



City Homelessness ‘Worst Since Depression,’ Coalition Says Report Rips Bloomberg’s ‘Housing Stability’ Program

By Steven Wishnia

Homelessness in New York City is the worst it’s been since the Depression, the Coalition for the Homeless says—and Mayor Bloomberg’s main program for getting homeless people into permanent housing is likely to make things worse.

Almost 100,000 people spent at least one night in a city shelter during fiscal year 2005, and the shelter population averaged 32,600 a night over the first five years of the decade, said the coalition’s annual “State of the Homeless” report, released Jan. 24. Those numbers, though slightly lower than they were last year, represent a dramatic increase in homelessness over the 1990s, when an average of 22,600 people a night stayed in city shelters.

About three-fourths of that increase came from homeless families, the report said. The additional 10,000 people a night staying in shelters included an average of 2,600 parents and 4,800 children. The average stay for homeless families was 350 days, the longest it’s been in the past 11 years.

“This decade is turning out to be the worst decade for homeless New Yorkers since the Great Depression,” coalition director Mary Brosnahan said in a statement.

In response, the city Department of Homeless Services issued a statement saying that the report “ignores the dramatic decline we have seen over the last two and a half years in the shelter census and the thousands who have successfully left shelter for permanent homes. Far from being the worst decade for the homeless, this decade is on track to cut chronic homelessness by two-thirds.”

The average shelter population began rising in 2000,

when it was about 23,000 a night. It peaked at just over 38,000 in 2003 and early 2004, and was about 32,000 last fall, according to DHS figures used in the coalition’s report.

The report also sharply criticized the Housing Stability Plus program, the mayor’s main initiative for housing homeless people. The program, which so far has moved more than 4,000 households out of the shelters, covers their rent up to \$925 a month for a family of three. That is substantially more than the standard rent allowance provided by welfare, but the program cuts the extra aid by 20 percent a year. Those time limits, a DHS statement claims, promote “personal responsibility and self-sufficiency” and “encourage individuals and families to seek and secure employment.”

On the other hand, the

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program terminates all the extra aid if the recipient gets a job. “The whole program is a Catch-22,” says Coalition for the Homeless senior policy analyst Patrick Markee, who prepared the report. He suspects that the Bloomberg administration’s main motive for the aid cuts is to save money in the short run, but in the long run, he

says, “it could send thousands of people back into the system.”

Two other problems with Housing Stability Plus, the report added, are poor conditions in buildings in the program and landlords who illegally tack on extra rent or fees. In a survey done by the Housing Here

continued on page 8

Fix It Now Campaign Pressures Bank to Enforce Repairs

By Bennett Baumer

No hot water? Having trouble getting your landlord to make repairs? Housing groups from around the city are addressing these questions by pressuring the New York Community Bank (NYCB) to do a better job of monitoring the conditions in the buildings where it holds mortgages.

They are stepping up the pressure at a good time. NYCB needs government approval to acquire Atlantic Bank of New York in a deal that would increase its share of the multifamily-building market from \$9.8 billion to \$12.25 billion. Housing groups hope that the bank will intervene with the worst landlords so that the buildings do not lose

value. Tenant organizations are targeting NYCB because the bank is a major player in offering loans to landlords with rent-regulated buildings, and there are clauses in the mortgages that require the property to be kept in good repair.

“I have repairs that have not been made, I got a window that is coming out of its frame,” said tenant Yvonne White of 2239 Creston Ave. in the Bronx. “The bank that is holding the mortgage on my building needs to do something.” Victor Fein, the landlord, has a mortgage with NYCB, and the building has 324 violations, an average of 12 violations per apartment.

According to “Banking

on Despair,” a report by the Housing Here and Now coalition—an umbrella group that includes Met Council—at least 231 buildings mortgaged by NYCB counted 3.0 or more HPD violations per unit, and at least 12 landlords named on HPD’s 2003 Major Problem Owner list were NYCB borrowers.” If NYCB can’t enforce its good-repair clauses, Housing Here and Now recommends that government regulators deny their proposal to buy Atlantic Bank of New York.

In 1977, the U.S. Congress passed the Community Reinvestment Act to curtail discriminatory banking practices—known as “redlining,” after the practice of drawing

red lines around low-income neighborhoods on a map and denying loans on buildings inside that line—and require borrowers to maintain their collateral, by keeping up their buildings’ infrastructure. As part of enforcing the Act and the good-re-

pair clause in mortgages, tenants want NYCB to conduct more inspections and oblige landlords to remedy violations.

“Over the past five years, we have financed well over \$10 billion in loans to local

continued on page 8

INSIDE THIS ISSUE !

- Letters pg. 2
- El Inquilino Hispano pg. 3
- Right to Counsel in Housing Court? . pg. 5
- 25 Years of California Rent Control.. pg. 6
- City Rent-Law Renewal pg. 7
- Lead-Law Cost Less Than Expected pg. 7

LETTERS

No Sympathy for Subway Strikers

To The Editor:

Judith Mahoney Pasternak, in her front-page opinion piece “The Transit Strike: Illegal? Yes. ‘Shameful’? No!” (*Tenant/Inquilino*, Jan. 2006) on the front page of your publication, shamefully compares the strikers to Gandhi, Holocaust heroes, Rosa Parks, and South African apartheid resisters. I’m surprised she didn’t throw in the Boston Tea Party and the early Christian martyrs fed to the lions. Her over-the-top defense of the strikers only serves to cheapen the legacy of the real heroes she cites in her article.

