METROPOLITAN COUNCIL ON HOUSING
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Tenant Inquilino

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Raft of Mitchell-Lama Bills Introduced

By Sue Susman

As the hemorrhage of affordable housing grows worse each month, members of the New York State Assembly are trying to stop it, or at least slow it down. The attempted sale of Starrett City's 5,881 Mitchell-Lama apartments—halted by the federal government on March 1—has highlighted a bill introduced by Housing Committee Chair Vito Lopez (D-Brooklyn), but that is only one of several proposed laws affecting Mitchell-Lamas, a housing program that receives city, state, or federal subsidies or a combination.

The bills would address problems in the current law, including the difference between Mitchell-Lama rentals built before 1974 and those built from 1974 on. The later buildings are not protected by rent stabilization if their owners take them out of the program, so their rents go directly to market rate upon leaving Mitchell-Lama. The earlier buildings go into rent stabilization upon leaving the program, but landlords can claim "unique or peculiar circumstances" to try to raise the starting "rent-stabilized" rents to market rate. Since 1990, about a quarter of the more than 110,000 Mitchell-Lama apartments have been removed from the program, according to a Community Service Society report last year. Tenant-advocacy groups say that almost 10,000 were lost in the last two years, and more than 15,000 are in danger.

The most publicized of the bills is Lopez's A. 759, a broad bill to protect post-1973 Mitchell-Lamas. This "Starrett City" bill was given a real boost by a press conference held Feb. 25 by the Working Families Party, ACORN, and Housing Here & Now. It attempts many things, some good for tenants, and some not so good.

Under this bill, the owner's return on investment would increase: It would permit the owners of Mitchell-Lamas to get more than a 6 percent return on their investment (the current legal limit). Presumably, this will encourage owners not to take their buildings out of Mitchell-Lama.

Tenants of the Salvation Army are joined by their elected officials and their lawyers on Feb. 16 to mark the filing of a suit asking the state Supreme Court to declare that the tenants are protected by rent stabilization. Justice Milton A. Tingling has barred the landlord from evicting the tenants until April 20, when he will decide the case. Bottom row, l to r: State Sen. Liz Krueger, City Councilmember Rosie Mendez, attorney Marc A. Landis of Philips Nizer, Legal Services attorney Jim Provost, Manhattan Borough President Scott Stringer, and Assemblymember Brian Kavanaugh.

Rent increases in Mitchell-Lamas would be determined by the city Rent Guidelines Board and would be the same as for rent-stabilized apartments. They would no longer depend on whether the owner was earning a 6 percent return on investment over expenses (the basis for denying

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Lower East Side Tenants Lose Mass-Eviction Appeal

By Steven Wishnia

The embattled tenants of 47 East Third Street in Manhattan, trying to keep their landlords from evicting them all, lost a major round Feb. 15 when a state appeals court ruled that landlords can take as many apartments in a building as they want for personal use.

In a 5-0 decision, the Appellate Division overturned State Supreme Court Justice Faviola Soto's April 2006 ruling supporting the tenants. Justice Soto had held that the building's landlords, Catherine and Alistair Economakis, were violating the state Rent Stabilization Law and Code by trying to take all 15 apartments in the five-story building so they can convert it into their private home.

The appeals court held that the law does not limit the number of apartments a landlord can claim for personal use. The phrase "one or more dwelling units" in the statute, the decision said, means just that—that any number is legal. The court also rejected tenants' arguments that the landlord was illegally taking apartments out of the rent-stabilization system without permission from the state housing agency, citing an "unambiguous" clause in the law that says owners do not have to get such permission to claim apartments for personal use.

"We're all disappointed with the decision, but we're hoping that the Court of Appeals will take the matter up," says Stephen Dobkin, the tenants' lawyer. "If not, we hope Governor Spitzer and the Legislature will take it up. Otherwise, it will open up a hole in the rent regulations that will allow owners to perform mass evictions based on their personal wealth."

Because the decision went unanimously against them, the tenants will have to ask the Appellate Division for permission to appeal to the Court of Appeals, the state's highest court. At least two dissenting votes are needed for automatic permission.

If permission is denied or the tenants lose their appeal, then the case will go back to Housing Court for trial on the eviction attempts against individual tenants. There, the Economakises will have to prove that they genuinely intend to move into the building and are not just running a scam to empty it out so they can get more money for the vacant apartments. The couple has repeatedly insisted that they have every intention of moving in—but the consequences for fraud are minimal. The only penalty is that owners can't raise rents on rent-stabilized apartments in the building if they fail to occupy the units they claim for at least three years after taking them.

The Appellate Division noted that in its decision, but said it was an issue for the legislature, not the courts.

In seeking an appeal, Dobkin says he will argue that the Appellate Division overlooked the overall in-

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Federal Judge Restricts N.Y. Police Surveillance of Protests

By Steven Wishnia

New York City police may not videotape political protests unless there is reasonable evidence that they will involve lawbreaking, a federal judge ruled Feb. 15.

