



# Baez, Rivera Counter Anti-Harassment Measure with Holiday Gift to Landlord Lobby

By Joe Catron

**O**n Oct. 17, 31 City Councilmembers, led by Manhattan Democrats Daniel Garodnick and Melissa Mark Viverito, introduced a bill that would outlaw the harassment of tenants for the first time and allow Housing Court to charge guilty landlords fines between \$1,000 and \$5,000. The legislation, Intro. 627, is backed by Speaker Christine Quinn and Public Advocate Betsy Gotbaum. (“Council Considers Bill to Let Tenants Fight Harassment,” *Tenant/Inquilino*, Nov. 2007)

But less than two weeks later, on Oct. 29, eight Councilmembers, headed by Bronx Democrats Maria Baez and Majority Leader Joel Rivera, countered with Intro. 638.

While purporting to outlaw harassment by landlords, Baez and Rivera’s proposal would also criminalize “repeated baseless or frivolous complaints to any governmental agency relating to the ownership or management of the dwelling unit” or similar “administrative or court proceedings against an owner.” It does not define what “baseless or frivolous” means.

This could permit landlords to complain that tenants had harassed them simply by phoning complaints to 311, applying for rent reductions from the state Division of Housing and Community Renewal, or filing actions in Housing Court.

The legislation would also outlaw “committing or permitting [of] a nuisance in such dwelling or dwelling unit,” but it again fails to clarify what that means. That might let landlords request criminal investigations of any “nuisance,” real or imagined.

“It is my understanding that [Baez’s bill] was written by the landlord lobby,” says Met Council board member

Jackie Del Valle, a Bronx housing organizer.

Echoing Del Valle’s charge, the *Daily News* reported that “the language of the bill... was largely written by the Rent Stabilization Association group, which represents landlords.”

“We met with [Baez], and with Rivera,” RSA lobbyist Frank Ricci bragged to the *Village Voice*. “It was at City Hall. Baez and her staff, and Rivera and his staff, were there.” Baez claimed to the *Voice* that she had introduced her bill “for balance.”

“Tenants already have too few rights, especially when compared to landlords, and are too often afraid to complain,” Del Valle says. “This bill would result in thousands more tenants being too afraid to advocate for repairs and would give landlords another powerful tool to evict tenants.”

Del Valle is the lead hous-



JACK DOYLE

**BRONX HEAT:** Surrounding a large dollar sign, tenants protest outside the Kingsbridge Road office of City Councilmember Maria Baez on Nov. 27, criticizing her sponsorship of a bill that would let landlords prosecute tenants for filing “baseless” complaints.

ing organizer for Community Action for Safe Apartments (CASA), which denounced Intro. 638 with a Nov. 27 demonstration outside Baez’s West Bronx district office.

“Two dozen residents of the West Bronx, mainly from Maria Baez’s district, marched in front of her of-

fice around a large red dollar sign chanting for tenant rights,” Del Valle says. “Protestors carried signs asking the councilmember to ‘do the right thing’ and that spoke to the injustice against tenants.”

CASA had called Baez

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## Rent Wars of East Harlem It Takes a Village to Raise Hell

By Andalusia Knoll

**W**hen Ricardo Ramón and Natalia Evangelista immigrated to the United States from Santa Inez, a small, arid farming town in the southern Mexican state of Puebla, they didn’t imagine that they would be fighting displacement again. “We have the same problems we left in Mexico,” said Ramon. “There, they fight for a place to live. Here, we do the same.”

Ramón, 25, and Evangelista, 23, are just two of about 380 tenants, organized with the Movement for Justice in El Barrio (MJB), who are fighting off efforts by their new landlord to evict tenants from 47 rent-stabilized and rent-controlled buildings in East Harlem, also known as El Barrio.

Since the 47 buildings were bought by Dawnay, Day Group, a privately owned British bank that

manages \$10 billion in worldwide assets and has real-estate holdings in Europe, India, and Australia, tenants have faced widespread harassment and have been falsely charged for services that they never received.

In response, MJB, a Zapatista-inspired organizing model that has taken root in East Harlem over the last five years, has begun a battle to stop “landlords, the government, and their culture of money,” from displacing people of color and low-income residents under the guise of “development.”

“Their dream is that we leave the building and go away,” said Ramón, who earns \$1,800 a month working as a cook, out of which he pays \$874 in rent and supports Evangelista and their two small children. If Dawnay, Day gets the rent increases it seeks,

their family and most of the other tenants will be forced out. Ramón says they love living in El Barrio and “would like to stay here for many years. Our dream is that our children remain here, go to school, graduate and enter a profession.”

“Their goal is to make more money each day and that the poor stay poor,” said Evangelista.

### Dirty Tricks

One of numerous foreign investors who have been recently attracted to the New York City real-estate market, Dawnay, Day spent close to \$250 million in March on buildings north and east of Central Park from East 100th to East 120th streets, containing 1,137 apartments and 55 commercial spaces.

In East Harlem, nearly 40 percent of the 100,000 residents live below the

poverty line. The median household income in 2005 was only \$23,000 per year, less than half the \$50,000 figure for Manhattan. The median rent was \$900 a month—47 percent of the median income.

Dawnay, Day’s objective was clear: Push out the current rent-regulated tenants, renovate the buildings, and raise rents.

“East Harlem is the last area of the whole of Manhattan being gentrified,” Phil Blakely, the bank’s director, speculated in a *Times of London* article. He likened purchasing property in East Harlem to buying real estate in Brixton, a London neighborhood—once the heart

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# City Planning Commission Approves Columbia Expansion

By Mario Mazzoni

In a room full of angry and loud Harlemites, the City Planning Commission on Nov. 26 approved Columbia University's proposal to rezone and redevelop a swath of land in West Harlem, dismissing a plan by the local community board that would displace far fewer residents and businesses.

The vote was 10-1, with one member abstaining because he disapproved of the use of eminent domain to seize property. The City Council will vote on the plan in the coming weeks, in the final step in the city's land-use review procedure.

"While the community board has prepared a highly thoughtful set of recommendations for the area," Planning Commission chair Amanda Burden said in a statement on the day of the vote, "the Department believes it has a fundamental failing: It limits the extent and manner in which Columbia can grow." For many community activists, that statement confirms their belief that their plan never had a chance, that politicians had assured Columbia that it would get all that it asked for.

Under Columbia's plan, every business would be removed, over 400 residents would be relocated, and all but three buildings in a 17-acre area would be demolished. New York State would likely invoke its powers of eminent domain to seize property from owners unwilling to sell to the university. Colum-

bia conservatively estimates that more than 5,000 people would be displaced by added pressures on the rental market in the surrounding area.

