



# Phony Demolitions Latest Landlord Trick

By Bennett Baumer

**P**hony demolitions” are the latest rabbit landlords are pulling from their top hats to evict rent-regulated tenants from their affordable apartments.

Exploiting a loophole in the rent-stabilization law, landlords doing gut renovations of apartments are claiming that they are demolishing buildings, although they are leaving the roof, walls, and in many cases entire floors intact. The law lets landlords remove apartments from rent regulation if they are demolishing the entire building; if they are just renovating apartments, they are allowed to add 1/40 of the cost of the renovation to the monthly rent, but the apartment remains regulated. But since changes in the law in 1997, both the courts and the state housing agency, the Department of Housing and Community Renewal, have allowed landlords to gut a building and call it a demolition. In many cases, the DHCR does not require a hearing before granting permission for the landlord to proceed, speeding up an already perilous process for tenants.

Landlords brought the first test case of phony demolitions at 131 Duane St. in Tribeca, where the landlord, Duane Street Realty, wants to demolish the interiors of the loft apartments. The building also houses the City Hall restaurant, a favorite lunch spot for City Councilmembers and government bureaucrats. The catch: The landlord, Henry Meer, who is also chef and owner of City Hall, will leave his restaurant untouched during the “demolition” while putting the tenants out in the street. Many tenants in the building moved to Tribeca before the area became host to film festivals and upscale stores.

“We are artists, teachers, and neighborhood pioneers,” said tenant Donna Dennis. “[Meer] says he’s going to demolish the building, but he plans to keep his restaurant open.”

So far the tenants’ strategy has been to stall the landlord in court and hope that if Democratic gubernato-

rial candidate Eliot Spitzer wins the November election, the DHCR will be fairer to tenants than it has been under Gov. George Pataki.

Advocates are still unsure about the scope of the phony-demolition tactic. A DHCR list

given to Assembly member Alexander “Pete” Grannis (D-Manhattan) and tenant groups, including Met Council, listed 53 affected buildings. But organizers report that the DHCR list contains bad addresses, many buildings not affected, and legitimate demolitions.

Some other owners are definitely using the tactic, though. Steve Chabra, a tenant at 345 East 5th St. on the Lower East Side,

received notice from his landlord, Steve Croman, that he would not be getting a lease renewal in February because Croman was demolishing the rent-stabilized building. On Croman’s DHCR demolition application, he claims that it will cost him a mere \$433,000 to “gut the entire interior of the building, combine the four studio units... and create two ‘bump down’ duplexes.” Croman’s other

plans for the 14-unit residence are to build more duplexes or “one penthouse unit with atrium construction and skylighting.”

“It is a perfectly ordinary 14-apartment building that [Croman] wants to, in their place, create seven apartments that could only be termed as luxury,” says Chabra.

In response, tenants and

*continued on page 4*



Tenants and elected officials rallied at City Hall May 18 to call attention to phony demolitions.

COURTESY OF ASSEMBLY MEMBER DEBORAH GLICK

# Mitchell-Lama Losses Accelerating, Report Says

By Steven Wishnia

New York City’s losses of Mitchell-Lama and other subsidized private housing are accelerating at an alarming rate, according to reports released last month by the Community Service Society and city Comptroller William C. Thompson’s office.

“Since 2004, the pace at which developments leave these programs has accelerated dramatically,” said the comptroller’s report, titled “Affordable No More: An Update.” “Prior to 2004, more than 24,000 units withdrew from the program. Since 2004, more than 25,000 units have withdrawn or filed a notice to withdraw.” If all the withdrawals go through, it added, the city will have lost just under one-third of the 150,000 apartments built under the Mitchell-Lama and Limited Dividend pro-

grams.

The CSS report, “Closing the Door: Accelerating Losses of New York City Subsidized Housing,” painted an equally bleak picture. Of the about 121,000 units built or substantially rehabilitated under Mitchell-Lama and similar programs in the 1960s, 1970s, and 1980s, it said, the city lost more than 28,000, almost a quarter of them, from 1990 to 2005—and about 5,500 of those were lost last year.

“None of these subsidy programs is producing new affordable apartments any longer,” it stated. “Almost all of the units are now eligible to be removed from their subsidy programs because the original subsidy programs have expired. As a result, the size of this vital affordable housing stock has no-

where to go but down.”

These losses are likely to outstrip any gains from Mayor Bloomberg’s ten-year New Housing Marketplace Plan, both reports said. In October 2005, the Thompson report noted, a progress report from the city Department of Housing Preservation and Development said that Bloomberg’s program had provided funds for 28,500 units of affordable housing since its inception in 2002, for construction of 12,229 and preservation of 16,271. But the loss of Mitchell-Lama housing offsets those numbers: almost 29,000 units, counting those lost in the last three years and those where the owners have announced plans to take them out of the program. “While this does not diminish HPD’s efforts,” the report concluded, “the

result is a projected net loss of affordable housing in New York City.”