In response to a lawsuit filed by local activists (including Met Council), Senior U.S. District Judge Charles S. Haight rejected a 2004 order by Police Commissioner Raymond Kelly that established several justifications for police videotaping demonstrations even if they were legal and peaceful. The suit specifically cited the videotaping of an antiwar march from Harlem to Central Park in March 2005, the Critical Mass bicycle rallies, and a protest outside Mayor Bloomberg's home in December 2005, in which Met Council, the Coalition for the Homeless, and several other housing groups demanded home rule for the city on rent controls.

The current rules for police surveillance of political activity in New York City were originally established in 1985, in a legal "consent decree" settlement known as the Handschu guidelines. They were named after Barbara Handschu, the lead plaintiff in a 1971 lawsuit contesting police surveillance of protests against the Vietnam war. Judge Haight called the case "the class action eternal"; Abbie Hoffman was one of the original plaintiffs, and the defendants included Mayor John V. Lindsay and the Bureau of Special Services, the old police "Red squad."

Police asked to have the guidelines loosened after the 9/11 attacks, contending that they limited "the effective investigation of terrorism." Judge Haight allowed some modifications, which left some doubt about whether there was any way to enforce the guidelines, says Art Eisenberg, legal director of the New York Civil Liberties Union. But after city police suppressed a massive demonstration against the Iraq war in February 2003 and interrogated arrested protesters about their political beliefs, Haight clarified the changes, saying police could only investigate political activity if there was an indication it would involve unlawful behavior and if they were authorized by the department's Intelligence Division.

In September 2004, immediately after the mass arrests of almost 2,000 people during protests at the Republican National Convention, Kelly issued an order saying that police had to get permission from the head of the Intelligence Division to videotape demonstrations if they were investigating political activity—but that they could film otherwise legal and peaceful political events if there were another "permissible operational objective," such as training officers or assessing procedures, and if the tapes were "potentially beneficial or useful." Those loopholes were big enough so that nearly two years after the order was issued, no officer had applied for such permission, according to testimony by Deputy Commissioner for Intelligence David Cohen.

Police officials and lawyers for the Bloomberg administration also claimed that videotaping demonstrations deterred terrorists who might want to take advantage of the crowd at such a large public gathering, and that if a tourist could videotape a demonstration without any restrictions, there was no reason why a police officer shouldn't be able to do so as well.

Activists challenged Kelly's order and those arguments. Their logic, notes Eisenberg, meant that police could investigate political efforts without it being "tethered to the requirement that there be a reasonable belief of unlawful activity."

Judge Haight largely agreed, writing that accepting the arguments for the order "sanctions unrestrained police action." Commenting on the December 2005 home-rule demonstration—at which, according to an affidavit by Coalition for the Homeless staffer Lindsey Davis, police "frequently held the camera just a few feet from the marchers, aiming the camera at participants' faces and the messages on the signs they carried"—the judge noted that "there was no reason to suspect or anticipate that unlawful or terrorist activity might occur, or that pertinent information about or evidence of such activity might be obtained by filming the earnest faces of those concerned citizens and the signs by which they hoped to convey their message to a public official," yet some commanding officer had ordered the protest filmed.

But Judge Haight also held that videotaping the Critical Mass bicycle rides was permissible under the Handschu guidelines, because the participants have violated traffic laws, such as by riding through red lights en masse.

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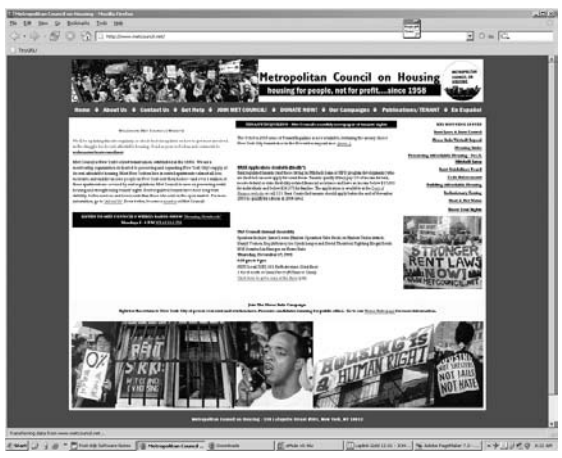

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EL INQUILINO HISPANO

Se presenta gran cantidad de leyes Mitchell-Lama

Por Sue Susman
Traducido por Lightning Translations

Mientras la pérdida de vivienda asequible empeora con cada mes que pasa, miembros de la Asamblea Estatal de Nueva York están tratando de detenerla, o al menos retrasarla. El intento de vender los 5,881 apartamentos Mitchell-Lama de Starrett City—impedido por el gobierno federal el 1º de marzo—ha puesto en relieve un proyecto de ley promulgado por el presidente del Comité de Vivienda Vito Lopez, pero esta es sólo una de varias leyes propuestas que afectan a Mitchell-Lamas, un programa de vivienda que recibe subvenciones municipales, estatales o federales, o una combinación de éstas.

