Under the banner “New York Is My Home,” organizers across the city are working to bring 10,000 tenants to form a human chain around Stuyvesant Town on May 23, at 5 p.m. They will demand stronger legal protections for 1.5 million tenants at risk because of expiring or weakened regulations.

With the threatened loss of hundreds of thousands of affordable housing units in the city—from the sale of Stuyvesant Town, to proposed sale of Starrett City in Brooklyn, the deregulation of Mitchell-Lamas such as 3333 Broadway in West Harlem, and the vacancy decontrol of rent-stabilized apartments—the New York Is My Home (NYIMH) coalition is working to connect the fights, combine forces, and achieve dramatic action from the new Spitzer administration and the realigning state legislature.

“We are going to use our bodies to demonstrate our determination to protect New York’s vast but endangered supply of affordable housing,” declares NYIMH director Julie Miles, of Housing Here and Now. The coalition includes a cross-section of tenant and housing groups, including the Working Families Party, ACORN, Tenants & Neighbors, Good Old Lower East Side, the Bronx Tenant Action Coalition, Make the Road by Walking, the New York City AIDS Housing Network, and Met Council. It has scheduled planning meetings during the next month in Upper Manhattan, the Bronx, Brooklyn, and Queens (see box for dates and locations).

“If we continue to lose affordable units faster than we replace them, we can never begin to reverse New York’s worsening housing crisis,” points out Met Council director Jenny Laurie. The New York Is My Home platform includes a number of specific demands for state action. On rent stabilization, it’s calling for the repeal of vacancy decontrol for apartments that go above $2,000 a month, the reversal of 12 years of pro-landlord rules and policies from the Division of Housing and Community Renewal under the Pataki administration, and the restoration of New York City’s right to pass laws controlling rents and eviction proceedings.

**Tenant-Blacklist Suit Settled**

By Steven Wishnia

The company selling a database that landlords used to blacklist tenants has settled a class-action lawsuit against it out of court.

In the settlement, First Advantage SafeRent— which obtained electronic records of housing-court cases and sold them to landlords seeking background information on prospective tenants—agreed to expunge records of erroneously brought cases from its database. It will also add a disclaimer stating that “the court records on file may not indicate a disposition adverse to the consumer. The existence of a court record does not mean that an applicant was evicted from an apartment.”

First Advantage will also pay $1.9 million to a fund for prospective tenants who were the subject of the company’s reports between March 2002 and March 2004. About 3,500 of the 35,000 people eligible filed for compensation and will receive $1,000 each, says James Fishman, an attorney for the tenants. The rest of the fund, about $1.5 million, will go to nonprofit groups dealing with tenant-screening issues, he said.

Federal District Judge Lewis A. Kaplan approved the settlement March 7. But in his order stipulating the deal’s terms, he wrote that he was “troubled” by the settlement, as “it leaves defendants’ business model essentially intact. While there will be very modest improvements, the potential for abuse quite plainly remains. The fact that defendants are willing, indeed anxious, to engage in activities that are bound to harm innocent people is distressing.” Specifically, he said, First Advantage understood well that “risk-averse landlords” would use its product “as a blacklist, refusing to rent to anyone whose name appears on it regardless of whether the existence of a litigation history in fact evidences characteristics that would make one an undesirable tenant.” The problem is compounded, he added, by the fact that the electronic records available from New York City Housing Court are “sketchy in the best of cases and incomplete and inaccurate in the worst.”

In 2003, First American had boasted that it issued 17,000 reports a day and could offer “fast, accurate, and complete access to over 33 million landlord-tenant eviction court records covering over 80 percent of the U.S.” If that data revealed that a prospective tenant had been to Housing Court, it would lower their chances of getting an apartment dramatically, one Manhattan real-estate agent told Tenant.Inquilino. “If you were an owner, and somebody’s got a job and good credit, but it came up that they’ve been to court, would you rent to them?” he asked. “If it’s non-pay-ment, obviously not. If it’s a holdover, that’s worse. If it’s an HP action, that’s even worse.”

