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Tenant Inquilino

Housing for people, not profit

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Metropolitan Council on Housing
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PERIODICAL

Bush Slashes Section 8 Program

By Steven Wishnia

The Bush Administration's proposed budget could cut a quarter-million families out of the federal Section 8 subsidized-housing program, low-income housing advocates warn.

Bush's fiscal 2005 budget, released Feb. 2, would reduce funding for the federal Housing Choice Voucher Program to \$11.8 billion—\$1.1 billion below this year's spending, and \$1.6 billion below the amount needed to avoid cutting people out of the program. The proposed cuts would eliminate aid for 250,000 of the slightly more than 2 million households in the program, according to the National Low-Income Housing Coalition (NLIHC).

The voucher program, established in 1974, is the largest federal low-income housing program. It subsidizes low-income, elderly, and disabled tenants by giving them vouchers to cover the difference between 30 percent of their income and what the federal government considers a "fair market rent" for privately owned housing in the area. Originally called Section 8, it was renamed the Housing Choice Voucher Program in 1998, but is still commonly called Section 8. Slightly more than half of voucher holders are families with children, while 40% are seniors or people with disabilities, according to the Washington-based Center on Budget and Policy Priorities (CBPP). About 40 percent have jobs.

New York City, which now has about 100,000 families receiving vouchers, would lose 5,000 vouchers because of the cuts, a Housing Authority official told *City Lim-*

its. Victor Bach, senior housing policy analyst at the Community Service Society, says the city would lose 7,000 vouchers, and the CBPP estimates that the Bush proposal would cut off 24,000 of the 200,000 households now receiving vouchers in New York State.

Buried in a 1,000-page computer printout released after the official budget proposal are plans for even deeper cuts. The Bush administration intends to chop \$6 billion off the program in fiscal 2009. That would eliminate vouchers for 800,000 families, including almost 80,000 in New York State—about 40 percent of those in the program, according to the CBPP. The only alternative local authorities would have to cutting off vouchers would be to raise

all rents by up to \$250 a month. "This would be the most severe cut in a low-income program since the early years of the Reagan administration," CBPP executive director Robert Greenstein said in a statement issued Feb. 12.

The Bush proposal also does not include any protection for people who lose their vouchers. "That's one of the biggest problems with it," says Kim Schaffer of NLIHC.

Demand for the vouchers far exceeds supply. New York City has 154,000 people on its waiting list, which was closed in 1994. As more than 90 percent of the vouchers that become available go to emergency cases—the homeless, victims of domestic violence, intimidated witnesses to crimes—the list has barely shrunk since then, says

Bach. Seattle stopped accepting applications last year. In Virginia, Richmond's waiting list is closed too; Baltimore's is open only to the disabled and victims of crime, government-forced relocation, and natural disasters.

In many large cities, including New York, the wait for a voucher for those on the list is eight to 10 years.

Spending on the program increased significantly from 1996 to 2003.

Part of this, according to the CBPP, arose from increased housing costs; about half arose from increases in the number of vouchers issued, as Congress attempted to deal with the long waiting lists and provide a market-based alternative as it cut aid to public housing. (The total number of people in federally subsidized housing

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Brooklyn Beep Markowitz Defends Arena Proposal

By Steven Wishnia

In the February issue of Tenant/Inquilino, we ran an article focusing on Prospect Heights residents' objections to the plan to build an arena for the Nets basketball team in their neighborhood, along with retail complexes and high-rise housing, that would force out tenants on several nearby blocks. Brooklyn Borough President Marty Markowitz, a

strong supporter of the project and a longtime tenant advocate, responded in this interview, conducted with his chief of staff, Greg Atkins.

Why do you support the Atlantic Yards/Nets arena project?

It's good for Brooklyn.

Why do you think it would be good for Brooklyn?

There are a lot of things it would provide—affordable housing, jobs. Those railyards are not generating anything for the community. The other thing is the pride that having a major-league team would bring to this borough. It's an image thing. The Brooklyn we know is not what the rest of the country sees. Having a major-league sports team will help sell the image of Brooklyn as a world-class city of two and a half million people.

The bottom line is whether or not you like sports, an arena is a cultural institution. It promises more than just basketball—high-school sports, college sports, high-school graduations, Hasidic weddings. A city of two and a half million people has a need for an arena.

What would you say to the people on Pacific and Dean streets who would

be forced out of their homes?

Marty met with those people, he toured their homes and had coffee. Obviously, he'd prefer no properties being taken. He's advocated for that with Forest City Ratner, to minimize property takings. Whether or not that can be done is another story.

