METROPOLITAN COUNCIL ON HOUSING
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Tenant Inquilino

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Metropolitan Council on Housing
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PERIODICAL

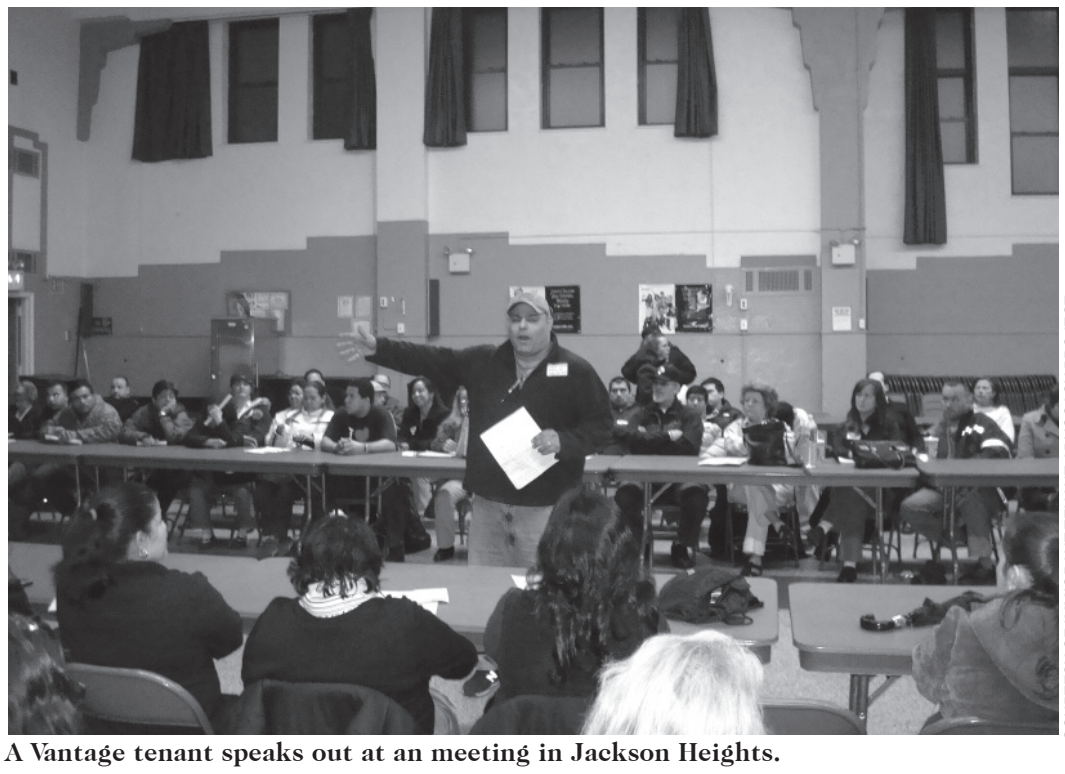
Queens Tenants Rise Up Against Predatory Equity

By Robert McCreanor

In September 2005, the Catholic Migration Office of the Brooklyn-Queens R.C. Diocese launched its Immigrant Tenant Advocacy Project. Focusing initially on the neighborhoods of western Queens, ITAP sought to address chronic substandard housing conditions in predominantly immigrant communities through organizing and affirmative litigation.

Within months of beginning work, ITAP's founding attorney became immersed in tenant-initiated code enforcement proceedings against notorious slumlord Nicholas Haros. Representing large groups of Haros's tenants in Sunnyside, Woodside, Elmhurst, Jackson Heights, and Corona, ITAP made progress in improving living conditions for tenants who had long suffered under the neglect and abuse of a landlord rated as one of the city's ten worst.

Three years later, the entire Haros Queens portfolio, which includes an estimated 50 buildings containing approximately 2,500 rent-regulated apartments, has been sold to Vantage Properties LLC, a new breed of landlord backed by private equity investment and securitized mortgages. Following a pattern established by similarly financed corporate landlords like Pinnacle and Dawney Day, Vantage has quickly acquired nearly 10,000 units of rent-regulated housing in upper Manhattan and western Queens. It has a publicly stated plan of generating unprecedented profit through vacating large percentages of units and "raising rents to market levels."



COURTESY OF IMMIGRANT TENANT ADVOCACY PROJECT

A Vantage tenant speaks out at an meeting in Jackson Heights.

Vantage's first foray into Queens was its October 2006 acquisition of the Nathan Katz portfolio, approximately 30 buildings containing over 2,000 units of rent-regulated housing. Alarmed by the magnitude of Vantage's appetite for affordable housing in Queens, ITAP surveyed certain of the former Katz properties and discovered that within a year Vantage had succeeded in evicting almost 30 percent of the tenants living in those buildings. Not surprisingly, the displaced tenants were disproportionately recent immigrants and lower-income families.

