions by owners using a practice nicknamed "the Landlord's Solution."

In it, landlords would require longtime tenants to turn over photographs of all people living in their apartment, along with Social Security cards, car registrations, and other personal information. The owners would also set rules for

tenants, ranging from how many times they could flush the toilet to whether they could drink alcohol in the apartment, and then evict them for violating the rules.

The "Landlord's Solution" was devised by the law firm of Dennis P. Block, whose Web site—[www.evict123.com](http://www.evict123.com)—boasts that it's "the leading eviction law firm" in California. "Do you have low-paying tenants under rent control?" it asks. Block's firm brought the challenge to the city law.

A spokeswoman for Bet Tzedek Legal Services, one of the groups that defended the rent-control law in court, told the *Los Angeles Times* in March 2003 that she'd seen 500 tenants trying to avoid eviction from such practices in the previous three months, including 30 households in one building in Koreatown.

—Steven Wishnia

## Union City to End Vacancy Deregulation?

Union City, New Jersey, is considering revising its rent-control ordinance to set limits on vacancy increases.

The bill, introduced in February by Mayor Brian Stack and the city's Board of Commissioners, would tie increases for vacant apartments to renovations and improvements. Landlords would be allowed to raise rents by up to 50 percent if they can prove that they made at least \$10,000 worth of significant improvements. The city's current law restricts increases for tenants to around 3 percent a year, but lets owners

raise rents to market rate if they make minor renovations.

Dozens of people turned out at City Hall for hearings on the proposal in early March. Mayor Stack told the *Jersey Journal* that a minimum-wage earner in New Jersey would have to work 143 hours per week to afford an average rent in the Hudson County city.

The proposal would also limit rent increases for people 62 or older to 2 percent a year, and let landlords pass some costs on to tenants.

—Steven Wishnia

## No se quede helado: ¡ORGANIZESE!



La ley requiere que su casero proporciona calefacción y agua caliente a las temperaturas siguientes, desde el 1ro de octubre hasta el 31 de mayo:

Desde las 6 a.m. hasta las 10 p.m.: Si la temperatura afuera es de menos de 55 grados, la temperatura adentro debe ser al menos de 68 grados en todo el apartamento.

Desde las 10 p.m. hasta las 6 a.m.: Si la temperatura afuera es de menos de 40 grados, la temperatura adentro debe ser al menos de 55 grados en todo el apartamento.

Se tiene que proporcionar agua caliente a un mínimo de 120 grados en el grifo las 24 horas del día, todo el año.

Si su casero no mantiene estas temperaturas mínimas, usted debe:

- \* Comenzar una "Acción HP" (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- \* Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al 311 inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.
- \* Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tengan problemas con la calefacción.
- \* Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- \* Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en inglés) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consigne la

participación de todos los inquilinos en su edificio que pueden firmarlo. Reclame una orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (¡disculpe lo de "congelen"! ) todas las rentas.

- \* Necesitarán una fuerte asociación de inquilinos para obligar al casero a proporcionar calefacción y agua caliente. Escriban y llamen al casero para demandar reparaciones y aceite. Prepárense para una huelga de renta (sobre todo con asesoría legal)—de relámpago si es necesario.

Las leyes sobre la calefacción establecen también:

- \* Que el Departamento de Reparaciones de Emergencia de la ciudad le proporcione la calefacción si el casero no lo hace. (No se siente en un bloque de hielo—otra vez, ¡disculpe!—mientras espere que lo haga.)
- \* Una multa de \$250 al casero por cada día que se produzca la violación. (Pero la verdad es que la Corte de Vivienda raras veces impone las multas, y menos aun las cobra).
- \* Una multa de \$1,000 al casero si algún aparato de control automático se instala en la caldera para mantener la temperatura por debajo del mínimo legal.
- \* Si el tanque de combustible de la caldera está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción y también sin obtener ninguna respuesta del casero. Esto no se aplica si la caldera está rota y necesita tanto reparación como combustible.

**¡Cuidado!** ¡proteja su dinero! Si los inquilinos deciden comprar el combustible, hay que seguir los procedimientos legales cuidadosamente. Consiga la ayuda y el consejo de un organizador de inquilinos. La existencia de leyes de calefacción y agua caliente vigentes no garantiza que el gobierno las implemente. No se quede helado por esperar que la ciudad o el estado actúe. ¡Organízeselo!

