



# Tenant Inquilino

Housing for people, not profit

Vol 37, No. 1  
January 2007

Metropolitan Council on Housing  
339 Lafayette St.  
New York, NY 10012

PERIODICAL



## Spitzer Settles Case Against Pinnacle

By Kenny Schaeffer

Two weeks before he was sworn in as governor, state Attorney General Eliot Spitzer announced a settlement of the case against Pinnacle Group NY, LLC, regarding “wrongful or illegal” rent increases on vacant apartments.

Over the last 10 years, Pinnacle has purchased buildings containing 20,000 rent-stabilized apartments in Harlem, Northern Manhattan, and the Bronx. It tried to empty a quarter of them, bringing eviction proceedings against 5,000 tenants, and was able to displace about 1,000 households, most of whom were unable to obtain legal representation. According to Pinnacle tenants and community organizers, the company also harassed tenants out by withholding required repairs and services. Once the apartments were vacated, Pinnacle typically performed superficial renovations in order to claim rent increases, generally pushing the rent above the \$2,000 vacancy decontrol level set by the state legislature in 1997.

The Attorney General’s settlement provides for Pinnacle to retain a “forensic accountant” to audit all vacancy leases between December 15, 2002 and December 15, 2006. For any increases not found to be warranted by law, Pinnacle will lower the rent without admitting wrongdoing. For former tenants, it must refund the amount of the overcharge, but tenants still living in the apartments will get only “credit” for the amount of the overcharge. Pinnacle also has to pay \$100,000 to the AG’s office for “costs” of the investigation.

As noted by tenants and organizers, this agreement does not nearly go far enough in punishing Pinnacle, compensating victims, or deterring similar schemes to violate the law and reduce the already woefully inad-

equate supply of affordable housing in the city.

“This agreement is too nice to Pinnacle,” Luis Manuel Tejada of the Mirabel Sisters Cultural Center, which has organized Pinnacle tenants in West Harlem and Washington Heights, told *Daily News* columnist Juan Gonzalez. For one thing, the agreement ignores that under state law, landlords are liable for triple damages when they are caught overcharging rent-stabilized tenants. The purpose of this provision is to discourage attempts to violate the law by establishing a substantial penalty. If owners who are caught merely have to give back any unlawful increase, there is no deterrent.

Second, in the case of tenants still in occupancy, Pinnacle is actually allowed to hold on to the illegal rent and “credit” the tenant—who will not get their money back until

they move out, unless they withhold their rent and apply the credit as an offset against the rent. Furthermore, the settlement neither addresses Pinnacle’s harassment campaign nor compensates tenants forced out by those tactics.

Appearing on Met Council’s weekly radio show on WBAI-FM on Jan. 1, Pinnacle tenant Kim Powell, president of Buyers and Renters United to Save Harlem, agreed that the \$100,000 Pinnacle is paying to the Attorney General’s office would more properly be used to set up a fund to prevent further evictions and provide restitution to families forced out by Pinnacle’s tactics.

### The Big Picture

The biggest lesson of the Pinnacle story is that New York’s rent and eviction protections need to be restored. Even if Pinnacle lowers the rents to the

“lawful” levels, there will continue to be a tremendous loss of affordable housing because the state legislature has set minimum increases of 18 to 20 percent for vacant apartments, plus 1/40th of the cost of any legitimate “improvements.” And if those increases push the rent to \$2,000, the apartment is completely deregulated, meaning the owner can charge whatever he wants and the tenant has no eviction protections at the end of the lease.

As governor, Eliot Spitzer will have an opportunity to help preserve the one million rent-stabilized apartments which are being lost at an alarming and accelerating rate, as well as tens of thousands of other units which have lost Mitchell-Lama or Section 8 subsidies. Without decisive action, New York’s supply of affordable housing will continue to decrease

*continued on page 6*

## Council Passes 421-a Bill

By Steven Wishnia

The City Council has enacted legislation revamping the 421-a tax-abatement program—but

not as much as tenant advocates wanted.

On Dec. 20, the Council voted 44-5 to approve Intro 486, sponsored by Speaker Christine Quinn. Mayor Bloomberg signed it on Dec. 28. The law extends the program’s current “exclusion zone,” in which developers taking the tax exception must make 20 percent of the units they build affordable to households making less than about \$56,000 a year, to all of Manhattan below 117<sup>th</sup> Street in East Harlem and 136<sup>th</sup> Street in west and central Harlem.

The new zone also includes most of northwest Brooklyn, in a rough crescent stretching from the north end of Sunset Park to the western edges of Bushwick. Developers in the rest of the city can still get the tax break without including any affordable units.

“It’s a very substantial improvement on the current situation,” says Brad Lander of the Pratt Center for Community Development, who had urged that the Council pass a stronger measure. He estimates that the changes will yield about 20,000 new units of affordable housing. Still, he adds, the program’s guiding principle should be that “anywhere in the city, if you’re getting a tax break, you should be doing something affordable.” There’s a lot of luxury development in Long Island City, Astoria, Forest Hills, and Flushing, all of which are outside the expanded exclusion zone, he notes.