Frightened by the prospect of Vantage carrying out the same business plan

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Cleaning Up an Agency and an Accident

By Liz Krueger

In my East Side and midtown Manhattan district you will find giant cranes and new high-rise buildings on nearly a third of the densely populated blocks—the same blocks that on March 8 experienced the tragic crane accident that claimed seven lives and left scores injured and displaced from their homes.

Since then, people in my community have been asking about how an accident of this nature could happen, what we need to do to protect workers and residents, and why the frequency of these incidents seems to be escalating. Of course, we have now learned that whatever caused the crane to topple, we cannot rely on the city Department of Buildings' system of inspection. At least one of its inspectors admitted he didn't show up for the inspection.

The Problem

Our city's approach to construction approvals and safety has been fundamentally flawed since changes made by the Giuliani administration. Because of a lack of enforcement by the Department of Buildings, along with an extremely hot real-estate market, many developers and their contractors ignore safety requirements, disregard building codes, and violate zoning laws.

For too many years, the city has understaffed the agencies charged with oversight, has had an ineffective penalty and deterrence model, and has allowed the development and construction industry to police itself.

Either our inspection and safety protocols are wrong, the people charged with carrying them out have failed at their jobs—as was clearly the case here!—or both. There must be changes from the top down, starting with the resignation of Buildings Commissioner Patricia Lancaster. The department does not have a centralized database for tracking or correlating information between stop-work orders, violations, and enforcement outcomes.

Some State Solutions

One of the biggest problems facing safe development today is the department's self-certification process. It initiated self-certification in 1995 to help ease a permit backlog. The practice allows architects and engineers to confirm that their plans comply with applicable laws, rather than submit plans to department inspectors. Almost half of the new building permits issued in 2006 and 2007 were self-certified.

While I don't question that the majority of architects and engineers are professionals who would not make false certifications, the city's agency charged with ensuring the public's safety cannot continue to abdicate its responsibility. A 2003 city comptroller's audit found that 67 percent of the self-certified construction plans it looked at had errors.

The Department of Buildings must immediately end self-certification for the construction of all high-rise buildings. These projects are radically more complex and risky than the construction of smaller buildings or single-family homes.

Since the city has been resistant to mandating

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INSIDE THIS ISSUE!

Albany Reform Day Set for April 29

By Jenny Laurie

No tenant has to be reminded that the New York State Legislature throws out all democratic principles when it comes to rent regulations. The state Senate has been especially problematic for tenants for decades. While most tenants are hoping that the Democrats will take the Senate in the November elections, a better long-term fix for the housing needs of low, moderate and middle-income people is to make the legislature more democratic—and more responsive to taxpaying constituents than to donation-making landlords.

The real-estate industry contributes millions of dollars to legislators' campaign funds so that no tenant-protection legislation can get passed ($10 million in 2006, according to followthemoney.org). And any individual elected official who tries to do the right thing for his or her constituents is stymied by the leadership system in Albany—known as "the three men in a room."

To combat these problems, Common Cause is joining with other good-government groups for a Reform Day in Albany on April 29. The Brennan Center for Justice at New York University's School of Law, NYPIRG (New York Public Interest Research Group), and Citizen Action will all be participating. The Reform Day will focus on many possible fixes. The three that would help tenants most are described below.

Ending the absolute control held by the legislative leaders. While there have been some good changes in the Assembly, the Senate has gotten worse, according to a recent Brennan Center report. That report says "leadership has maintained near-total command over legislative resources, allocating funds based on loyalty and party affiliation rather than objective criteria such as member responsibility and district size." The suggested fix includes strengthening standing committees and allowing rank-and-file members to get a vote or a hearing on an issue or a bill in spite of the chair's opposition.

Nonpartisan redistricting. Anyone who thinks gerrymandering is a thing of the past needs only to look at the Senate's district maps. Republicans did some creative drawing after the last census to protect their incumbents, specifically Frank Padavan and Serphin Maltese in Queens and Guy Velella in the North Bronx. Met Council Vice Chair Kenny Schaeffer joked that Velella's district ended up looking like "a lobster shaking hands with a very surprised cat." (On the other hand, the map couldn't help Velella after he was jailed on bribery charges; a Democrat won his seat in 2004.)

Campaign finance reform Citizen Action has an excellent proposal for publicly financed elections ("'Clean Elections' Would Help Tenants," Feb. 2008 Tenant/Inquilino). The Reform Day in Albany will champion that proposal and stricter regulation of donations.

To join Common Cause for its Reform Day in Albany on April 29, contact Chris Keeley at ckeeley@commoncause.org or (800) 300-8707.