If there were any heroes during this strike, they were the thousands of workers who walked from as far away as East New York and Coney Island to reach jobs in Manhattan in order to feed their families and keep the city functioning during a December strike, deliberately timed to bring the most pain to the most people. She does not mention that the transit workers, very well paid by any comparison with similar work in private industry, showed little

compassion for the small businessmen fighting to survive or the welfare of low-income salaried workers who were seriously harmed by the greed exhibited by the union members.

Ms. Pasternak’s sympathies, however, lie with the union members who “picketed in the bitter cold.” As I write this letter, the union has announced that membership has rejected the reasonable MTA offer. Apparently, they refuse to contribute 1.5 percent of their generous salaries to help fund their health insurance. I’m sure Ms. Pasternak believes they should receive this benefit free, just as I am sure she will be the first to complain when fares increase to pay for the lucrative contract I’m sure will eventually be accepted. As I am involved in the insurance industry, I can tell you that most New Yorkers contribute several times the amount requested of the transit workers, and many of us must fund our insurance in its entirety.

The Taylor Law stands between us and chaos. Can you imagine the havoc a simultaneous strike of transit workers, police, firemen,

EMTs, and sanitation workers would bring? The constrictions of the Taylor Law are a small price to pay for the job security, good pay, and excellent benefits the transit workers receive. As to the financial penalty the strikers will incur, it will be more than made up by their salary raises and the refund from their pension contributions agreed to by the MTA.

—David Cutler
Manhattan

The writer is a member of the Victoria House Tenants Association.

Judith Pasternak responds: David Cutler’s excoriation of the transit strikers is mistaken both in details and in its main premise. The transit strike was in December because that’s when the contract ran out. The salary of many secretaries is comparable to the average transit worker’s base pay, although secretaries work nine to five in safe, clean, aboveground



ZALIMAI, NYC INDIAMEDIA

environments, with easy access to bathrooms. And the MTA’s “reasonable offer” required a 1.5-percent worker payment for medical insurance that would have reduced the workers’ raises to a paltry 2 percent a year—and that 1.5-percent deduction could have gone up in 2007/2008. (Until only a decade or so ago, many workers’ health insurance was fully paid by employers, but weakened unions were forced to accept having employees pay for it.)

The real issue here is that strong unions protect all of us, and laws that restrict the right to strike weaken all of us. It’s no coincidence that the gap between America’s rich and poor has widened drastically since unions lost much of their bargaining power. Far from being “greedy,” the transit workers were risking dire penalties to stem the flow of givebacks that are making all of us poorer.

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.

Complaint Numbers

To reach the Department of Housing, Preservation and Development’s Central Complaints hotline, call 311.

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

Visit Met Council’s Website www.metcouncil.net

for information about:

- ✓ rent control and stabilization
- ✓ how to get repairs
- ✓ the fight to preserve Section 8 and Mitchell-Lama housing
- ✓ the fight for home rule
- ✓ Inclusionary zoning
- ✓ How to Join Met Council
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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 \$5 per year for individuals, \$10 for institutions per year.

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Articles, letters, artwork and photographs are welcome.

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

La ley de pintura de plomo cuesta a la ciudad menos de lo esperado

Por Steven Wishnia
Traducido por Lightning Translations

Cuando la Ley Local 1, la medida que fortalece las normas de la ciudad en torno a pintura de plomo, entró en vigencia en 2004 después de aprobarse por encima del veto del alcalde Bloomberg, el alcalde aseveró que costaría tanto que perjudicaría el resto del proceso de inspección de códigos de la ciudad.

La nueva ley no ha producido una crisis económica, dice un informe emitido el mes pasado por la Independent Budget Office (Oficina de Presupuesto Independiente, IBO) de la ciudad. En el año fiscal 2005, el Department of Housing Preservation and

Development (Departamento de Preservación y Desarrollo de Vivienda, HPD) de la ciudad gastó \$24.6 millones en revisar edificios por pintura de plomo, reparar condiciones tóxicas y educar a la gente sobre el envenenamiento con plomo. Esto fue más del doble de lo que gastó la agencia en programas relacionados al plomo en 2004 y más de lo que gastó en todas las demás inspecciones de códigos. Sin embargo, la IBO concluyó que el HPD "podía mantener y hasta ampliar su programa para hacer cumplir los códigos, a pesar de los nuevos mandatos impues-

tos por la Ley Local 1."

El ayuntamiento de Bloomberg proyectó que la ley costaría a la ciudad alrededor de \$75 millones en 2005. En realidad costó \$55.7 millones, según la IBO: los \$24.6 millones por gastos de operación y \$31.1 por gastos capitales, en su mayoría trabajo para reducir la cantidad de plomo en edificios propiedad de la ciudad y préstamos a caseros particulares para reparaciones similares. Con aquellos \$24.6 millones, HPD triplicó la cantidad de personal trabajando en programas relacionados con plomo hasta más de 400, incluidos

alrededor de 125 inspectores específicamente asignados a buscar pintura de plomo. No obstante, la suma que el HPD gastó en todas las demás inspecciones subió levemente, a \$21.1 millones.