Along with the bigger exclusion zone, two other provisions in the bill are significant, says Lander. One is the abolition of the Negotiable Certificate Program, which he says was a “bad deal” for the city: It let developers who did not want to include affordable housing or pay full property taxes on their buildings contribute 15 percent of the taxes they would have paid to a fund for constructing housing

in the Bronx and East New York. The other is that the city is committing \$700 million of the revenue it gains from the 421-a changes to building affordable housing, with \$400 million of that earmarked for the 15 poorest neighborhoods in a trust fund intended to replace the certificate program.

The program still has to be renewed by the state

*continued on page 8*



This condo building in Long Island City, where apartments sell for \$465,000 to \$1.1 million, is eligible for an estimated \$95,000 per unit in tax breaks.

### INSIDE THIS ISSUE !

- Organizer Moves On* ..... pg. 2
- El Inquilino Hispano* ..... pg. 3
- Making the Rent/Out of Reach*..... pg. 5
- Anti-Harassment Bill*..... pg. 6
- DHCR Changes Nixed*..... pg. 6
- NE Bronx Development Boom* ..... pg. 7

## Met Council Organizer Moves On

After working with dozens of tenant associations and hundreds of members, I am leaving the Metropolitan Council on Housing and will start as a tenant organizer at Housing Conservation Coordinators (HCC). In the past year and a half as Met Council's organizer, I have learned much from executive director Jenny Laurie and the Met Council board members. I also enjoyed getting to know Met Council's members and volunteers, many of whom have dedicated their lives to the housing movement and other progressive causes.

During my time as an organizer, I fought for tenants' rights and battled the largest and smallest of landlords. Highlights included

raising a ruckus during the 2006 Rent Guidelines Board vote, working with Brooklyn Heights tenants facing phony-demolition evictions, obtaining building-wide rent reductions for scores of tenants, and standing with tenants in Housing Court in successful HP actions.

There is still much work to be done in defending low and middle-income tenants from the onslaught on affordable housing by predatory landlords. I look forward to continuing my housing work at HCC. Tenants should contact Jenny Laurie at (212) 979-6238, ext. 207 if you have any questions or need assistance.

— Bennett Baumer

### Complaint Numbers

To reach the Department of Housing, Preservation and Development's Central Complaints hotline, call 311. This number replaces (212) 824-4328.

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

### Missed an issue of TENANT?

Check us out on the Web:  
[www.metcouncil.net](http://www.metcouncil.net)

The Mitchell-Lama Residents Coalition  
Invites you to attend

Memorial Service in Celebration of the Life of



**Robert Woolis**  
(1924-2006)

**Saturday, January 20, 2007**  
2-4 p.m.

**Goddard-Riverside Community Center**  
593 Columbus Avenue  
(Between West 88 and West 89 Streets)

## City Limits

New York's Urban Affairs News Magazine

Organizing □ Development □ Housing □ Community Action

Insight into the politics of poverty, race and urban economics

10 issues a year \$25 (212)479-3344 120 Wall Street, 20<sup>th</sup> flr.

### Visit Met Council's Website [www.metcouncil.net](http://www.metcouncil.net)

for information about:

- ✓ rent control and stabilization
- ✓ how to get repairs
- ✓ the fight to preserve Section 8 and Mitchell-Lama housing
- ✓ the fight for home rule
- ✓ How to Join Met Council
- ✓ Links to other resources
- ✓ Back issues of Tenant/Inquilino

and much more!

Get active in the tenant movement! Write to us at [active@metcouncil.net](mailto:active@metcouncil.net)



## BECOME A WRITING TENANT

Met Council wants to profile you and your neighbors' struggle to obtain affordable quality housing. We want you to write for *Tenant/Inquilino*.

For more information call  
212-979-6238



Scott Sommer hosts Met Council's

## HOUSING NOTEBOOK

Mondays at 8:00 p.m. on  
**WBAI 99.5 FM**

Listen on the Internet  
[www.wbai.org](http://www.wbai.org)

SUPPORT LISTENER SUPPORTED WBAI PUBLIC RADIO



is published monthly except August by Metropolitan Council on Housing (Met Council, Inc.), 339 Lafayette St., NY, NY 10012 (212) 979-6238

Tenant/Inquilino is distributed to members and to affiliated organizations of Met Council as part of their membership. Subscriptions are \$5 per year for individuals, \$10 for institutions per year.

#### EDITOR

Steven Wishnia

#### PRODUCTION/DESIGN

John M. Miller

#### STAFF

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

Articles, letters, artwork and photographs are welcome.

Periodicals postage paid at New York, NY  
Postmaster: Send address changes to:  
TENANT/INQUILINO  
339 Lafayette St.  
New York, NY 10012

Metropolitan Council on Housing, founded in 1958, is incorporated as Met Council, Inc., a membership organization dedicated to decent, affordable, integrated housing.