Who Decides Your Rent?

The New York City Rent Guidelines Board, a nine member body chosen by they mayor, votes every year on the increases for the city's rent stabilized tenants. Think rents are too high? Come to the Board meetings and hearings, and let the board members hear your story.

Public Meetings - 2008 Schedule

Tuesday, March 25
9:30 to 12 noon

Tuesday, April 15
9:30 to 12 noon

Tuesday, April 29
9:30 to 12 noon

Friday, May 2
9:30 am to 5 pm

Monday, June 3
9:30 to 12noon

These meetings of the Rent Guidelines Board are open to the public and are held in Spector Hall in the Dept of City Planning at 22 Reade Street in Manhattan. You can only speak at the Public Hearings listed below.

Public Hearings and Votes

Preliminary Vote—Monday, May 5
5:30-9:30 pm/Cooper Union, 7 E 7th St, Manhattan

Public Hearing—Wednesday, June 11
4pm to 10pm/NYC College of Technology, 285 Jay St, Brooklyn

Public Hearing—Monday, June 16
10am-6pm/Cooper Union, 7 E 7th St, Manhattan

Final Vote—Thursday, June 19
5:30-9:30 pm/Cooper Union, 7 E 7th St, Manhattan

For more information: Met Council on Housing, 212-979-6238 x204; active@metcouncil.net; www.metcouncil.net

The NYC Rent Guidelines Board has the right to change the schedule. To confirm dates, call the Board at 212-385-2934 or check the RGB website at www.housingnyc.com. You can call the Board to register to speak at the Public Hearings after May 5.

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.

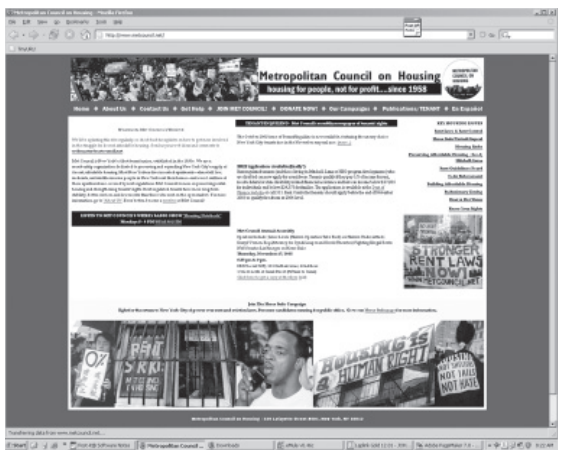
For more information call 212-979-6238

Visit Met Council's Website 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

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EDITOR
Steven Wishnia

PRODUCTION/DESIGN
John M. Miller

TRANSLATION
Vajra Kilgour/Lightning Translations

STAFF
Morton Banks, Julian Friedman, Don Gillilland, Jeanne Harroo, Monroe Head, Esther Joselson, Rosel Lehman, Marie Maher, Anne Moy, John Mueller, Anita Romm, Shirley Small, Ann Towle, Leah Wolin

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EL INQUILINO HISPANO

Para limpiar una agencia y un accidente

Por Liz Krueger
Traducido por Lightning Translations

En mi distrito del East Side y el centro de Manhattan se encuentran grúas gigantescas y nuevos edificios de muchos pisos en casi un tercio de las cuadras con una alta densidad de población: las mismas cuadras que el 8 de marzo sufrieron el trágico accidente de grúa que les costó la vida a siete personas y dejó a veintenas heridas y desplazadas de sus hogares.

Desde entonces, la gente en mi comunidad se ha estado preguntando cómo un accidente de esta naturaleza podía suceder, qué tenemos que hacer para proteger a los trabajadores y residentes y porqué la frecuencia de estos incidentes parece seguir aumentando vertiginosamente. Por supuesto, ya hemos aprendido que sea lo que fuera la causa de la caída de la grúa, no podemos fiarnos en el sistema de inspección del Departamento de Edificios (Department of Buildings) municipal. Al menos uno de sus inspectores admitió que no había acudido a la inspección.

El Problema

La manera en que nuestra ciudad aborda las aprobaciones de construcción y seguridad ha sido fundamentalmente deficiente desde los cambios hechos por el gobierno de Giuliani. A causa de la falta del Departamento de Edificios de hacer cumplir las normas, junto con un mercado extremadamente acalorado de bienes raíces, muchos especuladores y sus contratistas hacen caso omiso de los requerimientos de seguridad y de los códigos de construcción e infringen las leyes de zonificación.

Por demasiados años, la ciudad no ha contratado a suficiente personal en las agencias encargadas de la vigilancia, ha tenido un modelo ineficaz de castigos y disuasivos y ha permitido que la industria de desarrollo y construcción se vigile a si misma.