Un punto de controversia mientras la nueva ley se debatía en el Concejo Municipal fue cuánto las reparaciones costarían. Los defensores de caseros aseveraron que hacer apartamentos seguros de plomo costaría la suma ruinosa de \$15,000, mientras los grupos de inquilinos y salud dijeron que se

pasa a la página 5

Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 37)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2005 hasta el 30 de septiembre de 2006.

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 2005. 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 2005. 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 aparta-

mentos, 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 fre-

cientemente 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 37, 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 apartamentos estabilizados y cuyos ingresos familiares anuales son de \$26,000 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. Para más información sobre SCRIE o el

programa equivalentepara los minusválidos (DRIE), llame al 311 (vea la página 4).

Unidades de Desván (Lofts) Los incrementos legales sobre la renta base para las unidades de desván son de un 2.25 por ciento por un contrato de un año y un 4.5 por ciento por un contrato de dos años. No se permite incrementos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación

No habrá ningún aumento de la renta este año para los apartamentos de hotel de Clase A, casas de habitaciones, hoteles de clase B (de 30 habitaciones o más), hoteles de una sola habitación, y las casas de habitaciones (Clase B, 6-29 cuartos). No se permite incrementos para apartamentos vacíos.

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 del 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	Si el dueño paga la calefacción	2.75%	5.5%
	Si el inquilino paga la calefacción	2.5%	4.5%
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	17.25%
		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 17.25%
	Menos de \$300	Incrementos por desocupación cobrados en los últimos 8 años	17.25% + \$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, + 17.25% + \$100
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	17.25% 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 17.25%, o \$100, lo que sea mayor

La Corte de Vivienda: ¿Deben los inquilinos tener un derecho garantizado a la asesoría legal?

Por Emily Jane Goodman
Traducido por Lightning Translations

Desde que han existido pleitos entre caseros e inquilinos—es decir, desde que han existido caseros e inquilinos—ha existido una falta de equilibrio: a algunas personas les pertenece la vivienda que otras personas necesitan para ampararse. Además, al menos desde 1972, con la creación de la Corte de Vivienda dentro de la Corte Civil de la Ciudad de Nueva York, ha existido otra falta de equilibrio dramática. Los caseros tienen abogados, los inquilinos no.

Se ha dicho y escrito mucho sobre esto. Se ha hecho poco.

La New York County Lawyers' Association (Asociación de Abogados del Condado de Nueva York) celebró una conferencia en 2004 para analizar las cuestiones que la Corte de Vivienda enfrenta. Recientemente, se emitió un informe de los hallazgos y recomendaciones de la conferencia.

El informe señala la brecha en representación en los 350,000 casos residenciales que se presentan cada año: "11.9 por ciento de los inquilinos en la Corte de Vivienda de Nueva York estuvieron representados por un abogado y 97.6 por ciento de los caseros estuvieron representados por un abogado. Siendo tan téticas estas cifras, es muy probable que no expongan adecuadamente el porcentaje de inquilinos de bajos ingresos que no tienen representación suficiente."

Con los inquilinos representados por sí mismos (llamados *pro se*) llenando las salas y pasillos de las Cortes de Vivienda de los condados de Nueva York, hay una escena que un profesor de leyes describió como "un aparato de desalojo mayoritariamente desigual." Otros lo han llamado "Kafkaesque," o tan acre como un matrimonio fracasado.

Las cortes federales y estatales, incluida la Corte de Apelación de Nueva York, han distinguido entre los casos civiles y criminales, aseverando que todas las personas acusadas de haber cometido crímenes, enfrentadas a la posible pérdida de su libertad, tienen derecho a representación legal gratis. Pero nunca ha existido un derecho similar en los casos civiles. Por supuesto, los que pueden contratar y pagar su propia asesoría legal siempre han podido hacerlo, tanto en los procedimientos civiles como en los criminales. Pero la cuestión que nunca se ha resuelto es, ¿quién otorga abogados a la gran mayoría de los litigantes en la Corte de Vivienda que no tienen recursos para pagar a sus propios abogados?

Los inquilinos están insuficientemente representados por abogados de manera severa y peligrosa. La falta de representación les priva de un juicio justo, un debido proceso y acceso a las cortes, según Andrew Scherer, un experto en la ley casero-inquilino y director de Legal Services for New York (Servicios Legales para Nueva York), que representa a clientes indigentes en procesos civiles. Scherer cree que esto viola tanto las constituciones federales y estatales como las leyes de derechos civiles e insiste que hay una sola solución—reconocer un derecho a asesoría legal garantizado. Sin embargo, el derecho a asesoría legal no puede ser meramente teórico. Significa que, como en los casos criminales, el gobierno tiene que otorgar y pagar por los abogados para quienes no pueden pagar su remuneración, y tienen que ser abogados con buen conocimiento

del campo.