The programs involved, including state and city Mitchell-Lama, federal Section 221(d)(3) and Section 236, and federal project-based Section 8, relied on a combination of financial incentives—tax abatements, mortgage subsidies, and rent

subsidies—to get private owners to build and run affordable housing. They are considered a crucial part of the city’s housing supply because they enable working-class and poor people to live here. The median household income for Mitchell-Lama tenants is \$22,500 a year, well below the \$32,000 of rent-stabi-

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# Brooklyn Yeshiva Seeks Route Around Rent Stabilization

By Gabriel Thompson

Stealing a page from several prominent Manhattan nonprofits, an obscure Brooklyn yeshiva is using a legal loophole to attempt to empty a rent-stabilized Borough Park building. Yeshiva Nesivos Chaim, which bought 221 Avenue F in April 2004 for \$2.1 million, is banking on a seldom-used provision that was added to the rent stabilization law in 1983, allowing charitable nonprofits to evict tenants as long as the apartments will be used for nonresidential, charitable purposes.

Tenants say the Yeshiva has forced them to endure hazardous conditions. Indeed, the building has been cited for 332 housing-code violations since the Yeshiva purchased it, and contractors hired by the city have made \$11,475 in emergency repairs. The Yeshiva cur-

rently conducts classes in a first-floor apartment and has more classrooms and a synagogue in the basement (these are apparently operating illegally). Tenants and several Yeshiva students said that as apartments become vacant, they are not being re-rented but are instead used as student housing.

In moving to evict the tenants, the Yeshiva is adopting the same strategy employed by two large Manhattan nonprofits. The Jewish Theological Seminary attempted to evict rent-stabilized tenants from 515 and 521 W. 122nd Street, but lost in 2001 on a technicality, because it had temporarily transferred ownership to a for-profit subsidiary, and thus the building was not owned by a nonprofit at the time the tenants moved in. And back in 1993, Leo House, a low-cost hotel for single women in Chelsea that was affiliated with Catholic Charities, served eviction notices on its residents. After a five-year legal battle, tenants there lost their homes.

Rabbi Moshe Goldstein, leader of the Brooklyn Yeshiva, did not respond to many phone messages, but an unidentified man who answered the phone there stated

that they "had taken care of all the problems." Asked about the \$11,000 debt for emergency repairs, he paused, then said, "See? It's been taken care of." A group of 15 tenants visited Goldstein's house May 18, carrying placards and pushing their children in

strollers. Goldstein did not appear to be home, but the action had a positive outcome: The Yeshiva agreed to meet with the tenants the next week.

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### 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.

### Missed an issue of TENANT?

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[www.metcouncil.net](http://www.metcouncil.net)

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212-979-6238 or [www.metcouncil.net](http://www.metcouncil.net) or [active@metcouncil.net](mailto:active@metcouncil.net)

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#### EDITOR

Steven Wishnia

#### PRODUCTION/DESIGN

John M. Miller

#### STAFF

Florence Daniels, Don Gilliland, Esther Joselson, Vajra Kilgour, Rosel Lehman, Marie Maher, Anne Moy, John Mueller, Anita Romm, Shirley Small, Ann Towle, Leah Wolin

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# EL INQUILINO HISPANO

## El jefe de la RGB pierde los estribos a causa de una resolución sobre autonomía

Por Jenny Laurie

Traducido por Lightning Translations

En la reunión del 1 de junio de la Junta de Regulación de Renta (Rent Guidelines Board, RGB), el presidente Marvin Markus reventó cuando representantes de inquilinos trataron de introducir una resolución sobre autonomía. La reunión se desintegró cuando Markus, poniéndose rojo color jitomate, gritó "¡Fuera de la sala, [palabrota suprimida]!" a Timothy Collins, otrora director ejecutivo y abogado de la RGB, quien estuvo preparado para dar testimonio sobre la resolución.

La resolución, leído para las actas por el representante de inquilinos David Pagan, fue una

declaración consejera no obligatoria llamando a la legislatura estatal a revocar la ley Urstadt y devolver el poder sobre regulaciones de renta y desalojo a la ciudad de Nueva York, para que ésta pueda proteger a los inquilinos contra "rentas anormales, desalojos innecesarios [y] la pérdida de servicios de vivienda".

Markus había bloqueado intentos anteriores de Adriene Holder, la otra representante de inquilinos, de poner la resolución en el programa. Ella había pedido que fuera tratado durante el período de discusión de la reunión. Markus dijo a los presentes que ella podía añadir la resolución al programa pero

que él fallaría que fuera inadmisibles. Una vez que Pagan leyó la resolución y los miembros inquilinos trataron de obtener una votación de los miembros caseros y públicos, Markus expresó sus objeciones en voz alta, diciendo que la RGB sólo tenía una tarea única, la de votar incrementos de renta para contratos de uno y dos años.