ISSN-1536-1322 ©2006

# EL INQUILINO HISPANO

## Spitzer hace arreglo en caso en contra de Pinnacle

Por Kenny Schaeffer  
Traducido por Lightning Translations

Dos semanas antes de tomar juramento como gobernador, el procurador general del estado Eliot Spitzer proclamó el arreglo del caso en contra de Pinnacle Group NY, LLC, con respecto a aumentos de renta "ilegítimos o ilegales" en apartamentos desocupados.

Durante los últimos 10 años, Pinnacle ha comprado edificios con 20,000 apartamentos de renta estabilizada en Harlem, el norte de Manhattan y el Bronx. Intentó vaciar un cuarto de ellos, entablando trámites de desalojo en contra de 5,000 inquilinos, y logró desplazar alrededor de 1,000 familias, la mayoría de las cuales no podían conseguir representación legal. Según los inquilinos de Pinnacle y organizadores comunitarios, la empresa también forzó a los inquilinos a desplazarse hostigándolos, negándose a proveer reparaciones y servicios requeridos. Al desocuparse los apartamentos, Pinnacle típicamente hizo renovaciones superficiales para luego reclamar

aumentos de renta, usualmente elevando la renta por encima del nivel de \$2,000 de desregulación establecido por la legislatura estatal en 1997.

El arreglo del abogado general estipula que Pinnacle contrate a un "contador forense" para inspeccionar todos los contratos para apartamentos desocupados firmados entre el 15 de diciembre de 2002 y el 15 de diciembre de 2006. En todo caso de incrementos que no se fundamenten en la ley, Pinnacle bajará la renta sin reconocer ninguna fechoría. Para antiguos inquilinos, Pinnacle tiene que devolver el monto del cobro excesivo, pero los inquilinos que todavía vivan en los apartamentos solamente recibirán un "crédito" por el monto del cobro excesivo. Pinnacle también tiene que pagar \$100,000 a la oficina del procurador general por los "gastos" de la investigación.

Como señalaron los inquilinos y organizadores, este arreglo no llega a castigar a Pinnacle, indemnizar

zar a las víctimas o refrenar ardores similares que violen las leyes y reduzcan el ya tan lamentablemente inadecuado suministro de vivienda asequible.

"Este arreglo es demasiado amable para con Pinnacle", dijo Luis Manuel Tejada del Centro Cultural de las Hermanas Mirabal (Mirabal Sisters Cultural Center), que ha organizado a los inquilinos de Pinnacle en West Harlem y Washington Heights, al columnista del Daily News Juan Gonzalez. Por una cosa, el arreglo hace caso omiso al hecho que bajo la ley estatal, los caseros son obligados a pagar daños y perjuicios triples al ser descubiertos cobrando cargos excesivos a inquilinos de renta estabilizada. El propósito de esta norma es refrenar la violación de las leyes por parte de los caseros al establecer un castigo sustancial. Si los caseros pillados solamente tienen que devolver el aumento ilegal, el freno no existe.

Segundo, en el caso de los inquilinos todavía en tenencia, se le permite a Pinnacle quedarse incluso con la renta ilegal y "dar crédito" al inquilino, quien no recupera su dinero hasta que se mude, a menos que retenga la renta y aplique el crédito a ella como compensación. Además, el arreglo ni se dirige a la campaña de hostigamiento de Pinnacle ni indemniza por estas tácticas a los inquilinos forzados a mudarse.

Al aparecer en el programa radial semanal de Met Council en WBAI-FM el 1o de enero, la inquilina de Pinnacle Kim Powell, presidenta de Compradores e Inquilinos Unidos para Salvar a Harlem (Buyers and Renters United to Save Harlem), estuvo de acuerdo en que los \$100,000 que Pinnacle pagará a la oficina del procurador general serían usados de mejor manera al establecer un fideicomiso para indemnizar a las familias forzadas a mudarse por las tácticas de Pinnacle.

*pasa a la página 4*

## Los Ajustes 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 tiene que conservar **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 debiera 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 Subarrendamiento** Los caseros podrán cobrar un aumento de 10 por ciento durante el término de subarrendamiento que comience durante este período de las pautas.

Tipo de Contrato	Renta Legal Actual		Contrato de 1 Año	Contrato de 2 Años
Renovación del Contrato	Si el dueño paga la calefacción		4.25%	7.25%
	Si el inquilino paga la calefacción		3.75%	6.75%
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	17%	20%
		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%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
	Menos de \$300	Incrementos por desocupación cobrados en los últimos 8 años	17% + \$100	20% + \$100
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 175% + \$100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + \$100
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	17% 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%, 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

**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 \$26,000 o menos (del año de impuestos previo) 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 un congelamiento 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 de unidades de desván son un 3.75 por ciento por un contrato de un año y 4.5 por ciento por dos años. No se permiten incrementos para las unidades de desván vacías.

**Hoteles y SROs** El aumento es un 2 por ciento 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). Los caseros no pueden cobrar un aumento sobre la renta cobrada el 1o de octubre de 2006 si se alquilan un 20 por ciento o más de las unidades a inquilinos que no tienen renta regulada. No se permiten incrementos para apartamentos vacíos.