Los proyectos de ley abordarían problemas en la ley actual, incluida la diferencia entre los edificios Mitchell-Lama de arrendamiento construidos antes de 1974 y los construidos desde 1974. Los edificios construidos posteriormente no son protegidos por la estabilización de rentas si sus dueños los hacen salir del programa, por lo que las rentas suben directamente a la tasa del mercado al salir de Mitchell-Lama. Los edificios construidos anteriormente entran en la estabilización de rentas al salir del programa, pero el casero puede sostener que hayan "circunstancias únicas o peculiares" para tratar de elevar las rentas iniciales de renta estabilizada al nivel del mercado. Desde 1990, se ha eliminado alrededor de una cuarta parte de los más de 110,000 apartamentos Mitchell-Lama del programa, según un informe emitido el año pasado por la Sociedad de Servicio Comunal (Community Service Society). Los grupos defensores de inquilinos dicen que se perdieron casi 10,000 durante los últimos dos años y que más de 15,000 están en peligro.

El proyecto de ley que ha recibido la mayor publicidad es el de Lopez, A. 759, una ley extensa para proteger a los edificios Mitchell-Lama post-1973. Esta ley "Starrett City" recibió un gran impulso en una conferencia de prensa celebrada el 25 de febrero por el Partido de Familias Trabajadoras (Working Families Party), ACORN y Vivienda Aquí y Ahora (Housing Here and Now). La ley intenta hacer muchas cosas, algunas buenas para los inquilinos, otras no tan buenas.

Bajo esta ley, los réditos de los dueños aumentarían: permitiría a los dueños de edificios Mitchell-Lama recibir ganancias de más de un 6 por ciento en sus inversiones (el actual límite legal). Se supone que esto alentaría a los dueños a no hacer que sus edificios salgan de Mitchell-Lama.

Los aumentos de renta en los edificios Mitchell-Lama los determinaría la Junta de Renta Regulada (Rent Guidelines Board, RGB) y serían los mismos que los aumentos para apartamentos de renta estabilizada. Ya no dependerían de si el dueño gana más de un 6 por ciento en su inversión por encima de gastos (la razón por la que son rechazadas muchas solicitudes para aumentos de renta) y ya no serían sujetos a un proceso de audiencias ante la División de Vivienda y Renovación Comunitaria estatal (Division of Housing and Community Renewal, DHCR) o el Departamento de Preservación y Desarrollo de Vivienda municipal (Housing Preservation and Development, HPD). En lugar de esto las rentas se elevarían automáticamente, según las pautas de la RGB, lo que significa que aumentarían al doble en unos 15 años. Esto no aplicaría a los edificios con hipotecas "236" del Departamento de Vivienda y Desarrollo Urbano federal (Department of Housing and Urban Development, HUD).

Los Mitchell-Lamas construidos desde 1974 entrarían en estabilización de rentas al salir del programa, lo que es un cambio muy importante. Ahora, los edificios construidos en 1974 o después

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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.

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

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.

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.

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

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 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

leyes Mitchell-Lama

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suben a la tasa del mercado si salen de Mitchell-Lama, y los inquilinos, menos los que viven en edificios "236" y los que han negociado proyectos de asistencia por caseros, pierden todos las protecciones que tenían. Así que esta parte del proyecto de ley es muy buena.

Los inquilinos en edificios construidos desde 1974 también serían protegidos contra los aumentos de "circunstancias únicas o peculiares." Bajo la ley de estabilización de renta, los caseros sostienen que la simple salida de Mitchell-Lama constituye una condición "única" que les permite elevar las rentas por encima de lo que la ley permitiría de otra manera. Todos los dueños que han hecho las urbanizaciones construidas *antes de 1974* salir de Mitchell-Lama y entrar en la estabilización de rentas desde 2005, han exigido aumentos al nivel del mercado. (Para los inquilinos, "única y peculiar" forman las siglas en inglés para indicar que los caseros fuerzan las rentas "UP", o sea más altas). Sin embargo, el proyecto de ley de Lopez no protege a los inquilinos en los edificios más antiguos de los aumentos de "circunstancias únicas o peculiares." Esto se podría cambiar fácilmente si se eliminara la fecha de construcción de los edificios protegidos por la ley.

Bajo el proyecto de ley, las rentas de vales-aumentados Sección 8 quedarían al mismo nivel. Actualmente, los inquilinos en Mitchell-Lama que salen del programa pueden solicitar "vales Sección 8 aumentados" si su edificio tenía una subvención hipotecaria federal "236." Estos vales permiten a los inquilinos que llenan los requisitos pagar un 30 por ciento de sus ingresos o su más reciente renta Mitchell-Lama (recargos incluidos), lo que sea mayor, y el gobierno federal paga al casero la diferencia entre esto y la renta del mercado. El proyecto de ley mantendría en este nivel de renta lo que los inquilinos pagan en estos apartamentos.

Sin embargo, todos los inquilinos en edificios 236 que salieran del programa *tendrían que solicitar* vales aumentados *o enfrentar las consecuencias*. Bajo el proyecto de ley, si un inquilino no solicitara un vale aumentado, no solicitara certificación o no cumpliera con alguna de las reglas para vales aumentados, la renta en este departamento se elevaría hasta la tasa completa del mercado y no tendría derecho a la estabilización de rentas mientras el inquilino viviera ahí. Al mudarse el inquilino, el apartamento se convertiría en apartamento de renta estabilizada.