En este momento, Collins, actualmente un abogado de inquilinos, se preparaba para explicar la resolución. Markus se puso furioso a causa del llamado para autonomía y mandó a Collins a dejar la mesa de testimonio y regresar a los

asientos del público. Cuando Markus exigió que los miembros de la RGB votaran por su moción fallando que la moción sobre autonomía fuera inadmisibles, Collins comentó que esta actividad fue antidemocrática. Gritando que Collins no era ningún experto sobre la democracia, Markus le mandó salir de la reunión, diciéndole, "¡Fuera, [palabrota suprimida]!"

La resolución que Collins y los representantes de inquilinos estuvieron promoviendo sostuvo que la ciudad está en una severa crisis de vivienda y que la debilitación de las

*pasa a la página 4*

### 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 apartamentos, para cobrar un alquiler ilegal. Una vez que el inquilino haya tomado posesión

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

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

**La Apelación de la Renta de Mercado Justa** Otro tipo de exceso de cobro sucede frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a renta controlada y se alquila con renta estabilizada.

La Junta de Regulación de Renta (RGB) establece anualmente lo que ellos llaman el "Tope Especial de la Renta de Mercado Justa," el cual es empleado por la DHCR para bajar las rentas de mercado injustas de los inquilinos que llenan el formulario llamado "Apelación a la Renta Justa de Mercado" (FMRA). Según la Orden 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 Apela-

ción 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 equivalente para 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](http://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	20% + \$100
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 17.25% + \$100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + \$100
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	17.25% 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 17.25%, 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



# Demoliciones falsas, el último ardid de caseros

Por Bennett Baumer

Traducido por Lightning Translations

Las “Demoliciones falsas” son el último conejito que los caseros están sacando de sus sombreros de copa para desalojar de sus apartamentos asequibles a inquilinos de renta regulada.

Aprovechándose de una escapatoria en la ley de renta estabilizada, los caseros que hacen renovaciones totales de apartamentos declaran que están derruyendo los edificios, aunque estén dejando intactos el techo, las paredes y, en muchos casos, pisos enteros. La ley permite a los caseros remover los apartamentos de la regulación de renta si derriban el edificio entero; si solamente están renovando apartamentos, se les permite añadir 1/40 del costo de la renovación a la renta mensual, pero el apartamento sigue siendo regulado. Sin embargo, después de los cambios en la ley de 1997, tanto las cortes como la agencia estatal de vivienda y Renovación Comunitaria (Department of Housing and Community Renewal, DHCR), han permitido a los caseros renovar un edificio totalmente y llamar el proceso una demolición. En muchos casos, el DHCR no requiere una audiencia antes de conceder el permiso para que el casero actúe, acelerando un proceso que ya era peligroso para los inquilinos.

Los caseros entablaron el primer caso para sentar jurisprudencia en torno a las demoliciones falsas en el 131 calle Duane en Tribeca, donde el casero, Duane Street Realty, quiere demoler los interiores de apartamentos desvanes. El edificio también contiene el restaurante City Hall, un lugar favorito para almorzar de los miembros del Concejo Municipal y

burócratas gubernamentales. La trampa: el casero, Henry Meer, también cocinero y propietario de City Hall, dejará intacto el restaurante mientras echa a los inquilinos a la calle. Muchos inquilinos del edificio se mudaron a Tribeca antes de que el área se volviera un lugar de festivales de cine y tiendas de lujo.

“Somos artistas, profesores y pioneros del vecindario”, dijo la inquilina Donna Dennis. “[Meer] dice que va a demoler el edificio, pero va a mantener su restaurante abierto”.

Hasta ahora la estrategia de los inquilinos ha sido andar con rodeos en la corte y esperar que si el candidato demócrata para gobernador, Eliot Spitzer, gana en los comicios de noviembre, el DHCR será más justo con los inquilinos de lo que ha sido bajo el mandato del gobernador George Pataki.

Los defensores de inquilinos aún no saben a ciencia cierta la envergadura de la táctica de demoliciones falsas. Una lista del DHCR entregado al asambleísta Alexander “Pete” Grannis (demócrata de Manhattan) y grupos de inquilinos, incluido Met Council, enumera 53 edificios afectados. Sin embargo, organizadores informan que la lista del DHCR contiene direcciones equivocadas, muchos edificios no afectados y demoliciones legítimas.

De todos modos, otros caseros seguramente están utilizando la táctica. Steve Chabra, un inquilino en 345 este de la calle 5, en Loisaida, recibió un aviso de su casero, Steve Croman, diciendo que no recibiría una renovación de contrato en febrero, porque Croman iba a derribar el edificio de renta estabilizada. En la solicitud de demolición de Croman, éste

sostiene que le costará solamente \$433,000 para “no dejar más que las paredes del interior entero del edificio, combinar las cuatro unidades estudio y crear dos apartamentos de dos pisos al abrir el cielo raso del apartamento abajo”. Otros planes de Croman para la residencia de 14 unidades son construir más apartamentos de dos pisos o “una unidad de azotea con construcción de atrio y tragaluces”.