**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 sin autorización de renta 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)



**caso Pinnacle**

*viene de la página 3*

**El Panorama Completo**

La mayor lección de la historia de Pinnacle es que las protecciones de renta y en contra del desalojo en Nueva York tienen que ser restauradas. Aun si Pinnacle baja la renta a los niveles "legales", la tremenda pérdida de vivienda asequible continuará, porque la legislación estatal ha establecido aumentos mínimos de un 18 a 20 por ciento para apartamentos desocupados, además de 1/40 del costo de todos "mejoramientos" legítimos. Si estos aumentos elevan la renta hasta \$2,000, el apartamento queda completamente desregulado, lo que significa que el casero puede cobrar lo que quie-

ra y el inquilino no tiene protección en contra del desalojo cuando el contrato se venza.

Como gobernador, Eliot Spitzer tendrá una oportunidad para ayudar a conservar los más de un millón de apartamentos de renta estabilizada, que están desapareciendo a un ritmo alarmante y cada vez más acelerado, además de decenas de miles de otras unidades que han perdido las subvenciones de Mitchell-Lama o la Sección 8. Ausente una acción decisiva, el suministro de vivienda asequible en Nueva York seguirá disminuyendo aun si se gastan cientos de millones de dólares para crear decenas de miles de unidades nuevas.

Un sistema eficaz para conservar

*pasa a la página 5*

**Se va el organizador de Met Council**

Después de trabajar con decenas de asociaciones de inquilinos y cientos de miembros, abandonaré el Concejo Metropolitano de Vivienda (Metropolitan Council on Housing) y empezaré a trabajar como organizador de inquilinos con los Coordinadores de Conservación de Vivienda (Housing Conservation Coordinators, HCC). Siendo el organizador de Met Council durante el último año y medio, he aprendido mucho de la directora ejecutiva Jenny Laurie y de los miembros de la junta directiva de Met Council. Fue un placer también conocer a los miembros y voluntarios de Met Council, muchos de los cuales han consagrado sus vidas al movimiento de vivienda y otras causas progresistas.

Durante el período que trabajé como organizador, luché por los derechos de los inquilinos y libré batallas contra los caseros más grandes y pequeños. Los puntos culminantes fueron hacer alboro-

to durante la votación de la Junta de Renta Regulada (Rent Guidelines Board) en 2006, trabajar en Brooklyn Heights con inquilinos enfrentando desalojos a causa de demoliciones falsas, obtener reducciones de renta por todo el edificio para veintenas de inquilinos y acompañar a inquilinos en la Corte de Vivienda en exitosos casos HP (Housing Part, la parte de vivienda de la corte civil).

Todavía hay mucho trabajo que hacer para defender a los inquilinos de bajos y medios ingresos de la arremetida contra la vivienda asequible por parte de los caseros rapaces. Tengo muchas ganas de continuar mi trabajo en torno a vivienda con los HCC. Si tienen preguntas o necesitan ayuda, los inquilinos pueden llamar a Jenny Laurie al (212) 979-6238, extensión 207.

—Bennett Baumer  
Traducido por Lightning Translations

**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 \$26,000 o menos (para 2005) 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.

\*\*\*\*\*  
 ¿Está usted siendo ACOSADO por su casero?  
 Asista a nuestra  
**Convención para elegir al**  
**CASERO**  
**MÁS ABUSIVO**  
**DE NUEVA YORK**  
 \*\*\*\*\*  
 Inquilinos en vecindarios a través de todo New York, nominarán a caseros que utilizan métodos ilegales para lograr que sus inquilinos se muden; después votarán para elegir al casero más abusivo de New York.  
 Este evento llamará la atención sobre la crisis de acoso contra inquilinos y apoyará una nueva legislación en el Concejo Municipal, la cual dará un nuevo instrumento para que los inquilinos se defiendan contra el abuso.  
**DIA: Miércoles 17 de enero, 2007**  
**HORA: De 11:00 a.m. hasta 1:00 p.m.**  
**LUGAR: Iglesia Judson Memorial**  
 55 Washington Square  
 Manhattan  
 (entre las calles Thompson y Sullivan, a tres bloques del  
 parada West 4th Street, trenes A, B, C, D, E, F, V)  
 Para más información, llamar a ANHD al (212) 747-1117 — [www.anhd.org](http://www.anhd.org)  
 \*\*\*\*\*

**No se quede helado: ¡ORGANÍZESE!**



**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 ingles) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consigue la participación de todos los inquilinos en su edificio que pueden firmarlo. Reclame una

orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (¡disculpe lo de "congelen"! todas las rentas.

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

**Las leyes sobre la calefacción establecen también:**

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

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

# Making the Rent Out of Reach

By Jenny Laurie

In the 2006 edition of its annual report, *Out of Reach*, the National Low Income Housing Coalition looks at rents around the United States to answer the question: What would a family have to earn in each city or region to find easily an affordable apartment? In New York City, the answer is: \$20.70 per hour, or an annual income of \$43,051. The coalition, a Washington-based group that advocates for affordable housing for poor people, calculates that number by how much the family would have to earn if paying the federal Fair Market Rent for the city, \$1,076 a month, took no more than 30 percent of their income. What would the rent be for an apartment affordable to a minimum-wage worker? \$351 per month.

