



## Impending Stuy-Town Sale Threatens Tenants

By Bennett Baumer

**R**eal-estate moguls salivated and pundits pondered how hot the housing market could get when the Met Life insurance company announced Stuyvesant Town-Peter Cooper Village—the apartment complexes stretching from 14<sup>th</sup> to 23<sup>rd</sup> streets and First Avenue to Avenue C in Manhattan—was on the block.

The asking price is an astronomical \$5 billion, and the 25,000 tenants wonder if any buyer would quickly deregulate rent-stabilized apartments to maximize profit. In the uncertain climate, the majority middle-class renters are banding together and talking about buying the housing complex with a mix of their own money and governmental funds.

“We are better off with our destiny in our own hands,” says Al Doyle, president of the Stuyvesant Town-Peter Cooper Village Tenant Association. He is a second-generation Stuyvesant Town resident.

City Councilmember Daniel Garodnick, along with other elected officials, is floating the idea that private and public pension funds, governmental funds and “socially conscious private-sector investors” could help the tenants buy their apartments.

“We are exploring all of the legislative and financing possibilities that would support a tenant bid,” he said.

Purchase by a tenant led group of investors seems unlikely, however, given the enormous price tag, even if Stuyvesant Town-Peter Cooper Village residents are better off than most city renters. “Anything is possible—realistic is subjective,” says Doyle.

Though tenants are anxious about a possible sale to a large corporation, any buyer’s business plan will surely be the same as Met Life’s. The insurance company has been aggressively turning rent-stabilized apartments to market-rate rentals through vacancy increases and

remodeling work. Landlords receive a 20 percent increase in a rent-stabilized apartment every time someone moves out, and they can add 1/40 of the cost of remodeling work to the monthly rent as well. Once an apartment reaches the \$2,000 decontrol threshold, it becomes deregulated and the landlord can charge as much as the market will bear. Also, market-rate

tenants do not enjoy the same protections as rent-regulated tenants; they don’t have an automatic right to renew their leases, for example.

Met Life advertises the market-rate apartments as “luxury” and charges thousands of dollars for them—not bad for a complex that many tenants once referred to as “projects.”

“Stuy Town set the mold for urban redevelopment.



BENNETT BAUMER

The proposed sale of Stuyvesant Town and Peter Cooper Village has many tenants fearing they’ll be pushed out of the complex.

The government gave a huge gift to Met Life, condemning the land and turning it over to Met Life with large-scale displacement of poor people,” said tenant historian Roberta Gold.

In order to build the complex in the late 1940s, Met Life teamed with city development czar Robert Moses to draft language in a bill to allow insurance companies, which were then barred from owning

housing, to develop limited-dividend housing. The next hurdle was the 11,000 people huddled in tenements in the old Gas House district. Using slum-clearance laws (which were first backed by progressives), Met Life cleared an entire neighborhood to build homes for the middle class ready to move on after World War II. But there was one

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## Tenants Count Pataki’s Last Days Await Urgently Needed Changes from Next Administration

By Kenny Schaeffer

Beginning January 1 at 12:01 a.m., the next governor of New York State will have a limited opportunity and a solemn obligation to protect the more than one million families living in rent-stabilized or subsidized apartments in New York City who are at risk as a result of the terrible damage done during the administration of George Pataki.

It would be enough to start by restoring the state’s rent laws to the way they were before the crippling 1997 and 2003 amendments, providing and funding the right to counsel in Housing Court, and restoring New York City’s home rule so that we can use the democratic process to convince a supermajority of the City Council of the need for decisive action.

Once the local government’s power is restored, it will be able to protect tens of thousands of units of affordable housing being lost by expiring Mitchell-Lama or federal subsidies, and to end vacancy increases—which are the opposite of “rent stabilizing” because they give owners an economic windfall for evicting tenants and unnecessary inflate rents when the law’s intent is to maintain affordability.

Pataki is not running for re-election, and it is widely assumed that state Attorney General Eliot Spitzer will be elected overwhelmingly on November 7 on the Democratic and Working Families Party lines. On August 16, Spitzer finally ended his studied silence on rent regulation, but the result was an anticlimax.

After a meeting with about 50 tenants and advocates in the South Bronx, he called for a single correction to the existing rent and eviction laws—raising the \$2,000 threshold for vacancy decontrol—while remaining silent about the other gaping holes created in the system of rent and eviction protections by Pataki’s administration and about the continuing denial of city home rule. [See Bennett Baumer’s article on page 7.]

Even Spitzer’s modest proposal for raising the deregulation threshold above \$2,000 would be largely illusory without restoring the means to determine whether a new rent is legal in the first place. Most of the provisions for determining whether a claimed rent is legal were weakened or

abolished by the Legislature in 1997 and 2003 and by administrative changes adopted by Pataki’s Division of Housing and Community Renewal in 2000 and 2005.