El proyecto de ley también continuaría algunos recortes de impuestos para los caseros en algunas circunstancias. Además, las asociaciones de inquilinos que "negociaran" bajo las presiones de la DHCR y firmaran un acuerdo quedarían atrapados. Esta ley propuesta no aplicaría cuando la asociación de inquilinos y el dueño del edificio ya hubieran llegado a un arreglo. El proyecto de ley no es retroactivo, así que no afectaría a ningunas urbanizaciones posteriores a 1973 que ya hubieran salido de Mitchell-Lama.

Entre los otros proyectos de ley que han sido presentados se encuentra el A. 352, propuesto por Jonathan Bing (D-Manhattan). Este proyecto cierra la brecha en torno a "circunstancias únicas o peculiares," además de ser breve y claro: simplemente eliminaría incrementos de "circunstancias únicas o peculiares" para todos los edificios pre-1974 al salir de Mitchell-Lama y entrar en estabilización de renta. Por consideración a la sencillez, además de aumentar las probabilidades de que se apruebe, no protegería los edificios que se construyeron desde 1974.

A. 353, presentado por el miembro de la Asamblea Bing y otros nueve miembros, establecería barreras procesales para impedir que los edificios cooperativos salieran de Mitchell-Lama. Por lo tanto, los cooperativos no podrían salir de Mitchell-Lama a menos que dos tercios de los apartamentos se acordaran cuando sus accionistas votaran en persona, con solamente un voto por apartamento, sin importar cuántas acciones pertenecieran al apartamento o cuántos accionistas hubieran en él. Prohibiría el voto en ausencia o por poder en la votación sobre la salida de Mitchell-Lama, excepto donde la DHCR o el HPD lo permitiera, y esto podría ser con tipos especiales de papeletas. Los demás co-patrocinadores son Lopez y los miembros de la Asamblea Michael Benedetto, Michael Benjamin y Aurelia Greene del Bronx; Steven Cymbrowitz de Brooklyn; Deborah Glick y el otrora miembro de la Asamblea Alexander "Pete" Grannis de Manhattan; J. Gary Pretlow de Mount Vernon y el difunto John W. Lavelle de Staten Island.

Otros dos proyectos de ley pendientes son A. 793, una breve ley patrocinada por el miembro de la Asamblea Lopez que prolongaría el período que las urbanizaciones tendrían que permanecer en Mitchell-Lama antes de poder ser privatizadas, desde los actuales 20 años hasta 50, y A. 797, que obligaría a los dueños a avisar a los inquilinos con un año de anticipación sobre su intención de salir de Mitchell-Lama. El HPD ya requiere tal aviso y la DHCR como materia de política a veces lo ha otorgado, pero esto lo haría ley.

Finalmente, algunos defensores de inquilinos respaldan la idea de una sencilla ley que pondría *todos* los edificios que salen de Mitchell-Lama bajo la estabilización de rentas sin ningún aumento por "circunstancias únicas y peculiares", sin importar cuándo se hayan construido. Esto obligaría a enmendar la Ley de Financiamien-

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Inquilinos de mayor edad y minusválidos

Las personas mayores de 62 años o más, en vivienda de renta regulada, Mitchell-Lama y 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, o llame a 311.

No se quede helado: ¡ORGANIZESE!

La ley requiere que su casero proporciona 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!

People with AIDS Stop Supportive-Housing Rent Hike

by Jennifer Flynn

Abandoning a move by the Pataki administration to raise rents for formerly homeless people with AIDS living in supportive housing, the city and state governments have agreed that these tenants should not have to pay more than 30 percent of their income for rent.

The decision, announced Feb. 27 by David Hansell, the newly appointed commissioner of the state Office of Temporary and Disability Assistance, affects about 2,200 people in supportive housing who receive income other than public assistance, typically SSI, SSD, or veterans' benefits. Last October, the Pataki administration announced plans to force supportive-housing tenants with AIDS who are receiving such income to contribute all but $330 a month of their income towards rent—which would have left them with about $11 a day to live on. The policy was supposed to go into effect on Nov. 1, but the legal department of Housing Works, led by Armen Merjian, was able to get a restraining order stopping it.

Commissioner Hansell made the announcement at the annual State AIDS Awareness Day in Albany before a group of several hundred, a mix of people living with HIV/AIDS and advocates for them. The New York City AIDS Housing Network (NYCAHN) organized a coalition of groups to fight the rent increase and mounted a campaign that included taking affected tenants on weekly trips to Albany to meet with legislators, several rallies, a march, several press conferences, and a hearing of the Assembly Social Services Committee.

"This was a great victory for 2,200 tenants like me, but now we know that it is impossible for anyone, let alone anyone living with AIDS, to survive in New York City on just $11 per day," said supportive-housing tenant Yves Gebhardt, who was at the rally. He said that the stress of facing the possibility of losing nearly 70 percent of his income had taken its toll on his health. "That's why I am going to continue to go to Albany and to march and to rally."

Gebhardt was referring to the AIDS community's current number-one legislative priority: helping the more than 10,000 New Yorkers who live with AIDS in nonsupportive housing and continue to pay all but $330 of their monthly income towards their rent. State Senator Tom Duane and Assemblymember Deborah Glick (both D-Manhattan) have introduced bills that would cap the rent for all low-income New Yorkers living with AIDS at 30 percent of their income. This landmark legislation would ensure that discrimination against New Yorkers with AIDS ends. Other rental-assistance programs, such as Section 8 and NY/NY housing, cap rent at 30 percent of the tenant's income.