# Ownership Change at Manhattan Plaza Concerns Tenants

By Jenny Laurie

"They broke the mold after they built this place. Manhattan Plaza was designed from the beginning," says Marisa Redanty, president of the Tenants' Association there, "to be economically and racially integrated. It is absolutely unique."

Manhattan Plaza tenants learned in January that the complex would be sold to The Related Companies, and immediately began to worry about the future of their subsidized apartments. The nearly 1,700 apartments are home to actors, musicians, and other performing artists who will not be able to afford the area's market rents if the owners decide to opt out of the programs which keep rents pegged to residents' incomes. Manhattan Plaza is subsidized through the federal Section 8 program, and is part of the city's Mitchell-Lama program. (Under both the Section 8 and Mitchell-Lama programs, private owners get subsidies in return for renting to low and moderate-income tenants. Most owners participating are permitted to opt out after 20 years. When this happens, buildings like Manhattan Plaza, with rent-up dates after 1974, are not covered by rent stabilization, and are permitted to go to open market rents.)

The building's management rules, unique in New York, include a provision for unions representing performing artists to be involved in picking new tenants, according to Redanty. The rules require that 70 percent of apartments go to members of the performing arts; and the other 30 percent go to a mix of neighborhood residents in poor housing, the disabled, and the elderly. This has created an incredible community, racially and economically diverse, which has been home to some of New York's most talented people. The rules also allow performing artists to go in and out of the Section 8 program as their incomes vary, which has been extremely helpful to tenants who might work in a successful Broadway show one year and a show that closes after one performance the next. According to news reports and tenants, the building has been home to Alicia Keys, Angela Lansbury, John Spencer, Tennessee Williams, Dexter Gordon, and hundreds of lesser-known musicians, actors, and performers.

Soon after the pending sale was revealed in January (the residents first read about it in the *New York Times*), tenants attended a meeting where representatives of the prospective owner, a subsidiary of The Related Companies, told them the company was committed to preserving Manhattan Plaza as an affordable home for performing artists. But in late February, the Tenants' Association obtained documents—under the Freedom of Information Act—from the federal Department of

Housing and Urban Development, which revealed that Related, intends to enter the Mark Up to Market program.

Mark Up to Market is designed to give owners who might ordinarily opt out of Section 8 and similar subsidy programs an incentive to stay, by letting them raise rents to levels set by HUD via a rent comparability study. This enables them to get more money from the tenants who pay the contract rents and from HUD for those who pay the Section 8 rents.

The loss of affordable apartments due to Section 8 and Mitchell-Lama opt-outs is a critical problem for New York. According to a recent report from Comptroller William Thompson, the city stands to lose more than 40,000 units from the Mitchell-Lama program in the next 10 years. Another 40 to 50,000 apartments in buildings made affordable through Section 8 and similar programs have also 20-year exit options, according to a policy memorandum from the Community Service Society. Buildings like Manhattan Plaza, which are in areas where the market rents are very high, are especially vulnerable to buyouts.

Tenants in regular project-based Section 8 buildings whose incomes are too high to qualify for the subsidy pay the contract rent, a ceiling rent set by HUD. The special problem at Manhattan Plaza is that tenants regularly go back and forth between the contract rent and the Section 8 subsidy, which pays the difference between 30% of the tenant's income and the contract. Under Mark Up to Market, these contract rents will be allowed to rise, regardless of whether they remain affordable to current tenants.

Also, according to Redanty and others, there are 168 apartments in the complex that are only subsidized by the Mitchell-Lama program. Redanty says that HUD officials have told tenants that the Mark Up to Market program will override the M-L rent limits. The tenants' association has been meeting with Related representatives to try to work out a deal to preserve the affordability for all the tenants in the building.