But Judge Kaplan concluded that the litigation would be “difficult and costly,” and that the First Advantage business model “is not unlawful, however distasteful and deserving of continued on page 8
RGB Gets Three New Members

By Steven Wishnia

The city Rent Guidelines Board has three new members.

Ronald S. Languedoc, co-director of the housing unit at South Brooklyn Legal Services, will join Adrienne Holder as a tenant representative. He replaces David Pagan. In 2004, Languedoc was one of five lawyers who won a New York City Bar Association award for their “outstanding commitment” to providing civil legal services for the poor. He will serve a two-year term.

On the owner side, Magda L. Cruz, a partner in one of the city’s biggest (and most notorious) landlord law firms—Belkin Burden Wenig & Goldman, which represents the Rent Stabilization Association real-estate lobbying group—has been appointed for a two-year term, replacing Harold Lubell. Lubell, on the board since 1985, had been the longest-serving RGR member.

The Belkin firm’s Web site touts Cruz’s “major appellate victories on behalf of owners,” including owner-occupancy, succession rights, non-primary residence, lease rights, attorneys’ fees, and rent overcharge cases. She filed an amicus brief supporting the defendants in Thornton v. Baron, in all the tenants there.

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Cruz also represented the defendant in a landlord-tenant dispute at 49 East Third St. in 2006, where the legal rent was below $600. The state Court of Appeals, citing “fraudulent conduct,” ruled for the tenants in 2005; the dissenting judge complained that the state’s four-year limit on challenging rent overcharges “has no point unless it protects illegal rents.”

And Risa A. Levine, an Upper West Side real-estate lawyer, has been appointed to a four-year term as one of the five public members, replacing Gale Kaufman. Levine is a Democratic party activist with center-right leanings; she has contributed more than $4,000 to Sen. Hillary Clinton’s campaign funds over the past four years, and she also donated to Connecticut Sen. Joseph Lieberman’s 2004 presidential campaign.

RENT GUIDELINES BOARD 2007 SCHEDULE

Tuesday, April 24, 9:30 a.m.–noon
Public Meeting
Department of City Planning
Spector Hall, 22 Reade St., Manhattan

Friday, April 27, 9:30 a.m.–5:30 p.m.
Public Meeting (Invited Group Testimony)
Department of City Planning, Spector Hall, 22 Reade St., Manhattan

Hotel Tenants: 3:15–4:30 p.m.; Hotel Owners: 4:45–4:55 p.m.

Monday, May 7: 10 a.m.–2 p.m.
(Note: Originally scheduled for Tuesday, May 1)
Public Meeting (PRELIMINARY VOTE)
The Great Hall at Cooper Union, 7 East 7th St. (at corner of Third Ave.), Manhattan

Tuesday, June 5, 9:30 a.m.–noon
Public Meeting
Department of City Planning, Spector Hall, 22 Reade St., Manhattan

Tuesday, June 12; 10 a.m.–6 p.m.
Public Hearing (Public Testimony)
The Great Hall at Cooper Union, 7 East 7th St., Manhattan

Tuesday, June 19, 4–10 p.m.
Public Hearing (Public Testimony)
LaGuardia Performing Arts Center
31-10 Thomson Ave., Long Island City
(Use entrance on Van Dam St., just north of 47th Ave.)

Friday, June 22; 10 a.m.–2 p.m.
Public Meeting (FINAL VOTE)
The Great Hall at Cooper Union
7 East 7th St., Manhattan

NOTE: The Rent Guidelines Board reserves the right to cancel or reschedule public meetings. See http://www.housingny.com/meetings.html for updates or call (212)385-2934.
La Compañía que vendía una base de datos usada por caseros para encontrar a posibles inquilinos que fueran de negocios del demandado esen-

tico, más el 17% o $100, lo que sea mayor

Programa de Exención de Incrementos de Renta para las Personas de Mayor Edad Las personas de mayor edad con renta estabilizada (y los que viven en apartamentos de renta controlada), que tienen ingresos anuales de $26,000 o menos (del año de impuestos previo) que pagan $100, que sea mayor 17% + $100, lo que sea mayor

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Casa de alojamiento, hoteles y casas rurales no pueden cobrar un aumento de renta (al igual que los que viven en desván). Los inquilinos que pagan $100, que sea mayor 17% + $100, lo que sea mayor

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Los Jueces de la Junta de Regulación de Renta de la Ciudad de Nueva York (Orden No. 38) Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2006 hasta el 30 de septiembre de 2007.