Another recent report showing us what tenants are paying and earning is the Community Service Society's December 2006 update to *Making the Rent*. This report reveals the dire condition of low-income families in New York City. These families have about \$32 a week per person to cover food, transportation, medical costs, and all other expenses after they pay the rent.

The Community Service Society, a New York nonprofit that fights poverty, released the report originally in 2005 using that year's Housing & Vacancy Survey (a census-like report on housing done for the city once every three years). Written by housing policy experts Victor Bach and Tom Waters, it examined how low-income renters are doing and how conditions had changed for them since the 2002 HVS. The update looks at new figures recently released as part of the 2005 survey.

*Making the Rent* breaks low-income renters into two groups: poor and near-poor, with poor defined as a family of three with an income below \$15,067, and near-poor as between that and \$30,134. The report reveals that low-income renters in New York struggle under near-impossible monthly

rent burdens. In 2005, half of poor renters paid 55 percent or more of their income for rent, and close to 60 percent paid half or more. These figures showed a slight improvement in rent burden from 2002, but the situation for near-poor renters worsened: Half of them pay at least 40 percent of their income for rent, 3 percentage points more rent than in 2002.

*Making the Rent* also points to a distressing trend picked up by the organization's annual report, *Unheard Third*: an increase in four types of housing hardships. These hardships are families falling behind in rent or mortgage payments, having their utilities cut off; moving in with relatives (or doubling up); and seeking shelter. In 2002, 36 percent of low-income renters experienced one of these four hardships. In 2006, 52 percent did.

Where do the city's one million low-income households live? Over 60 percent live in rent-regulated or government-subsidized housing, while 21 percent live in unregulated privately owned units, and 18 percent own their homes. The report points out that low-income households are the minority in the private rental market, so they must compete with a larger group of higher-income people in a very tight market. Tenants in rent-regulated units, not surprisingly, fared better than those in unregulated, privately owned rentals.

The lack of progress out of poverty by low-income New Yorkers is attributed to housing costs that rose faster than income gains. The city's overall median rent increased by 21 percent during the three years examined by the report, while the median annual income of renters rose only 6 percent, from \$32,000 to \$33,904.

If we put the two reports together, we get a picture of spreading misery for New York's low income residents, and a housing market that increasingly locks out those who are at the middle of city earners. Given that the median

income of all renters in the city is \$33,904, it is not only low-income folks who are in trouble: Most of our residents are far below the \$43,051 *Out of Reach* says is needed to find a new apartment in the city. In addition, although Mayor Bloomberg has an ambitious housing development program, *Making the Rent* authors point out that losses to the affordable subsidized Mitchell-Lama and Section 8 stock will greatly outpace the number of new units being built.

*Making the Rent* has two sets of recommendations to improve the conditions for families paying so much of their income for rent that they are in constant peril. The first set deals with increasing take-home pay by raising the state minimum wage by the rate of inflation; expanding the Earned Income Tax Credit; and multiplying job-training programs. The second set attacks escalating rents. The

authors recommend strengthening the rent-regulation system and extending property tax relief to renters (since owners pass on increases in property taxes to tenants through rent increases).

In detail, they suggest that the city and state extend rent stabilization to housing leaving the Mitchell-Lama and Section 8 programs, and restrict the increases allowed for units that left Mitchell-Lama. They also point out that recent changes to the rent-regulation system which allow owners to raise preferential rents were damaging to many low-income renters, so they argue that preferential rents should be preserved for current tenants, with landlords forbidden from raising them to the maximum regulated levels.



## Don't Freeze—Organize!



**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!

## caso Pinnacle

viene de la página 4

y estabilizar rentas aboliría los aumentos de desocupación, porque solamente así los caseros no tendrían motivos para desplazar a los inquilinos actuales, como lo hizo Pinnacle. Las unidades que fueron removidas de la estabilización por causa del descontrol de desocupación, además de los apartamentos previamente asequibles, como los de Mitchell-Lama y Sección 8, deben ser regulados. Las protecciones en contra del desalojo, debilitadas por la legislatura y la División de Vivienda y Renovación Comunitaria (Division of Housing and Community Renewal, DHCR) estatal bajo el mandato del previo gobernador George Pataki, tienen que ser restauradas y el

derecho a asesoría legal tiene que ser proporcionado en casos de desalojo.

La mayor manera de conseguir estos cambios es restaurar la autonomía de la Ciudad de Nueva York en torno a rentas y desalojo, arrebatada por el estado en 1971. Hasta ahora, Spitzer ha guardado silencio sobre esta demanda clave; dio un paso importante durante su primera semana en el cargo, al anular propuestas promulgadas por la DHCR en los últimos días del gobierno de Pataki para debilitar las normas de renta estabilizada aun más, pero disposiciones previas aprobadas por Pataki en 2000 y 2004 siguen siendo vigentes.