Harlem's Community Board 9 developed a "197-a plan" over the past decade that would have granted Columbia all the space it seeks for academic purposes, but limited the expansion so that it integrated into the neighborhood. The 197-a plan prohibited eminent domain and other means of forced displacement. CB9 made several modifications to it to accommodate Columbia, including allowing larger buildings in the expansion area. The university, however, stuck to its all-or-nothing position.

The Planning Commission unanimously voted to approve a version of the 197-a plan after stripping it of many of its fundamental precepts. It exempted the land sought by Columbia from the plan's purview and removed a requirement that half the units in newly constructed buildings be made affordable in perpetuity to community residents, with the standard of "affordability" being set locally.

Neighborhood groups have organized large and vocal rallies and are mobilizing for actions downtown as the Council hearings and vote approach. In November, several Columbia students went on a ten-day hunger strike, camping out on the campus' cen-

tral lawn, to protest what they described as the "institutional racism" of the expansion proposal and other university policies. On Nov. 28, three members of the West Harlem Local Development Corporation—a body set up to negotiate a "community benefits agreement" with Columbia—resigned, claiming that the process

was "rigged" and "corrupted" by politicians trying to push through the Columbia plan.

*Tell your Councilmembers to vote no on the Columbia plan and say no to eminent-domain abuse and overdevelopment throughout the city. For more information, visit [www.stopcolumbia.org](http://www.stopcolumbia.org).*

## Holiday Gift

*continued from page 1*

numerous times over the previous month, trying to arrange a meeting. But Del Valle reports some progress in the group's dealings with her.

"Our work is beginning to pay off," she says. "Councilmember Baez has signed onto Intro. 627, and we are looking to meet with her to encourage her to pull her

sponsorship of Intro. 638. We are hopeful she will support the tenants."

*The Council will hold a hearing on Intro. 627 at 10 a.m. on Monday, Dec. 17. Tenants from throughout the city are planning to attend to support the bill.*

## Good Legal Work

In the November issue of *Tenant/Inquilino*, we reported on two tenant victories in court: Tenants at Independence Plaza North won a ruling that they could not be evicted until the court decides if tax breaks made their building rent-stabilized, and New York State's highest court agreed to hear an appeal by the tenants of 47 East Third St. in Manhattan, who are trying to stop their landlord from evicting them en masse.

In both cases, the tenants were represented by the law firm of Collins Dobkin & Miller. Seth Miller handled the IPN suit, assisted by associate Miller Hall, and Stephen Dobkin was lead counsel on the Third Street appeal, which Miller describes as "a real group effort."

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# EL INQUILINO HISPANO

## Las guerras de renta en East Harlem: Hace falta un pueblo para armar un lío

Por Andalusia Knoll Traducido por Lightning Translations

Cuando Ricardo Ramón y Natalia Evangelista emigraron a los Estados Unidos desde Santa Inés, un pequeño y árido pueblo agrícola en el estado de Puebla en el sur de México, nunca imaginaron que estarían luchando otra vez contra el desalojo. “Tenemos los mismos problemas que dejamos atrás en México”, dijo Ramón. “Allá, luchan por un lugar donde vivir. Aquí, hacemos lo mismo”.

Ramón, de 25 años de edad, y Evangelista, de 23, son sólo dos de alrededor de 380 inquilinos, organizados en el Movimiento por Justicia en El Barrio (MJB), quienes luchan contra los intentos de su nuevo casero de desalojar a los inquilinos de 47 edificios de renta estabilizada y controlada en East Harlem, también conocido como El Barrio.

Desde que los 47 edificios fueron comprados por Dawnay, Day Group, un banco privado británico que maneja \$10 mil millones en bienes globales y tiene propiedades de bienes raíces en Europa, la India y Australia, los inquilinos han enfrentado hostigamiento

general y han sido cargados falsamente por servicios que nunca recibieron.

Como respuesta, MJB, un modelo de organización inspirado por los zapatistas que se ha arraigado en East Harlem durante los últimos cinco años, ha librado una batalla para impedir que “los caseros, el gobierno y su cultura de dinero” desalojen a gente de color y residentes de bajos ingresos so pretexto del “desarrollo”.

“El sueño de ellos es que salgamos del edificio y nos vayamos”, dijo Ramón, quien gana \$1,800 al mes desempeñándose como cocinero, de los que paga \$874 de renta y mantiene a Evangelista y sus dos pequeños hijos. Si Dawnay, Day consigue los aumentos de renta que está buscando, su familia y la mayoría de los otros inquilinos serán desalojados. Ramón dice que les encanta vivir en El Barrio y que “quisiéramos quedarnos aquí por muchos años. Nuestro sueño es que nuestros hijos se queden aquí, vayan a la escuela, se gradúen y entren en una profesión”.

“La meta de ellos es ganar cada

día más dinero y que los pobres sigan siendo pobres”, dijo Evangelista.

### Ardides sucios para desalojar a inquilinos

Uno de cuantiosos inversionistas extranjeros atraídos recientemente al mercado de bienes raíces en la Ciudad de Nueva York, Dawnay, Day pagó casi \$250 millones en marzo por edificios al norte y el este del Parque Central, desde el este de la calle 100 hasta el este de la calle 120, que contienen 1,137 apartamentos y 55 espacios comerciales.

En East Harlem, casi un 40 por ciento de los 100,000 residentes viven debajo de la línea de pobreza. El ingreso familiar medio en 2005 fue sólo \$23,000 al año, menos de la mitad de la cifra de \$50,000 para Manhattan. La renta media fue \$900 al mes—un 47 por ciento del ingreso medio.

El objetivo de Dawnay, Day era claro: desalojar a los actuales inquilinos de renta regulada, renovar los edificios y elevar las rentas. “East Harlem es la última

área en todo Manhattan que está aburguesándose”, Phil Blakely, el director del banco, especuló en un artículo en el *Times of London*. Equiparó la compra de propiedades en East Harlem a la compra de bienes raíces en Brixton, un vecindario de Londres—una vez el centro de la cultura inmigrante afro-caribeña de la ciudad—cuya reciente burguesificación ha desembocado en marcados aumentos de renta.

“Un apartamento típico de dos dormitorios que cuesta \$150 al mes de renta puede ver el alza de la renta por un 3 por ciento a un 4 por ciento cada año, sin hacer nada”, prosiguió Blakely. “En cuanto uno toma posesión de la unidad desocupada, la renta típicamente se eleva un 17 por ciento al realquilar, sin hacer nada. Pero con renovación, un apartamento puede costar \$1,700 al mes una vez que se realquile en el mercado abierto”. Estimó que una vez que los apartamentos en East Harlem se renueven y se alquilen en la

*pasa a la página 4*

## Los Ajustes de la “Junta de Regulación de Renta” de la Ciudad de Nueva York (Orden No. 39)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2007 hasta el 30 de septiembre de 2008.