George Pataki came into office in January 1995 with a transition team headed by Charles Urstadt and an ally in the state Senate, Republican Major-

ity Leader Joseph Bruno, all determined to phase out rent regulations. In the ensuing 12 years, with minimal resistance from the state Assembly, they have largely accomplished their agenda, through drastic reductions in rent and eviction protections enacted in the 1997 and

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## State Court Blocks Knickerbocker Village Deregulation

By Steven Wishnia

The state's housing agency cannot abandon its regulation of one of the city's oldest low-income housing developments and authorize transferring the complex to a private owner, State Supreme Court Justice Walter B. Tolub ruled on Aug. 31.

In response to an Article 78 lawsuit by tenants at Knickerbocker Village on the Lower East Side, Justice Tolub said that the 1926 law that enabled the complex's construction was still in effect, so Division of Housing and Community Renewal Commissioner Judith Calogero had acted wrongly when she authorized the transfer of the buildings to a private corporation in January.

Knickerbocker Village, built in 1934, comprises 12 buildings and 1,590 apartments on the Lower East Side. Privately owned, it operated under a 1926 state law intended to encourage the construction of low-income housing by letting limited-dividend companies build apartments on property condemned and acquired by the government. A 1962 amendment to that law said that such companies formed before then could not dissolve without permission from the DHCR.

In 2002, Knickerbocker Village Inc., the corporation owning the development, applied to the DHCR to dissolve itself and transfer the complex to a private owner—thus freeing the buildings from state regulation except for

rent stabilization. Tenants sued, saying that the 1926 law barred such a transfer.

In January, Calogero issued her decision: She said that because KVI received no direct state subsidies and its tax abatement had expired in 1954, there was no justification for further DHCR regulation of the complex. She added that since the law allowed the agency to authorize the dissolu-

tion of KVI, it could also authorize its transfer to a private entity. Justice Tolub called that "an insupportable leap of logic," concluding that DHCR could only allow the buildings to be transferred to the city or to another limited-dividend company.

The court also rejected Calogero's contention that because a 2003 law that gave Mitchell-Lama owners the option

to extend their tax exemptions if they stayed in the program also let companies formed before 1962 deregulate their buildings if they left the program, that KVI could use the same logic to deregulate Knickerbocker Village. Justice Tolub called that argument "unpersuasive," noting that the Legislature had never repealed the 1926 or 1962 laws.

## Extell Buying Buildings Provokes Phony-Demolition Fear

Extell Development Corporation's purchase of 17 buildings in the East Village is making rent-stabilized tenants there anxious. They fear that their new landlord may use a phony "interior demolition" plan to get them out and convert the buildings to luxury housing.

Extell acquired the 17 buildings in January as part of a larger deal that also included property in Harlem. "We can't really fathom yet what their real plans are, but tenants are concerned about demolition being used as a way to evict them, which is happening right now in another building owned by Extell at East 17th Street," Wasim Lone of Good Old Lower East Side told *The Villager*.

In May, Extell informed Peter Persoff, a 65-year-old tenant in the 17th Street building, that it would not renew his lease because it was planning to demolish the building. "Our home is being threatened by these people in their attempts to

maximize their profits," Persoff told *The Villager*.

The rent-stabilization law lets landlords evict tenants if they plan to demolish the building. In the last few years, owners have been using "interior demolition" plans—in which they say they will leave the building's outer shell intact, but plan to destroy and rebuild the apartments inside—as a pretext to evict rent-stabilized tenants who would otherwise be untouchable.

Extell has rapidly become a major player in city real estate in the last two years, joining with the Carlyle Group—a multinational investment firm whose main

shareholders once included both former President George H.W. Bush and members of the bin Laden family—last year to buy Donald Trump's Riverside South complex on the Upper West Side. The company has also cultivated political connections. Since 2004, a Common Cause researcher told *The Villager*, Extell and its employees have given more than \$100,000 to state Attorney General Eliot Spitzer's gubernatorial campaign, along with \$7,500 to City Council Speaker Christine Quinn and \$14,500 to Councilmember Melinda Katz, chair of the Land Use Committee.

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# EL INQUILINO HISPANO

## Venta inminente de Stuy-Town representa una amenaza para inquilinos

Por Bennett Baumer  
Traducido por Lightning Translations

A los grandes empresarios de bienes raíces se les hizo agua la boca y los expertos se preguntaban qué caliente se puede poner el mercado de vivienda cuando la compañía de Met Life Insurance avisó que Stuyvesant Town-Peter Cooper Village, el complejo de apartamentos que va desde la calle 14 hasta la calle 23 y desde la Primera Avenida hasta la avenida C, estaba a la venta.

El precio inicial es un astronómico \$5 mil millones y los 25 mil inquilinos están preguntándose si cualquier comprador pronto desregularía los apartamentos de renta estabilizada para llevar las ganancias al máximo. En la atmós-

fera de incertidumbre los inquilinos, en su mayoría de la clase media, se están uniendo y hablando de comprar el complejo de vivienda con una combinación de su propio dinero y fondos gubernamentales.

“Estamos mejor con nuestro destino en nuestras propias manos,” dice Al Doyle, presidente de la Asociación de Inquilinos de Stuyvesant Town-Peter Cooper Village. Es un residente de la segunda generación de su familia que vive en Stuyvesant Town.