## Activists Mull Anti-Harassment Law

With massive vacancy increases giving landlords a powerful incentive to empty apartments, housing groups say harassment of tenants is increasing—and tenant advocates are pondering legal strategies to stem it.

Harassment is now “much more subtle, much more pervasive, and much more effective,” says Benjamin Dulchin, deputy director of the Association for Neighborhood and Housing Development. Among the tactics used are aggressive, frivolous, or fraudulent eviction attempts; threats to report

the tenant as an illegal immigrant; pressure to accept a buyout; and the more traditional threats and denial of services. The Pinnacle Group, which tried to evict a quarter of the 20,000 tenants in its buildings, is only notable for the scale of its actions, Dulchin adds. “Those Pinnacle strategies are now commonplace across the board.”

There are no definite figures, he says, as harassment is hard to quantify, few tenants bother reporting it to the state Division of Housing and Commu-

nity Renewal, and no other government agency collects statistics on it. But there’s “overwhelming anecdotal evidence” that it’s gone up dramatically, he says, judging by the number of complaints received by tenant groups and the plummeting number of affordable apartments. The total of apartments renting for between \$600 and \$800 a month fell by one-sixth between 2002 and 2005. “There’s an unnaturally high number of people vacating those

apartments,” Dulchin says.

So Tenants United Against Harassment, an ANHD-shepherded coalition of tenant groups, has drawn up a bill that would establish harassment as a legal cause of action for tenants. That would give tenants the right to file the equivalent of HP actions to stop harassment, and it would also let them claim harassment as a defense against an eviction attempt.

The group expects to

find a City Council sponsor for the bill within next two weeks, says Dulchin, and has scheduled two assemblies for tenants on the issue.

The idea, he says, is to give tenants a tool they can use to stop harassment. The DHCR, which is supposed to enforce the laws against harassment, is “completely useless,” he says. Even if it was doing its job, which it wasn’t under the Pataki administration,

*continued on page 7*

### Pinnacle

*continued from page 1*

even if hundreds of millions of dollars are spent to create tens of thousands of new units.

An effective system of preserving and stabilizing rents would abolish vacancy increases, because only then would owners have no incentive to displace existing tenants, as Pinnacle did. Units that have been removed from stabilization because of vacancy decontrol, as well as previously affordable apartments such as Mitchell-Lama and Section 8, should be regulated.

Eviction protections—weakened by the legislature and by the state Division of Housing and Community Renewal un-

der outgoing governor George Pataki—must be restored, and the right to counsel must be provided in eviction cases.

The major way to achieve these changes is to restore New York City’s home rule over rent and evictions, which was taken away by the state in 1971. Spitzer has thus far been silent on this key demand. He took an important step in his first week in office when he killed proposals promulgated by DHCR to weaken rent-stabilization regulations even further [see below]—but previous provisions enacted by Pataki in 2000 and 2004 remain on the books.

## Spitzer Nixes Pataki’s Farewell Gift to Landlords

On Jan. 3, his third day as governor, Eliot Spitzer reversed a 12-year run of bad news from Albany on rent and eviction laws. His administration revealed that it was rescinding proposed weakening amendments to the rent-stabilization code, which covers one million New York City apartments. The proposals, which would have made it easier for owners to raise rents and evict tenants, were promulgated in the last days of George Pataki’s administration. (“Pataki’s Bequest,” Dec. 2006 *Tenant/Inquilino*)

Spitzer’s decision to kill the proposed changes marks a departure from the stony silence he has maintained in the face of efforts by tenant activists over the past two years to convince him to support restoring strong rent and

eviction protections and restoring New York City’s home rule over these laws. The only statement he made on this issue as a candidate came last August, one month before the Democratic primary, when he came out for raising the \$2,000 vacancy-decontrol threshold and indexing it for inflation—a proposal that was compared to rearranging the deck chairs on the *Titanic*.

Michael McKee, treasurer of Tenants PAC, said he is now “moderately hopeful that we can bring Spitzer around” on home rule and reversing the devastating changes imposed under Pataki.

—Kenny Schaeffer

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

for Rent Stabilized Leases commencing Oct. 1, 2006 through Sept. 30, 2007

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	Landlord pays heat	4.25%	7.25%	
	Tenant pays heat	3.75%	6.75%	
Vacancy Leases	More than \$500	Vacancy allowance charged within last 8 years	17%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than \$300	Vacancy allowance charged within last 8 years	17% 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% 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% 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%, or \$100, whichever is greater	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 \$26,000 or less (for the previous tax 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 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 3.75 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 increase is 2% 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). Landlords cannot collect an increase over the rent charged on October 1, 2006 if 20% or more of the units are rented to unregulated tenants. No vacancy allowance is permitted.