O son equivocados nuestros protocolos de inspección y seguridad, o los encargados de llevarlos a cabo han fracasado en su trabajo (¡como claramente era el caso aquí!), o los dos. Hay que hacer cambios desde arriba hacia abajo, empezando con la dimisión de la Comisaria de Edificios Patricia Lancaster. El departamento no tiene archivos centralizados para rastrear o correlacionar información entre los resultados de las órdenes de suspensión de obras, de infracciones y de la aplicación de las normas.

Algunas soluciones estatales

Uno de los problemas más grandes que enfrenta hoy el desarrollo seguro es el proceso de autocertificación del departamento. La ciudad promovió la autocertificación en 1995 para ayudar a disminuir atrasos de permisos. La práctica permite a los arquitectos e ingenieros confirmar que sus planos cumplen con las leyes pertinentes, en vez de entregarlos a inspectores del departamento. Casi la mitad de los nuevos permisos de construcción emitidos en 2006 y 2007 fueron autocertificados.

Mientras no dudo que la mayoría de los arquitectos e ingenieros son profesionales que no harían certificaciones falsas, la agencia municipal encargada de garantizar la seguridad del público no puede seguir renunciando a su responsabilidad. Una revisión del contralor municipal en 2003 halló que un 67 por ciento de los planos de construcción autocertificados que se había revisado tenían errores.

El Departamento de Edificios debe poner fin inmediatamente a la autocertificación para la construcción de todos los edificios de muchos pisos. Estos proyectos son radicalmente más complejos y arriesgados que la construcción de edificios más pequeños u hogares de una sola familia.

Ya que la ciudad se ha mostrado renuente a imponer requisitos más estrictos de seguridad y el departamento no ha avanzado por su propia cuenta, el estado puede tomar cartas en el asunto. He aquí sólo algunos de los proyectos de ley actualmente en el Senado y/o la Asamblea:

- Aumentar los castigos y sanciones profesionales para los que muestren tendencias a infringir las normas, los requisitos de seguridad y las leyes de zonificación.
- Requerir que el departamento inspeccione otra vez las

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

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

Tipo de Contrato	*Renta Legal Actual*		*Contrato de 1 Año*	*Contrato de 2 Años*
Renovación del Contrato	Todos		3%	5.75%
Contratos para Apartamentos Vacíos	Más de $500	Incrementos por desocupación cobrados en los últimos 8 años	17.25%	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 17.25%	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	17.25% + $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	17.25% o $100, lo que sea mayor	20% o $100, lo que sea mayor
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 17.25%, o $100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o $100, lo que sea mayor

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

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

Programa de Exención de Incrementos de Renta para las Personas de Mayor Edad Las personas de mayor edad con renta estabilizada (y los que viven en apartamentos de renta controlada, Mitchell-Lama y cooperativas de dividendos limitados), con 62 años o más, y cuyos ingresos familiares disponibles al año sean de $27,000 o menos (para 2006) y que paguen (o enfrenten un aumento de renta que les haría pagar) un tercio o más de aquel ingreso en renta pueden ser elegibles para una congelación de renta. Solicite a: NYC Dept of the Aging, SCRIE Unit, 2 Lafayette St., NY, NY 10007 o llame al 311 o visite su sitio Web, nyc.gov/html/dfta/html/scrie_sp/scrie_sp.shtml.

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

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

Exceso de cobro
Los inquilinos deben estar al tanto de que muchos caseros se aprovecharán de las complejidades de estas pautas y concesiones adicionales, además del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar una renta ilegal. Los inquilinos pueden impugnar los aumentos de renta sin autorización en las cortes o al presentar una impugnación con la agencia estatal de vivienda, la División de Vivienda y Renovación Comunitaria (Division of Housing and Community Renewal, DHCR). El primer paso en el proceso es ponerse en contacto con la DHCR para ver el registro oficial del historial de renta. Vaya a www.dhcr.state.ny.us 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

Casero de Kentucky procesado por alquilar a inmigrantes

Por Joe Catron
Traducido por Lightning Translations

La acusación formal federal del 29 de febrero en contra de los caseros en Kentucky William Jerry Hadden y Jamey Hadden pone en peligro tanto a caseros como a inquilinos en todo el país. Las 32 imputaciones, todas relacionadas con dar refugio a inmigrantes ilegales, alegan que entre 2000 y 2007 padre e hijo concientemente alojaron a 60 inquilinos indocumentados en sus dos bloques de apartamentos en Lexington. Si se les declara culpables, los dos enfrentan penas máximas de 20 años en la cárcel cada uno.

William Jerry Hadden se declaró no culpable el 7 de marzo y su juicio fue programado para el 12 de mayo. Su hijo, Jamey, todavía no ha aparecido en la corte, ya que actualmente vive en Vietnam.