Soon after the announcement of the pending sale, a group of tenants began an effort to explore alternatives to the proposed sale to Related. Under government rules, owners need permission before selling a project while they are bound by the contracts. These tenants, first calling themselves the Manhattan Plaza Residence Investment Alliance, wanted to explore the idea of preserving the affordability for all tenants by adopting a home-ownership model. According to Mike Freeman, active with the group, a number of tenants were very suspicious of Related. "Related's Steve Ross is a financial partner of Deputy Mayor Dan Doctoroff, the

man behind the push for a West Side stadium for the Jets, a corridor of office skyscrapers, the expansion of the Javits Center, and the 2012 Olympics." Many tenants fear that the new owner might move rents to market levels; across the street from the complex, the asking rent for a two-bedroom apartment is \$4,000 a month. Similar apartments in Manhattan Plaza at contract rent are under \$2,000 per month, according to news reports.

The current crisis at Manhattan Plaza is not the first time the building has been at the center of the machinations of wheeler-dealers in the real-estate market. The building was planned in the late 1960s when the property, the block between Ninth and Tenth avenues, from 42nd to 43rd streets, was assembled by Seymour Durst. Hoping to make the area more upscale for the better buildings

he owned around Times Square, Durst cleared out the tenants and commercial establishments on the block and sold the package to developer and builder Richard Ravitch.

Ravitch put together the plan to develop the block using financing from the Mitchell-Lama program. Initially, state housing officials (who rejected the plan) and then city officials were concerned that the rents would have to be high to support the debt burden—too high for anyone who would want to live in what was then a run-down area. Ravitch quickly sold his equity in the project to Estee Lauder and Alexander Cohen (having only committed a relatively small amount of his own money), but kept the construction contract and the management of the complex.

*continued on page 7*

## Don't Freeze—Organize!



**The law requires your landlord provide heat and hot water at the following levels from October 1 through May 31:**

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.

Hot water at a minimum 120 degrees at the tap must be provided 24 hours a day, year round.

**If your landlord does not maintain those minimum temperatures, you should:**

- \* Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.
- \* Call the New York City Central Complaints Bureau at 311 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- \* Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- \* Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- \* Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat

and Hot Water complaint form. Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

You'll need a strong tenant association to force the landlord to provide heat and hot water. Write and call the landlord and demand repairs or fuel.

Prepare to go on rent strike — but get legal advice first.

**The heat laws also provide for:**

- \* The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- \* A \$250 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)
- \* A \$1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

If your boiler's fuel tank is empty, tenants have the right to buy their own fuel after 24 hours of no heat and no response from the landlord. But this provision does not apply if the boiler is broken and needs both repairs and fuel.

**Caution!** Protect your money! If you decide to buy fuel, you must follow special lawful procedures very carefully. You should get help and advice from a tenant organizer.

Because the heat and hot water laws are in the law books does not mean they are enforced by government. Don't freeze to death waiting for the city or state to act. Organize!

# New Tenant Group Forms on Upper East Side

By Leonard Sydney

Shortly after the disappointing legislative results came in from Albany in June 2003, members of the Mount Sinai Hospital Tenants Association met to review the impact of the state Legislature's extension of rent regulations. We quickly came to a consensus that the eight-year extension would probably be the last of its kind.

Due to weakening amendments passed by the Legislature in 1997 and 2003, we have already lost 40,000 to 50,000 rent-stabilized apartments. We projected that up to 500,000 more, half of all rent-stabilized apartments, will disappear from the regulated housing stock during the next eight years. That would forever change the face, voice, and relative diversity of New York City, as one-third of the city's population would no longer be able to live here.

The tenant movement needs enhanced, stronger leadership and a more active agenda. The failure of the Democratic leadership of the state Assembly to deliver on its promises to strengthen rent regulations, was extensive, damaging, and perhaps unforgivable. The weakening of rent regulations puts the entire community of rent-stabilized/rent-controlled tenants at serious risk of losing their homes in the future.

Within days of the first meeting, several members of our group attended a town-hall-type gathering on the Upper West Side, organized by State Senator Eric Schneiderman and Assemblymembers Daniel O'Donnell and Scott Stringer. More than 150 distressed tenants attended, many of whom expressed outrage at the

negative results coming from Albany and disappointment with the performance of the elected friends of New York City tenant/citizens. It soon became obvious that there was enough criticism to go around—but few constructive suggestions as to what the next course of action should be. Some weeks thereafter a new tenant organization was born: the Outreach Committee, Eastside Tenants Community.