**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).



# Development Booms in Northeast Bronx

By Darise Jean-Baptiste

A humble landmark of the northeast Bronx stood for years on the corner of Paulding Avenue and 217th Street. It was a single-family house with a large lawn and long paved walkway leading up to the front door. Although unassuming, it was symbolic of the stable, middle-class character of the surrounding neighborhood. The house was demolished about a year ago, and now a small apartment building has taken its place. Once equipped with all the extra trimmings a homebuyer wishes for—front and back yard, side-street parking, schools within walking distance—that house and open space are gone, and occupancy of that very same lot will triple.

Scenarios like this one have become a constant for residents of Eastchester, Williamsbridge, Baychester, Wakefield, and Woodlawn, who are watching their neighborhoods change before their eyes. Just south of the Westchester County line, these areas are sprouting new residences so fast that the breathing space between one home and the next, which locals long took for granted, is becoming a memory. Citywide, the number of building permits issued for new privately owned residential units increased by 67.5 percent from 2000 to 2004, and the Bronx accounted for nearly 20 percent of those permits, despite containing only 16.5 percent of the city's population.

Now residents of Community Board 12 are putting concerns about increased demand for public services, schools, open space and affordable housing at the forefront of quality-of-life discussions.

"You have people who had sunlight and now have no sunlight, who had open space and now have no space," said Carmen Rosa, district manager of CB 12. Rosa is calling for closer scrutiny of building plans before permits are issued by the city's Department of Buildings. She also recommends quick action to save the existing land left in her district. In 2000, only 6 percent of the district's land was vacant, not including park land.

Of all the development taking place throughout the city, the Bronx has the space for additional buildings, so it's a hot spot for

developers, said CB12 Land Use Committee Chairman Joe Williams. "Houses go up just as quick and just as fast as you turn around," he said. Developers build there because they can.

"Everyone is trying to build on every piece of property there is," Williams said. In fact, the number of requests for new home addresses across the whole borough rose by 97 percent from 2002 to 2005, according to Deputy Borough President Earl Brown. Brown cited the figure last month during a town hall meeting at Richard Green Middle School in the Williamsbridge section of CB 12. The meeting was headlined: "Are We Overbuilding in the Northeast Bronx? What Is Our Plan for the Future?" and drew dozens of concerned residents. It was sponsored by City Councilmember Larry Seabrook, who represents the neighborhoods of CB 12.

The number of housing units issued building permits increased by 35 percent between 2000 and 2003, according to the Department of City Planning. And the Department of Buildings' Buildings Information System shows an estimated 170 building permits were issued in CB 12 in 2006 alone.

CB 12 finds itself in the midst of the tug-of-war that is meeting the city's housing needs while maintaining the character of neighborhoods. The rules of the game are written in the city's zoning code, but residents are angry because they feel the game is played unfairly. New buildings in this traditionally working-class section of the Bronx often don't fit the character of surrounding structures, even though building plans may conform to zoning regulations. For example, on 217th Street between Bronxwood and Barnes Avenues, a five-story, 14-unit apartment building was recently built between a detached single-family home and an attached two-family home. The older adjoining homes' side windows are blocked by the cement side walls of the new building. Add to that the abundance of parking in the past, compared to its insufficiency in the present, and old-timers feel put out.

"There's a lot of development taking place that people don't

understand," said Williams, a 30-year veteran of CB 12's land use committee. Many residents don't know that although buildings may not look like they belong, they are still "as-of-right," meaning in line with zoning regulations for that district—such as erecting a three-family house where a one-family home stood. The problem is "what to do with those [developers] who don't have additional parking and build up too high," he said. Building permits are issued, but it is no secret that some developers take advantage of the situation and deviate from building plans.

The northeast Bronx is an attractive location for developers "because people want three-family homes" and want to live in the area, according to Joe, an employee (who wouldn't provide his last name) at 5 Star Development, one of the main developers building in the area.

Several areas have been rezoned recently or are working toward rezonings to get better control over new development. A year ago, the Olinville section was rezoned to address development that was out of scale with its low-rise, low-density character, parking availability, and service capacity. In February, the Woodlawn section was rezoned to promote more construction of single and two-family detached homes. And an environmental review of the Wakefield section has been completed as a preliminary step to rezoning request and approval.

But locals still are frustrated. "I think [residents] are not educated to the law and see all this happening and just can't believe this can happen," Williams said. Predominantly African-American and Caribbean-American homeowners, residents also are seeing the neighborhood change as more Latinos and renters move in.

And they're worried about affordability. The cost of purchasing the new three-family homes are often covered by renting them out.

Carmen Rosa gave the example of someone selling his home for a decent price without having to repair it. A developer then tears that down, builds a three-family home and sells the units for about \$600,000 each. "The current situation is not affordable housing for your average young couple starting out," Rosa said. She said the new homeowner is forced to rent because he can't afford to pay his mortgage at that rate. "People buy, sell and rent for various reasons, but the fact is it does impact the community at large."

Ruby Moore, president of the East 222nd Street Block Association in Baychester, said she wonders what her neighborhood will look like in five or ten years. When her husband bought their home in the mid-1950s, no one thought the Bronx would be experiencing the housing boom it is now.