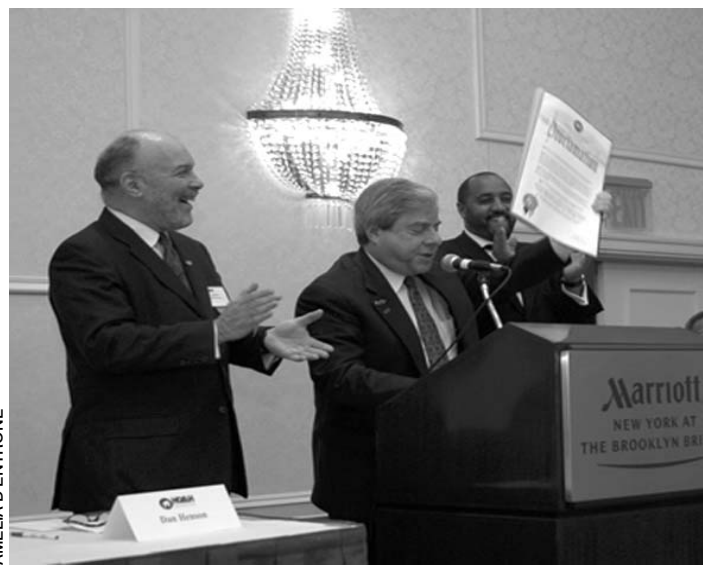
Why should public funds be used to build apartments that will be 80 percent luxury and at most 20 percent low- and moder-

ate-income?

If public funds aren't used, then it's 100 percent market rate. 80/20 is the most likely program that's available. Marty has advocated for a 50-30-20 split, 50 percent market-rate, 30 percent middle income, and 20 percent low-income. The process is just beginning, and a lot remains to be determined.

Marty's whole thing is to make this as affordable as possible for Brooklynites.

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Brooklyn Borough President Marty Markowitz proclaims Feb. 19 Affordable Housing Day.

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Body Count: Council Seeks Homeless Death Data

By Kai Wright

The city can tell you exactly how many people quit smoking last year. It can estimate how many New Yorkers had sex with more than three people. And, thanks to a controversial initiative begun last year, it's hoping to soon have a count of people living on the streets. City Councilmember Christine Quinn (D-Manhattan) says if all that's possible, we ought to also be able to track how many homeless people die. She's introduced a bill that would force the Health Department to do just that.

Quinn's bill would require health officials to submit monthly reports to the Council with data on the number of homeless

deaths, the locations where those people died, their age and gender, and what killed them—including an indication of whether the death was related to cold or heat exposure.

To Quinn's thinking, all the city has to do is take note of each person whose death certificate doesn't include an address. To the officials involved in the process, that's utterly naïve. "It's always been a question: How many homeless people die," sighed medical examiner's office spokesperson Ellen Borakove. "And it's a question we can't answer with any precision."

Currently, when a body is found on the streets, it goes to

Borakove's office, where doctors conduct an autopsy while missing-persons detectives try to identify it. If the body remains unclaimed and unidentified after two weeks, Rikers Island inmates bury the person at Hart's Island, near the Bronx. In such instances, there will be no address listed on the death certificate. Under Quinn's system, that death would be logged as homeless—along with the death of any person actually confirmed as homeless.

But the Health Department says there are all sorts of other circumstances where a death certificate address is left blank, like the common scenario in which a certificate is simply filed too hastily.

"Homelessness can be difficult to define and measure," epidemiology director Kelly Henning told a February 12 hearing. "The death certificate, which is completed by physicians and funeral directors, is not suited for the level of precision described in this bill." Henning suggested the department may be able to devise a sys-

tem for monitoring annual deaths, rather than the monthly reports Quinn wants, but offered no details.

Quinn's legislative director, Jeremy Hoffman, said the bill's backers are willing to consider alternatives, as long as the Health Department comes up with them. He's wary of what he says is a common Bloomberg administration ploy: Shoot down a Council proposal on technical grounds, but fail to offer workable solutions. "If they don't like this mechanism, they should propose another," said Hoffman. "If we're going to count the live homeless, you should count the ones who have died, too."

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BECOME A WRITING TENANT

Met Council wants to profile you and your neighbors' struggle to obtain affordable quality housing. We want you to write for *Tenant/Inquilino*.

For more information call 212-979-6238

CORRECTION

In the February issue of *Tenant/Inquilino*, we listed the Morningside Tenants Federation and the Columbia Tenants Union as members of the Coalition to Preserve Community. Both groups are defunct, says the article's author, Tom Kappner, although they "played a very important part in the legacy of activism and resistance to unbridled institutional expansion" in the area. Also, Kappner is a member of the Coalition to Preserve Community; there is no organization called "Columbia Tenants on the Move."

Hotline Volunteers Needed!

Our phones are ringing off the hook! Met Council is looking for people to counsel tenants on our hotline. We will train you! The hotline runs on Mondays, Wednesdays and Fridays from 1:30-5 p.m. If you can give one afternoon a week for this crucial service to the tenant community, call Jenny at (212) 979-6238 x3.