El concejal Daniel Garodnick, junto con otros funcionarios elegidos, está proponiendo la idea que fondos de jubilación públicos y privados, fondos gubernamenta-

les e “inversionistas socialmente conscientes del sector privado” podrían ayudar a los inquilinos a comprar sus apartamentos.

“Estamos explorando todas las posibilidades legislativas y financieras que apoyarían una oferta por parte de los inquilinos,” dijo.

Sin embargo, la compra por un grupo liderado por inquilinos parece poco probable ya que el precio es tan enorme, aun si los residentes de Stuyvesant Town-Peter Cooper Village están en mejores condiciones que la mayoría de los inquilinos de la ciudad.

“Todo es posible, lo realista es algo subjetivo,” dice Doyle.

Aunque los inquilinos están in-

quietos sobre una venta posible a una gran corporación, el plan de negocios de cualquier comprador ciertamente será el mismo que el de Met Life. La compañía de seguros ha convertido apartamentos de renta estabilizada a viviendas a precio del mercado agresivamente mediante aumentos de vacancia y trabajos de renovación. Los caseros reciben un aumento de 20 por ciento en un apartamento de renta estabilizada cada vez que alguien se muda y también pueden añadir 1/40 del costo de renovación al alquiler mensual.

Una vez que un apartamento lle-

*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
		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



## Venta inminente de Stuy-Town

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ga al umbral de descontrol de \$2,000 se desregula y el casero puede cobrar lo que el mercado sostenga. Los inquilinos que pagan el precio del mercado tampoco gozan de las mismas protecciones que los inquilinos de renta regulada; no tienen el derecho automático de renovar sus contratos, por ejemplo.

Met Life anuncia los apartamentos de precio del mercado como “de lujo” y cobra miles de dólares por ellos, lo que no es poca cosa para un complejo al cual muchos inquilinos refieren como “urbanización.”

“Stuy Town creó el patrón para la renovación urbana. El gobierno dio un enorme regalo a Met Life, declarando inhabitable el terreno y entregándolo a Met Life con un desplazamiento a gran escala de gente pobre,” dijo la historiadora Roberta Gold.

Para construir el complejo a fines de los 1940, Met Life se asoció con el zar de desarrollo urbano, Robert Moses, para hacer el borrador del lenguaje en un proyecto de ley que permitió a compañías de seguros, en ese entonces no permitidas a poseer vivienda, a desarrollar vivienda de dividendos limitados. El próximo obstáculo fueron las 11 mil personas amontonadas en viviendas humildes en el viejo distrito Gas House. Haciendo uso de leyes para arrasar los barrios pobres (inicialmente apoyadas por progresistas) Met Life arrasó un vecindario entero para construir hogares para una clase media lista para adelantarse después de la Segunda Guerra Mundial. Pero hubo una trampa.

Met Life mantuvo una política de alquilar solamente a gente blanca, rehusando a permitir que los afroamericanos vivieran en el complejo.

Defensores de inquilinos de la época y miembros del Partido Comunista formaron el Comité de Inquilinos para Poner Fin a la Discriminación en Stuyvesant Town e impugnaron la política discriminatoria de Met Life haciendo que familias afroamericanas se hospedaran en sus apartamentos mientras ellos estaban fuera de la ciudad en vacaciones o por el trabajo. “La familia Hendrix vino un verano para vivir en el apartamento de Jesse Kessler y eso estableció una presencia de gente negra,” dice el otrora residente de Stuyvesant Town Lee Lorch.

Más adelante los Hendrix se mudaron al apartamento de Lorch y Met Life respondió tachando de comunista al Comité de Inquilinos. Lorch perdió sucesivos puestos como profesor en City College y Penn State por su activismo a favor de la integración racial y otros inquilinos activistas enfrentaron el desalojo.

“Se encerraron con barricadas el día de los avisos de desalojo,” dijo Rosel Lehman, una residente de Stuyvesant Town desde 1948 y miembro de Met Council durante décadas.

Franz, el difunto esposo de Lehman, y muchos otros inquilinos se turnaron para dormir en los apartamentos de las familias negras, y así protegerlas. Como muchos inquilinos blancos que abogaban por la integración racial, tanto Rosel como Franz se identificaron con sus vecinos afroamericanos por sus tendencias izquierdistas y su experiencia como judíos durante el ascenso de los nazis. Ambos Lehman huyeron de Alemania a mediados de los 1930.

La NAACP, liderada por Thurgood Marshall, perdió casos legales para integrar racialmente

el complejo, pero el Comité de Inquilinos pudo parar los desalojos y en los 1950 forzaron a Metlife a deshacerse de su política de segregación racial, y dar contratos a los Hendrix y otras familias negras. En 1951 el Concejo Metropolitano aprobó una ley que vetó la discriminación racial en cualquier vivienda públicamente subvencionada. Sin embargo, durante décadas la integración racial procedió a paso de tortuga y hoy esas primeras familias y otros residentes de la clase media pueden enfrentar un destino similar al de los residentes del distrito Gas House.

“Removieron a los pobres para

instalar a la clase media, y ahora van a remover a la clase media para instalar a los ricos,” dice Lorch.