### Renovación de Contrato

Los caseros tienen que ofrecer a los inquilinos de renta estabilizada una renovación de contrato dentro de 90 a 120 días antes de que venza su contrato actual. La renovación de contrato tiene que mantener los mismos términos y condiciones que el contrato que vencerá, excepto cuando refleje un cambio en la ley. Una vez que se haya recibido el ofrecimiento de renovación, los inquilinos tienen 60 días para aceptarlo y escoger si van a renovar el contrato por uno o dos años. El propietario tiene que devolver la copia firmada y fechada al inquilino dentro de 30 días. La nueva renta no entrará en vigencia hasta que empiece el nuevo contrato, o cuando el propietario devuelva la copia firmada (lo que suceda después). Ofrecimientos retrasados: si el casero ofrece la renovación tarde (menos de 90 días antes de que venza el contrato actual), el contrato puede empezar, a la opción del inquilino, o en la fecha que hubiera empezado si se hubiera hecho un ofrecimiento a tiempo, o en el primer pago de renta fechada 90 días después de la fecha del ofrecimiento del contrato. Las pautas de renta usadas para la renovación no pueden ser mayores que los incrementos de la RGB vigentes en la fecha en que el contrato debía empezar (si se lo hubiera ofrecido a tiempo). El inquilino no tiene que pagar el nuevo aumento de renta hasta 90 días después de que se haya hecho el ofrecimiento.

### Asignación de Subarriendo

Los caseros podrán cobrar un aumento de 10 por ciento durante el término de subarriendo que comience durante este período de las pautas.

**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, Mitchell-Lama y cooperativas de dividendos limitados), con 62 años o más, y cuyos ingresos familiares disponibles al año sean de \$27,000 o menos (para 2006) y que paguen (o enfrenten un aumento de renta que les haría pagar) un tercio o más de aquel ingreso en renta pueden ser elegibles para una congelación de renta. Solicite a: NYC Dept of the Aging, SCRIE Unit, 2 Lafayette St., NY, NY 10007 o llame al 311 o visite su sitio Web, [nyc.gov/html/dfta/html/scrie\\_sp/scrie\\_sp.shtml](http://nyc.gov/html/dfta/html/scrie_sp/scrie_sp.shtml).

**Programa de Exención de Incrementos de Renta para Minusválidos** Inquilinos con renta regulada que reciben ayuda económica elegible relacionada con discapacidad, que tengan ingresos de \$17,580 o menos para individuales y \$25,212 o menos para una pareja y enfrenten rentas iguales o más de un tercio de sus ingresos pueden ser elegibles para un congelamiento de renta. Solicite a: NYC Dept. of Finance, DRIE Exemptions, 59 Maiden Lane - 20th floor, New York, NY 10038. Llame al 311 para una solicitud o vaya al sitio Web en [www.nyc.gov/html/dof/html/property/property\\_tax\\_reduc\\_drie.shtml](http://www.nyc.gov/html/dof/html/property/property_tax_reduc_drie.shtml)

Las unidades desvanes  
Los aumentos legalizados para unidades

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años	
<b>Renovación del Contrato</b>	Todos	3%	5.75%	
<b>Contratos para Apartamentos Vacíos</b>	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	17.25%	20%
	Menos de \$300	Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 17.25%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
		Incrementos por desocupación cobrados en los últimos 8 años	17.25% + \$100	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

de desván son un 2.5 por ciento por un contrato de un año y 5.25 por ciento por dos años. No se permiten incrementos para las unidades de desván vacías.

### Hoteles y SROs

El aumento es un 0 por ciento de la renta cobrada el 30 de septiembre de 2007 para los apartamentos de hotel de clase A, casas de alojamiento, hoteles de clase B (30 o más habitaciones), hoteles de una sola habitación y pensiones (clase B, 6-29 habitaciones).

### Exceso de cobro

Los inquilinos deben estar al tanto de que muchos caseros se aprovecharán de las complejidades de estas pautas y concesiones adicionales, además del poco conocimiento de los inquilinos del historial de renta de sus apartamentos,

para cobrar una renta ilegal. Los inquilinos pueden impugnar los aumentos de renta sin autorización en las cortes o al presentar una impugnación con la agencia estatal de vivienda, la División de Vivienda y Renovación Comunitaria (Division of Housing and Community Renewal, DHCR). El primer paso en el proceso es ponerse en contacto con la DHCR para ver el registro oficial del historial de renta. Vaya a [www.dhcr.state.ny.us](http://www.dhcr.state.ny.us) o llame al 718-739-6400 y pida un historial de renta detallado. Luego, hable con un abogado o defensor experto antes de seguir.

Para las pautas previas, llame a la RGB al 212-385-2934 o vaya al [www.housingnyc.com](http://www.housingnyc.com)

## Guerras de Renta

viene de la página 3

tasa del mercado, el valor de las propiedades aumentará del precio de compra de \$280 por pie cuadrado a más de \$1,000 por pie cuadrado.

Usando tácticas que se han vuelto cada vez más frecuentes en los últimos diez años, Dawnay, Day ha hostigado a sus inquilinos y les ha cobrado por reparaciones que nunca se hicieron, en un esfuerzo de desalojar a los residentes de renta regulada.

Zoila Jara, una madre soltera con dos hijos que ha vivido en el este de la calle 106 por 13 años, dice que la compañía le cobró falsamente \$1,495. “Dawnay Day asevera que parte de esto es por una lavadora que dicen que me dieron. El hecho es que no tengo ni nunca he tenido una lavadora”, dijo. “Por encima de esto, por cada mes que pasa que me niego a pagar, ellos añaden falsos cobros por retrasos”.

La compañía también se ha negado a hacer muy necesarias reparaciones de emergencia, según un artículo que apareció en el *Daily News* en agosto. La inquilina Cristina Ortega informó acerca de dos distintos incidentes en los cuales Dawnay, Day no cumplió con reparaciones después de que pedazos de su techo cayeron, hiriendo a sus dos hijas adolescentes. “Avisé a HPD”, dijo al *News*. “No han hecho nada”.

A los residentes se les ha sometido a acusaciones de sobrepoblación en los apartamentos, se les ha pedido pagar honorarios judiciales imaginarios que Dawnay, Day ha sostenido se deben al antiguo casero y se les ha ofrecido dinero para salir.