"Nunca había oído sobre caseros a los que se hiciera responsables de rentar a extranjeros ilegales", Tucker Richardson, el abogado de Hadden padre, dijo al *Lexington Herald-Leader.*

Cori Hash, del Proyecto de los Derechos de Inmigrantes (Immigrant Rights Project) en la Clínica Legal de Maxwell Street en Lexington, dijo al *Herald-Leade*r que a ella las acusaciones le parecieron "espantosas. Cuando me enteré de ellas, quedé boquiabierta".

La acusación formal alega que Jamey Hadden "tradujo la solicitud de arrendamiento al idioma español para posibles inquilinos" y que los Hadden "cambiaron las funciones de trabajo de [sus empleados] para incluir alquilar apartamentos, mostrar apartamentos, cobrar la renta y abordar un amplio rango de asuntos relacionados con los inquilinos porque William Jerry Hadden no hablaba español".

La acusación levanta el espectro de que propietarios en mercados residenciales acalorados con regulaciones de renta puedan usar el miedo de la ley federal para desalojar a inquilinos. Un caso parecido está en las cortes de Nueva York. En 2007, Bae Cleaners, el nuevo dueño de un edificio en East Harlem, exigió que los inquilinos en dos apartamentos de renta estabilizada solicitaran sus contratos de arrendamiento de nuevo y presentaran sus números de Seguro Social. Los dueños sostuvieron que la posible presencia de inmigrantes ilegales les ponía en peligro bajo la misma ley federal empleada para formular la acusación formal en contra de los Hadden.

Los inquilinos en uno de los apartamentos se negaron a cumplir, y Bae Cleaners les dio un aviso de siete días para salir del apartamento. Ghita Schwarz, una abogada asociada con el Fondo de Defensa Legal y Educación Puertorriqueño (Puerto Rican Legal Defense and Education Fund), presentó una solicitud deorden judicial preliminar en contra del proceso de desalojo. Ella asevera que nada en el Código de los EE.UU. requiere que los caseros se informen sobre el estatus migratorio de sus inquilinos y que la ley municipal de derechos humanos lo prohíbe. Además, la Corte Suprema Estatal falló en 2005 que inquilinos actuales no tienen que otorgar sus números de Seguro Social a los caseros.

En un caso relacionado, la activista del medio ambiente y derechos humanos Bianca Jagger fue desalojada el 12 de diciembre de su apartamento de renta estabilizada en el Upper East Side. La División de Apelación de la Corte Estatal Suprema falló que su estatus migratorio, como portadora de una visa turística de seis meses, era inconciliable con el requisito de la Ley de Renta Estabilizada de que el apartamento fuera su residencia principal.

Sin embargo, el estatus migratorio de Jagger ya era de dominio público y nunca demostró que utilizara el apartamento como su residencia principal.

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infracciones peligrosas y las elimine, y aumentar significativamente la vigilancia de sitios en construcción, haciendo una prioridad la inspección de sitios con historiales de infracciones.

- Imponer líneas de responsabilidad claras para especuladores, contratistas y sus subcontratistas. En la caída de la grúa el 8 de marzo, el especulador dice que no es responsable porque contrató a otro para hacer la construcción, y éste a su vez subcontrató a una compañía de grúas. Las pautas actuales no son bastante claras, lo que conduce a litigaciones complejas con cada incidente que ocurre.

Nueva legislación puede otorgar más herramientas a nuestras agencias. Sin embargo, la ciudad tiene que hacer cumplir las leyes que ya existen y proveer al departamento los recursos que necesita para conducir inspecciones completas, dándolas prioridad según el tamaño del proyecto y los riesgos que trae consigo.

Aumentar los requisitos de la ciudad

Informes indican que la caída de la grúa pudo haber sucedido porque una correa utilizada para estabilizarla estaba dañada o raída y no pudo aguantar el peso. Mientras las fichas del Departamento de Edificios mostraron que el sitio, incluida la grúa, había sido inspeccionado poco antes del accidente, nos hemos enterado desde entonces que al menos, algunas de estas inspecciones no se llevaron a cabo.

Funcionarios municipales fueron llamados a averiguar quejas en el sitio. Al menos un inspector no acudió, pero entregó informes que indicaron que todo estaba bien. Aun suponiendo que otros sí acudieron como se les requería, ¿sabían qué buscar? ¿Vieron los problemas? ¿Comprobaron que las 14 infracciones de seguridad pendientes habían sido resueltas? Como dice Robert Guskind del sitio Web Gowanus Lounge, aun si el departamento "funcionara como una máquina bien aceitada que hiciera cumplir rigurosamente las normas de la ciudad, sus inspectores seguirían estando abrumados por la cantidad de construcción". Estoy de acuerdo.