Watch Rent Wars News

the weekly tenants show that covers the news, people, and events that affect New York's tenants.

Brooklyn

Every Monday at 7 p.m.: Time Warner Channel 34 or Cablevision Channel 67

Manhattan

Every Sunday at 6 p.m.: Time Warner Ch. 67 or RCN Ch. 110. Without converter: Time Warner Ch. 16 or RCN Ch. 110

Also check out www.rentwars.com

Participate in the RWN Forum, post events, listen to interviews and specials online, and read show supplements that go deeper into the stories covered on the show.

Scott Sommer hosts Met Council's

HOUSING NOTEBOOK

Mondays at 8:00 p.m. on WBAI 99.5 FM

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- Weekly Housing Court Decision summaries



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EL INQUILINO HISPANO

¿Jason Kidd o Robert Moses?

Residentes de Brooklyn resisten el desalojo debido a la construcción del complejo del estadio de los Nets

Por Steven Wishnia

Traducido por Lightning Translations

Inquilinos del vecindario Prospect Heights en Brooklyn pretenden que se penalice al especulador Bruce Ratner por juego rudo.

El especulador quiere acaparar siete cuadras que se extienden al sur y este de las avenidas Atlantic y Flatbush para los "Brooklyn Atlantic Yards," un proyecto masivo que incluiría un nuevo estadio para el equipo de baloncesto New Jersey Nets y 4,500 apartamentos en edificios de muchos pisos, casi

todos de rentas de lujo. Residentes del área están gritando "¡Falta!", señalando que Ratner está echando a un lado las preocupaciones de la comunidad en torno a la escala del proyecto, el tráfico y el desalojo como una combinación de Robert Moses y un delantero renegado poderoso abriendo paso al cesto a la fuerza.

"A la gente le gustará que los Nets jueguen en Brooklyn, pero no sobre los hogares aplastados de mis vecinos," dijo Patti Haagan de

la Coalición de Acción de Prospect Heights (Prospect Heights Action Coalition). "Si [Ratner] no puede construir su juguete, su estadio de baloncesto, sin destruir los hogares y negocios de la gente, lo está construyendo en el lugar equivocado."

El plan traería de nuevo los deportes de ligas mayores a Brooklyn por la primera vez desde la salida de los Dodgers en 1958. A diferencia de la base de operaciones actual de los Nets en los

Meadowlands de New Jersey, el estadio propuesto se ubicaría en un vórtice importante del transporte público: sobre varias líneas del metro y al otro lado de la calle de la estación principal del Long Island Railroad en Brooklyn. El complejo, que se extendería al este hasta la avenida Vanderbilt, incluiría 2.1 millones de pies cuadrados de espacio de oficinas, 300,000 pies cuadrados de espacio

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 toques 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.

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.



Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años
Renovación del Contrato	Todas	4.5%	7.5%
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años: 17%	20%
	Menos de \$300	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%
		Incrementos por desocupación cobrados en los últimos 8 años: 17% + \$100	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	

Estadio

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comercial y una torre que medirá 620 pies. Costaría \$2.5 mil millones, una gran parte de ello pagada por fondos públicos tras estratagemas fiscales como “financiamiento de incremento fiscal.”

“Esto no tiene nada que ver con los Nets,” dice la concejal Letitia James, quien representa el área. “Se trata de bienes raíces.”

A lo largo de la avenida Flatbush y la calle Dean en el vecindario de Prospect Heights, casi todos los negocios exhiben un volante en contra del plan; varios hogares tienen banderas protestando contra él. Para construir el complejo, Ratner tendría que demoler casi todos los edificios existentes a lo largo de la calle Pacific y el lado norte de la calle Dean, incluyendo los hogares de casi 400 personas y un albergue para desamparados con alrededor de 400 personas más. También obligaría a salir a numerosos negocios pequeños, incluyendo una fábrica de lienzos artísticos, un taller de carrocería, un estudio de graba-

ción y un sombrerero, según Hagan.

“Nadie te puede tratar así. Te usan como un periódico viejo,” dijo Vera Bryant, de 70 años de edad, una inmigrante de Antigua que vive en la calle Pacific con sus dos nietos. “No es justo. Este hombre Ratner viene y dice que va a derribar las casas de la gente, que va a arrancarlos de sus hogares.”

“Vamos a tener que mudarnos, y tal vez no tengamos ningún derecho legal a compensación,” dijo Bill O’Brien, un inquilino de renta estabilizada en la calle Dean. “Hay personas en mi edificio que han vivido aquí por 30 años.”