“Es un edificio perfectamente ordinario de 14 apartamentos donde [Croman] quiere construir, en su lugar, siete apartamentos que sólo pueden ser descritos como de lujo”, dice Chabra.

Como respuesta, inquilinos y funcionarios electos están abogando para que se haga legislación para cerrar la escapatoria en la ley. La asambleísta Deborah Glick (demócrata de Manhattan) ha propuesto un proyecto de ley para cambiar la manera en que se define “demolición” en el código administrativo de la ciudad en torno a la estabilización de renta, al especificar que sólo significa “arrasar el edificio entero, incluidas todas las paredes exteriores, para construir un nuevo edificio con un número igual o mayor de unidades de vivienda alquilada”.

El proyecto de ley que Rosie Mendez (demócrata de Manhattan) propone requeriría que el DHCR avise por escrito, tanto a la junta comunitaria como al concejal del distrito donde el edificio está ubicado, dentro de cinco días de conceder el permiso para una demolición.

“Tenemos modestos recursos financieros, pero ¿esto significa que no tenemos el derecho de vivir?” pregunta la rabina Marsha

Rappaport de Chelsea. Ella vive en un edificio donde el casero solicitó un permiso de demolición pero luego lo retiró, después de presiones por parte de los inquilinos.

## Jefe de la RGB

viene de la página 3

regulaciones de renta por parte del gobierno estatal han empeorado la situación. Añadiendo que los legisladores en el norte del estado reciben masivas contribuciones de campaña de los caseros de la ciudad y carecen tanto de “responsabilidad real a los residentes de la ciudad” como de “conocimiento de y sensibilidad en torno a los problemas de vivienda de la ciudad”, concluyó que “el continuado control sobre programas de vivienda por legisladores y funcionarios estatales es una afrenta a los principios democráticos fundamentales e ideas sanas de buen gobierno”.

Según Collins, la RGB ha hecho resoluciones consejeras en el pasado. En los años 80, aprobó una resolución que llamó al estado a cambiar la fórmula de dificultades financieras del Departamento de Vivienda y Renovación Comunitaria (Department of Housing and Community Renewal, DHCR), para ayudar a caseros con listas de renta demasiado bajas para mantener sus edificios. El actual representante de caseros Harold Lubell fue uno de los miembros que votaron a favor.



## 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; facsímile: 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](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.

## Demolitions

continued from page 1

elected officials are advocating legislation to close loopholes in the law.

Assemblymember Deborah Glick (D-Manhattan) has proposed a bill to change the way “demolition” is defined in the city administrative code covering rent stabilization, to specify that it means the “complete razing of the entire building, including all exterior walls, in order to construct a new building with the same or greater number of rental housing units.”

The bill City Councilmember Rosie Mendez (D-Manhattan) is proposing would require the DHCR to notify both the community board and the City Councilmember in the building's district in writing within five days of granting permission for a demolition.

“We are financially modest, but does that mean we are not entitled to live?” asks Rabbi Marsha Rappaport of Chelsea. She lives in a building where the landlord applied for demolition, but later withdrew it after tenant pressure.

## HPD CODE VIOLATIONS ON LINE

Look up your building!

At long last, the HPD violations terminal is available on-line. If you go to the HPD Website listed below and follow the instructions, you should be able to get an up-to-date list of violations on a building.

[www.nyc.gov/html/hpd/html/data/hpd-online-portal.html](http://www.nyc.gov/html/hpd/html/data/hpd-online-portal.html)

# Third Street Tenants Stop Eviction, but Not Harassment

By Steven Wishnia

Three months after tenants at 47 East Third St. won a court victory barring their landlords from evicting them en masse, they say the owners are still trying to force them out of their Lower East Side home.

State Supreme Court Justice Paviola A. Soto ruled in March that the landlords, Alistair and Catherine Economakis, could not throw out all the tenants and claim the entire 15-unit building for “personal use” to house their family. But since then, the tenants say, the Economakis have turned to more conventional methods of harassment, including construction work on the six vacant apartments that filled the building with toxic dust, putting surveillance cameras in the hallway, and claiming that tenants were violating their leases if they had air-conditioners.

“You don’t know what they’re scheming,” says tenant Laura Zambrano. “They’re like two spoiled kids who’ve been told they can’t have any more candy. The candy jar’s been placed just out of their reach, but they’re still focused on it.”

Claiming that they still intend to move into the building, the

Economakis have been converting one cluster of four apartments to a triplex and two more to a duplex. On May 23, the Department of Buildings threatened to revoke the permit for the triplex, because city law requires a new certificate of occupancy for conversion to a triplex, and the Economakis had tried to have the work done without having DOB inspectors come in.

That work filled the building with “thick dust,” says tenant Ursula Kinzel. The tenants had the dust tested and found that it contained lead and crystalline silica, which can cause silicosis, an incurable lung disease.