En muchos casos, la respuesta de la ciudad a las infracciones ha sido algo como: "Ya pasó, así que no hay nada que podamos hacer". En el caso de la mayoría de los avisos de infracciones emitidos, el especulador aparece ante la Junta de Control del Medio Ambiente (Environmental Control Board). Sin embargo, a menudo la junta no ve las quejas durante meses, el especulador fácilmente puede hacer que las audiencias se pospongan y las multas suelen ser tan pequeñas que se consideran "el costo de hacer negocios". Las multas tienen que ser impuestas a tiempo y aumentar dramáticamente para servir como un disuasivo adecuado.

El papel del departamento

En diciembre, e*l Daily News* reportó que la Comisaria Lancaster había firmado una estipulación en la que prometió a un arquitecto acusado de infracciones en 32 sitios que no denunciaría las "fechorías alegadas a ningún organismo regulador", incluido uno que podía suspender su licencia.

En otro caso, se halló que un

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No se quede helado: ¡ORGANIZESE!

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!

Kentucky Landlord Indicted for Renting to Immigrants

By Joe Catron

The February 29 federal indictment of Kentucky landlords William Jerry Hadden and Jamey Hadden imperils both landlords and tenants nationwide. Its 32 counts, all related to the harboring of illegal immigrants, allege that the father and son knowingly housed 60 undocumented tenants in their two Lexington apartment complexes between 2000 and 2007. If convicted, each faces a maximum sentence of 20 years.

William Jerry Hadden pled not guilty on March 7 and his trial was scheduled for May 12. His son, Jamey, has not yet appeared in court, as he currently lives in Vietnam.

"I've never heard of local landlords being held accountable when the people they rented to were illegal aliens," Tucker Richardson, the elder Hadden's attorney, told the *Lexington Herald-Leader*.

Cori Hash, of the Immigrant Rights Project at Lexington's Maxwell Street Legal Clinic, told the *Herald-Leader* she found the charges "shocking. When I heard about it, my jaw dropped."

The indictment alleges that Jamey Hadden "translated the rental application for prospective tenants into the Spanish language," and that the Haddens "changed the job duties of [employees] to include renting apartments, showing apartments, collecting rent, and dealing with a wide range of tenant-related issues because… William Jerry Hadden did not speak Spanish."

The indictment raises the specter that owners in hot residential markets with rent regulations will use fear of the federal law to evict tenants. One such case is in the courts in New York. In 2007, Bae Cleaners, the new landlord of an East Harlem building, demanded that tenants in two rent-stabilized apartments reapply for their leases and submit Social Security numbers. The owners claimed that the possible presence of illegal immigrants jeopardized them under the same federal law used to indict the Haddens.

Tenants in one of the apartments refused to comply, and Bae Cleaners issued them a seven-day notice to leave. Ghita Schwarz, associate counsel at the Puerto Rican Legal Defense and Education Fund, filed for a preliminary injunction against the eviction proceedings. She is arguing that nothing in the U.S. Code requires landlords to inquire about tenants' immigration status, and the city human-rights law prohibits it. Moreover, the State Supreme Court ruled in 2005 that current tenants need not offer landlords their Social Security numbers.

In a related case, environmental and human-rights activist Bianca Jagger was evicted on December 12 from her rent-stabilized Upper East Side apartment. The State Supreme Court's Appellate Division found her immigration status, as the holder of a six-month tourist visa, incompatible with the Rent Stabilization Law's requirement that the apartment be her primary residence.

However, Jagger's immigration status was already public knowledge, and she never proved that she actually used the apartment as her primary residence.

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.

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especulador en Brooklyn tenía 48 infracciones en una sola urbanización, misma que había certificado con un cumplimiento de un 100 por ciento. El especulador del sitio del accidente de grúa tenía 14 infracciones. Aunque ninguna se consideró extremadamente grave, debe existir un calendario claramente definido durante el cual los especuladores tengan que poner sus sitios al tanto con el código o estarán forzados a detener su trabajo. Esto debe ocurrir dentro de unas horas, o a lo más tarde unos días, no meses o años.

Nueva York no debe aceptar un modelo de seguridad de construcción que dependa de que un vecino vea algo indebido y lo denuncie. El papel del departamento debe ser prevenir los problemas de antemano. Si la ciudad no puede proporcionar más dinero para personal, entonces se debe elevar el costo de los permisos lo suficiente como para proveer fondos para nuevos inspectores y un sistema de castigos más rápido. Un estudio llevado a cabo en 2002 por el entonces miembro de la Asamblea (ahora el presidente del condado de Manhattan) Scott Stringer reveló que la ciudad podía generar más de $10 millones al año para contratar a inspectores adicionales al realmente cobrar las multas impuestas por la Junta de Control del Medio Ambiente.