“Ellos saben que somos gente con pocos recursos y se aprovechan de nosotros. No le harían esto a gente con mucho dinero. Sólo quieren botarnos para que puedan

arreglar estos apartamentos un poco, traer a nueva gente más rica y cobrar rentas más elevadas”, dice Josefina Salazar, una inquilina de Dawnay, Day y miembro de MJB.

### Nuevo casero, lío más grande

Los inquilinos dicen que Stephen Kessner, el previo casero de los 47 edificios, usó tácticas similares. A cambio, le desalojaron a él de East Harlem. Hartos por las condiciones ruinosas de sus apartamentos, Ramón, Evangelista y otros inquilinos se organizaron y llevaron a Kessner a la Corte de Vivienda.

“Cuando una sola persona va a la Corte de Vivienda, no funciona. Tener muchas personas juntas en la corte es lo que ganó el día”, dijo Evangelista. “Cuando un juez ve a un grupo de inquilinos luchando juntos, es más probable que responda que cuando le ve a usted solo”, añadió Ramón.

La campaña de MJB en contra de Kessner ganó mucha atención en la prensa—el *Village Voice* le tachó de uno de “Los 10 Peores Caseros de NYC” en julio de 2006—y eventualmente le forzó a poner sus propiedades de East Harlem a la venta. Dawnay, Day las compró en marzo.

El 17 de octubre, junto con Servicios Legales de Harlem (Harlem Legal Services) y el Proyecto de Apoyo en torno al Desarrollo Económico (Neighborhood Economic Development Advocacy Project), MJB entabló una demanda de protección de consumidores en contra de Dawnay, Day. La demanda pide un decreto judicial para impedir que la compañía “se ocupe en engaños al cobrar todo tipo de pagos y cargos a sus inquilinos que en realidad no existen ni tienen ninguna base en la ley”, dijo el abogado Ed Josephson. “Pensamos que [estos cargos] son parte de una intriga para hostigar a los

inquilinos y forzarlos a mudarse, y así poder elevar las rentas en los apartamentos desocupados”.

Juan Haro, un organizador y cofundador de MJB, acusa al Departamento de Conservación y Desarrollo de Vivienda (Housing Preservation and Development, HPD) municipal de inacción selectiva. “HPD dice que su meta expresada es asegurar que los inquilinos sean protegidos, ya que los inquilinos sí tienen derechos legales, pero la verdad del asunto es que cuando los inquilinos en East Harlem llaman a 311, HPD se hace de la vista gorda, HPD no responde como lo haría si estos inquilinos fueran residentes blancos de clase media o alta como los que viven en el centro de Manhattan”.

Él dice que están luchando no solamente contra caseros codiciosos sino también el más extenso sistema capitalista y sus tentáculos globalizados—“nuestra objetivación por estas compañías multinacionales, por estos caseros, por la ciudad, por HPD, en su esfuerzo de desplazarnos otra vez para que seamos forzados a

salir de East Harlem y vivir en otro sitio”.

“Quieren remover de la calle a los vendedores ambulantes, quienes ganan una vida honorable y digna, a las familias que tienen sus pequeños restaurantes, a las pequeñas tiendas de ropa y a las pequeñas bodegas en las esquinas de nuestro vecindario”, dijo MJB en una declaración. “Quieren desplazarnos para traer sus restaurantes de lujo, sus grandes tiendas de prendas caras, sus cadenas de supermercados. Quieren transformar nuestro vecindario. Quieren transformar nuestra cultura. Quieren transformar lo que nos hace latino, afro-americano, asiático o indígena. Quieren transformar todo lo que nos hace El Barrio”.

“No vamos a salir. Vamos a luchar hasta el fin por nuestros hijos”, dice el miembro de MJB Paula Serrano.

Una versión más larga de esta historia apareció en *The Independent*; reimpresa con permiso. John Tarleton contribuyó a este artículo.

## State Housing Agency Restricts ‘Unique or Peculiar’ Increases

By Sue Susman

Tenants in some buildings leaving Mitchell-Lama are celebrating—but it may be premature.

The good news is that after three years of tenant activism, Governor Eliot Spitzer and Commissioner Deborah VanAmerongen of the state Division of Housing & Community Renewal have issued regulations affecting Mitchell-Lama developments built before 1974. These are the buildings that go into rent stabilization under the Emergency Tenant Protection Act if their owners remove them from the Mitchell-Lama program.

The new regulations state that just leaving that program is not a “unique or peculiar circumstance” that justifies raising the rent to the market rate in the area. Landlords who claim they are suffering from their decision to withdraw from the Mitchell-Lama program can apply for other kinds of rent increases, but not this one.

The regulations (posted in full

on [www.save-ml.org](http://www.save-ml.org)), state:

“Previous regulation of the rent for the housing accommodation under the PHFL [Private Housing Finance Law] or any other State or Federal law shall not, in and of itself, constitute a unique and peculiar circumstance within the meaning of this subdivision. Any change in economic circumstances arising as a consequence of the termination of such prior regulation of rent may only be addressed in a proceeding for adjustment of the legal regulated rent under paragraphs (b) and (c) of Section 2522.4 of this code.”

The bad news is that landlords are not taking this lying down. Laurence Gluck’s Stellar Management had filed a case against the DHCR last April asking the court to order it to grant his “U or P” applications for 11 Mitchell-Lama developments. When the housing agency proposed the new regulations, Stellar amended its court

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## No se quede helado: ¡ORGANÍZASE!



La ley requiere que su casero proporcione calefacción y agua caliente a las temperaturas siguientes, desde el 1ro de octubre hasta el 31 de mayo:

Desde las 6 a.m. hasta las 10 p.m.: Si la temperatura afuera es de menos de 55 grados, la temperatura adentro debe ser al menos de 68 grados en todo el apartamento.

Desde las 10 p.m. hasta las 6 a.m.: Si la temperatura afuera es de menos de 40 grados, la temperatura adentro debe ser al menos de 55 grados en todo el apartamento.

Se tiene que proporcionar agua caliente a un mínimo de 120 grados en el grifo las 24 horas del día, todo el año.

Si su casero no mantiene estas temperaturas mínimas, usted debe:

- \* Comenzar una “Acción HP” (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- \* Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al 311 inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.
- \* Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tengan problemas con la calefacción.
- \* Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- \* Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en inglés) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consigne la participación de todos los

inquilinos en su edificio que pueden firmarlo. Reclame una orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (¡disculpe lo de “congelen”!) todas las rentas.

- \* Necesitarán una fuerte asociación de inquilinos para obligar al casero a proporcionar calefacción y agua caliente. Escriban y llamen al casero para demandar reparaciones y aceite. Prepárense para una huelga de renta (sobre todo con asesoría legal)—de relámpago si es necesario.