In April, the Economakis notified the tenants that they would be repointing the bricks on the front of building. Tenant Barry Paddock, rushing out of the house because he was late for work, noticed water coming in through his open back window. The repointing crew was blasting the back of the building with high-pressure hoses. When he complained, he says, Alistair Economakis told him, “I can’t believe you’d have a window open in wintertime.”

Later that month, the Economakis informed tenants

that they would be violating their leases if they had air-conditioners—although their leases had already been terminated, and some had been using air-conditioning for more than 20 years. “And if we go to our lawyer to say ‘What’s the deal with this air-conditioning thing?’ it costs us money,” says Paddock. “I think that’s why they’re so quick to say ‘legal, legal, legal.’” In one case where another tenant faxed in a complaint, Alistair Economakis responded with a three-page letter accusing him of violating federal telecommunications law because the fax allegedly didn’t indicate the sender’s name and number.

The tenants, who have already spent more than \$150,000 on legal fees, plan to be in for a long struggle. The Economakis are appealing Justice Soto’s decision,



This thin plastic doesn’t keep construction dust out of tenants’ apartments.

and are expected to file papers with the state Appellate Division this fall. The tenants say their lawyers have told them the case will likely go to the Court of Appeals because it’s such a potentially major precedent.

## Mitchell-Lama

continued from page 1

lized tenants and the \$42,000 of all city residents. Tenants in the federal programs are much poorer, with a median income below \$12,000, less than the \$14,840 of public-housing tenants.

“A Mitchell-Lama tenant making \$26,000 a year can afford a monthly rent of \$562,” the CSS report stated. “That is not a rent a tenant could realistically expect to pay when moving into a vacant apartment.”

With housing prices skyrocketing, owners have increasingly been taking apartments out of the programs, either by not renewing contracts or by buying out their mortgages. The federal Department of Housing and Urban Development has also seized a number of buildings and taken them out of its programs, either as foreclosure on mortgage debt or for serious neglect.

The losses have been heaviest in the Mitchell-Lama program. Of the 67,000 apartments in that program in 1990, about one-third had been lost by the end of 2005. The owners of over 9,000 more have filed plans to withdraw them, which would mean the overall loss of nearly half the apartments originally in the program.

Most of the losses so far have been in Manhattan, but they are rapidly spreading to the other boroughs. The Bronx has lost five Mitchell-Lama developments comprising 1,300 apartments so

far this year, and the owners of the Lafayette Boynton and Lafayette Morrison complexes, with 900 or more units each, filed plans to withdraw in January.

Buildings occupied before 1974 are covered by rent stabilization, which protects current tenants from massive rent increases when owners withdraw from the programs, but a decision last year by the state’s highest court limits that. In *KSLM/Columbus Apts. v. DHCR*, the state Court of Appeals held that in apartments built between 1969 and 1974 or not occupied continuously between the 1971 vacancy-decontrol law and 1974, the landlord could apply for rent increases because of “unique and peculiar circumstances.” So far, eight former Mitchell-Lama complexes, containing 2,000 apartments, have requested such increases, and the Thompson report estimates that more than 15,000 Mitchell-Lama apartments would see significant rent increases if their buildings left the program.

To remedy the problem, the Thompson report has seven main recommendations. It suggests that the state should start a program to refinance mortgages and put repairs on Mitchell-Lama buildings; put all post-1974 Mitchell-Lama buildings into rent stabilization; and ban owners who take buildings out of the program from applying for “unique and peculiar” rent increases. It urges the city to explore low-interest loans for Mitchell-Lama and Limited Dividend owners; clarify the

rules for financing capital improvements; put new affordable housing in neighborhoods most likely to lose Mitchell-Lama and Limited Dividend apartments; and work with community groups and local politicians to find new homes for people displaced by the loss of subsidized housing.

The CSS study has four recommendations. It says the federal government should preserve HUD’s Mark Up to Market program, which increases Section 8 subsidies in areas with high housing costs, and that HPD and HUD

should work together to rescue distressed properties. It also urges improving incentives for landlords to stay in the Mitchell-Lama program and increasing protections for tenants in buildings which leave it, either by putting their apartments under rent stabilization or having tenants or nonprofit groups buy the building.

The city enacted a law last year intended to help tenants or nonprofits buy buildings that leave subsidy programs, but landlord groups are challenging it in court.

## SCRIE & DRIE

Seniors, 62 or older, in rent-regulated, Mitchell-Lama and some other housing programs 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 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 - 20<sup>th</sup> floor  
New York, NY 10038

DRIE and SCRIE info is available on the city’s website, [www.nyc.gov](http://www.nyc.gov), or call 311.



# Court Says Sleeping in a Box Is a Crime

By Gabe Ponce de León

In a quiet May 18 decision, a federal appellate court ruled that a controversial Giuliani-era policy that made it a crime for homeless people to sleep in city parks was constitutional.