Los inquilinos de Stuyvesant Town-Peter Cooper Village seguirán protegidos aun si un nuevo dueño comprara el complejo, pero la desmantelación de vivienda asequible continúa un apartamento a la vez.

“¿El mejor de los casos? Quiero quedarme en mi apartamento y seguir pagando una renta estabilizada,” dice Soni Fink, miembro de la junta de la Asociación de Inquilinos y residente del complejo durante 45 años.

## Battery Park City Turns Over \$130M for Affordable Housing

By B. Pierson

The Battery Park City Authority last month gave final authorization to the allocation of \$130 million of excess revenue to the New York City Housing Trust Fund to pay for the construction or preservation of 4,300 affordable housing units. The long-awaited move marks the first time that this revenue stream will be used for its original purpose. Work on some of these units should begin within a year, said Neill Coleman, spokesperson for the city's Department of Housing Preservation and Development. All of the restoration and construction will be funded, if not actually started, within three years, Coleman said. HPD will administer the program and work with nonprofit and some for-profit developers to develop properties in all five boroughs. According to Coleman, the Fund will especially target low-income New Yorkers not sufficiently helped by existing programs.

Julie Miles, executive director of the nonprofit coalition Housing Here and Now, one of the organizations that supported the Housing Trust Fund, welcomed the Authority's decision. “It's something that advocates have been calling for for decades,” she said. “Advocates will continue to pay attention to the implementation,” she said, but was optimistic. “We're all hopeful.”

The Authority operates by leasing its land on the southern edge of Manhattan to private developers. These developers are exempt from property taxes, but pay the Authority a Payment in Lieu of Taxes (PILOT), as well as rent on their leases. When the Authority was first created in the 1980s, revenue it

collected—excluding PILOT and its own operating costs—was earmarked for affordable housing with the provision that the city could divert the money elsewhere if deemed necessary. Until now, the money has been added to the city's general revenue, rather than used for affordable housing.

Some of the money will also be used to fund the New York Acquisition Fund, a longer-term initiative begun last year that will provide money to developers to acquire more land for affordable housing. Most of the Acquisition Fund's money, however, will come not from the city, but from charities, banks, and the housing-focused Enterprise Foundation.

“This commitment came about from sustained, grassroots-level advocacy,” said Irene Baldwin, executive director of the Association for Neighborhood and Housing Development, another housing-focused nonprofit group.

Baldwin said that ANHD was “mostly not concerned” about how the plan would be implemented, but will be watching a few things. One issue is that affordable housing programs often guarantee affordability only for 15 or 20 years. Instead, the city should “make it permanently affordable, or at least for the lifetime of the residents,” she said. The Trust Fund should also result in a net increase of funding for affordable housing—that is, the city shouldn't use it to make up for funding cuts elsewhere. But despite these concerns, Baldwin stressed, “We're very happy with this.”

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### 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.

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## Lead-Poisoning Cases Down Since 2004 Law

By Jenny Laurie

The number of children in New York City getting lead poisoning dropped significantly between 2004 and 2005, the city Department of Health reported in mid-August. In 2005, there were 2,644 new lead poisoning cases among children between the ages of 6 months and 6 years, a 17 percent decline from 2004, when there were 3,193 new cases.

While the city's work to prevent childhood lead poisoning has been showing steady progress since 1995, when there were 19,232 new cases, the New York City Coalition to End Lead Poisoning noted that the rate of decrease slowed during the period of the 1999 "Vallone lead law," which weakened protections against lead paint, and increased again after the stronger Local Law 1 of 2004 went into effect (see graph).

"Although it is in many respects to early to draw firm conclusions from the limited data, it certainly appears that the new law is working far better than the old lead law that was pushed through the City Council by then Speaker Peter Vallone in 1999," said Matthew Chachere of the Northern Manhattan Improvement Corp., who served as Met Council's attorney in various litigation concerning the city's lead laws. "Prior to the Vallone law, the number of children identified with high levels of lead in their blood was dropping by

an average of 20 percent a year; during the four years of the Vallone law, the annual decline slowed to an average of 9 percent, and in fact there was no decrease at all in the last year of the Vallone law. In the first full year of implementation of the new lead law, the annual decline is back up to 20 percent."

Most cases of childhood lead poisoning in New York City are a result of ingestion of lead dust in poorly maintained apartments. The federal Centers for Disease Control and Prevention defines lead poisoning as a level of 10 or more micrograms of lead per deciliter of blood, with 20 micrograms per deciliter considered a high level. State law requires that health care providers test all children at 1 and 2 years of age. The Department of Health claims that currently about 60 to 72 percent of kids in the two age groups get tested for lead poisoning.