Los inquilinos sin abogados suelen ser intimidados por el laberinto de la Corte de Vivienda, una corte que hasta muchos abogados encuentran difícil de entender. Algunos participantes en la conferencia recomendaron que los jueces de la Corte de Vivienda actúen para proteger mejor a los inquilinos, sobre todo los más vulnerables, los minusválidos, los discapacitados y los ancianos. Sin embargo, los jueces de la Corte de Vivienda, como los jueces en otros tribunales, no pueden volverse en partidarios de los que comparecen ante ellos y usualmente no pueden hacer nada más que tratar de explicar al inquilino sin representación lo que él o ella está enfrentando en el juicio o al aprobar un arreglo. El arreglo suele ser contenido en una estipulación firmada en el pasillo y frecuentemente contiene términos que el inquilino no entiende o nunca podría cumplir, especialmente al estar enfrentado con el abogado del casero. (El mes pasado, Joe Lampert escribió sobre estos arreglos del pasillo en la página de asuntos de vivienda de la Gotham Gazette.) Además de que a los jueces se les prohíbe dar consejos legales, los jueces de la Corte de Vivienda no son elegidos, sino nombrados, y sólo por un período de cinco años; tienen plena conciencia de los problemas que podrían experimentar en sus propias carreras. Si se les viera a ellos como "a favor de los inquilinos," podrían arriesgar que no se les renombre.

Con Legal Services, la Legal Aid

pasa a la página 6

No se quede helado: ¡ORGANÍZSE!

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 to \$500 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!

Hay solicitudes disponibles para la DRIE (Exención de Incrementos de Renta para Minusválidos)

Los inquilinos minusválidos de renta regulada (y quienes viven en edificios Mitchell-Lama o en programas del HPD que llenen los requisitos) pueden solicitar ahora la congelación de su renta. Los inquilinos llenan los requisitos si pagan 1/3 de sus ingresos en renta, reciben ayuda financiera federal o estatal relacionada con invalidez y tienen ingresos de menos de \$17,005 para individuos y menos de \$24,373 para familias.

La solicitud está disponible (en inglés) en el sitio Web del Departamento de Finanzas (<http://www.nyc.gov/html/dof/html/pdf/05pdf/drie.pdf>), o se puede contactar la Mayor's Office for People with Disabilities (Agencia del Alcalde para las Personas Minusválidas) en: 100 Gold St., 2nd Floor, New York NY 10038
Teléfono: 212-788-2830; facsimile: 212-341-9843
TTY: 212-788-2838

Para la SCRIE (Exención de Incrementos de Renta para las Personas de Mayor Edad), el inquilino (jefe de familia) debe tener 62 o más años, pagar 1/3 de sus ingresos o más en renta, vivir en un apartamento de renta controlada o estabilizada, Mitchell-Lama o cooperativa de dividendos limitados y tener ingresos de \$25,000 o menos después de pagar impuestos.

La solicitud de SCRIE está disponible en el sitio Web del Departamento por las Personas Mayores (http://www.nyc.gov/html/dfta/html/bqc_jump.html#spanish) o al llamar a la agencia al 311. La mayoría de los centros para personas de mayor edad también tienen solicitudes.

Housing Court: Should Tenants Have a Guaranteed Right to Counsel?

By Emily Jane Goodman

As long as there have been landlord and tenant disputes—which is as long as there have been landlords and tenants—there has been an imbalance: Some people own the housing that other people need for shelter. And, at least since 1972, with the creation of the Housing Court within New York City Civil Court, there has been another dramatic imbalance. Landlords have attorneys, and tenants don't.

Much has been said and written about this. Little has been done.

The New York County Lawyers' Association held a conference in 2004 to analyze the issues facing Housing Court. A report of conference findings and recommendations was recently issued.

The report points to the gap in representation in the 350,000 residential cases that are filed every year: "11.9 percent of tenants in New York City Housing Court were represented by an attorney and 97.6 percent of landlords were represented by an attorney. As grim as these figures are, they likely understate the percentage of low-income tenants who are unrepresented."

With self-represented (called *pro se*) tenants filling the courtrooms and hallways of the boroughs' Housing Courts, it is a scene one law professor described as a "largely one-sided eviction apparatus." Others have called it Kafkaesque, or as acrimonious as a bad marriage.

Federal and state courts, including New York's Court of Appeals, have distinguished between civil and criminal cases, holding that all persons accused of crimes, facing possible loss of liberty, are en-

titled to free legal representation. But there has never been a similar right in civil cases. Of course, those able to retain and pay their own counsel have always been able to do so, both in civil and criminal proceedings. But the issue that has never been resolved is, who provides the lawyers for the vast majority of Housing Court litigants who lack the funds to pay their own lawyers?

Tenants are severely and dangerously under-represented by lawyers. The lack of representation deprives them of a fair trial, due process, and access to courts, according to Andrew Scherer, an expert in residential landlord-tenant law who is head of Legal Services for New York, which represents indigent clients in civil actions. Scherer believes it violates the federal and state constitutions as well as civil-rights laws, and argues that there is only one solution—to recognize a guaranteed right to counsel. But the right to counsel cannot be merely theoretical. It means that as in criminal cases, government must supply and pay for lawyers for those who cannot afford to pay fees, and they must be lawyers who are knowledgeable in the field.