NYCAHN is continuing to lead this campaign, working with Housing Works, Gay Men's Health Crisis, Praxis Housing Initiatives, Bailey House, Harlem United, Queers for Economic Justice, Assemblymembers Glick and Richard Gottfried, and Senator Duane.

NYCAHN is organizing an AIDS Housing Advocacy Day in Albany on March 27. There will be a march and several press events coupled with meetings with legislators. If anyone is interested in joining, please call Cameron Craig, NYCAHN community organizer, at (718) 802-9540, ext. 12, or e-mail craig@nycahn.org.

Jennifer Flynn is executive director of NYCAHN.

Property-Rights Group Threatens California Rent Control

A California anti-tax group is planning a statewide ballot initiative that would restrict the government's power to seize property under eminent domain—and also eliminate rent-control laws in the state.

The "California Property Owners Protection Act" would invalidate all laws that damage "economically viable use of the property" such as by "limiting the price a property owner may charge another person to purchase, occupy, or use his or her property." It's sponsored by the Howard Jarvis Taxpayers Association, the group behind the 1978 ballot initiative that sharply restricted property taxes in California. They would need to collect more than 800,000 signatures within 150 days to get the initiative on the June 2008 ballot.

"It's really a perverse measure," Denny Zane, cofounder of Santa Monica Renters' Rights, told the Santa Monica *LookOut*. "It would abolish rent control in the near future and have a devastating effect on hundreds of thousands of renters."

Missed an issue of TENANT?
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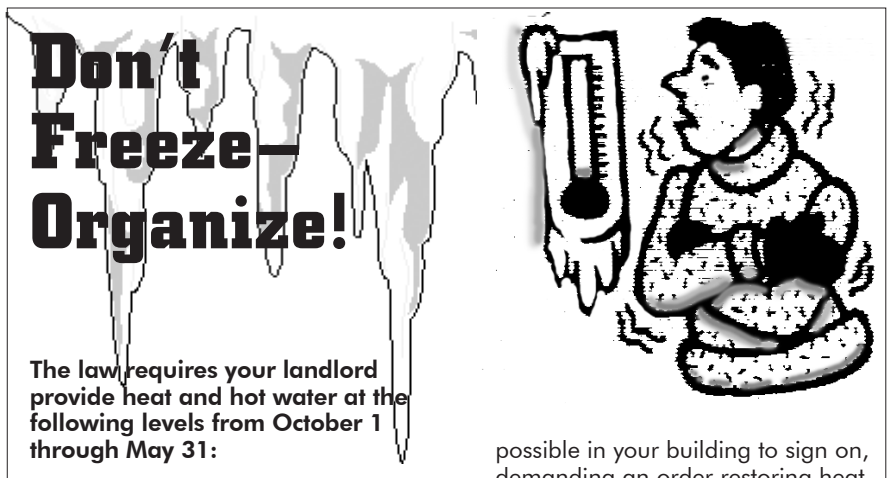

Don't Freeze—Organize!

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!

E-mail Met Council
active@metcouncil.net

leyes Mitchell-Lama

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to de Vivienda Privada (Private Housing Finance Law), sección 35—la sección que trata de la "disolución" (disolver la compañía de vivienda de ganancias limitadas o "comprar la salida" del programa Mitchell-Lama). Tal proyecto de ley tiene el apoyo verbal del miembro de la Asamblea Bing y se ha propuesto a otros defensores de inquilinos demócratas tanto en la Asamblea como en el Senado; sin embargo, necesita el apoyo del alcalde para progresar.

En torno a los asuntos políticos, el Líder de la Mayoría del Senado Joseph Bruno (R-Rensselaer) está a la defensiva, ya que enfrenta indagaciones en sus finanzas. Así que es posible que no traigan tanto peso sus repetidas instrucciones de que el comité de vivienda del Senado ni siquiera considere proyectos de ley en pro de inquilinos. El senador John Bonacic, quien representa los condados de Sullivan, Delaware y Ulster, ha señalado su preocupación sobre las indagaciones y puede ser más receptivo en este momento a una muestra de buen gobierno, lo que puede incluir que su comité de Vivienda, Construcción y Desarrollo de Comunidades realmente considere un proyecto de ley en pro de los inquilinos.

Sin embargo, nada de todo esto sucederá sin el activismo de los inquilinos: cartas, correos electrónicos, llamadas de teléfono y visitas a todos nuestros representantes legislativos.

Students Declare Columbia Campus Lawn "Blighted"

By Kenny Schaeffer

Members of the Columbia University Student Coalition on Expansion and Gentrification (SCEG) staged a rally and press conference on Feb. 19 in which they mocked Columbia's threat to use eminent domain to gain complete control over an 18-acre portion of West Harlem to make way for a new satellite campus.

Calling themselves the Universal Institute for the Public Good, the students condemned a portion of the campus lawn as "blighted" for "unsanitary, ill-maintained conditions, and chronic under-use."

"The Institute believes that their plan for the construction of a gazillion dollar Center for Research on the Alleviation of the Negative and the Promotion of the Positive, Broadly Construed, will revitalize this defunct area," the students said in a statement. "The Institute welcomes any input or concerns that current under-users and contaminators may have, and recommends that they contact Nobody Jones of the Institute's Office of Goodness between 28 and 29 o'clock every Moosday and Lunday."