La falta de hacer respetar las normas, y de vigilancia y rendición de cuentas dentro del Departamento de Edificios permite evadir las leyes y códigos municipales y estatales a los especuladores y compañías de construcción que ponen sus ganancias por encima de la seguridad del público y de sus trabajadores.

Liz Krueger, demócrata, es una senadora estatal del East Side de Manhattan. Una versión más larga de este artículo apareció en inglés en la Gotham Gazette, *www.gothamgazette.com*.

Inquilinos de mayor edad y minusválidos

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

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

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

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

La información sobre DRIE y SCRIE está disponible en el sitio Web de la ciudad, www.nyc.gov, o llame a 311.

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!

Section 8 Discrimination Banned

By Kenny Schaeffer

On March 27, Justice Emily Jane Goodman of State Supreme Court ruled that landlords cannot discriminate against tenants with Section 8 vouchers by refusing to accept the subsidy. She invoked the law enacted by the City Council only the day before, when it overrode Mayor Michael Bloomberg's Feb. 29 veto by a vote of 44-7 and amended the city's Human Rights Law to prohibit discrimination based on source of income. Bloomberg had called the bill "a solution in search of a problem."

In *Gina Rizzuti and Beryl Isaacs v. Hazel Towers Co., L.P., Nelson Management, and the New York City Housing Authority*, two disabled Bronx tenants sued their landlord, who had refused to accept the Section 8 subsidies they had been awarded. The court ordered the landlord to either accept the Section 8 subsidy or be prohibited from collecting more than 30 percent of the tenant's adjusted gross income. The tenants were represented by Jonathan Levy of Legal Services for New York's Bronx office.

Section 8 is a federal subsidy which pays the landlord the difference between the official rent and 30 percent of the tenant's income. Launched under Richard Nixon, it was a way to provide affordable housing to low-income families by subsidizing the private sector, rather than providing direct public housing. For decades, it was a major contributor to rent escalation, because Section 8 rents were far above prevailing rents in low-income communities. For example, in Harlem, Section 8 rents were $1,200 or more in the early 1990s.

Because of the weakening of rent regulations, however, Section 8 rents are now often lower than what landlords can otherwise obtain. In addition, the program requires landlords to comply with federal housing-quality standards. For these reasons, which landlords call "bureaucratic obstacles," many owners have tried to "opt out" of Section 8 leases. Last year, in *Diamond Realty v. Rosario*, New York's highest court, the Court of Appeals, ruled unanimously that owners with rent-stabilized tenants receiving Section 8 cannot refuse to continue accepting the subsidies when the lease is renewed, because it is a term and condition of their tenancy.

In *Rizzuti v. Hazel Towers,* the tenants were disabled recipients of Social Security who would have had to pay more than half of their income in rent without Section 8. The landlords were hoping that if they could refuse the subsidy, the tenants would not be able to afford the rent and would leave or be evicted, and the vacant apartments could then be rented for much more.

In passing a ban on discrimination based on source of income, New York City joins Nassau County, Buffalo, Washington, and the states of California, Connecticut, Maine, Massachusetts, Minnesota, New Jersey, Utah, Vermont, and Wisconsin.

Atlantic Yards Foes Go to Supreme Court

Eleven Brooklyn tenants, homeowners and businesspeople slated to be forced out for the Atlantic Yards development filed a petition with the Supreme Court March 31. They are appealing a February lower-court decision that dismissed their challenge to the government seizing their blocks under eminent domain so developer Forest City Ratner can construct a basketball arena, office tower, and 16 high-rise apartment buildings.

The group contends that although a 2005 Supreme Court decision allows the use of eminent domain for "economic development," the Fifth Amendment prohibits the taking of property "under the mere pretext of a public purpose, when the actual purpose is to bestow a private benefit." Lawyer Matthew Brinckerhoff argues that because the area to be taken was selected by Ratner and then approved by the state government, instead of by a public, competitive process, "all of the traditional indications of a legitimate decision to take properties by eminent domain have been absent."

Meanwhile, Ratner told the *New York Times* last month that the bad economy and credit crisis are likely to delay most of the project. Ratner did not specify a time, but Atlantic Yards Report, opponent Norman Oder's blog, reported that a state funding agreement posted online last month gives the developer until 2019 to complete the first five residential buildings, originally expected to be finished by 2011. It said no deadline has been set for the other 11 apartment buildings, — the ones slated to contain most of Atlantic Yards' affordable housing.