Contratos de Renovación Los caseros tienen que ofrecer a los inquilinos de renta estabilizada un contrato de renovación dentro de 90 a 120 días antes de que venza su contrato actual. El contrato de renovación debe reflejar un cambio en la ley, un cambio en los registros o una renovación de la renta. Si el caso es en el área de una acción de litigación, se puede ofrecer un contrato de renovación de un año a cualquier persona cuyo nombre apareció en una base de datos usada por caseros para encontrar a posibles inquilinos que fueran de negocios del demandado esen-

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Inquilinos de mayor edad y minusválidos

Las personas mayores de 62 años o más, en vivienda de renta regulada, Mitchell-Lama y otros programas, con ingresos disponibles anuales de $26,000 o menos para un hogar, tienen derecho a elevar las temperaturas mínimas, usted debe:

- Comenzar una “Acción HP” (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- Llamar al Buro Central de Queja de Calefacción y Agua del 1ro de octubre hasta el 31 de marzo de cada año. Desde las 6 a.m. hasta las 10 p.m.
- Solicite que le envíen el formulario para demandar reparaciones y el(ST Guthrie)
Brooklyn Tenants Battle “Owner Use” Eviction

By Dave Powell

O n March 22, a group of Brooklyn tenants organized by the Fifth Avenue Committee and supported outside the home of a landlord in the hope of stopping the eviction of four families. Protests of this kind are not unique: New York City tenants have been resisting evictions for more than 100 years. Nor is this tactic new for the Fifth Avenue Committee, a community organization which in the late 1990s created a “Displacement Free Zone” in the vicinity of Park Slope and targeted landlords evicting unregulated tenants. Perhaps what was noteworthy about this protest is that it did not take place in front of the home of a career slumlord in New Jersey or a management office on Park Avenue, but in front of a Fort Greene building where a young, trendy couple rent an apartment. And the tenants facing eviction are all rent-stabilized.

The building in question is 533 Bergen St., a rent-stabilized, eight-unit tenement in northern Prospect Heights, one block south of the footprint of Bruce Ratner’s proposed Atlantic Yards project. The new landlords in question are two couples: Dan Bailey/Felicity Loughrey and Deanne Cheuk/Andre Wiesmayr. In court papers, Bailey and Loughrey claim that they want to take over five of the eight apartments in the Lower East Side building for such purposes (Tenant/Inquilio, Mar. 17).

The eviction cases on Bergen Street highlight what many tenants and advocates say is the spread of this dislocation tactic to Brooklyn. “Over the past year or so, our office has seen a sharp increase in ‘owner use’ eviction cases,” says Brent Meltzer, an attorney with South Brooklyn Legal Services who is representing one of the threatened households. “These landlords are not content with just taking one apartment and often seek to displace an entire building full of rent-stabilized tenants.”

Whether Bailey and Loughrey actually intend to use the five apartments for themselves remains to be seen. Landlords frequently use owner-use cases to flush out rent-regulated tenants so they can cash in on market-rate rents. At press time, lawyers for the tenants had yet completed their pretrial discovery. But regardless of what happens in court, organizers of the protest are making their case to the threatened households, hoping that public opinion might change the minds of Bailey and Loughrey.

“Landlords who engage in this practice not only destroy our community by displacing individual residents, they also remove scarecely available affordable units at a moment of record homelessness,” says Artemio Guerra, director of Organizing and Advocacy for the Fifth Avenue Committee. “Barring a successful campaign to get Governor Spitzer to take action, victims of owner-use abuse are yet another group of tenants who would likely benefit from the city gaining home rule over the rent laws.”

To the tenants of 533 Bergen St., many of whom have lived in the building for decades, the behavior of their new landlords is simply shocking and scary. “If the shoe was on the other foot, how would they like it?” asks Evelyn Stuarez, tenant organizer who lives in the building with two of her children and one grandchild. “Sometimes I don’t even sleep much, thinking about what’s going to happen,” she says. “We would have to go to the shelter, that’s our only choice.”