The parody drew support from community residents as well as substantial media attention, including the *Daily News*, *amNew York*, *Metro*, WINS radio, and the campus newspaper, the *Spectator*. The humor of the event had a serious message: That a growing number of students have serious concerns about Columbia administrators' plans to bulldoze a portion of Harlem for the university's expansion, while other needs and commitments go unmet.

"The administration contends that this expansion will help Columbia compete with peer elite institutions," explained Rowan Moore Gerety, a college senior and SCEG member, "but in a number of important ways, the university is ignoring issues that matter to students." He cited three examples: developing an ethnic-studies curriculum, environmental stewardship—New York University is converting to 100% wind-generated power—and switching financial aid from loans to grants, so that students who don't come from affluent families aren't burdened with heavy debt.

In an effort to force long-term community tenants and businesses out of the expansion zone (125th to 133rd Streets, Broadway to 12th Avenue), Columbia recently paid for a study by the Empire State Development Corporation to determine whether the area can justifiably be declared "blighted," a necessary step before the state can use its power of eminent domain. This power evolved as a means to take private property for public purposes—two early examples were the creation of railroad rights-of-way and the preservation of the Gettysburg battlefield as a national monument—but in recent years, it has been expanded to allow taking property for private development projects. "Blighted" traditionally means dangerous and unhealthy, but the definition has been stretched to include "underutitilized," i.e. having unrealized development potential. The community in question, the West Harlem neighborhood known as Manhattanville, strongly resents Columbia's characterization of their area as "blighted."

Other aspects of Columbia's plan have provoked equal concern. A foreseeable consequence of a new satellite campus would be secondary displacement in the surrounding community, which is already occurring. The huge former Mitchell-Lama building at 135th Street and Broadway has a new owner charging market-rate rents, and north of that, speculators including Pinnacle and Extell have bought up entire blocks in anticipation of the coming "boom."

Local Community Board 9 has proposed an alternative development plan, known as "197-a," which includes a major affordable-housing component. "We want to talk about affordable housing," university spokeswoman Laverna Fountain told *Metro* on Feb. 20, "and these are things we are doing in private." One thing the university got caught "doing in private" was negotiating with the city about how to displace TIL tenants in the expansion zone who are slated to own their homes as low-income cooperatives.

Another major concern is military and biohazardous research in the area. In 2003, the state Department of Health announced that Columbia had been selected as one of the leaders of the Northeast Biodefense consortium. The university has stated that it does not intend to do military research, but it was heavily involved in it during World War II and the Vietnam war.

In order to fund its 30-year, $7 billion expansion plan, late last year Columbia announced a $4 billion capital campaign seeking donations from alumni. But a new group of "Concerned CU Alumni" is pledging not to contribute to Columbia until the university becomes a good neighbor, removes the threat of eminent domain to displace existing tenants and businesses, and agrees to work within the parameters of CB 9's 197-a plan.

As Columbia's plan moves through the required environmental and land-use processes, local elected officials could be important players in counterposing the community's needs to the university's powerful private interest. Thus far, community members are disappointed in the lack of leadership shown by several of their representatives, but the outreach continues.

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.

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.

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 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.

Mitchell-Lama

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many rent-increase applications under Mitchell-Lama) and would no longer be subject to a hearing process before the state Division of Housing and Community Renewal or the city Department of Housing Preservation and Development. Instead, rents would go up automatically according to the RGB guidelines, which means they would double in about 15 years. This would not apply to buildings with "236" mortgages from the federal Department of Housing and Urban Development.

Mitchell-Lamas built from 1974 on would go into rent stabilization on leaving the program—a very important change. Right now, buildings built in 1974 or later go to market rate if they're taken out of Mitchell-Lama, and tenants, except for those in "236" buildings and those who have negotiated landlord assistance plans, lose virtually any protections they have. So this part of the bill is very good.

Tenants in buildings built from 1974 on would also be protected from "unique or peculiar circumstances" increases. Under rent-stabilization law, landlords claim that just leaving Mitchell-Lama is a "unique" condition that permits them to raise rents beyond what the law would otherwise allow. Every owner who has taken *pre-1974* developments out of Mitchell-Lama and into rent stabilization since 2005 has demanded increases to market rate. (For tenants, "unique or peculiar" is an acronym for landlords forcing rents UP.) But the Lopez bill does *not* protect tenants in those earlier buildings from "unique or peculiar" increases. That could be easily changed if the construction date of buildings protected by the bill were deleted.

Under the bill, Section 8 enhanced-voucher rents would stay at the same level. Currently, tenants in Mitchell-Lama leaving the program may apply for "enhanced Section 8 vouchers" if their building had a "236" federal mortgage subsidy. Those vouchers allow qualified tenants to pay either 30 percent of their income or their last Mitchell-Lama rent (including surcharges), whichever is higher, and the federal government pays the landlord the difference between that and the market rent. The bill would keep what the tenant pays in those apartments at that rent level.