Las leyes sobre la calefacción establecen también:

- \* Que el Departamento de Reparaciones de Emergencia de la ciudad le proporcione la calefacción si el casero no lo hace. (No se siente en un bloque de hielo—otra vez, ¡disculpe!—mientras espere que lo haga.)
- \* Una multa de \$250 to \$500 al casero por cada día que se produzca la violación. (Pero la verdad es que la Corte de Vivienda raras veces impone las multas, y menos aun las cobra).
- \* Una multa de \$1,000 al casero si algún aparato de control automático se instala en la caldera para mantener la temperatura por debajo del mínimo legal.
- \* Si el tanque de combustible de la caldera está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción y también sin obtener ninguna respuesta del casero. Esto no se aplica si la caldera está rota y necesita tanto reparación como combustible.

**¡Cuidado!** ¡proteja su dinero! Si los inquilinos deciden comprar el combustible, hay que seguir los procedimientos legales cuidadosamente. Consiga la ayuda y el consejo de un organizador de inquilinos. La existencia de leyes de calefacción y agua caliente vigentes no garantiza que el gobierno las implemente. No se quede helado por esperar que la ciudad o el estado actúe. ¡Organízese!

## Rent Wars

continued from page 1

of the city's Afro-Caribbean immigrant culture—whose recent gentrification has led to sharp rent increases.

"A typical two-bedroom flat taking \$150 per month in rent can see the rents rise 3 percent to 4 percent each year without doing anything," Blakely continued. "As soon as you take vacant possession, the rents will typically rise 17 percent when re-let without doing anything. But with renovation, a flat could well take \$1,700 a month once re-let on the open market." He estimated that once the East Harlem apartments were renovated and rented at market rates, the value of the properties would increase from the purchase price of \$280 per square foot to more than \$1,000 per square foot.

Using tactics that have become increasingly common in the last ten years, Dawnay, Day has been harassing its tenants and charging them for repairs that never took place, in an effort to push the rent-regulated residents out.

Zoila Jara, a single mother of two who has lived on East 106th Street for 13 years, says the company falsely charged her \$1,495. "Dawnay, Day claims that some of this is for a washer they say they gave me. The fact is I do not have and never had a washer," she said. "On top of this, for every month that goes by that I refuse to pay, they add false late fees."

The company has also refused to make much-needed emergency repairs, according to an August article in the *Daily News*. Tenant Cristina Ortega reported two separate incidents in which Dawnay, Day failed to do repairs after pieces of her ceiling fell, injuring her two teenage daughters. "I notified HPD," she told the *News*. "They have done nothing."

Residents have been subject to accusations of overcrowding apartments, asked to pay imaginary legal fees Dawnay, Day has

claimed are owed to the former landlord, and been offered money to leave.

"They know that we are people with little resources and they take advantage of us. They wouldn't do this to people who have lots of money. They just want to kick us out so that they can fix these apartments up a little, bring in new richer people, and charge higher rents," says Josefina Salazar, a Dawnay, Day tenant and MJB member.

### New Landlord, Bigger Fight

Tenants say that Stephen Kessner, the previous landlord of the 47 buildings, used similar tactics. But instead, they evicted him from East Harlem. Fed up with the dilapidated conditions of their apartments, Ramón, Evangelista, and other tenants organized and brought Kessner to Housing Court.

"When one person goes to Housing Court alone it doesn't work. Having many people in court together is what carried the day," said Evangelista. "When a judge sees a group of tenants together fighting, he is more likely to respond than when he sees you alone," added Ramón.

MJB's campaign against Kessner garnered much press attention—the *Village Voice* labeled him one of "NYC's 10 Worst Landlords" in July 2006—and eventually forced him to put his East Harlem properties on the market. Dawnay, Day bought them in March.

On Oct. 17, along with Harlem Legal Services and the Neighborhood Economic Development Advocacy Project, MJB filed a consumer-protection lawsuit against Dawnay, Day. It requests an injunction to prevent the company from "engaging in deceptive practices by charging all kinds of fees and charges against their tenants which don't really exist and have no basis in the law," said lawyer Ed

Josephson. "We think [they're] part of a scheme to harass the tenants to get them to move out so they can raise the rents on the vacant apartments."

Juan Haro, an organizer and co-founder of MJB, accuses the city Department of Housing Preservation and Development of selective inaction. "HPD says their stated goal is to ensure that tenants are protected, since tenants do have legal rights, but the truth of the matter is when tenants in East Harlem call 311, HPD turns a blind eye, HPD doesn't respond as they would if these tenants were white, middle-class, upper-class residents such as those that live in midtown Manhattan."

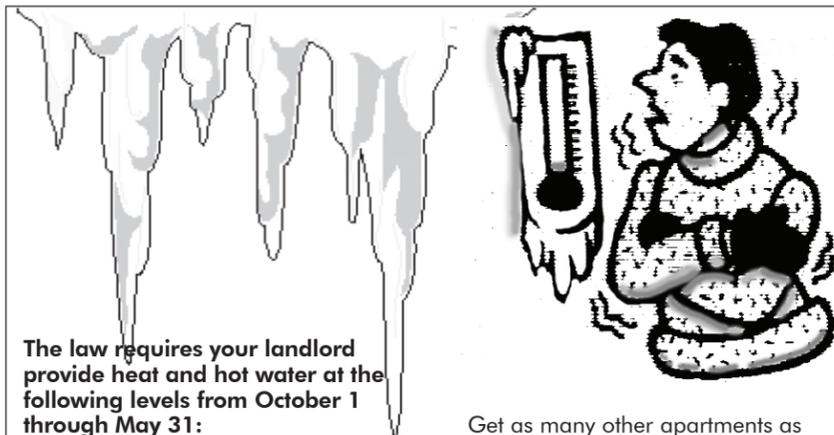
He says that they are fighting not just greedy landlords, but the larger capitalist system and its globalized tentacles—"our objectification by these multinational companies, by these landlords, by the city, by HPD in its attempt to once again to displace us so that we are forced to leave East Harlem

and live elsewhere."

"They want to remove from the street the street vendors, who earn an honorable and dignified living, the families that have their small restaurants, small clothing stores, and the small bodegas on the corners in our neighborhood," MJB said in a statement. "They want to displace us to bring their luxury restaurants, their large expensive clothing stores, their supermarket chains. They want to change our neighborhood. They want to change our culture. They want to change that which makes us Latino, African-American, Asian, or indigenous. They want to change everything that makes us El Barrio."

"We're not going to leave. We're gonna fight to the end for our children," says MJB member Paula Serrano.