“Me mantengo con la compensación por invalidez. No me alcanza para pagar otra renta,” dijo otro residente de la calle Dean, quien paga \$575 por un apartamento de estudio. “Me molesta que yo no cuento, que la gente aquí no cuenta, que dicen que somos irrazonables porque no queremos perder nuestros hogares.”

Otra preocupación es el desplazamiento secundario. Prospect

Heights ha mejorado de una manera importante en los últimos 20 años—alguna vez una cuadra adyacente de la calle Pacific fue un paseo para algunas de las prostitutas de calle más pobres de la ciudad—pero conserva la atmósfera de un vecindario, una mezcla de razas y rentas relativamente asequibles. Sin embargo, con 3,600 apartamentos de lujo surgiendo del otro lado de la calle, la rápida conversión en una vecindad burguesa puede imposibilitar que las personas en edificios no demolidos puedan quedarse. “Cambiará el panorama de ingresos dramáticamente,” dijo James. “Destruirá el carácter de la comunidad.”

Hasta mil millones de dólares del costo del proyecto puede venir del pueblo. La ciudad probablemente tendrá que gastar al menos \$150 millones en la mudanza de las vías ferroviarias del Long Island Railroad, además de otros trabajos de infraestructura. Toda compensación para la gente forzada a trasladarse también provendrá de la ciudad o el estado. Adicionalmente, se estima que \$435 millones de los gastos de la construcción del estadio se cubrirán por “financiamiento de incremento fiscal.” Se trata de una estratagema, también planeada para el estadio de fútbol de los Jets en el vecindario Chelsea-Clinton en Manhattan, en que el gobierno esencialmente dice que como no cobraría impuesto alguno si no se construyera nada en el sitio, el especulador puede emplear lo que normalmente hubiera pagado en impuestos para cubrir los gastos de construcción. Esto permite a los especuladores construir el proyecto sin arriesgar su propio dinero, mientras los políticos pueden aseverar que “a los contribuyentes no les costó ni diez centavos.”

Este financiamiento es el blanco de muchas de las objeciones al plan del estadio. En tiempos en que la ciudad está cerrando estaciones de bomberos, subiendo la tarifa del metro, recortando fondos para escuelas y bibliotecas y padeciendo una crisis colosal de vivienda asequible, la gente se pregunta por qué debería emplearse el dinero de los contribuyentes

para pagar la construcción de un estadio de deportes con fines de lucro y varios miles de apartamentos de lujo.

Otra cuestión es la escala del proyecto. La torre que mide 620 pies eclipsaría el edificio del Williamsburgh Bank, el edificio más conocido en el centro de Brooklyn desde hace décadas. “Achicaría el vecindario,” dijo James. Los opositores dicen que no objetan la urbanización del sitio, pero quieren ver negocios pequeños en vez de cadenas de tiendas y viviendas asequibles de pocos pisos que “se ven como Brooklyn,” dijo Hagan.

El proyecto de Atlantic Yards es uno de varios proyectos de urbanización importantes planeados o en construcción en el centro de Brooklyn, incluyendo 6.8 millones de pies cuadrados de espacio de oficinas y el Atlantic Terminal, una galería de tiendas y complejo de oficinas construidos por Ratner sobre la estación del Long Island Railroad (con casi la mitad del costo cubierta por \$114 millones en bonos “Liberty” de reconstrucción después del 9/11). “No se puede pensar en todos estos proyectos por separado,” dijo James. “Van a ahogar el centro de Brooklyn.”

Como el proyecto cuenta con el apoyo de muchos funcionarios políticos clave, incluyendo el alcalde Bloomberg, el gobernador Pataki y el presidente del condado Marty Markowitz, los opositores están enfrentando toda la unión política/especuladora. Hasta una concejal partidaria de los inquilinos por muchos años ha dicho que no se opondrá al proyecto y criticó a James por no proponer posibles concesiones. De todos modos, dijo James, como el terreno en cuestión es propiedad del estado o privada, es improbable que el Concejo Municipal desempeñe un papel importante en el asunto. También es posible que los Knicks puedan tratar de impedir a sus rivales mudarse a la ciudad.

Los residentes del vecindario no han tenido muchas comunicaciones con Ratner ni con el gobierno

pasa a la página 5

No se quede helado: ¡ORGANÍZASE!

La ley requiere que su casero proporcione 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 consigue 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. ¡Organízese!

Talleres de Inquilinos del Consejo de Vivienda Metropolitano (Met Council)

Durante la primavera, Met Council celebrará talleres sobre los derechos de inquilinos en diversas bibliotecas del Sistema de la Biblioteca Pública de Brooklyn. Las fechas y lugares son:

Sólo en inglés:

Biblioteca Central, Grand Army Plaza, el 3 de marzo a las 7 p.m.
Biblioteca Clinton Hill, el 10 de mayo a las 6:15 p.m.
Biblioteca Marcy, el 14 de junio a las 5 p.m.