By a 2-1 margin, the United States Court of Appeals for the Second Circuit upheld the city's policy of arresting homeless people for sleeping in cardboard boxes in city parks. The suit revolved around the question of whether the city's use of an obscure ordinance originally intended to prevent illegal dumping provided a clear standard for police to follow.

"We are pleased that the court recognized that the city must balance its need to keep public order with the needs of homeless individuals," said Alan Beckoff of the New York City Law Department.

The case was brought by Augustine Betancourt, who was arrested in Collect Pond Park in Lower Manhattan on February 28,

1997. Betancourt, an Army veteran, had been sleeping in a tube assembled from three cardboard boxes. He was held for 24 hours before prosecutors dropped the charges against him. When he met a lawyer at a soup kitchen's legal clinic, Betancourt decided to challenge the law under which he was arrested. His suit contended that the regulation—which mainly prohibits abandoning or stripping cars in public streets—was improperly applied to punish the homeless as part of former Mayor Rudolph Giuliani's "quality of life" initiative, launched in 1994 to combat a wide range of street crimes including prostitution, panhandling, and drug sales.

"Any reasonable person reading the law in its context cannot help but think it was misapplied to the homeless," said Douglas Lasdon, executive director of Urban Justice Center and one of Betancourt's lawyers.

The dispute pivoted on whether Section 16-122(b) of the New York City Administrative Code, which makes it unlawful "to erect or cause to be erected... any shed, building or other obstruction" in public places, was unconstitutionally vague.

Judge John S. Martin Jr. of the United States District Court for the Southern District of New York heard the original claim and found that the statute was not vague. Second Circuit Judges Amalya L. Kearse and Ralph K. Winter upheld his ruling. Citing the dictionary definitions of "erect" and "obstruction," they affirmed that a citizen could reasonably ascertain that sleeping in a cardboard box was against the law.

In dissent, Judge Guido Calabrese described the code as an "impenetrable law that could be read to allow police officers to apply the ordinance almost however they want against virtually whomever

they choose."

"Betancourt's cardboard tube placed on a park bench," he added, "was no more of an obstruction than his prone body alone."

Lasdon suggested that the issue may now be moot because city seems to have stopped aggressively targeting the homeless. "I have no evidence that the Bloomberg administration is using this provision today," he said. "Giuliani was doing whatever he wanted with homeless people, regardless of the law. I think Bloomberg has been more sensitive to the rights of the homeless."

Other advocates were not convinced. "Our sense is that there have not been dramatic differences [between the Giuliani and Bloomberg administrations] with regard to the street homeless," said Patrick Markee, a senior policy analyst for the Coalition for the Homeless, though he conceded that the Bloomberg adminis-

tration's public tone was "less aggressive."

The New York City Police Department refused to provide *City Limits* with statistics on how many people had been arrested under the anti-dumping ordinance.

Before mounting the appeal, Betancourt reached a \$15,000 settlement with the city over an unreasonable strip-search claim stemming from the same arrest.

Betancourt, who now lives in supportive housing, has not yet decided whether he will seek to appeal to the Supreme Court, Lasdon said.

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## 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

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

a lease to 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](http://www.dhcr.state.ny.us).

### Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is rereanted 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 limited

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](http://www.housingnyc.com).

# New Orleans After the Flood: Who Will It Be Rebuilt For?

By Steven Wishnia

NEW ORLEANS—In front of 1639 Deslonde St. in the Lower Ninth Ward, a small white wood house about two blocks inland and three blocks south from where the levee broke, is a stack of a couple dozen old vinyl albums, their cover art washed away to mud-colored cardboard. The one on top is Miles Davis' *Sketches of Spain*. Inside is a montage of family photos, also washed out except for one picture of a smiling middle-aged couple. The watermark on the outside of the house is a fecal-tan stripe, vague and dusty like spray paint, about eye level.

1639's owner, an elderly woman who's lived there since 1955, is one of the lucky ones. Her house is still standing, in good enough shape to be gutted and renovated by volunteer crews from the Common Ground Collective activist group. Much of the neighborhood, especially the blocks closest to the breach, is a wasteland, with houses knocked off their foundations, piles of splintered boards and broken telephone poles, smashed and overturned cars, and grass growing where there were once blocks and blocks of homes.

You don't realize the scale and the intensity of the destruction until you see it. The wind damage is worst in the St. Bernard Parish suburbs to the east, where the road through Arabi and Chalmette is strip-mall apocalypse, miles of smashed gas stations and fast-food franchises. Much of the Treme and Upper Ninth Ward neighborhoods are ghost towns, as houses that look intact on the outside are too moldy to reoccupy, and there's not a whole lot of electricity, let alone public schools or health clinics. And the Lower Ninth Ward looks like a cross between the lightning destruction of Ground Zero and the mass devastation of the South Bronx of 1978. The ruins are of bungalows instead of six-story tenements, but the sociopolitical overtones are similar.