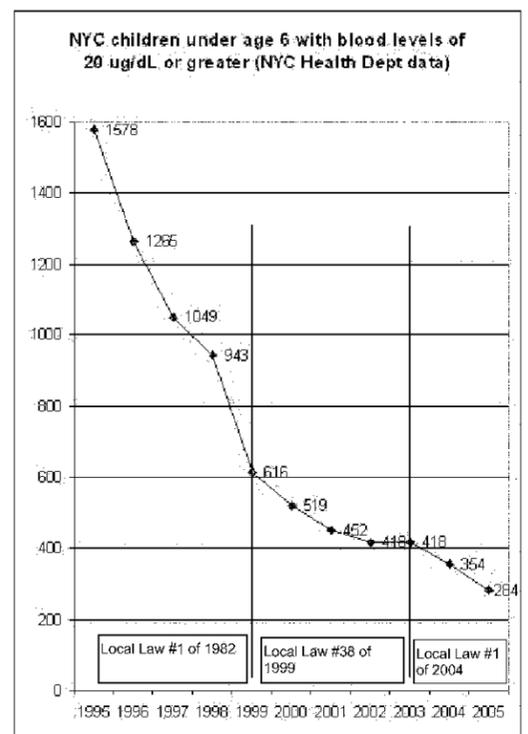
Chachere noted that the data and tenants' experiences seem to indicate that the city Department of Housing Preservation and Development is doing a much better job of inspecting for lead hazards. However, he concurred with the statement by Health Commissioner Thomas Frieden that "more needs to be done" to end lead poisoning.

"A major premise of the new law is that landlords need to be on the front lines of preventing lead poi-

soning by affirmatively inspecting their own buildings to make certain they don't have lead hazards, rather than waiting until the city inspects or a child gets poisoned," Chachere said. "NMIC's clients report to us that many landlords never comply with the law's requirement that they inquire for the presence of young children, inspect at least annually for lead hazards, give their tenants written reports of lead inspections, and give tenants the required educational pamphlets and warnings about lead with their renewal leases. Violations of these requirements constitute a misdemeanor under the

new law, yet as far as we know HPD is doing little to enforce these provisions. When landlords don't do their part to obey this law, our children suffer."

The Bloomberg administration's claims that the new lead law was unnecessary, as it wouldn't lower poisoning levels, and too expensive have been proven false by recent reports. An Independent Budget Office report in January revealed that the new law cost the



The number of children with serious lead poisoning is declining again.

city what advocates had predicted, and much less than the city had claimed it would cost (*Tenant/Inquilino*, February 2006). And the recent Department of Health figures show that the reduction of lead poisoning has sped up since the law went into effect.



## Bronx Organizers' Free-Speech Suit to Go to Trial

By Steven Wishnia

Tenant organizers in the Bronx scored a judicial victory in July, when a Bronx Supreme Court Judge Sallie Manzanet dismissed part of a landlord lawsuit against them and ruled that their countersuit, which charged that the landlord was trying to suppress their free speech, could continue.

The decision is "very encouraging," says Raymond Brescia of the Urban Justice Center, the lawyer for the Northwest Bronx Community and Clergy Coalition, the defendant. It means that a jury can decide whether the landlord was being "vindictive" and "out to chill speech," he explains.

The case grew out of two suits filed by West Bronx landlords, one against the NWBCCC and the other against Highbridge Community Life Center and Jacqueline Del Valle, then an organizer with Highbridge. The groups had been organizing protests against Washington Mutual Bank, distributing flyers that said "Tell Washington Mutual to stop lending to slumlords." The two landlords alleged that the groups had trespassed in their buildings, had defamed them by calling them "slumlords," and had prevented them from getting a loan from the bank to refinance their mortgages.

In 2003, the landlord in the Highbridge suit—Frank Palazzolo,

whom the flyers had termed "one of the worst landlords in NYC"—won a temporary restraining order barring the tenant organizers from entering his building at 1030 Woodycrest Ave. That suit was dropped last year, says Del Valle, after the tenant organizers agreed to drop a countersuit and the landlords agreed to send a letter to tenants saying that they could contact Highbridge about any problems in the building. "I'm really happy it worked out this way," says Del Valle, a Met Council board member.

Steve Tobia, who owns five buildings in the Fordham neighborhood, filed the suit against NWBCCC. He dropped the trespassing charges, and the court dismissed the defamation charges—only one of the flyers had mentioned him, alleging that New Line Realty, the corporation he uses to own one of the buildings, was a Palazzolo front. The third allegation, that of "tortious interference" with the landlord's business, remains, and will go to trial in Bronx Supreme Court, says Brescia.

More important, says Brescia, is the judge's decision to let the NWBCCC's counterclaim under the state's "SLAPP" (Strategic Lawsuit Against Public Participation) law—in which the group alleges that Tobia's lawsuit was an

attempt to suppress its legitimate participation in public affairs—go to trial. The court noted that NWBCCC's actions were part of its work with for tenants, including reporting housing-code violations and helping tenants advocate with Washington Mutual to enforce the good-repair clause in the mortgages of their buildings.

That, says Brescia, means that NWBCCC now has a chance to challenge the landlord's "effort to chill the group's advocacy and organizing around the landlord's ability to do business," he explains. "This means that tenants can organize, and if landlords sue them, they'll have to face a jury."