But all tenants in 236 buildings that leave the program *would have to apply* for enhanced vouchers *or else*. Under the bill, if a tenant fails to apply for an enhanced voucher, fails to apply for certification, or violates one of the rules for enhanced vouchers, the rent on that apartment will go to full market rate, and it will not be eligible for rent stabilization as long as that tenant lives there. After that tenant moves out, the apartment will become rent-stabilized.

The bill would also continue some tax breaks for landlords under certain circumstances. And tenant associations that "negotiated" under DHCR pressure and signed a settlement would be stuck. This proposed law would not apply where the tenants' association and the building owner have already reached an agreement. The bill is *not* retroactive, so it would not affect any post-1973 developments that have already left Mitchell-Lama.

Among the other bills introduced is A. 352, by Assemblymember Jonathan Bing (D-Manhattan) This bill takes up the slack about "unique or peculiar," and is short and clear: It would simply eliminate "unique or peculiar" increases for all pre-1974 buildings when they leave Mitchell-Lama and enter rent stabilization. For simplicity — and to increase its chances of getting passed — it would *not* protect buildings built from 1974 on.

A. 353, introduced by Assemblymember Bing and nine others, would establish procedural barriers for co-ops to leave Mitchell-Lama. So co-ops could not leave Mitchell-Lama unless two-thirds of the apartments agreed when their shareholders voted in person, with only one vote per apartment, regardless of how many shares that apartment holds, or how many shareholders there are for that apartment. It would bar absentee or proxy ballots for a vote on leaving Mitchell-Lama except where DHCR or HPD permits it, and that may be with special forms of ballots. The other cosponsors are Lopez and Assemblymembers Michael Benedetto, Michael Benjamin, and Aurelia Greene of the Bronx; Steven Cymbrowitz of Brooklyn; Deborah Glick and Alexander "Pete" Grannis of Manhattan; J. Gary Pretlow of Mount Vernon; and the late John W. Lavelle of Staten Island.

Two other bills pending are A. 793, a short bill sponsored by Assemblymember Lopez that would extend the time that developments must remain in Mitchell-Lama before they can be privatized, to 50 years from the current 20, and A. 797, which would require owners to give one year's notice to all tenants of their intent to leave Mitchell-Lama. HPD already requires such notice, and DHCR has, as a policy matter, sometimes required it. But this would make it law.

Finally, some tenant advocates are endorsing the idea of a simple bill that would put all buildings that leave Mitchell-Lama under rent stabilization with no "unique or peculiar" increases, regardless of when they were built. This would require amending the Private Housing Finance Law, Section 35—the section that deals with "dissolution" (dissolving the limited profit housing company, or "buying out" of the Mitchell-Lama program). Such a bill has the verbal support of Assemblymember Bing, and has been proposed to other Democratic tenant supporters in both the Assembly and the Senate, but it would need the Mayor's support to go anywhere.

As a political matter, state Senate Majority Leader Joseph Bruno (R-Rensselaer) is on the defensive, facing investigation into his finances. So his repeated instructions that the Senate's housing committee not even consider pro-tenant bills may carry less weight. Senator John Bonacic, who represents Sullivan, Delaware, and Ulster counties, has indicated concern about the investigation and may be more open at this moment to a show of good government, and that could include his Committee on Housing, Construction and Community Development actually considering a pro-tenant bill.

But none of this will happen without tenant activism: letters, e-mail, telephone calls and visits to all our legislative representatives.

Complaint Numbers

To reach the Department of Housing, Preservation and Development's Central Complaints hotline, call 311.

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

Mitchell-Lama Conference Draws Packed House

Manhattan Borough President Scott Stringer and the Mitchell-Lama Residents Coalition held a conference on Mitchell-Lamas on March 3. Held in a theatre at John Jay College, it was packed to the rafters, with several would-be attendees turned away by the fire marshal.

Speakers included Rep. Charles Rangel, Assemblymembers Vito Lopez and Jonathan Bing, City Comptroller William C. Thompson, Jr., City Council Speaker Christine Quinn, Councilmember Gale Brewer, and state housing Commissioner Deborah VanAmerongen.

VanAmerongen said that she and Gov. Eliot Spitzer want to stem the rising tide of Mitchell-Lama buyouts. She stressed the "three Cs": coordination among all the agencies holding Mitchell-Lama mortgages; collaboration among the city, state, and federal agencies supervising Mitchell-Lamas; and creativity in maintaining the affordability of the state's assets.

In particular, she noted that the Housing Finance Administration, headed by Priscilla Almodovar, is planning $50 million to help fund loans that could keep developments in Mitchell-Lama. But neither VanAmerongen nor Deputy Commissioner David Cabrera were specific about other policy matters, and neither of them addressed the issue of "unique or peculiar " rent increases.

Comptroller Thompson cited a long string of figures of loss—almost 1/4 of affordable housing units have been lost, another 13,000 on their way out, and another 17,000 who have filed notice to leave the program. He said the state should enact legislation to refinance mortgages and put all buildings leaving Mitchell-Lama into rent stabilization without "unique or peculiar" increases; that the federal government should work to save existing homes, and the city should work with financial programs and unions to produce more Mitchell-Lama housings and establish a new Mitchell-Lama program.