In the 1970s, when huge swaths of New York (and other American cities) were abandoned—blocks and blocks of rubble and boarded-up or burned-out buildings—some in the city's power elite called for a policy of "planned shrinkage," of letting neighborhoods like the South Bronx, Bushwick, and the Lower East Side wither away, getting rid of the problems of poverty by getting rid of the poor. And since the hurricane, many in the New Orleans power elite have called for a smaller, more "manageable," and whiter city.

In the Lower Ninth Ward, residents were not allowed to do anything more than "look and leave" until May. Eight months after the hurricane, there are no traffic lights. The only electricity comes from generators, and the limited running water is considered unfit even for bathing.

Uptown in the Warehouse District it might as well be a universe away. This is an old light-industrial area now full of clubs, like the old meatpacking district in Manhattan. The beats and basslines boom out when the doors open, and the sidewalks are packed with young whites gleaming with affluence.

This could be George Bush's vision of New Orleans Future, a "frat-tastic" theme-park party. The black musicians bringing the funk—George Clinton and locals Papa Grows Funk—are among the finest in the nation, but the only dark faces in the crowds at the doors are the bouncers.

The purpose of fixing up Deslonde Street, the one block close to the levee break that has several relatively intact homes, is to create a seed community for people to move back in, to create a critical mass that will stymie the city's current plans to raze the entire neighborhood if it isn't significantly reoccupied by the end of August. 1639 Deslonde has already been gutted, the sodden sheetrock removed and the inside sprayed with bleach to kill the pervasive and toxic mold. Our crew—mostly ex-squatters from the Lower East Side—is redoing the house's electrical system, ripping out the rotted cloth wiring and rusted circuit boxes, stringing thick ribbons of yellow Romex wire over the rafters and between the beams, and nailing in blue plastic switchboxes and GFCI-receptacle outlets. Out front people are spading up the ground, shoveling off the top layer of poisonous sludge and planting sunflowers to extract the toxic heavy metals and revivify the soil. Others are in nearby houses, snaking out the toilets and drains, boarding up broken windows and holes in the walls, nailing blue plastic tarpaulins to the roofs and eaves.

Displaced homeowners drop by periodically, driving minivans and Toyota Corollas with Tuskegee Institute stickers on the back window. They are a parade of Southern lower-middle-class types, an elderly woman with glasses and navy-blue churchgoing clothes, a thick-set man in his late forties with a mustache and Jheri curls, and a lean, dark man in a black tank top and gold chains who needs help repairing his roof. The Lower Ninth had a rough reputation—"one thing we had was crime and violence," says a young man booming hip-hop from a scarlet Chevy, a cement mixer who says he's not coming back—but many people had deep roots there. One man says he moved to the neighborhood in 1960, "when I was a little kid." Another says he was born here, in 1957.

Even before the hurricane New Orleans was the United States' most Third World city. The groceries in the Upper Ninth Ward, with



A Lower Ninth Ward house knocked off its foundation by the flood.

STEVEN WISHNIA

barred windows and peeling teal or salmon paintjobs, could be in Guayaquil, Ecuador or Limon, Costa Rica. And the city had intense extremes of race and class, from the shaded mansions of the Garden District to the barren Iberville projects, from the chain coffeehouses on the Magazine Street hipster strip to the ghetto rib joints on Claiborne Avenue. The hurricane exploded them into exponentiality.

Hurricane Katrina was the worst disaster to hit an American city ever, worse than the San Francisco earthquake. The Gulf Coast situation should be a national emer-

gency. It's screaming for a 21<sup>st</sup>-century version of the New Deal to rebuild the houses, restore the levees, regenerate the wetlands, and get the schools and health-care system back up—and give local people jobs, stimulating local businesses. Instead, the Bush administration has handled it with incompetence, callousness, and rapaciousness. With crony capitalism and ethnic cleansing.

And we have a media that devotes more space to Britney Spears putting her baby in the car seat the wrong way than it does to the Ninth Ward remaining in ruins.

## Poor Housing Linked to Immigrants' Illnesses

Poor housing predisposes new immigrants in South Brooklyn to respiratory illness, according to a new report by the Fifth Avenue Committee (FAC), a community-based nonprofit.

The study, released last month, surveyed 100 households, mainly in Sunset Park, about chronic health problems and quality of housing. A third of the families interviewed in February and March of this year reported asthma, bronchitis, pneumonia, chronic allergies, and other breathing conditions. Nearly all of the families with health troubles also had housing problems such as cockroaches and mold, which often were ignored by building management, according to the report.

"You would think this is a pharmacy and not my living room," said tenant Teresa Garcia, whose apartment has a moldy ceiling and who treats her children for asthma and chronic allergies.

Many tenants in the neighborhood are reluctant to claim their rights and report violations to the city's Department of Housing Preservation and Development because they are in the U.S. illegally, the survey found. "Immigration is a huge reason for tenants

not to report HPD complaints," said Joseph Estrella of Lutheran Medical Center. "Many are illegal and landlords use that to harass them." Of the study's participants, 67 percent were foreign-born, largely from Latin countries, and a majority of those who reported their household earnings were low-income.