We have randomly assembled and computerized the first 2,500 names, addresses, and telephone numbers of rent-stabilized tenants living between the Upper East 90s and East 79th Street, from Fifth Avenue to the East River. Approximately 1,800 of these renters have already received our first mailing.

What is our plan and our program? We intend to continue to reach out to

the 2.5 million rent-stabilized New Yorkers on a neighborhood basis. We are concerned about the 100,000 rent-controlled New Yorkers and will support their status and concerns.

We will attempt to organize a tenant association in every rent-regulated building where our members may reside. We believe this to be the linchpin of tenant organization.

We feel strongly that only by gathering the strength of New Yorkers, developing meaningful financial resources, and then motivating the direct participation of individual tenants and their building associations, can we avoid what has happened to tenants in Boston and Cambridge, Massachusetts, after rent regulation there was abolished in 1994. That led to a mass exodus of middle-class families as rents soared. As the folks in

Cambridge learned last year, when they tried unsuccessfully to regain rent regulation, once lost, the program is unlikely to return.

We cannot and will not allow the city that has attracted and welcomed the most gifted, ambitious, and creative young people for the past century to cease being their place of destination. Should we not prevail, they simply will not be able to secure affordable living space in the "new" New York City, which will welcome only those fortunate few who have already made it.

*Leonard Sydney is outreach community coordinator for the Outreach Committee, Eastside Tenants Community: 1209 Park Ave. (between 94th and 95th streets), New York, NY 10128; phone, (212) 427-6848. Membership is \$18 a year.*

## NYC Rent Guidelines Board Adjustments (Order No. 35)

for Rent Stabilized Leases commencing Oct. 1, 2003 through Sept. 30, 2004, including the Pataki vacancy bonuses adopted by the State Legislature on June 19, 1997

This rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 2003. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 2003. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, a.k.a. poor tax, allowed.

### Sublease Allowance

Landlords can charge a 10 percent increase during the term of a sublease that commences during this guideline period.

### Vacancy Leases

In June 1997, Governor George Pataki, as a part of his efforts to destroy rent regulation, forced changes that gave landlords large vacancy bonuses. Provisions of his Rent Regulation Reform Act of 1997 allow the rents of apartments to rise by a statutory percentage: 20 percent for a 2-year lease, and 20 percent minus the difference between the 1- and 2-year renewal guidelines for 1-year leases. The law also allows additional vacancy increases for apartments which have had no vacancy allowance in eight or more years.

### Rent Overcharges

Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses, and the tenant's unfamiliarity with the apartment's rent history, to charge an illegal rent. The tenant can choose be-

| Lease Type            | Current Legal Rent  |  | One-year Lease  | Two-year Lease  |
|-----------------------|---------------------|--|---|---|
| <b>Renewal Leases</b> | All                 |  | 4.5%  | 7.5%  |
| <b>Vacancy leases</b> | More than \$500     | Vacancy allowance charged within last 8 years    | 17%   | 20%   |
|                       |                     | No vacancy allowance charged within last 8 years | 0.6% times number of years since last vacancy allowance, plus 17%                                 | 0.6% times number of years since last vacancy allowance, plus 20%                                 |
|                       | Less than \$300     | Vacancy allowance charged within last 8 years    | 17% plus \$100  | 20% plus \$100  |
|                       |                     | No vacancy allowance charged within last 8 years | 0.6% times number of years since last vacancy allowance, plus 17% plus \$100                      | 0.6% times number of years since last vacancy allowance, plus 20% plus \$100                      |
|                       | Rent \$300 to \$500 | Vacancy allowance charged within last 8 years    | 17% or \$100, whichever is greater  | 20% or \$100, whichever is greater  |
|                       |                     | No vacancy allowance charged within last 8 years | 0.6% times number of years since last vacancy allowance, plus 17%, or \$100, whichever is greater | 0.6% times number of years since last vacancy allowance, plus 20%, or \$100, whichever is greater |

tween filing an overcharge complaint with the Division of Housing and Community Renewal or challenging the rent in Housing Court to get a determination of the legal rent.