*A longer version of this story appeared in The Independent; reprinted with permission. John Tarleton contributed to this article.*



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

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

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

Hot water at a minimum 120 degrees at the tap must be provided 24 hours a day, year round.

**If your landlord does not maintain those minimum temperatures, you should:**

- \* Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.
- \* Call the New York City Central Complaints Bureau at 311 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- \* Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- \* Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- \* Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat and Hot Water complaint form.

Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

You'll need a strong tenant association to force the landlord to provide heat and hot water. Write and call the landlord and demand repairs or fuel.

Prepare to go on rent strike—but get legal advice first.

**The heat laws also provide for:**

- \* The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- \* A \$250 to \$500 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)
- \* A \$1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

If your boiler's fuel tank is empty, tenants have the right to buy their own fuel after 24 hours of no heat and no response from the landlord. But this provision does not apply if the boiler is broken and needs both repairs and fuel.

**Caution!** Protect your money! If you decide to buy fuel, you must follow special lawful procedures very carefully. You should get help and advice from a tenant organizer.

Because the heat and hot water laws are in the law books does not mean they are enforced by government. Don't freeze to death waiting for the city or state to act. Organize!

### Inquilinos de mayor edad y minusválidos

Las personas mayores de 62 años o más, en vivienda de renta regulada, Mitchell-Lama y algunos otros programas, con ingresos disponibles anuales de familia de \$27,000 o menos (el año pasado) y quienes pagan (o enfrentan un aumento de renta que les obligaría a pagar) un tercio o más de estos ingresos en renta pueden llenar los requisitos para una Exención de Incrementos de Renta para las Personas de Mayor Edad (Senior Citizen Rent Exemption, SCRIE). Solicítela a:

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

Los inquilinos minusválidos que reciben ayuda financiera relacionada con invalidez y tienen ingresos de \$17,580 o menos para individuos y \$25,323 o menos para una pareja y quienes enfrentan rentas iguales a o más de un tercio de sus ingresos pueden llenar los requisitos para la Exención de Incrementos de Renta para Minusválidos (Disability Rent Increase Exemption, DRIE). Solicítela a:

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

La información sobre DRIE y SCRIE está disponible en el sitio Web de la ciudad, [www.nyc.gov](http://www.nyc.gov), o llame a 311.

## Councilmembers Introduce Bill Creating Right to Counsel for Senior Citizens in Housing Court

By Denise R. Oliveira

When the rent on Maybelle Tillman's Harlem apartment soared almost 40 percent in only four years, the increase was practically life-threatening to her. The 82-year-old retired nurse said she told her landlord she couldn't afford \$1,021 a month on her \$2,400 monthly income. A staff member at the Vantage management office that operates the Savoy Park apartments told her she should move out. "I had never been so devastated in my life," said Tillman. "I was under so much pressure. I got sick, and when I went to the doctor, he told me my blood pressure was too high."

Tenants at Savoy Park, an 1,800-unit complex between 139th and 142nd streets, are accusing the new owners, Vantage Properties, LLC, which bought the buildings with Apollo Real Estate Advisors in 2006, of trying to drive them out of their rent-stabilized apartments in order to rent them out at higher prices. Since it acquired the buildings, Vantage Properties has sued several Savoy Park tenants in Housing Court to collect rent or to evict them.

Tillman said if she ever

got sued she would not have money to hire a lawyer. And if she got evicted, she would have nowhere else to live. "I really don't have a place to go. A nursing home?"

City Councilmembers Rosie Mendez and Alan Gerson introduced a bill Nov. 15 that aims to protect the rights of senior citizens such as Tillman when they are sued in Housing Court and cannot afford a lawyer. The Right to Counsel Bill would give senior citizens 62 or older whose income is below \$27,000 the right to a free lawyer in Housing Court and foreclosure cases. Proponents of the bill predict it would cost the city approximately \$15 million per year to provide representation to the approximately 10,000 eligible seniors. The income ceiling is the same one used to determine eligibility for the state's Senior Citizens Rent Increase Exemption Program and will be adjusted yearly in the same way.

"Surveys and statistics have shown that when you have an attorney in court you're likely to fare much better," Mendez said at a press conference at City Hall.

### Unique and Peculiar

*continued from page 4*

papers, asserting that the regulations do not follow the statute they are supposed to interpret.

The court handling Gluck's case for the four developments located in Manhattan—Central Park Gardens, Columbus Manor, Town House West Apartments, and Westwood House—refused to consider his claims and sent the case back to the DHCR. But the courts handling the other cases, one in Brooklyn (Prospect Towers) and six in the Bronx (Boulevard Towers I, Bruckner Towers, Dancia House, Highbridge House, Janel Towers, and Undercliff House), have not yet issued any opinions. So those cases are still pending.

Even if those courts send the cases back to the DHCR, Gluck and his fellow landlords in the Rent Stabilization Association have stated their view that the agency's regulations misinterpret the decision by the state's highest court in the KSLM-Columbus Apartments case. So the owners are likely to appeal

any DHCR decision.

Unless and until there is a state statute (since statutes are more permanent than regulations), tenants face a long legal battle at great financial and emotional cost.

The PIE campaign (Protection for Mitchell-Lama tenants, Incentives for owners to stay in the program, and Enforcement of the law) supports a bill by state Sen. Andrea Stewart-Cousins (D-Westchester) that would put all developments leaving subsidized programs (city, state, or federal) into rent stabilization regardless of when they were built and without "unique or peculiar" increases. But that—and other pro-tenant bills—are unlikely to pass until we wrest control of the Senate from the Republicans and Majority Leader Joseph Bruno.



Twenty-two Councilmembers have expressed their support for the bill, which is a narrower version of a bill introduced last year by Gerson that asked for legal representation for all low-income tenants in Housing Court, not just seniors. He said it would cost approximately \$72 million to fund his original request, which is still pending.

"There ought to be a universal right to counsel when any person faces an eviction, but immediate-

ly, we are requesting that right for our most vulnerable who, if left on their own, will be taken advantage of," Gerson said at the press conference.

In a city where one in five senior citizens live below the poverty line and rents are rapidly escalating, seniors in New York City are increasingly at risk of losing their homes. Many are likely targets for evictions if they live in rent-stabilized units. Approximately 17 percent of rent stabilized

units in New York City are occupied by tenants age 62 and older, according to the 2005 New York City Housing and Vacancy Survey. And places like the Legal Aid Society, MFY Legal Services and Legal Services for New York City represent hundreds of low-income tenants, but they cannot absorb all of the demand.