### 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.

## Tenants Push Case Against Sexual Harassment

By Cassi Feldman

“Wendy” (not her real name) had just moved into her Manhattan studio apartment when the inappropriate comments began. The building’s super would tell her she was attractive, she said, or that a certain skirt made her look sexy. When she asked him to paint her apartment, she recalls, he showed up at 6 a.m., called her his “favorite tenant,” and then tried to kiss her on the lips.

Apparently, she wasn’t his only target. Upon hearing her story, other women in the building recounted similar interactions. Together, they complained to the landlord. When that didn’t work, they tried the police and even their City Councilmember. But now, six years later, the super is still working on site.

“I feel uncomfortable going in and out of the building because I never know when I’m going to run into him,” said Wendy. “Everyone tells you, ‘You have a nice apartment at a good rate. You should ex-

pect this kind of thing.’”

Recently, however, she found an advocate: the Fair Housing Justice Center, a program of the housing group HELP USA that serves as a one-stop shop for tenants fighting discrimination. Since it opened in Manhattan last year, the group has taken on several cases dealing with sexual harassment.

The Fair Housing Justice Center recently filed one such suit in U.S. District Court. According to the Aug. 14 complaint, Jerry Jacobs, a Tribeca landlord, propositioned two female tenants, promising them lower rent if they agreed to sexual encounters.

Jacobs allegedly told Kathryn Smith, 26, that he would cut her rent in half if she provided him with “company” once a week. Several months later, the suit claims, Jacobs struck again, telling Jennifer Dunlap, 24, a prospective tenant, that she could live rent-free if she performed “oral sex and touching.”

Both women refused and

were brought together by the Center to file a joint suit, working with Latham & Watkins LLP. Mark Axinn, an attorney for Jerry Jacobs and 358 Broadway LLC said his clients were “shocked by the allegations” and “don’t believe there’s any truth” to them. “We intend to defend against them vigorously,” he said.

Diane Houk, executive director of the Center, said sexual discrimination in housing is neither new nor limited to New York, but does tend to happen more in cities with many renters and a shortage of affordable housing. In fact, *City Limits* magazine documented the phenomenon in 1986 with a cover story called “Unreasonable Access” that profiled several women fighting back against unscrupulous supers and landlords. “Women who are lower income are more at risk because they are less able financially to move out of the housing,” said Houk, “and the landlords know

that.”

Much of the legal framework for sexual harassment in housing is borrowed from groundbreaking employment discrimination cases of the 1970s and ’80s. Yet the abuse can feel quite different, explains Rigel Oliveri, who worked with Houk in the Civil Rights Division of the U.S. Department of Justice and now teaches at the University of Missouri School of Law.

“It’s one thing if they walk by your cubicle,” she said, “and another thing if you wake up and they’re standing over your bed”—a scenario experienced by a plaintiff she represented.

Harassment in either arena tends to take one of two forms. In some cases, the victim is subjected to a “sexually hostile” work or living environment as a result of inappropriate comments or touching. In other cases, the harassment is rendered as a “quid pro quo”—the victim is offered something in exchange for sexual favors.

Cases of sexual discrimi-

nation in housing can be hard to document. Oliveri recommends that women keep detailed notes and records of all correspondence, and “communicate [to the landlord] in no uncertain terms that this is unacceptable.” The problem, she said, is that many women don’t feel empowered to speak up.

Emily Martin, deputy director of the ACLU Women’s Rights Project, said sexual harassment in the home is just starting to get the attention it deserves. She hopes groups like the ACLU and Fair Housing Justice Center can be a resource to women in New York who don’t yet know their rights.

“It’s definitely a challenge when people don’t have words to apply to a problem,” she said. “When you don’t have a way to explain what’s happening to you, it makes it much more difficult to respond.”

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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 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 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).

## Spitzer's Real Deal

By Bennett Baumer

After months of promises, Democratic gubernatorial candidate Eliot Spitzer elaborated on his thin housing platform in a roundtable discussion with tenant organizers on Aug. 16. The state attorney general, a strong favorite in the Sept. 12 primary, has been coasting on high poll numbers as a gaggle of Democrats try to curry favor with his campaign; he's been endorsed by Dems from the conservative Ed Koch to progressive and abortion-rights groups. The only problem is that Spitzer is reluctant to take strong positions that protect tenants and which offend the real-estate industry.

Spitzer's non-commitment on core issues to tenants, most notably on "home rule" over rent and eviction laws and strengthening rent regulation and affordable housing programs, have irked tenant groups, long shut out from Gov. George Pataki's Albany.

Spitzer said he wants to lift the \$2,000 vacancy decontrol thresh-

old on rent-stabilized apartments and tie it to the cost of living. Currently, a landlord can decontrol a vacant apartment when the rent surpasses \$2,000. The problem with Spitzer's proposal is that a landlord can jack up the rent by 20 percent each time someone moves out of a stabilized apartment—and rents rise past what most tenants can afford well before they reach \$2,000. Once an apartment is decontrolled, the sky is the limit for the rent and there are fewer tenant protections.

Spitzer has committed to cracking down on slumlords by allowing local governments more autonomy to set up administrative tribunals. Ostensibly, the tribunals would rein in slumlords who refuse to make repairs by making them pay fines through methods similar to collecting parking tickets.