A prospective tenant who expresses knowledge of their rights will probably not be given a lease to sign. Landlords avoid renting to tenants who may be troublesome. Overcharging is very common. Every tenant should challenge possible overcharge. With DHCR, obtain and fill out *Form RA-89* to determine the correct rent from official records. Call DHCR at (718) 739-6400 to obtain the form or go to: [www.dhcr.state.ny.us](http://www.dhcr.state.ny.us)

### Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is re-rented as a stabilized unit. The Rent Guidelines Board an-

nually sets what they call the "Special Fair Market Rent Guideline" that is used by DHCR to lower unfair market rents for tenants who file the Fair Market Rent Appeal (FMRA). Under Order 35, it is HUD Fair Market Rent or 50% above the maximum base rent., whichever is higher. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR *Form RA-89*. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

### Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable annual household income is \$24,000 or less and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be avoided. Obtain the SCRIE application form by calling (212) 442-1000.

### Loft Units

Legalized loft unit increases above the base rent are 4 percent for a one-year lease and 7 percent for two years. No va-

cancy allowance is permitted on vacant lofts.

### Hotels and SROs

The guideline is 3.5% for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms), above the legal rent paid on September 30, 2003. No vacancy allowance is permitted. The guideline is not collectible unless 75% or more of the units in the building are occupied by permanent rent stabilized or controlled tenants paying legal regulated rents. Further, no increase is allowed when the owner has failed to provide to the new occupant of that unit a copy of the Rights and Duties of Hotel Owners and Tenants, pursuant to Section 2522.5 of the Rent Stabilization Code.

### High-rent, High-income Deregulation

(1) Apartments legally renting for \$2,000 or more a month that became vacant from July 7, 1993 through October 1, 1993, or on April 1, 1994 and thereafter are subject to deregulation. (2) The same deregulation applies in the time periods set forth in (1) above to apartments legally renting for \$2,000 or more a month without their becoming vacant if the total household income exceeds \$175,000 in each of the prior two consecutive years. To be eligible for this second form of deregulation, the landlord must send an income certification form to the tenant between January 1 and May 1 and file it with and get the approval of DHCR.

For previous guidelines call the RGB at 212-385-2934 or go to [www.housingnyc.com](http://www.housingnyc.com).

## Manhattan Plaza

*continued from page 5*

Even before it was completed, the project had cost the city (which sold bonds to finance the construction of the building) so much that Ravitch and the city decided to bring in Section 8 so the rents could be higher than those originally planned. However, Durst objected to this plan of filling the building with poor Section 8 recipients, as it would have undermined his intent to provide a more upscale neighborhood, and so the plan to rent to people in the performing arts was born. The building was finally completed in 1977.

Elected officials representing the area and the performing arts unions involved in the complex all want to preserve Manhattan Plaza's special character as a home for performing artists. "Manhattan Plaza tenants saved this part of the city. They moved into the building with families during years when this neighborhood was dangerous," says Redanty. "This building has been a great deal for the tenants, but also for the government."

She is cautiously optimistic about the future with Related. While the Tenants' Association has hired a lawyer familiar with subsidized housing programs, Redanty noted that the division of Related that owns Manhattan Plaza owns only buildings in affordable housing programs, and "has not taken any of their buildings" out of their subsidy programs. The problem, she warns, is that "there has been a feeding frenzy with these [subsidized] large real-estate companies."

Freeman feels that the tenants were sandbagged and is quite pessimistic about the new owner's plans. He feels that the new owners worked with the supervising

agencies to push through the deal to prevent anyone from offering an alternative. "The deal was done [seven weeks after the January meeting] despite tenants being told at the time of the meeting that the sale would take two to three months" and again at a March 9th meeting when tenants were "told that the final approval would take place when all the financials were in order.... but that approval had been given twelve hours after the meeting." His group has formed the Manhattan Plaza Residents Alliance and has also hired an attorney, Jack Lester. The MPRA hopes to stop the implementation of Mark Up to Market and to investigate and expose the details of the sale.

Anne Lessy, director of New York City organizing for Tenants & Neighbors, says that this is a major problem with HUD-subsidized buildings: "The larger issue here is that tenants do not receive notice when a building is up for sale. There should be a requirement that tenants be notified so they can be protected, and so they can work on solutions that will protect all the tenants who live in their building." According to Lessy, who works with many Section 8 buildings around the city, "Manhattan Plaza is absolutely unique—it is a model of what affordable housing should be, beautiful, well-maintained, quality, affordable housing. The tenants are proud to live there and passionate about maintaining it as affordable housing for the tenants who live there and as a resource for the future."