En español e inglés:

Biblioteca Sunset Park, el 11 de marzo a las 3:30 p.m.
Biblioteca Washington Irving, el 13 de marzo a las 1:30 p.m.
Biblioteca Bushwick, el 22 de marzo a las 6:30 p.m.
Biblioteca DeKalb, el 24 de marzo a las 6:30 p.m.
Biblioteca Arlington, el 29 de marzo a las 6 p.m.

Section 8

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ing remained the same, the CBPP says.)

The Bush proposal also includes a number of other changes intended to cut costs and encourage—or force—people to leave publicly subsidized housing, in the name of “self-sufficiency.” It would replace fixed per-unit housing payments, which go up automatically when rents rise, with block grants to local housing authorities, which are set by Congress. It would let housing authorities charge tenants more than 30 percent of their income for rent, ending a longstanding limit. And instead of requiring that three-fourths of vouchers go to extremely poor families—those making less than 30 percent of area median income (about \$19,000 a year in New York City)—it would let local authorities give them to anyone making up to 80 percent of the median, and conceivably more in some cases, according to the NLIHC. This, says the CBPP, would enable the local authorities to save money by shifting housing assistance from the extremely poor to slightly better-off families, who could get by on smaller subsidies. HUD acknowledges this, calling it an “efficiency” improvement.

“What’s really important about this program is that it’s one of the few federal housing programs that serves the people with the lowest incomes,” says Schaffer. “To eliminate that characteristic would be disastrous.”

The Bush plan would also limit “enhanced vouchers,” which are given to tenants in tight housing markets, to one year. These vouchers pay extra to cover tenants when their landlord leaves the program and charges the full market rent. “Where are these tenants to go?” asks Bach.

Some public-housing officials have praised the proposals for allowing them more flexibility, but tenant advocates are appalled. “Outrage is the only rational response,” NLIHC president Sheila Crowley said in a statement.

The catch may be that the Bush plan would give local governments more choices about how to run housing programs—and fewer resources to keep them going. “If the Administration’s proposal is enacted, housing agencies would likely be compelled to cut their voucher programs much more sharply in years after 2005,” the CBPP noted in a report issued Feb. 24. “Historically, funding for many block grants that assist low-income people has failed to keep pace with need and has fallen well behind inflation over time.”

Bach sees the proposed changes as part of Bush’s “long-term, very patient strategy of shrinking domestic programs.” As block grants, unlike the vouchers, are not indexed to cover rising housing costs, he explains, the city will be able to aid fewer people, especially the homeless. “What all this is going to do is impose higher costs on the city,” he adds, “because if the city doesn’t have

vouchers to help families out of the shelters, people will be staying in shelters longer, and it will have to expand the system.”

Bush’s budget would also hold

funds for public housing and homeless assistance at last year’s levels. It would cut money for lead-paint hazard reduction by 15 percent, to \$139 million.

Met Council Tenants’ Workshops

Met Council will be holding tenants’ rights workshops at various branches of the Brooklyn Public Library this spring. The dates and locations are:

In English only:

Central Library, Grand Army Plaza, March 3, 7 p.m.

Clinton Hill Branch, May 10, 6:15 p.m.

Marcy Branch, June 14, 5 p.m.



In Spanish and English:

Sunset Park Branch, March 11, 3:30 p.m.

Washington Irving Branch, March 13, 1:30 p.m.

Bushwick Branch, March 22, 6:30 p.m.

DeKalb Branch, March 24, 6:30 p.m.

Arlington Branch, March 29, 6 p.m.

Attention All On-line!

If you have an e-mail address, join the **Met Council “ACTIVE! list.”** We’ll send you alerts about demonstrations, hearings and other activities. Simply send us a message, subject heading “subscribe”, to: **active@metcouncil.net**

Estadio

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de Bloomberg sobre el plan. “Nos han mantenido tanto a mi como a la comunidad en la ignorancia,” dijo James. “No hemos conseguido ni pizca de información ni de Ratner ni de la ciudad,” se quejó Hagan. (Forest City, la oficina de relaciones públicas de Ratner, no respondió a llamadas telefónicas de *Tenant/Inquilino*.)

La más probable objeción legal al proyecto se basará en la cuestión del dominio eminente. Se permite que el gobierno se apodere de terrenos particulares para “uso público,” pero los opositores de Atlantic Yards sostienen que esto no debe incluir proyectos de urbanización privados. “Esto constituye la subvención de contribuciones caritativas a un millonario,” acusa Hagan. “Es un abuso flagrante del poder de dominio eminente.”