In a spirited speech, Rita Popper of the PIE coalition talked about protecting tenants from massive rent increases, providing incentives for owners to stay in the program—which would cost less than building all-new developments—and enforcement. Housing and mortgage agencies should not permit landlords to buy out of the program if they are in violation of the law, regulations, or individual agreements, she said.

"Who is he kidding?!" she said of Mayor Bloomberg's talk about preserving affordable housing.

Both Popper and Quinn said that repealing the Urstadt Law, the law that denies New York City control over rent regulation and eviction protections, is urgent. Popper also advocated repealing the state's vacancy-decontrol law.

One tenant panelist noted that when buildings leave the Mitchell-Lama program, the owners often reap a windfall profit (particularly in co-ops). She urged that there be a stiff tax on these windfall profits to deter privatization, and got an enthusiastic response from the audience, many of whom were tenants wearing "No to Privatization" buttons.

— *Sue Susman*

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

HUD Halts Starrett City Sale

Citing housing-code violations in buildings the prospective buyer owns, federal housing Secretary Alphonso R. Jackson has halted the proposed sale of the Starrett City complex in Brooklyn.

In a letter issued on March 1, Jackson told the would-be buyers, a real-estate group headed by David Bistricer, that they had not provided a comprehensive plan explaining how they would keep the complex "a viable community for New Yorkers of modest means."

The group, Clipper Equity, had bid $1.3 billion for the 5,881-apartment complex by the Belt Parkway in southeast Brooklyn. That price, about $220,000 per unit, raised severe doubts about whether the new owners would or could keep the buildings affordable for the current tenants and people like them. Most of the 14,000 residents earn less than $40,000 a year.

Because many Starrett City tenants receive federal housing subsidies such as Section 8, the Department of Housing and Urban Development had leverage to stop the sale. HUD's official reasons were violations at Flatbush Gardens, another Brooklyn apartment complex owned by Bistricer, and past financial irregularities, but the department also came under heavy pressure from local politicians. State Attorney General Andrew Cuomo released documents listing more than 8,000 violations in the 71 buildings Bistricer owns and noting that a court had barred him from converting rental buildings, while Jackson told the *Daily News* that Rep. Edolphus Towns "must have called me 150 times."

"I'm so happy to know that they have understood our plight and have gone along with us," Starrett City Tenants' Association president Marie Purnell told the *News*. "I also think we need to keep our feet on the ground and see what happens next."

Mass Eviction

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tent and purpose of the rent-stabilization law. That owners can take "one or more" apartments, he contends, "does not mean landlords can evict a whole building and leave it vacant for years."

Meanwhile, the Economakises took advantage of the decision to serve eviction notices on two of the nine remaining tenants in the building. Five have eviction cases already pending in Housing Court, and Dobkin says he expects the other two to receive notices any day. The five pending proceedings have been stayed until the appeal is resolved, and Dobkin says he will ask to have the new cases stayed as well.

The owners are also renovating the building, combining four of the vacant apartments into a triplex. The triplex is illegal, says tenant David Pultz, but the Economakises have tried to circumvent Buildings Department regulations by offering amended versions of their Alteration 2 permit, intended for ordinary apartment renovations, instead of applying for the Alteration 1 permit required for more intensive reconstruction such as a triplex. In the last year, the Buildings Department has issued four stop-work orders on the building, two for the triplex and two because there wasn't proper safety netting to protect tenants and neighbors from construction debris falling off the roof.

Fumes from polyurethane in the apartments being renovated have been hell on the tenants' lungs, says tenant Ursula Kinzel, and the landlords have refused to open windows or use extractor fans while applying it. The Economakises also installed five surveillance cameras in the building, she adds, and converted the front-door lock to one opened by electronic card keys. When Kinzel asked for an extra key so she could have one for house guests, Alistair Economakis sent her a letter saying she could have one temporarily—if she paid a $15 deposit and provided the name of her guest at least five days in advance.

"It's really getting horrible to live here," she says, "but that's the plan."

Hotline Volunteers Needed!

Our phones are ringing off the hook! Met Council is looking for people to counsel tenants on our hotline. We will train you! The hotline runs on Mondays, Wednesdays and Fridays from 1:30-5 p.m. If you can give one afternoon a week for this crucial service to the tenant community, call Jenny at (212) 979-6238 x3.

Have a question about your rights?

Our phones are open to the public Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

We can briefly answer your questions, help you with organizing or refer you to other help.

212-979-0611

WHERE TO GO FOR HELP

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

CHELSEA COALITION ON HOUSING
Covers 14th St. to 30th St., 5th Ave. to the Hudson River.
322 W. 17th 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 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.,
537 W. 156th 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

Senior and Disabled Tenants

Seniors, 62 or older, in rent-regulated, Mitchell-Lama and some other housing programs whose disposable annual household income is $26,000 or less (for last year) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE). Apply to:
The NYC Dept of the Aging
SCRIE Unit
2 Lafayette Street, NY, NY 10007.

Disabled tenants receiving eligible disability-related financial assistance with incomes of $17,580 or less for individuals and $25,212 or less for a couple facing rents equal to or more than one-third of their income may be eligible for the Disability Rent Increase Exemption (DRIE). Apply to:
NYC Dept. of Finance
DRIE Exemptions
59 Maiden Lane - 20th floor
New York, NY 10038

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

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