Lawyerless litigants are generally intimidated by the maze of Housing Court, a court that even many lawyers have difficulty figuring out. Some conference participants urged Housing Court judges to be more protective of tenants, especially the most vulnerable, the disabled, the impaired, the aged. But Housing Court judges, like judges elsewhere, cannot become advocates for those appearing before them and can usu-

ally do little more than try to explain to the unrepresented tenant what he or she is facing at trial or in agreeing to in a settlement. The settlement is usually contained in a stipulation signed in the corridor, and often contains terms the tenant does not understand or could never comply with, particularly when up against a lawyer for the landlord. (Joe Lamport last month wrote about these hallway settlements in *Gotham Gazette's* housing topic page.) In addition to judges being prohibited from giving legal advice, Housing Court judges are not elected, but appointed, and for only five-year terms; they are acutely aware of the problems they could experience in their own careers. If they are seen as being "pro-tenant," they could risk not being reappointed.

With Legal Services, the Legal

Aid Society and housing clinics facing strained budgets, cutbacks, overwhelming caseloads, and severely overworked staffs, Scherer continues to press the position that anyone facing the loss of a home should not only be entitled to representation as a matter of fairness, but under law. The conference report calls Scherer's analysis "persuasive" and adopts his view. But neither the legislature nor the courts have ever been persuaded.

Nobody is counting on a tenant right to counsel anytime soon, even though stakes in Housing Court are high—evictions and more homelessness.

Reprinted with permission from Gotham Gazette. Emily Jane Goodman is a New York State Supreme Court Justice.

pintura de plomo

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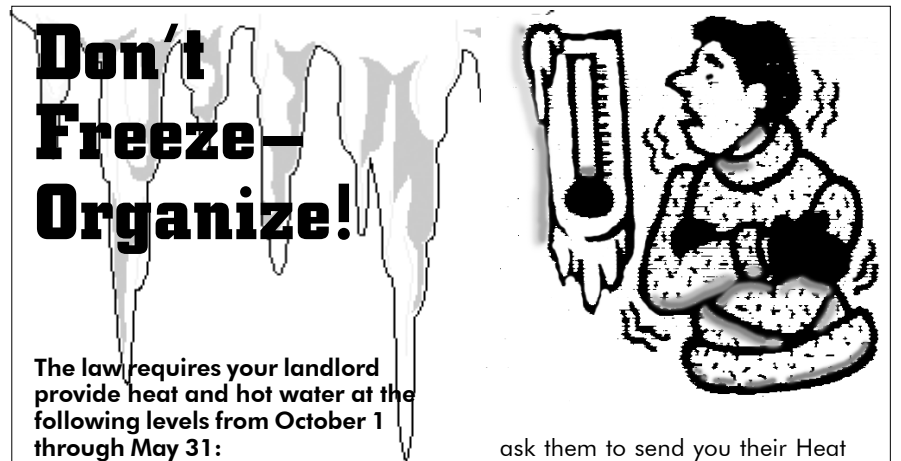
podría hacer por \$1,500, más o menos. El ayuntamiento de Bloomberg proyectó que las reparaciones hechas por el HPD saldrían en un promedio de casi \$4,500 cada una. La IBO halló que la reparación media costó \$1,934, más de los \$1,585 del año previo a causa de las requeridas precauciones más estrictas en torno al medio ambiente. Este aumento "ni se acercó al nivel originalmente anticipado," declaró la IBO.

El nuevo equipo de inspectores respondió a casi 42,000 quejas sobre pintura de plomo y emitió 35,700 violaciones, casi cuadruplicando la cifra de 2004. El HPD realizó 1,854 reparaciones de emergencia relacionadas al plomo, casi el doble del total en 2004. Mientras tanto, el HPD también registró más quejas, emitió más violaciones e hizo más reparaciones de emergencia el año pasado por problemas no relacionados con plomo, el informe añadió.

Evidentemente, la ley ha aumentado la cantidad de trabajo del HPD, según la IBO, pero "la agen-

cia aumentó simultáneamente los recursos destinados a la pintura de plomo e hizo mejor uso de los recursos existentes destinados a hacer valer los códigos no relacionados con plomo." Entre estas reformas son el sistema de 311, que ha hecho el proceso de quejas de HPD más eficiente; mejores métodos de dirigir a los inspectores en el terreno; y la donación de computadoras portátiles a los inspectores, lo que redujo el papeleo. La IBO también conjeturó que el aumento de inspecciones por pintura de plomo—los inspectores que visitan hogares donde hay niños con menos de siete años deben revisar todos los cuartos en el apartamento—ha conducido al descubrimiento de más violaciones en general. Por ejemplo, la cantidad de instalaciones de emergencia de rejas de seguridad en ventanas casi se duplicó el año pasado.

El informe no menciona si la Ley Local 1 está reduciendo el saturismo entre los niños de la ciudad o si el costo de cumplir para los case-ros ha hecho subir las rentas.



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 to \$500 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!

California Marks 25 Years of Rent Control

California recently marked the 25th anniversary of the beginnings of rent control in the state: the 1980 enactment of rent stabilization and eviction protections in San Francisco and Berkeley.

San Francisco's laws, which now cover about 80,000 units, were passed by the city Board of Supervisors; Berkeley's, which apply to slightly under 19,000, were a ballot initiative approved by voters. Local activists had pushed for rent restrictions after housing costs in the Bay Area skyrocketed in the late '70s.

Since then, ten other California cities have enacted rent controls, including Los Angeles, Oakland, and San Jose. Oakland voters endorsed an eviction-protection initiative in 2002; it was recently held constitutional by Alameda County Superior Court. In California cities and towns that don't have eviction

protections, tenants can be thrown out for any reason if given 30 days notice.