Los opositores del estadio sugieren que se debe construir en una parte de la ciudad que tenga más terrenos vacíos para que no desplace a la gente, así como el antiguo

Navy Yard, Long Island City, Coney Island, Red Hook o East New York. Otra idea común es construirlo en el sitio del Atlantic Center Mall, un proyecto de desarrollo comercial de Ratner del comienzo de los 90 en el lado norte de la avenida Atlantic que ha tenido dificultades en retener los inquilinos clave.

Cientos de personas han asistido a reuniones. Una reunión de la Junta Comunal 2 fijada para el 28 de enero para votar sobre plan del centro de Brooklyn fue cancelada—ostensiblemente por la nevada de la noche anterior, aunque un correo electrónico de la Coalición de Acción de Prospect Heights sospechó que fue “la renuencia a enfrentar los residentes que planearon acudir esta noche para testificar en silencio contra el Plan de Urbanización del Centro de Brooklyn y su abuso del dominio eminente.”

Al preguntarle sobre protestas futuras, Patti Hagan dijo, “Vamos a aparecer donde menos nos esperan.”

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!

Markowitz

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We want to maximize affordability.

What about secondary displacement, the idea that landlords will say, "People are paying \$2,100 two blocks away, why should I get only \$700"?

Making more units available helps everyone. And an apartment in a Frank Gehry building is different from an apartment on a brownstone block.

Given the amount of money that the city will have to spend on this project, why not use it to build affordable housing?

If we had that kind of money, Marty would love to do that. The aim is maximizing public investment so it creates as many affordable units as possible. The financing hasn't been done yet. We don't know if it'll be 80-20.

Some people have suggested canceling the apartment and office towers,

and just building the arena on the site of the Atlantic Center mall. Their argument is that this would bring the Nets to Brooklyn and keep the arena at a major public-transportation hub without displacing Prospect Heights residents. What do you think of this?

Not enough space. It's too small. Marty asked about that, if Ratner could work the design so it doesn't displace people. The site the arena would need to be on is on that corner [Atlantic and Flatbush avenues]. The site where the housing is is too far from public transportation. People would start driving to games.

One reason this plan works for Brooklyn is the conjunction of the housing and commercial development. People who go to Nets games are spending their money in New Jersey now. I think there's a whole different audience

that'll be spending their money here. This is creating a tremendous number of jobs. There are more opportunities for low-skills people in back-office jobs than in manufacturing. How do we get people in the Ingersoll and Farragut houses, which have an unemployment rate of 70 percent, into these jobs?

What do you see as the most important housing issues in the city?

Affordability. Quality. Making opportunities available for Brooklynites to have their children grow up and buy a home in the same neighborhood.

How can we preserve and increase the supply of affordable housing?

Homeownership is key. Access to capital so people in low-income neighborhoods can afford to buy homes and invest in their communities.

Gone are the days of big public subsidies where

they could afford to build large-scale projects for renters. We don't have a Mitchell-Lama program any more, unfortunately.

The best way to increase supply is to have programs that provide incentives for private developers to build affordable units. I don't know what the exact number of units we'd need in Brooklyn, but I'm guessing 60,000 to 80,000.

What kind of programs?

HPD has 80/20, 50/30/20. Those programs are well funded. I don't want to get too political, but George Bush's tax cuts

reduced funding for these programs.

The city is going through a colossal housing crisis. Most people, especially younger and working-class people, can't afford what's on the market. Why isn't this a more prominent political issue?

I wish I knew the answer. I think it is a big political issue on the local level. A lot of local elected officials hear about it when they campaign. Marty got into politics by being a tenant advocate, and he's fought his entire career for more affordable housing.

Complaint Numbers

To reach the Department of Housing, Preservation and Development's Central Complaints hotline, call 311. This number replaces (212) 824-4328.

Also call 311 to reach the Department of Buildings and other city agencies.

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
Renewal Leases	All		4.5%	7.5%
Vacancy leases	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

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.

Don't Let the Bedbugs Bite!

By Jenny Laurie

After only hearing about bedbugs when I tucked my kids in at night and repeated the ditty my mother used, "sleep tight... don't let the bedbugs bite," I was surprised to get a couple of calls over our hotline from tenants suffering from bedbugs.

Apparently, the biting insects have made something of a comeback in New York and other places. After getting chased out of the US and other areas heavily dosed by DDT, the bugs are returning. A Google search on bedbugs reveals a story in an Australian newspaper about a Mexican business traveler who was severely bitten while staying at the ritzy Helmsley Park Lane Hotel in New York. In fact, during medieval times, bedbugs were a mark of distinction, as only rich households had them. Bedbugs like warm environments and nice beds, and since most people then were peasants who slept in unheated shacks on piles of straw, only the rich were infested.

Today, bedbugs can infest any bedroom, rich or poor, and hygiene has little to do with the problem. Bedbugs (*Cimex lectularius linnaeus*) are small (1/3 to 1/4 inches long), brownish, and wingless insects. They hide in the mattress or bed during the day and come out at night to bite while the person is sleeping. While biting, they inject special saliva into their victims to keep the blood from coagulating. This is what creates the itching bite on the skin. The bugs turn reddish and get larger after they have fed on blood.