## Independence Plaza North

*continued from page 1*

allows them to charge tenants market rents, especially in buildings constructed after 1974, which are not covered by rent stabilization. Most Mitchell-Lama buildings were initially developed during the 1960s and 1970s in designated urban renewal areas that now are thriving, economically vibrant neighborhoods—where substantial market rents can be obtained.

"Thousands of tenants in Mitchell-Lama buildings—and those developed under similar federal, state and city programs that inspired investment in housing that is affordable for New York's middle class—are at risk of having to pay sizable increases in rent or losing their homes as owners opt to forgo government subsidies in favor of unrestrained profits," said Fabricant.

The "biggest outstanding concern," he added, is the Bush administration's attempts to cut funding for the voucher program, which "threatens the availability and value of the enhanced vouchers that are the financial underpinning of this deal." The administration wants to reduce the program's budget by 10 per-

cent in fiscal 2005 and 40 percent by 2009. It is also trying to impose one-year time limits on enhanced vouchers.

According to the National Low Income Housing Coalition, the Bush budget proposal "reduces funding for the Housing Voucher Program by \$1.66 billion and reduces the number of families that can receive assistance by 250,000. Currently, the Housing Voucher Program serves 2.05 million low-income households."

The Coalition notes that "the President wants to turn this market-based housing assistance program, the cost of which is geared to the cost of rental housing in the private market, into a block grant to public housing authorities. Block granting the program serves to cap the costs to the federal government regardless of increases in housing costs, and means that over time, public housing authorities will have no choice but to cut back on housing assistance."

*Nathan Weber and Julie Miles are members of the Independence Plaza North Tenants Association.*

## The Appellate Division Ruling and Its Impact on Westgate

By Jean Dorsey

In February, the state Appellate Division overturned a lower-court ruling that had held that the landlord of Westgate, a former Mitchell-Lama complex on the Upper West Side, could only raise rents by the amounts allowed under rent stabilization. The decision is a major bump in the road for tenants in the complex, who, since the landlord opted out of the Mitchell-Lama program over five years ago, have kept our homes affordable through a combination of resolve, resourcefulness, treasury contributions, and the expert assistance of our lawyers.

The decision ordered the state Division of Housing and Community Renewal to reconsider the owner's request for a rent increase. It's based on a reading of the governing laws and statutes that we believe to be incorrect: that the landlord, KSLM Columbus, is entitled to a special exemption from rent stabilization. If it went unchallenged, it could spell the end of a significant amount of affordable housing in New York.

This outcome would displace thousands of working families who contribute greatly to the quality of New York life as we know it. Imagine losing teachers, nurses, subway workers, and seniors on fixed incomes, the people who built the neighborhoods that

are now so desirable.

The KSLM Columbus management team requested an increase of over 250 percent for each apartment at Westgate and was rejected. Management then proceeded to appeal, one court at a time, and was overruled at each turn. Although the actual parties in this case are DHCR and KSLM Columbus, we, the Westgate Tenants Association, sued and won a place at the table as intervenors. We argued that it is our homes that are at stake and therefore, our position must be represented. The state attorney general's office represents DHCR and we fervently hope that they will decide that they want to appeal the decision. If they do, we will join in that appeal. If not, we are prepared to appeal on our own.

Westgate is joining with other tenants who are in danger of losing their homes in seeking legislation to protect our investments as citizens in our homes. A bill was introduced in Albany in March that addresses the protection of the public investment that has been made in Mitchell-Lama and other affordable home programs. In general it works out that for every private dollar invested in such developments, we, the people, pony

*continued on page 8*

## Rent Guidelines Board 2004 Meeting Schedule

After last year's high guidelines, the importance of tenants attending the Rent Guidelines Board's public hearings and meetings this year cannot be overstated. If you don't want to see the high guidelines repeated, we must let Mayor Bloomberg and the members of the RGB know that one year of high guidelines is more than we can afford.

To call or write City Hall: Mayor Michael Bloomberg, City Hall, NY, NY 10007; (212) 788-3000.