Dave Powell, a former Met Council tenant organizer, is now an organizer with the Fifth Avenue Committee.

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

- From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.
- From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

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### Support Grows for Co-op Fair Housing Measure

By Kenny Schaeffer

**3rd Lawsuit Challenges Atlantic Yards Development**

By Steven Wishnia

#### NYC Rent Guidelines Board Adjustments (Order No. 38)

<table>
<thead>
<tr>
<th>Lease Type</th>
<th>Current Legal Rent</th>
<th>One-year Lease</th>
<th>Two-year Lease</th>
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<td><strong>Renewal Leases</strong></td>
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<tr>
<td>Landlord pays heat</td>
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<td>7.25%</td>
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</tr>
</tbody>
</table>

- **Vacancy Leases**
  - Less than $500
  - $500 to $1500
  - More than $1500

- **Vacancy allowance charged**
  - $0
  - $50
  - $100

- **Vacancy allowance charged within last 8 years**
  - 17% of current rent
  - 17% plus $100

- **Rent $500 to $1500**
  - 17% of current rent
  - 17% plus $100

- **Rent $500 to $1500**
  - 17% of current rent
  - 17% plus $100

#### Senior Citizen Rent Increase

- Program affects: Rent-stabilized ten-
  - tenants and those living in rent-controlled, Mitchell-Lama, and limited-equity cooper-
  - ative or condominium units.

#### Rent Overcharges

Tenants should be aware that landlords will exploit the complexities of these guidelines and bonuses—and the tenant’s unfamiliarity with the apartment’s rental history—to charge an illegal rent. Tenants can challenge unauthorized rent increases through the courts or by filing a challenge with the state housing agency, the Division of Hous-

#### Anti-Discrimination Cen-

Lower East Side artist and activist Seth Tobocman has been to New Orleans several times since Hurricane Katrina and the subsequent flood destroyed most of the city in 2005. His most recent trip there was in January, when he participated in a sit-in to support public-housing residents, most of whom have been locked out of their homes by the city and federal governments since the flood. Below is an excerpt from “Fenced Out,” his comic documenting New Orleans public-housing tenants’ struggles.
Housing Rally
continued from page 1

is Frank Padavan (R-Queens). But this bill (A.795, S.4250) does not protect pre-1974 Mitchell-Lamas from “unique and peculiar” rent increases. NYMH supports Assemblymember Jonathan Bing’s (D/WFP-Manhattan) bill to protect the pre-74 tenants.

The coalition is also backing measures for a moratorium on Mitchell-Lama and Section 8 buyouts; to give tenants the right of first refusal to purchase these buildings when they are put up for sale, at a fair price to be set by an independent appraisal board; the restoration of $70 million in operating funds for public housing for the 2007-2008 state budget, in order to preserve 20,000 units of affordable housing and keep thousands of Section 8 vouchers from being diverted to cover other rental assistance programs pay of income that people in other housing programs whose disposable annual household income is $26,000 or less (for last year) and who pay (or face a of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE). Apply to:

The NYC Dept of the Aging
SCIIE Unit
2 Lafayette Street, NY, NY 10012.

Some of the coalition’s endorsements include: Mitchell-Lama tenants, coalition’s endorsements include: Mitchell-Lama tenants, the American Civil Liberties Union, and the Metropolitan Council on Housing.

New Landscape in Albany
From George Pataki’s inauguration in 1995 until his departure this year, tenants could not expect help from Albany. That may be changing, as a result of two things: the reform-minded Spitzer administration and the possible loss of Republican control of the state Senate. While Eliot Spitzer comes from a wealthy and power- of real-estate family—his par- cisons for the New York State Office of the Attorney General, 5 Lafayette St., (718) 482-9328 ext. 109.

Senior and Disabled Tenants
Seniors, 62 or older, in rent-regulated, Mitchell-Lama and some other housing programs whose disposable annual household income is $26,000 or less (for last year) 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 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 or more than one-third of their income may be eligible for the Disability Rent Increase Exemption (DRIE). Apply to:

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

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