Bedbugs are spread when luggage, clothing, or bedding is taken from an infested area to a new place. The bugs hide at first in the bedding of their new home, but can later move to the floors, walls, and other furniture. They are hard to get rid of because they can go over 100 days without a meal, and they are good at hiding during the

day. They look for out-of-the-way cracks and clothing folds, and hide in electrical outlets and wiring conduits, under wallpaper and in unused furniture. So merely getting ride of infested furniture and bedding won't always solve the problem.

How to rid an apartment of bedbugs

The New York State Integrated Pest Management Program recommends three steps: Find their hiding places, clean those places thoroughly, and then make it hard for the bugs to get back in. As part of cleaning the hiding places, the IPM program recommends washing all bedding, rugs, and clothes in hot water, and drying them in a hot dryer to kill bugs living in these materials. Carefully clean or vacuum all surfaces in the room and all items that can't be washed. To prevent the return of bugs, seal all cracks, crevices, and openings around pipes or electrical conduits.

If you are considering using insecticides, both the state IPM program and the city Department of Health warn that they are highly toxic chemicals, so tenants should educate themselves on the particular product before using it. This is particularly important when trying to eradicate bedbugs, as people—especially children, who are most susceptible to toxins—spend a lot of time in bedrooms and in bed. For information about insecticide components and their dangers, look at Web sites like the Children's Health Environmental Coalition (www.cheenet.org) or the Natural Resources Defense Council (www.nrdc.org).

To minimize exposure to toxic pesticides or avoid them altogether, the University of California's Integrated Pest Management Program recommends alternate methods of getting rid

of bedbugs: "Stand the legs of beds in soapy water, coating the legs with petroleum jelly or double-sided sticky tape. Bedbugs cannot climb polished glass or metal easily and they don't fly, so the legs of beds can also be placed inside glass jars or metal cans. Heating to 97° to 99°F will kill most bedbugs, as will temperatures below 48°F."

Tenants' Rights: Apartment Buildings & Hotels

Obviously, multiple dwellings offer bedbugs the perfect environment, since the bugs can hide in the walls while one unit is cleaned and then appear in another, or return to reinfest the original room or apartment. Hotels traditionally have had difficulty removing bedbugs, because bedding is often carried from one room to another, and while one infested unit might be cleaned, it's rare for the entire hotel to be shut down so all the rooms can be fumigated.

For tenants in New York, the right to a bedbug-free environment derives from the city's housing and maintenance code—which specifically names bedbugs, along with a number of other unpleasant pests.

The landlord has an obligation to eradicate the infestation and to keep the units from getting reinfested. If your landlord refuses to take the necessary steps, you can file a complaint with the city department of Housing Preservation and Development (call 311) or take the owner to Housing Court in an HP action. As with any problem you have concerning repairs or services, it is important to notify the landlord of the condition in writing (send by certified mail, return receipt requested, and save a copy) and to let the owner and manager know what steps you expect them to take.

For more information:

New York City Dept. of Health
Call 311 and ask for the Health Dept.

www.nyc.gov/html/doh/html/vector/vector-faq1.html

New York State Integrated Pest Management Program
(800) 635-8356

www.nysipm.cornell.edu/publications/bed_bug.pdf

University of California Integrated Pest Management

www.ipm.ucdavis.edu/PMG/PESTNOTES/pn7454.html

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. 7th St., corner of 3rd 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.

Succession-Rights Warning: Court Rejects Woman's Attempt to Keep Late Grandmother's Apartment

State rent regulations grant certain "succession rights" to tenants who have lived with a relative if that person dies or moves out. So if you've lived in a rent-regulated apartment with your parents, brother, sister, or grandparents for two or more years and that apartment is your primary residence, you have a right to become the rent-regulated leaseholder when the tenant listed on the lease is no longer in occupancy.

However, a decision handed down in Civil Court on January 21 should serve as a warning. In the case, *Riverton Associates v. Knibb*, the court ordered a woman evicted from the Harlem apartment she had shared with her late grandmother. The woman had lived with her grandmother—the tenant whose name was on the

lease—for two years. Because the granddaughter signed renewal leases with her deceased grandmother's name after that, the judge ruled that she had no right to stay on as the legal occupant of the apartment.

This would indicate that when in this or a similar situation, it is best to gather your evidence without delay. You'll need your voter-registration card, driver's license, tax returns, bank records—everything that shows you've been in residence for at least two years with the leaseholder and that it is your primary residence—inform your landlord of your occupancy, and begin paying the rent in your own name. Delay can be detrimental to your hopes of keeping your home.