Rent controls are the only thing enabling thousands of people to remain in the Bay Area, which often tops New York for

the dubious title of having the highest housing costs in the nation. They saved thousands of tenants from being evicted during the dot-com boom of the late '90s.

—Steven Wishnia

La Corte

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Society (Sociedad de Ayuda Legal) y los consultorios de vivienda enfrentados a presupestos inadecuados, medidas de austeridad, una cantidad de casos abrumadora y personal demasiado atareado, Scherer sigue avanzando la posición que cualquier persona enfrentada con la pérdida de su hogar debe tener el derecho de representación legal no solamente como una cuestión de justicia sino bajo la ley. El informe de la conferencia llama el análisis de Scherer "persuasivo" y adopta su punto de vista. Sin embargo, tanto la legislatura como las cortes

nunca han dejado que se les persuada.

Nadie cuenta con la existencia de un derecho de asesoría legal para inquilinos en un futuro cercano, a pesar de que se trata de algo muy serio en la Corte de Vivienda: más desalojos y más falta de hogar.

Reimpreso con autorización de Gotham Gazette. Emily Jane Goodman es una Juez de la Corte Suprema del Estado de Nueva York.



Rent-Controlled Tenant Alert Oppose 8.2% MBR Increase

The state Division of Housing and Community Renewal has proposed setting an 8.2 percent Standard Adjustment Factor for the 2006/2007 Maximum Base Rent. The agency will take testimony on the proposal from the public at a hearing on March 10,

Met Council urges rent-controlled tenants, as well as community, housing, and senior advocates, to attend the hearing and plan to testify. This is an opportunity to let DHCR officials know about the long waits that rent-controlled tenants have been subjected to on everything from service complaints to challenges to the MBRs of previous years. Tenants and advocates should also register their comments on the proposed MBR and their complaints about the onerous rent increases rent-controlled tenants have been paying for many years (7.5 percent per year plus fuel pass-alongs).

Public Hearing on the 2006/2007 Maximum Base Rent Proposal SAF of 8.2%

Friday, March 10
10 a.m. to 4:30 p.m.

Fashion Institute of Technology
8th Floor, Faculty Dining Room
Building A, West 27 St. & 7 Ave., Manhattan
Take the 1 or 9 to 28th St. or the C or E to 23rd St.

To register to speak or for more information (including the entire 06/07 MBR factor report), call the office of Michael Berrios at (718) 262-4717.

NYC Rent Guidelines Board Adjustments (Order No. 37)

for Rent Stabilized Leases commencing Oct. 1, 2005 through Sept. 30, 2006

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 12-month period beginning October 1, 2005. Increases in rent based on the one- or two-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent as of September 30, 2005. 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

The pro-landlord Rent Regulation Reform Act of 1997 allows the rents of apartments to rise by a statutory percentage: 20 percent for a two-year lease, and 20 percent minus the difference between the one- and two-year renewal guidelines for one-year leases. See chart for other increases.

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 between 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

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	Landlord pays heat	2.75%	5.5%	
	Tenant pays heat	2.25%	4.5%	
Vacancy leases	More than \$500	Vacancy allowance charged within last 8 years	17.25%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17.25%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than \$300	Vacancy allowance charged within last 8 years	17.25% plus \$100	20% plus \$100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17.25% 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	17.25% 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 17.25%, or \$100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, or \$100, whichever is greater

sign. Landlords avoid renting to tenants who may be troublesome. Overcharging is very common. Every tenant should challenge a 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 rerented as a stabilized unit. The Rent Guidelines Board annually 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 37, it is the 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 and Disabled Tenants

Seniors: Rent-stabilized (the program also covers rent-controlled, Mitchell-Lama, and lim-

ited equity coops like Penn South) seniors, 62 or older, whose disposable annual household income is \$25,000 or less (for the year 2005) 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). Apply to: The NYC Dept of the Aging SCRIE Unit, 2 Lafayette St., NY, NY 10007.

Disabled tenants: Rent-regulated tenants receiving eligible state or federal disability-related financial assistance with incomes of \$17,580 or less for individuals and \$25,212 or less for a couple facing rents equal to more than one-third of their income may be eligible for the Disability Rent Increase Exemption (DRIE). Apply to: NYC Dept. of Finance, DRIE Exemptions, 59

Maiden Lane - 20th floor, New York, NY 10038. DRIE and SCRIE info is available on the city's Web site, or by calling 311.

Loft Units

Legalized loft unit increases above the base rent are 2.25 percent for a one-year lease and 4.5 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

The board voted to freeze rents 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). No vacancy allowance is permitted. Landlords cannot collect an increase over the rent charged on September 30, 2005 between October 1, 2005 and September 30, 2006.

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.

Council Pledges Drum Beat on Home-Rule

By Jenny Laurie

Tenants might have been expecting this year's renewal of the New York City's rent-regulation laws to be quiet—but City Council Speaker Christine Quinn has promised to accompany the renewals with a “drum beat” on the issue of home rule.

State Legislative Resolution 1 of 2006 was introduced by Quinn on Feb. 1. Otherwise known as a home-rule message, it calls on the state legislature to pass a bill that would repeal the Urstadt law and give New York City control over rent and eviction laws. Introducing the resolution, the new Speaker promised the Council would remain “united and committed” to winning back control over the city's housing laws.