### New York City Rent Guidelines Board MEETINGS & HEARINGS

|  |                         |
|--|-------------------------|
| Tuesday, April 13, 9:30 a.m. – 12:30 p.m.  | Public Meeting          |
| Department of City Planning, Spector Hall, 22 Reade St., Manhattan   |                         |
| Tuesday, April 20, 9:30 a.m. – 12:30 p.m.  | Public Meeting          |
| Department of City Planning, Spector Hall  |                         |
| Tuesday, April 27, 9:30 a.m. – 12:30 p.m.  | Public Meeting          |
| Department of City Planning, Spector Hall  |                         |
| Friday, April 30, 9:30 a.m. – 5:30 p.m.  | Invited Group Testimony |
| Dept. of City Planning, Spector Hall   |                         |
| Apt. Owners: 9:45 a.m. – 11:45 a.m.; Apt. Tenants: 1:00 p.m. – 3:00 p.m.;                                      |                         |
| Hotel Owners: 3:15 p.m. – 4:00 p.m.; Hotel Tenants: 4:00 p.m. – 4:45 p.m.;                                     |                         |
| Deliberation: 4:45 p.m. – 5:30 p.m.  |                         |
| Monday, May 10, 5:30 p.m. – 9:30 p.m.  | Preliminary Vote        |
| The Great Hall at Cooper Union, 7 E. 7 <sup>th</sup> St., corner of 3 <sup>rd</sup> Ave. (basement), Manhattan |                         |
| Thursday, June 3, 9:30 a.m. – 12:30 p.m.   | Public Meeting          |
| Department of City Planning, Spector Hall  |                         |
| Tuesday, June 15, 10:00 a.m. – 10:00 p.m.  | Public Testimony        |
| The Great Hall at Cooper Union (basement)  |                         |
| Thursday June 17 5:30 p.m. – 9:30 p.m.   | Final Vote              |
| The Great Hall at Cooper Union   |                         |

The Rent Guidelines Board reserves the right to cancel or reschedule public meetings. Call to confirm the dates: 212-385-2934 or [www.housingnyc.com](http://www.housingnyc.com).

**Westgate**

*continued from page 7*

up almost ten dollars in the form of tax incentives, abatements and loan guarantees! Of course, nobody is expected to lose money on

such developments, and hardship rent modifications are always available.

As long as our management can

keep us in court and count the costs as a normal business expense, the legal fund shall be the single most important ongoing fee other than our monthly rents for as long as we continue to live in the comfort of our affordable homes. We've urged each family to set aside portions of their budgets

to cover legal expenses. I don't think that this is what Mitchell or Lama envisioned, but I look at my neighbors and know that their dream has been a success. We will continue to fight!

*Jean Dorsey is head of the Westgate Tenants Association.*

**Leah Williams of RENA, 87**

Leah Williams, a housing activist and community leader in Harlem and Washington Heights, passed on March 12. She was 87.

Born in North Carolina on July 24, 1924 in a segregated society where she could not go to high school in her own neighborhood, Leah Williams was a dynamic, militant tenant and trade-union activist, a fighter for civil rights, the rights of children, and justice for all people. She was on the board of directors of the Riverside-Edgecombe Neighborhood Association, a longtime affiliate of Met Council, from the early 1970s to the late 1980s, and the co-chairwoman, with Jessica Barr, of the group's housing committee. She was a great speaker and inspired

people to take action. True to the revolutionary spirit of the 1960s, she was a person who knew that the "system" had to be radically changed.



*Leah Williams*

COURTESY OF RENA

Leah began her career by starting the first integrated nursery school in Sharon, Pennsylvania, and worked for her whole adult life as a teacher in the Mary Walton Children's Center in Harlem. As a shop steward with District Council 1707, she was a leader in the

first strike to get benefits for day-care workers. Whenever there was a demonstration for civil rights, for peace in the world, for justice, for tenants, Leah was always there with her strong voice. We in RENA will always remember her.

—Jeanie Dubnau

**Maximum Base Rent Factor Adopted 17.2% — Highest Since 1976**

After holding its required hearing in January on its proposal to set the 2004/2005 MBR increase at 17.2%, DHCR adopted the factor without change.