—Pat Adams and
Gloria Sukenick

More Bad News on the Mitchell-Lama Front

By Jenny Laurie

A recent court decision supporting the landlord of a former Mitchell-Lama on the West Side of Manhattan could force hundreds of tenants to pay astronomical rent increases—and might have disastrous implications for thousands of other tenants who thought they were protected by rent stabilization when their buildings left the program. While tenants living in Mitchell-Lamas constructed after 1974 knew they were not covered by rent stabilization, this new decision threatens the housing tenure of tenants in older buildings, who thought they were safe after buy-outs.

“In the long range, this could be devastating for tenants in all the other buildings in this situation,” says Billy Gribben, one of the lawyers who represented

the tenants in the case.

The decision, issued unanimously by the state Appellate Division in late February, allows KSLM-Columbus Apartments, owner of the Westgate complex on West 96th and 97th streets between Columbus and Amsterdam avenues, to raise rents in the three buildings beyond the regular guidelines under rent stabilization – how high has not yet been determined. The Appellate Division overturned a lower-court ruling that supported the state Division of Housing and Community Renewal’s position that the landlord was not entitled to any special increases.

The landlord applied to raise rents in the three buildings to an amount comparable to market rents in the neighborhood when

he took the complex out of the Mitchell-Lama program six years ago. The DHCR refused, instead setting the rents at the same level that the tenants had been paying, with future increases limited by rent stabilization. The landlord appealed the agency’s decision.

The tenants, who intervened in the case, and the DHCR had argued that the building, built in 1968 and currently housing 460 families, was subject to the city’s 1969 Rent Stabilization Law. KSLM-Columbus then applied for a special rent increase, arguing that it was permitted to get one under the later New York State law, the 1974 Emergency Tenant Protection Act, which allows rents to be raised based on “unique and peculiar circumstances.” This provision would allow the owner to raise rents to “comparable rents,” which KSLM interprets as rents in the neighborhood for deregulated apartments – rents five to seven times the rents now paid by tenants.

Asked what might happen next, Kevin McConnell, one of the four lawyers from Himmelstein, McConnell, Gribben, Donoghue & Joseph who represented the tenants, said that they were considering the options, and that “the issues have not been fully re-

solved.” For one, the DHCR has to determine what the word “comparable” applies to – unregulated apartments in the area, or similar rent stabilized apartments. If appealed, the case would go to the Court of Appeals, the state’s highest court, and would be argued by the state attorney general’s office.

McConnell and Serge Joseph, another lawyer on the case, urge other tenants citywide to pressure the attorney general’s office to support an appeal, as the decision will affect other buildings that were formerly in the Mitchell-Lama program and are now covered by rent stabilization.

McConnell pointed out that the landlord’s argument that the DHCR’s decision caused him economic disadvantage rings false, because the landlord chose to go into the Mitchell-Lama program, and then voluntarily decided to leave it. “No one compelled the landlord to leave the program. This is like a man killing his parents and then asking the court for leniency because of his disadvantaged state as an orphan.”



Court Crushes Brooklyn Mitchell-Lama Tenants

By Anita Karl

A four-and-a-half-year struggle by tenants in a Brooklyn Mitchell-Lama ended on Feb. 2, when a state appeals-court decision dealt a decisive blow to their efforts to stop their landlord from evicting everyone in the building.

In a unanimous decision, four judges of the state Appellate Division’s Brooklyn court concurred with an earlier State Supreme Court ruling that all the tenants’ causes of action against the Penson Corp. were “without standing and without merit.” The tenants, residents of a 42-apartment building at 20 Henry St. in Brooklyn Heights, had been told by their new landlord last year that their leases would not be renewed. Penson, the previous landlord, had begun the process of withdrawing from the Mitchell-Lama program in 1999.

The tenants’ arguments in the appeal hinged on the fact that over the years the landlord had given most tenants rent-stabilized leases with validating riders, some as early

as 1982. Furthermore, they claimed, the city Department of Housing Preservation and Development’s Mitchell-Lama regulations state without exception that following a buyout, rental buildings are subject to all rent-stabilization rules and regulations. HPD regulations also state that after a buyout, qualifying senior citizens should receive rent-stabilization benefits such as SCRIE.

The Appellate Division’s decision was “self-explanatory,” one lawyer told tenants in a one-line e-mail.

“The court failed to see the merits of the tenants’ arguments,” Brooklyn Borough President Marty Markowitz lamented to the *Brooklyn Heights Courier*. “However, we will continue to assist 20 Henry Street’s tenants, both in their legal challenges ahead in housing court and in working with HPD to secure decent affordable housing at a location as close to their current homes as possible.”

WHERE TO GO FOR HELP

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

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

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



HOUSING COMMITTEE OF RENA
Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.,
544 W. 157th 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