The measure would be "a good step," says Jeanie Dubnau of Riverside Edgecombe Neighborhood

Association, even though "[tribunals] don't impact much on affordability."

However, if Spitzer really wanted to protect the city's rent-stabilized stock, he would endorse giving local governments the power to END decontrol of regulated apartments and expand rent regulation to all rental apartments. It's ironic that Spitzer favors more local autonomy on cracking down on slumlords, but doesn't trust local governments to have control over rent and eviction laws. Tenant groups made this message clear when they shut down the Rent Guidelines Board vote in June. New York City Council members are more accountable to the city's voters than upstate rural and suburban lawmakers. At the roundtable, Loretta Burns from Coalition for the Homeless pressed Spitzer on home rule, but he did not offer to support it.

Equally troubling are statements from Spitzer's campaign

manager, Ryan Toohey, in *The Real Deal*, a real-estate publication. "Eliot has always had a particular understanding and affinity for the real estate industry because it's in his blood... [I]f he wasn't doing what he is doing now, he'd be in real estate." Spitzer's father is a millionaire real-estate developer.

Spitzer did score points with tenants when he pledged to enforce the rent laws and criticized the state housing agency—one reason tenant advocates are strident about home rule. He also gave lip service to Mitchell-Lama residents, whose landlords are scheming to take them out of the affordable housing program. His shining moment was pledging state money for operating subsidies for public housing (currently Albany kicks in nothing), though he has no plans to build more public housing.

*A version of this article originally appeared in the Independent.*

### Pataki's Last Days

*continued from page 1*

2003 rent laws and imposed by the DHCR when it rewrote the rent-stabilization code in 2000 and 2005. The DHCR is responsible for the enforcement of rent and eviction protections, but in cooperation with real-estate lobbyists and landlord attorneys, it has adopted a series of policies and procedures that further weaken those protections.

State Sen. Liz Krueger (D/WFP-Manhattan), the ranking Democrat on the Senate's housing committee, has identified a number of areas in which the DHCR needs improvement. These include ineffective enforcement; unequal treatment of tenants and landlords; lack of leadership, vision and strategy to preserve affordable housing; poorly trained employees and poor service; a mediocre Web site; inadequate response to increased harassment and often illegal claims of vacancy decontrol; and improper handling of applications for major-capital-improvement claims.

Seth Miller, a former Met Council board member and a partner in the tenant law firm Collins Dobkin and Miller, has identified 13 specific legal areas where DHCR has contributed to the housing crisis rather than remediating it: owner's use evictions, the "four-year rule" protecting illegal rents, "first rents" after apartment reconfigurations; high-rent decontrol, preferential rents, roommate overcharges, high-income decontrol, demolitions, vacancy improvements, MCIs, services, Fair Market Rent Appeals when apartment leave the rent-control system, and lease renewals. Miller also points out deficiencies in DHCR practice, including the lack of a decision database and the use of *ex parte* opinion letters. He calls for restoring the Tenant Advisory Committee and Landlord Advisory

Committee, which both gave formal input under previous administrations. Whether the next governor has a true commitment to addressing the city's housing crisis will be determined by his

response to these issues. Whether the next governor has a true commitment to addressing the city's housing crisis will be determined by his response to these issues.

*Tenant/Inquilino will discuss*

*Sen. Krueger's and Seth Miller's lengthy recommendations in future issues.*

## Queens Gets Inclusionary Zoning

With a unanimous vote, the City Council last month passed a large Queens rezoning package that includes the first-ever inclusionary zoning provision in the borough. The bill, sponsored by Queens Councilmember Eric Gioia, focuses on western areas along Queens Boulevard in Maspeth and Woodside, and utilizes the voluntary program to encourage development of affordable housing.

"By creating more middle-class housing in Woodside, we can create a neighborhood where the middle class can not only survive, but thrive," Gioia told the City Planning Commission at a hearing in the spring.

According to the Council, 20 percent of the 301 new units resulting from the zoning change will be dedicated to low- or middle-income households whose incomes are below 80 percent of the federal Department of Housing and Urban Development-designated Area Median Income of \$70,900 for a family of four. Participating developers can build as much as five times the area of the lot—known as the floor-area-ratio or FAR—though there is now a 125-foot building height limit.

Inclusionary zoning programs let developers build larger buildings than would normally be allowed if they agree to rehabilitate or create affordable housing units. Those units can be off the main construction site, but must be located within a half-mile radius.

Inclusionary zoning is a cornerstone of Mayor Bloomberg's 10-year housing plan. Last year Bloomberg proposed that it be used in all boroughs and in conjunction with other kinds of subsidies. Its original incarnation was restricted to dense areas in Manhattan.

A key player in the push for it has been the Pratt Center for Community Development in Brooklyn. Director Brad Lander thinks it will work in New York because of the "powerful incentives" developers can potentially receive. "The density bonus and other subsidies ... [offer] incentives that are better than ... the market alone" to create affordable units," Lander said.