Quinn remarked that the February 1 date was the first session day that legislation could be introduced by the new Council, and that by making this home-rule message the first measure brought up, the Council was signaling its serious concern about the city's housing crisis. At a briefing on the resolution, Councilmember Erik Martin-Dilan (D-Brooklyn), the new chair of the Housing and Buildings Committee, noted that it was “fundamentally unfair that legislators who do not live in the city have more to say on rent control than the city's elected officials.” Quinn promised that the home-rule message would be passed when the Council renews the city's rent laws next month.

This year, tenant advocates, including Met Council, will be pushing the home-rule issue—working hard to get Mayor Bloomberg and the candidates running for governor to pay attention to it. Patrick Markee of the Coalition for the Homeless, speaking at the introduction of the home-rule measure, described the motivation for

the Coalition's activism on the issue: A rent-stabilized apartment is the only hope that many homeless people have of getting an affordable apartment. The current administrations in White House and in Albany are not going to fund affordable housing to meet the need, he added; the city must preserve its current stock of affordable apartments—and that means preserving rent stabilization.

In recent years, the renewal of the rent laws at the city level has been quiet, so quiet that most people don't even know that the Council renews those laws. (The exception was in 1994, when former Speaker Peter Vallone weakened the laws at the behest of the real-estate industry, decontrolling vacant high-rent apartments.) Most tenants understand that the state Legislature has all the power over rent controls and eviction protections.

In 1971, the state passed the Urstadt law, which took away the city's power to strengthen or expand the rent laws; the only power it left the City Council was the power to weaken the laws. Prior to that change in the law, the city had taken over the World War II rent-control system from the state, and had added its own weaker system of rent regulation, the Rent Stabilization Law, in 1968. The city's rent-stabilization law requires renewal by the Council with the mayor's signature once every three years, and the rent-control law requires a declaration of a housing emergency. Thanks to the large tenant population in the city and the wisdom of the Councilmembers who deal daily with housing problems in their districts, the city's renewal process has been fairly quiet and smooth.

In March, the Council will renew the city's rent-stabilization law and

declare the emergency—defined as a vacancy rate below 5 percent—required for the continuation of the rent-control law, which is a permanent law. The council has tentatively scheduled the passage of

the renewal bills for March 22, and has scheduled a hearing for early in the month. Mayor Bloomberg is expected to sign the renewal at the end of March.

Lead-Paint Law Costs City Less Than Expected

When Local Law 1, the measure strengthening the city's lead-paint regulations, went into effect in 2004 after being passed over Mayor Bloomberg's veto, the mayor claimed that it would cost so much that it would impair the rest of the city's code-inspection process.

The new law hasn't produced a fiscal crisis, says a report issued last month by the city Independent Budget Office. In fiscal year 2005, the city Department of Housing Preservation and Development spent \$24.6 million on inspecting buildings for lead-based paint, repairing toxic conditions, and educating people about lead poisoning. That was more than twice what the agency spent on lead-related programs in 2004, and more than it spent on all other code inspections. But the IBO concluded that HPD “was able to maintain—and even expand—its code enforcement program, despite the new mandates imposed by Local Law 1.”

The Bloomberg administration projected that the law would cost the city about \$75 million in 2005. It actually cost \$55.7 million, the IBO said: the \$24.6 million for operating expenses and \$31.1 million for capital expenses, mostly lead-abatement work in city-owned buildings and loans to private landlords for similar repairs. With that \$24.6 million, HPD tripled the number of staff working on programs related to lead, to more than 400, including about 125 inspectors assigned specifically to look for lead paint. Still, the amount HPD spent on all other inspections rose slightly, to \$21.1 million.

One point of controversy while the law was being debated in the City Council was how much repairs would cost. Landlord advocates claimed that making apartments lead-safe would cost a ruinous \$15,000, while tenant and health groups said it could be

done for around \$1,500. The Bloomberg administration projected that repairs done by HPD would average almost \$4,500 each. The IBO found that the average repair cost \$1,934, up from the previous year's \$1,585 because of the environmental precautions required. That increase was “nowhere near the level originally anticipated,” the IBO said.

The new crew of inspectors responded to almost 42,000 complaints about lead-based paint and issued 35,700 violations, almost quadruple the number from 2004. HPD performed 1,854 emergency repairs related to lead, almost double the 2004 total. Meanwhile, HPD last year also logged more complaints, issued more violations, and did more emergency repairs for non-lead problems, the report added.

The law has clearly increased HPD's workload, the IBO said, but “the agency simultaneously increased the resources devoted to lead-based paint and made better use of existing resources targeted to non-lead code enforcement.” Among these improvements are the 311 system, which has made HPD's complaint process more efficient; better ways of routing inspectors in the field; and giving inspectors laptop computers, reducing paperwork. The IBO also surmised that the increased inspections for lead paint—inspectors visiting dwellings where there are children under 7 are supposed to check out every room in the apartment—has led to more violations being discovered in general. For example, the number of emergency installations of window guards almost doubled last year.

The report does not address whether Local Law 1 is reducing lead poisoning among the city's children, or if the cost to landlords of complying has driven up rents.