Despite moving testimony from tenants in the packed hearing room, administrators of the state housing agency have gone ahead and set the increase, which will mean that all rent-controlled tenants in the MBR system who do not have rent-imparing violations, will pay a 7.5% increase in both years. Most rent-controlled tenants will pay a fuel pass-along in addition.

Apply for SCRIE if you think you qualify: call 311 or go to [www.nyc.gov/html/dfta/home.html](http://www.nyc.gov/html/dfta/home.html). Any questions about

your rent, call Jenny or Charlie at (212) 979-6238 (Met Council members only, please).

Outraged? You should be. Call or write Governor Pataki and your Assemblymember and state Senator. (Go to [www.lwnyc.org](http://www.lwnyc.org) or call (212) 213-5286 to find the phone number, address and e-mail for your representatives.)

Want a laugh? Read the DHCR's official announcement:

"After careful consideration and our concern for affordability and the maintenance of the housing stock, the proposed 17.2% will be adopted as the Standard Adjustment Factor (SAF) concerning the 2004-05 Maximum Base Rent (MBR) factor."

**Save the Date**  
**Met Council on Housing**  
**Annual Meeting**  
**S**  
**Saturday, May 22, 2004**  
**10 a.m. to 2 p.m.**

**Local 802, 322 West 48<sup>th</sup> Street, Club Room**

**Speakers and election of new board members**

Directions: Local 802 is between 8th and 9th avenues. Take the C or E train to 50th Street and 8th Avenue, the 1 or 9 to 50th Street and Broadway, or the N or R to 49th Street and 7th Avenue.

**WHERE TO GO FOR HELP**

**LOWER EAST SIDE BRANCH at Cooper Square Committee**  
 61 E. 4th St. (btwn. 2<sup>nd</sup> Ave. & Bowery)  
**Tuesdays ..... 6:30 pm**

**CHELSEA COALITION ON HOUSING**  
 Covers 14<sup>th</sup> St. to 30<sup>th</sup> St., 5<sup>th</sup> Ave. to the Hudson River.  
 322 W. 17<sup>th</sup> St. (basement), CH3-0544  
**Thursdays ..... 7:30 pm**

**GOLES (Good Old Lower East Side)**  
 525 E. 6<sup>th</sup> St. (btwn. Aves. A & B) Lower East Side tenants only, 212-533-2541.



**HOUSING COMMITTEE OF RENA**  
 Covers 135<sup>th</sup> St. to 165<sup>th</sup> St. from Riverside Dr. to St. Nicholas Ave.,  
 544 W. 157<sup>th</sup> St. (basement entrance).  
**Thursdays ..... 8 pm**

**LOWER MANHATTAN LOFT TENANTS**  
 St. Margaret's House, Pearl & Fulton Sts.,  
 212-539-3538  
**Wednesdays ..... 6 pm-7 pm**

**VILLAGE INDEPENDENT DEMOCRATS**  
 26 Perry St. (basement), 212-741-2994  
**Wednesdays ..... 6 pm**

**WEST SIDE TENANTS UNION**  
 200 W. 72nd St. Room 63; 212-595-1274  
**Tuesday & Thursday ..... 2-5 pm**  
**Tuesday & Wednesday 6-7:45 pm**

**METROPOLITAN COUNCIL ON HOUSING**

Met Council is a citywide tenant union.

Our phones are open to the public Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

We can briefly answer your questions, help you with organizing or refer you to other help.

**212-979-0611**

**Join Met Council**

Membership: Individual, \$25 per year; Low-income, \$15 per year; family (voluntary: 2 sharing an apartment), \$30 per year. Supporting, \$40 per year. Sustaining, min. of \$100 per year (indicate amount of pledge). For affiliation of community or tenant organizations, large buildings, trade unions, etc. call 212-979-6238.

My apartment is  controlled  stabilized  unregulated  other \_\_\_\_\_  
 I am interested in volunteering my time to Met Council. Please call me to schedule times and duties. I can  counsel tenants,  do office work,  lobby public officials,  attend rallies/protests.

Name \_\_\_\_\_  
 Address \_\_\_\_\_ Apt. No. \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Home Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Send your check or money order with this form to:  
 Metropolitan Council on Housing, 339 Lafayette St., NY, NY 10012

Lso Angelese