He also praised the fact that the affordability requirement "is perpetual; it's tied to the subsidized financing," as opposed to the majority of low- or middle-income housing programs, whose price restrictions expire after a set time limit.

But Phil DePaolo, community liaison for the People's Firehouse Inc., a community preservation and watchdog organization based in Williamsburg, says that inclusionary zoning "isn't bringing money into the city coffers and it's subsidizing millionaires on the backs of communities." In the

scorching-hot real estate market, "we don't need incentives to develop. It's just a crutch for development," he said.

Because the median income used to determine affordability is citywide, he added, it's skewed by Manhattan's higher income levels—with the result that "it leads to a net loss of affordable housing, displacing long-term commercial and residential residents. Since the zoning change [in Williamsburg last year], it's like gentrification on steroids." DePaolo is also skeptical that the affordable housing built will remain so permanently.

"In principle, inclusionary zoning is a great thing," said Paul Graziano, an independent urban planning consultant who successfully designed many of the recent down-zoning plans in the borough, including in Whitestone, Bayside, and College Point. But he added that "The idea that the more you build, the more the market will balance is not correct and it's never been proved."

— *Jillian Jonas*

*The full version of this story appeared in City Limits Weekly. Reprinted with permission.*



**E-mail Met Council**  
active@metcouncil.net

## Bronx Housing Database Opens

Imagine being able to pinpoint the block nearby with the most housing-code violations, see which bank holds the most mortgages in the neighborhood, or determine which landlord has the best record with the Department of Housing Preservation and Development—all in one place. Those searches and others will be possible when a Bronx affordable-housing organization finishes its exhaustive database of the borough's rental properties later this month.

"It's been time-consuming to put this all together, but by doing so you can really paint a better picture of housing in the area," said Eric Fergen, an outreach coordina-

tor with the University Neighborhood Housing Program (UNHP) who has spent the better part of two years collecting the information. "With our mapping capabilities, we would like to be able to see or show where the most emergency repairs are being made, where the most serious violations are occurring. We can see where owners aren't paying their taxes, where the major lenders are operating."

With its Building Indicator Project, UNHP—a 20-year-old organization founded by Fordham University and the Northwest Bronx Community and Clergy Coalition when the Bronx was just

beginning to dig out of financial crisis—has compiled a most modern organizing and research tool. It includes data on the 7,100 Bronx buildings with at least six rental units. By correlating information on liens, fines, unpaid taxes, code violations, and mandated emergency repairs, the database uses a point system to identify properties in financial or physical distress, Fergen said.

The goal is to give community groups the ammunition they need to demand quality housing and to show banks that hold the mortgages how their investment is—or isn't—being managed. The tool already has been successful; the

Northwest Bronx Community and Clergy Coalition used UNHP data in campaigns this year. And when UNHP brought the decayed condition of some buildings to the attention of a major bank that held the mortgages, the bank inspected the buildings and demanded that the landlord make repairs, Fergen said proudly.

UNHP has talked with community groups in Brooklyn and Manhattan about expanding the database to those boroughs.

— E. Markey

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## Stuy Town

*continued from page 1*

catch.

Met Life maintained a whites-only policy at Stuyvesant Town apartments, excluding African-Americans from living in the complex.

Early tenant advocates and Communist Party members formed the Tenant Committee to End Discrimination at Stuyvesant Town and challenged Met Life's discrimination policies by having African-American families stay in their apartments while they were away on vacation or work.

"The Hendrix family came to live one summer at the apartment of Jesse Kessler, and that established a black presence," says former Stuyvesant Town resident Lee Lorch.

The Hendrix family later moved into Lorch's apartment and Met Life responded by red-baiting the tenant committee. Lorch lost successive teaching jobs at City College and Penn State because of his early integration activism, and other tenant activists faced

"They barricaded themselves in the day of the eviction notices," said Rosel Lehman, a Stuyvesant Town resident since 1948 and a member of Met Council for decades.

Lehman's late husband, Franz, and other tenants took turns sleeping over at apartments with black families for protection. Like many white tenants advocating for integration, both Rosel and Franz Lehman identified with their African-American neighbors through their leftist leanings and experience as Jews during the rise of the Nazis. Both Lehmans fled Germany in the mid-1930s.

The NAACP, led by Thurgood Marshall, lost court cases to integrate the complex, but the tenant committee had success stopping evictions, and in 1950, forced Met Life to drop its segregation policy

and give the Hendrixes and other black families leases. In 1951, the City Council passed a law barring racial discrimination in any publicly assisted housing. However, integration moved at a snail's pace for decades, and today those first families and other middle-class residents may face a similar fate as the Gas House district's tenants.

"They cleared the area of the poor and put in the middle class, now they'll take out the middle class and put in the rich," says

Lorch.

Rent-regulated tenants at Stuyvesant Town and Peter Cooper Village will still be protected even if a new owner buys the complex, but the dismantling of affordable housing continues one apartment at a time.

"Best-case scenario? I want to stay in my apartment and continue to pay rent-stabilized rent," says Soni Fink, a tenant association board member and 45-year resident of the complex.

## 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**



### 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.

### 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**

## 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