— Steven Wishnia

SCRIE & DRIE

Seniors: Rent-regulated seniors, 62 or older, whose disposable annual household income is \$25,000 or less (for 2005) 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). Apply to:

The NYC Dept of the Aging
SCRIE Unit
2 Lafayette Street, NY, NY 10007.

Disabled tenants: Rent-regulated tenants receiving eligible state or federal disability-related financial assistance with incomes of \$17,580 or less for individuals and \$25,212 or less for a couple facing rents equal to more than one-third of their income may be eligible for the Disability Rent Increase Exemption (DRIE). Apply to:

NYC Dept. of Finance
DRIE Exemptions
59 Maiden Lane - 20th floor
New York, NY 10038

DRIE and SCRIE info is available on the city's website, www.nyc.gov, or call 311.

City Limits

New York's Urban Affairs News Magazine

Organizing Development Housing Community Action

Insight into the politics of poverty, race and urban economics

10 issues a year \$25
Two years for \$35

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120 Wall Street, 20th fl.
New York, NY 10005

Bank

continued from page 1

real estate markets, primarily for the renovation and upgrade of properties," NYCB responded in an unsigned statement. "We have been recognized for our service to New York with an 'Outstanding' Community Reinvestment Act designation, the highest level of ranking."

Tenants often must go through extreme measures to force landlords to make even the simplest repairs. When calling the city's hotline at 311 to request an inspection by the Department of

Housing Preservation and Development or applying for a rent reduction from the state fails, tenants have resorted to more direct tactics.

This past September, a couple busloads of mostly black and Latino tenants from Bronx buildings owned by Moshe "Morris" Piller took a trip to the landlord's plush home in the Hasidic enclave of Borough Park, Brooklyn. Piller has been named to HPD's Major Problem Owner list, and some of his buildings average over 10 violations per apartment. Piller is

also an NYCB borrower.

"When we first got there, we started attracting attention," said Jackie Del Valle of Community Actino for Safe Apartments, a project of New Settlement, a Bronx-based organization that is a member of Fix It Now. "We marched to his [Piller] house and a lot of people in the neighborhood gathered around across the street."

As tenants ended their action in front of the landlord's house and headed back to the bus, some of

the spectators began throwing eggs at them. The eggs landed at the tenants' feet, but they got the message.

Met Council executive director Jenny Laurie recalls tangling with Piller while working with tenants in some of his buildings in Brooklyn. "Instead of agreeing to make repairs in court, they stonewalled the tenants for six months, making life as difficult as possible," she says.

Homeless

continued from page 1

and Now of 274 apartments in the program—most in Brooklyn and the Bronx, according to Markee—41 percent had at least three serious code violations. Those included lead paint, no heat and hot water, and broken locks, he said. The program does not require landlords to do repairs before tenants move in, he added, and DHS only does one inspection.

Many families in the program have been also forced into illegal "side deals," the report alleges, either paying brokers an extra fee to move in or paying landlords more than the legal stabilized rent. These are hard to document, says Markee, but "we've heard of many cases" of tenants being charged \$100 or \$200 a month—and in one instance, \$500—over the legal rent.

To fix these problems, the coalition recommends that the Housing Stability Plus program eliminate the annual 20 percent cut in the rent supplement; let recipients work without losing all their aid; prohibit subsidies for apartments in substandard condition, and stop placing tenants with landlords and brokers who engage in illegal side deals.

The amount of new apartments the city has built for the homeless has also dropped dramatically in the last decade. In the early '90s, the city was building 4,000 apartments a year for the homeless,

part of a massive housing-construction program begun by Mayor Edward Koch in 1986 after homelessness emerged as a major problem (and the scandal of the city paying \$3,000 a month to house homeless families in squalid single-room-occupancy hotels). Since fiscal 1998, the city has built an average of less than 500 apartments a year for the homeless. Last year, it built 391.

The Koch administration reserved 10 percent of the apartments in its program for homeless people. Rudolph Giuliani cut both overall housing construction and the percentage earmarked for the homeless. "Unfortunately, the Bloomberg administration has continued that pattern," says Markee. It has set aside less than 5 percent of apartments it built, and he says that will probably not change in the mayor's much-hyped plan to build or preserve 165,000 affordable apartments by 2013, scheduled to be announced later this month.

The landscape for building new housing is more difficult now, Markee acknowledges, as in the '80s and '90s the city owned thousands of abandoned buildings it could rehabilitate. But given that there are more homeless people now, he adds, "it doesn't make sense that Bloomberg would devote fewer resources to housing the homeless than Koch did."



Tenants rally in the Bronx to demand that New York Community Bank enforce the good-repair clause in its mortgages.

BENNETT BAUMER

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
- LOWER MANHATTAN LOFT TENANTS**
St. Margaret's House, Pearl & Fulton Sts.,
212-539-3538
Wednesdays 6 pm-7 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
- VILLAGE INDEPENDENT DEMOCRATS**
26 Perry St. (basement), 212-741-2994
Wednesdays 6 pm
- GOLES (Good Old Lower East Side)**
17 Ave. B. Lower East Side tenants only, 212-533-2541.
- WEST SIDE TENANTS UNION**
4 W. 76 St.; 212-595-1274
Tuesday & Wednesday 6-7 pm
- 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



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 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