*A longer version of this article appeared on nyc.indymedia.org. Reprinted with permission.*

## NYC Rent Guidelines Board Adjustments (Order No. 39)

*for Rent Stabilized Leases commencing Oct. 1, 2007 through Sept. 30, 2008*

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
<b>Renewal Leases</b>	All	3%	5.75%	
<b>Vacancy Leases</b>	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	0.6% times number of years since last vacancy allowance, plus 20%, or \$100, whichever is greater

### Renewal Leases

Landlords must offer rent-stabilized tenants a renewal lease 90 to 120 days before the expiration of their current lease. The renewal lease must keep the same terms and conditions as the expiring lease, except when reflecting a change in the law. Once the renewal offer is received, tenants have 60 days to accept it and choose whether to renew the lease for one or two years. The owner must return the signed and dated copy to the tenant in 30 days. The new rent does not go into effect until the start of the new lease term, or when the owner returns the signed copy (whichever is later). Late offers: If the owner offers the renewal late (fewer than 90 days before the expiration of the current lease), the lease term can begin, at the tenant's option, either on the date it would have begun had a timely offer been made, or on the first rent payment date 90 days after the date of the lease offer. The rent guidelines used for the renewal can be no greater than the RGB increases in effect on the date the lease should have begun (if timely offered). The tenant does not have to pay the new rent increase until 90 days after the offer was made.

### Sublease Allowance

Landlords can charge a 10 percent increase during the term of a sublease that commences during this guideline period.

### Senior Citizen Rent Increase Exemption Program

Rent-stabilized seniors (and those living in rent-controlled, Mitchell-Lama, and limited equity coop apartments), 62 or older, whose disposable annual household income is \$27,000 or less (for 2006) 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 rent freeze. Apply to: NYC Dept. for the Aging, SCRIE Unit, 2 Lafayette St., NY, NY 10007 or call 311 or visit their Web site, [www.nyc.gov/html/dfta/html/scrie/scrie.shtml](http://www.nyc.gov/html/dfta/html/scrie/scrie.shtml).

### Disability Rent Increase Exemption Program

Rent-regulated tenants receiving eligible disability-related financial assistance who have incomes of \$17,580 or less for individuals and \$25,212 or less for a couple and are facing rents equal to more than one-third of their income may be eligible for a rent freeze. Apply to: NYC Dept. of Finance, DRIE Exemptions, 59 Maiden Lane, 20th floor, New York, NY 10038. Call 311 for an application or go to the Web site at [www.nyc.gov/html/dof/html/property/property\\_tax\\_reduc\\_drie.shtml](http://www.nyc.gov/html/dof/html/property/property_tax_reduc_drie.shtml).

### Loft Units

Legalized loft-unit increases are 2.5 percent for a one-year lease and 5.25 percent for two years. No vacancy allowance is permitted on vacant lofts.

### Hotels and SROs

There is no increase on rent charged September 30, 2007 for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SRO) hotels, and rooming houses (Class B, 6-29 rooms).

### 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. Tenants can challenge unauthorized rent increases through the courts or by filing a challenge with the state housing agency, the Division of Housing and Community Renewal (DHCR). The first step in the process is to contact the DHCR to see the official record of the rent history. Go to [www.dhcr.state.ny.us](http://www.dhcr.state.ny.us) or call (718) 739-6400 and ask for a detailed rent history. Then speak to a knowledgeable advocate or a lawyer before proceeding.

*For previous guidelines, call the RGB at (212) 385-2934 or go to [www.housingnyc.com](http://www.housingnyc.com).*



## Bush's HUD Plans to Destroy New Orleans Public Housing

By Joe Catron

The federal Department of Housing and Urban Development, which has held the Housing Authority of New Orleans (HANO) in receivership for years, plans to destroy the city's four largest public housing complexes—B.W. Cooper, C.J. Peete, Lafitte, and St. Bernard—beginning Dec. 15.

The demolitions will eliminate over 4,500 units, the majority of New Orleans' public-housing stock. Hurricane Katrina and the flood that inundated most of the city in 2005 hardly touched the three-story garden apartments, but they now face willful destruction.

The mixed-income developments replacing the HANO projects will contain only 744 units affordable to low-income families, but will include more than 1,000 market-rate condominiums that will cost an average of \$400,000.

"It boggles the mind that the federal government would allow more than 4,000 units to be destroyed in the next two weeks, given the scarcity of available apartments in the city," says Judith Browne-Dianis, codirector of the Advancement Project, a Washington-based civil-rights group. "They need to build more, not tear down what exists."



HUD approved the demolitions on Sept. 21. A federal judge refused to block them on Nov. 15.

New Orleans' homeless population, currently estimated by the Advancement Project at 12,000, is expected to grow dramatically if the Federal Emergency Management Agency carries out its plans, announced on Nov. 28, to evict 6,400 people from its trailers by the end of May 2008.

The failure to rehouse people displaced by Hurricanes Katrina and Rita "may be the most severe acute crisis affecting American children since the 1950s," says Dr. Irwin Redlener, president of the Children's Health Fund and director of the National Center for

Disaster Preparedness at Columbia University's Mailman School of Public Health. A study released Dec. 7 by the Mailman School and the Children's Health Fund found that among the 163,000 children evacuated from Louisiana and Mississippi because of the hurricanes, inadequate housing is threatening between 46,000 and 64,000 with serious educational, developmental and health consequences.

"The level of uncertainty among tens of thousands of families who still do not have adequate permanent housing for families has manifested itself in the children, with a distressing rise of mental health and medical issues, as well as a drop in academic performance that can have painful and permanent consequences," Dr. Redlener said. "In fact, these families would be officially recognized as 'internally displaced persons' by international humanitarian organizations."

On Nov. 21, a broad coalition of over 40 local, national, and global human-rights organizations issued a statement opposing the imminent destruction.

"To demolish affordable housing without sufficient remaining low-income housing stock is not only irresponsible, but a violation of international human-rights standards," said Jared Feuer, Amnesty International USA's Southern regional director.

"Every moment we fail to act is another unit demolished, another grandmother evicted, or another child who finds him or herself doing homework in a shelter," added Catherine Albisa, executive director of the National Economic Social Rights Initiative.

In a letter to Rep. Maxine Waters (D-CA), the coalition said that the "hardships facing public-housing residents are not only felt in New Orleans. In New York City, the Housing Authority is in financial disarray and remains vulnerable to private control."

The coalition is supporting the Gulf Coast Housing Recovery Act of 2007. The bill would guarantee

a right of return to all public-housing tenants displaced by Hurricane Katrina and force HANO to open approximately 3,000 units within 90 days.

New Orleans community organizations in the Stop the Demolition Coalition have called for supporters to travel to New Orleans and, beginning on Dec. 10, Human Rights Day, to "resist the denial of this right [to housing] by all civil and humanitarian means available, including civil disobedience." The New York Solidarity Coalition for Katrina/Rita Survivors has endorsed that effort.