Moore said the "overdevelopment" in her community is a problem because having more residents means more schools are needed. No northeast Bronx public schools are currently over capacity or causing students to attend schools outside of the school district, said Department of Education spokesperson Andrew Jacob. However, the majority of northeast Bronx public schools were at 90 percent capacity or greater during the 2004-2005 school year, according to the 2004-2005 DOE annual school report card.

Two new schools in the northeast Bronx are in the planning and design phase: an intermediate school at 3710 Barnes Ave. and a primary/intermediate school at Steenwich Avenue and Reeds Mill Lane. Five other public schools are planned for the area. After all, the Bronx's population is expected to reach 1.46 million in 2030—a 9.8 percent increase over its 2000 population of 1.33 million, according to the Department of City Planning.

*Reprinted with permission from City Limits Weekly.*

## Harassment

*continued from page 6*

the fines it can levy are minimal compared with the money that landlords can gain from vacancy increases, and it can't provide injunctive relief, so it can't force harassment stopped. And Housing Court culture has changed, Dulchin adds: Owners are now filing cases that "ten or fifteen years ago would have been laughed out of Housing Court"—and if one of them sticks, it's a case-law precedent. For example, he says, mass evictions ostensibly for the landlord's personal use are "obviously bad faith," but they're "genuinely dangerous."

The proposed law is not a "silver bullet," Dulchin continues. Landlords have the right to file evictions for nonpayment and other causes. What the bill would do, he explains, is enable tenants to get a judge to order the landlords to stop any behavior that's clearly part of a pattern of harassment, and hold them in contempt if that conduct continues. In contrast, the only penalties imposed on Pinnacle in its recent settlement were that it had to pay nominal legal costs and give back some of the rent it illegally charged.

—Steven Wishnia

\*\*\*\*\*  
 ★ Are You Being HARASSED By Your Landlord? ★  
 ★ Come to a ★  
 ★ **Convention to Select** ★  
 ★ **NEW YORK'S** ★  
 ★ **MOST ABUSIVE** ★  
 ★ **LANDLORD** ★  
 ★  
 ★ Tenants from neighborhoods across New York will nominate landlords who are using illegal methods to push tenants out, then vote to chose New York's Most Abusive Landlord.  
 ★ This event will bring attention to the crisis of harassment, and support new legislation in the City Council that will give tenants a new tool to fight back.  
 ★  
 ★ **DATE:** Wednesday, January 17<sup>th</sup>, 2007  
 ★ **TIME:** 11:00 AM – 1:00 PM  
 ★ **PLACE:** Judson Memorial Church  
 ★ 55 Washington Square South  
 ★ Manhattan  
 ★ (between Thompson and Sullivan Street, three blocks from West 4<sup>th</sup> Street stop of A,B,C,D,E,F,V subway)  
 ★ For More Information, contact: Association for Neighborhood and Housing Development, 212-747-1117, www.anhd.org  
 ★\*\*\*\*\*

**421-a**

*continued from page 1*

Legislature, as it expires at the end of the year. Assembly Housing Committee chair Vito Lopez (D-Brooklyn) has introduced a bill, A. 10912, that would require all housing in the city receiving the tax break to contain either 30 percent units affordable to families making less than about \$35,000 a year, or to reserve 20 percent for people making below \$35,000 and another 20 percent for households making less than about \$75,000. That measure, and a state Senate counterpart introduced by Martin Golden (R-Brooklyn) and Serphin Maltese (R-Queens), would also mandate that developers receiving the abatement pay building service workers the prevailing wages and benefits.

Landlords will lobby for a weaker measure, says Lander, but he is "optimistic" that whatever legislation emerges will create a larger exclusion zone than the city law, require a higher percentage of apartments getting the tax break to be affordable, or require that they be affordable to people with lower incomes. In an odd reversal of the politics surrounding the state's rent-control laws, he adds, the program's impending expiration could result in the state enacting a stronger law than the city's.

Another key issue is how perma-

nent the affordable housing created under 421-a will be. In the current program, owners do not have to keep apartments affordable after the tax break ends— within 30 years. The new city law extends that limit to 50 years for buildings constructed with money from the \$400 million fund. It also gives the city and the tenants right of first refusal if the owner tries to sell the building.

That is a confusing provision, notes Lander; the main sticking point is how the price will be set. For example, when Stuyvesant Town and Peter Cooper Village were sold last year, tenants bid \$4.5 billion for the complex, but that was far short of the eventual selling price of \$5.4 billion. One possibility, suggests Lander, is that the price could be set based on the building's value if rents were kept affordable. If that had been the case with Stuy Town, he says, it would have sold for \$3.5 billion.

Another way to keep housing

built under the 421-a program permanently affordable would be for the state to make the tax breaks on the affordable units

permanent. The Council does not have the power to do that, says Lander.



STEVE WISHNIA

*Luxury high-rise construction in Long Island City, where developers can still get a city tax break for building new housing without including affordable apartments.*

*Missed an issue of TENANT?*

*Check us out on the Web:*

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

**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 \$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 - 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.*

**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**



**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