With seasonal allergies on the rise in New York City this year, tenants have no relief indoors or out. "Experts were advising people with asthma to stay inside so that the pollen would not make them sick," said Leticia Alanis, a FAC community leader. "Unfortunately, for immigrants in South Brooklyn, their homes are making them sick, too."

—K. Angelova

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## RGB Boss Explodes Over Home-Rule Resolution

By Jenny Laurie

At the June 1 meeting of the city Rent Guidelines Board, Chair Marvin Markus exploded when tenant representatives tried to introduce a resolution on home rule. The meeting disintegrated when Markus, turning tomato-red, blurted, "Get the [expletive deleted] out of the room!" to Timothy Collins—the RGB's former executive director and counsel—who had been prepared to give testimony on the resolution.

The resolution, read into the record by tenant representative David Pagan, was a non-binding "advisory" statement calling on the state legislature to repeal the Urstadt law and return power over rent and eviction regulations to the city of New York, so it could protect tenants from "abnormal rents, unnecessary evictions, [and] the loss of housing services."

Markus had blocked earlier attempts by Adriene Holder, the other tenant representative, to get the resolution on the agenda. She had asked if it could be brought up during the discussion section of the meeting, and Markus told the room that she could add the resolution to the agenda, but that he would rule it out of order. Once Pagan read the resolution, and the tenant members tried to get a vote from RGB public and landlord members, Markus loudly voiced his objections, saying that the RGB had only one job, to vote increases for one- and two-year leases.

At that point, Collins, now a tenant lawyer, was preparing to explain the resolution. Markus was infuriated by the call for home rule, and ordered Collins to leave the testimony table and return to the audience chairs. When Markus demanded that RGB members vote on his motion to rule the home rule motion out of order, Collins commented that the activity was antidemocratic. Yelling that Collins was no expert on democracy, Markus ordered him out of the meeting, telling him to "get

the [expletive deleted] out!" The resolution that Collins and the tenant reps were pushing declared that the city was in a severe housing crisis and that the state government's weakening of rent



JENNY LAURIE

*Pat Melvine of the Cooper Square Committee greeted Democratic gubernatorial hopeful Eliot Spitzer as he campaigned on the Lower East Side June 2. Good Old Lower East Side, Tenants & Neighbors, and Met Council were also there with signs and banners pushing home rule.*

regulations had made it worse. Adding that upstate legislators receive massive campaign contributions from city landlords and lack both "any real accountability to city residents" and "knowledge of and sensitivity to the City's housing problems," it concluded that "continued control of local housing programs by state legislators and officials is an affront to fundamental democratic principles and sound notions of good government."

According to Collins, the RGB has done advisory resolutions in the past. In the 1980s, it passed a resolution that called on the state to change the Department of Housing and Community Renewal's hardship formula to help landlords with rent rolls too low to support their buildings. Current landlord representative Harold Lubell was one of the members who voted for it.

## Rent Guidelines Board (RGB) 2006 Schedule

The NYC Rent Guidelines Board Chair Marvin Markus wants to raise your rent again! The RGB, under Markus' direction, voted preliminary guidelines of 3 to 6.5% for one year, and 5 to 8.5% for two year leases. *Think those are fair guidelines?*

Landlords gain from MCIs, deregulated apartments and huge vacancy allowances while they leave tenants with violations and neglect.

**Want to stop the board? Come to the public hearings and final vote. Show the RGB that tenants can't afford to pay higher rents.**

**Monday, June 19**  
4:00 p.m. – 10:00 p.m.  
Public Hearing  
(Public Testimony)

Main Theatre of Hostos  
Community College / CUNY  
450 Grand Concourse  
Bronx, NY 10451

**Thursday, June 22**  
10:00 a.m. – 6:00 p.m.  
Public Hearing  
(Public Testimony)

The Great Hall at Cooper Union  
7 East 7th Street  
at corner of 3rd Ave. (Basement)  
New York, NY 10003

**Tuesday, June 27**  
5:30 p.m. – 9:30 p.m.  
Public Meeting  
(Final Vote)

The Great Hall  
at Cooper Union

Call the Rent Guidelines Board to register to testify at one of the public hearings: (212)385-2934.

## WHERE TO GO FOR HELP

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

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

**GOLES (Good Old Lower East Side)**  
17 Ave. B. Lower East Side tenants only, 212-533-2541.

**HOUSING COMMITTEE OF RENA**  
Covers 135<sup>th</sup> St. to 165<sup>th</sup> St. from Riverside Dr. to St. Nicholas Ave., 537 W. 156<sup>th</sup> St.  
**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**  
4 W. 76 St.; 212-595-1274  
**Tuesday & Wednesday ..... 6-7 pm**



## 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

Have a question about your rights?

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**