On Dec. 6, HANO tenants and supporters packed a New Orleans City Council hearing, asked that members prevent the demolitions, and began chanting when they refused.

A sheriff's deputy shoved Loyola

University law professor Bill Quigley against a wall, handcuffed him, and led him to a nearby sheriff's trailer, where he was cited for disturbing the peace.

"We live in a system where if you cheer or chant in the City Council you get arrested, but you can demolish 4,500 people's apartments and everybody's supposed to go along with that? That's not going to happen," Quigley, a prominent housing-activist lawyer, told the Associated Press. "There's going to be a lot more disturbing the peace before this is all over, I'm afraid."

"It is a shame that the season of giving is upon us and the rich are taking from the poor in New Orleans," says Browne-Dianis. "We will continue to fight [alongside the] survivors of Hurricane Katrina for justice."

### GET ACTIVE!

Sign up for Met Council's e-mail alerts and get notices of rallies, hearings, and other important actions for tenants' rights and affordable housing.

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

### Beijing, Burma, Slovakia Called Worst Housing-Rights Abusers

By Steven Wishnia

Mass evictions in Beijing, the Burmese military dictatorship's ethnic cleansing, and Slovakia's treatment of Romani communities were the worst housing-related abuses in the world this year, according to the Centre on Housing Rights and Evictions. The Geneva-based organization announced its annual Housing Rights Violator Awards on Dec. 5.

The city of Beijing and the Beijing Organizing Committee of the Olympics, COHRE Deputy Director Jean du Plessis said in a statement, "have violated the housing rights of over 1.25 million residents of Beijing in pursuit of relentless economic growth, including the hosting of international showpieces such as the Olympic Games."

The group estimates that by the time the games start next year, 1.5 million people will have been forced out of their homes, in a process marked by "the lack of legal remedies to resist these evictions, the inadequate compensation and resettlement provided to those evicted, the use of extreme force in carrying out evictions, and police brutality towards those protesting." The evictions have been worst in four old and overcrowded neighborhoods in central Beijing, it said, and the city has also demolished favela-style settlements

in more outlying areas.

COHRE also denounced Burma for displacing more than 1 million people since 1962, primarily ethnic minorities, by burning villages, raping and killing their inhabitants, and confiscating their land. In Slovakia, it said, ethnic Roma "frequently face segregation and forced eviction by local authorities," and more than 120,000 lack access to "basic services such as water and electricity."

On the bright side, the group gave its Housing Rights Protector Award to Naga City, Philippines, a city of about 140,000 people about 250 miles south of Manila, for helping more than 6,000 families obtain legal title to their land, providing and upgrading infrastructure in poor neighborhoods, and working with grass-roots groups.

The Housing Rights Defender Award went to Pakistani activist Baseer Naveed, for his role in negotiating a resettlement plan for over 300,000 people affected by the construction of the Lyari Expressway in Karachi. COHRE said that created "a significant precedent in Pakistan concerning forced evictions" and that Naveed's efforts "are testimony to the fact that the housing rights of the urban poor can and should be a central part of the urban development process."

#### HPD CODE VIOLATIONS ON LINE

Look up your building!

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)

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## Illegal-Hotels Bill Before Council

By John Raskin

The fight against illegal hotels heated up in early December as more than 100 tenants, many living in buildings where illegal hotels are operating, descended on City Hall to support Intro. 534, the first illegal-hotels measure to come before the City Council.

The bill, introduced by Councilmember Gale Brewer, would sharply increase fines on building owners and management companies who take apartments that are supposed to provide housing for New Yorkers and illegally rent them to short-term guests. There are estimated to be more than 200 buildings being used as illegal hotels in that way—taking thousands of apartments off the city’s already tight housing market.

More than 25 tenants, affordable-housing advocates and sympathetic elected officials testified in favor of the bill at a hearing before the Housing and Buildings Committee on Dec. 3, following a press conference and rally on the steps of City Hall.

Tenants discussed the illegal-hotels problem as a challenge to preserving affordable housing and a threat to the safety and comfort of ordinary New Yorkers trying to live peacefully in their homes. They testified about their experiences with drunken tourists pounding on doors after midnight, strangers walking in off the street to claim rooms and apartments, and the loss of security that comes when

neighbors are replaced by tourists and short-term business visitors.

Although Councilmembers have reported that lobbyists are working behind the scenes to reverse the progress against illegal hotels, only one witness testified against the bill: the owner of a single-room occupancy building on the Upper West Side, who is already being prosecuted by the city for renting to tourists. He testified immediately after a tenant he had previously evicted and just before someone whom he has tried multiple times to evict. That was not a comfortable position before the tenant-filled audience at City Hall!

Intro. 534 is the first of two bills that housing advocates want to see enacted to deal with the illegal-hotels problem. Shari Hyman, director of the Mayor’s Office of Special Enforcement, announced at the hearing that the second bill, which would amend the text of the zoning code to clarify which uses are permitted in residential zones, will be forthcoming, but gave no timeline for when it would be introduced in the Council.

*Tenants who would like to report illegal hotels in their building should first call 311 and note an “illegal hotel—a code 4A violation,” then call John Raskin at Housing Conservation Coordinators: (212) 716-1665 or jraskin@hcc-nyc.org.*

## SI Mitchell-Lama Tenants Resist Buyout



Jackie Peters of the Mitchell-Lama Residents Committee, left, speaks at a rally Dec. 2 at Castleton Park in Staten Island. Despite snow and ice, about 100 people turned out to protest plans by Laurence Gluck’s Stellar Management (who else?) to buy the two buildings and remove them from the Mitchell-Lama program. As Castleton Park was built in 1974, tenants in the 454 apartments there would not be protected by rent stabilization.

On Nov. 30, says tenant leader Sharon Valentin, they received a letter from Stellar postponing the “prepayment date,” the date on which the owner pays off the mortgage in order to end its obligations under the Mitchell-Lama program. “So, we are delaying their plans... which is a very good thing,” Valentin wrote in an e-mail to supporters. The tenants are also collecting signatures on a petition to be sent to the city and state housing agencies.

### 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**

### Senior and Disabled Tenants

Seniors, 62 or older, in rent-regulated, Mitchell-Lama and some other housing programs whose disposable annual household income is \$27,000 or less (for the previous 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 - 20<sup>th</sup> floor  
New York, NY 10038

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

### 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)**  
171 Avenue B (between 10 and 11 St.);  
and by appointments only except for emergencies. 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

**HOUSING CONSERVATION COORDINATORS**  
777 10 Ave.; 212-541-5996  
Mondays ..... 7-9 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