NYC Rent Guidelines Board Adjustments
(Order No. 39)

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

Lease Type	*Current Legal Rent*		*One-year Lease*	*Two-year Lease*
Renewal Leases	All		3%	5.75%
Vacancy leases	More than $500	Vacancy allowance charged within last 8 years	17.25%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17.25%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than $300	Vacancy allowance charged within last 8 years	17.25% plus $100	20% plus $100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17.25% plus $100	0.6% times number of years since last vacancy allowance, plus 20% plus $100
	Rent $300 to $500	Vacancy allowance charged within last 8 years	17.25% *or* $100, whichever is greater	20% *or* $100, whichever is greater
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17.25%, *or* $100, whichever	0.6% times number of years since last vacancy allowance, plus 20%, *or* $100, whichever is greater

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

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

Senior Citizen Rent Increase Exemption Program Rent-stabilized seniors (and those living in rent-controlled, Mitchell-Lama, and limited equity coop apartments), 62 or older, whose disposable annual household income is $27,000 or less (for 2006) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a rent freeze. Apply to: NYC Dept. for the Aging, SCRIE Unit, 2 Lafayette St., NY, NY 10007 or call 311 or visit their Web site, *www.nyc.gov/html/dfta/html/scrie/scrie.shtml.*

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

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

Rent Overcharges
Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses—and the tenant's unfamiliarity with the apartment's rent history—to charge an illegal rent. Tenants can challenge unauthorized rent increases through the courts or by filing a challenge with the state housing agency, the Division of Housing and Community Renewal (DHCR). The first step in the process is to contact the DHCR to see the official record of the rent history. Go to *www.dhcr.state.ny.us* 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.

Paterson Takes Charge

Longtime Supporter of Tenants Becomes Governor

By Kenny Schaeffer

With the unexpected self-destruction of Eliot Spitzer after only 14 months as governor, David Paterson of Harlem was suddenly elevated from the obscurity of being lieutenant governor into the most powerful position in the state.

In his brief tenure, Spitzer and his staff took a number of steps to reverse the antitenant agenda of his predecessor, George Pataki, particularly in the policies of the state Division of Housing and Community Renewal. Under Commissioner Deborah Van Amerongen, DHCR has interpreted laws to be consistent with the goal of preserving affordable apartments, in such areas as "preferential rents," the fate of former Mitchell-Lama projects losing their rent protections, and killing a proposed revision of the rent-stabilization code which the Pataki administration had drafted in concert with landlords.

Paterson's initial weeks in office were focused on trying to hammer out a state budget as close as possible to the April 1 deadline, a task made difficult by the current economic downturn. While he has not yet launched any major policy initiatives, his early staffing decisions indicate that he will continue the improvements begun under Spitzer. His counsel will be Jim Yates, the highly regarded former counsel to the Assembly in the 1990s who has more recently served as a judge.

Paterson—the son of prominent Harlem politician Basil Paterson, a leader of the "Harlem Clubhouse" along with Charles Rangel, David Dinkins, and Percy Sutton—was elected in 1985 to the state Senate seat his father once held, and he became part of a progressive bloc that includes fellow Manhattan Democrats Liz Krueger, Tom Duane, and Eric Schneiderman.

Despite Paterson's clubhouse roots, state Sen. Bill Perkins, his successor in the Senate, says the new governor has exhibited "independence, broad vision and the courage of his convictions." Perkins expects Paterson to be better than Spitzer on housing issues, in part because the district he represented for 20 years, covering parts of Harlem, East Harlem, Washington Heights, Morningside Heights and the Upper West Side, is "ground zero for affordable housing gone bad," through vacancy decontrol, loss of Mitchell-Lamas, and the creation of market-rate housing.

Paterson has always been a steadfast supporter of affordable housing, tenant rights, and stronger rent regulations. In the 1980s, he was one of the strongest voices demanding that Columbia University divest its substantial investments in apartheid South Africa and be a good neighbor to the surrounding community. In 2005, he called on Pataki to impose a moratorium on the use of eminent domain to displace tenants and businesses for private development projects.

In 2003, in a surprise move supported by the Working Families Party and ACORN, Paterson was elected Senate minority leader, replacing Martin Connor, who was widely seen as ineffective in standing up to Republican Majority Leader Joseph Bruno. Three years later, Spitzer bucked Democratic insiders, including Basil Paterson, to name Paterson as his running mate.

Tenants have every reason to expect that as governor, Paterson will continue to be responsive to the need to preserve and expand the supply of affordable housing, including restoring New York City's home rule over rent regulation by repealing the 1971 Urstadt law. But as Perkins points out, tenants cannot sit back but must "get in the trenches, keep on struggling and organizing" against the powerful real-estate industry.

Although legally blind due to a childhood illness, Paterson has some sight, and he is also known for his wit. When asked at his first news conference as governor whether he had ever spent time in the company of prostitutes, he replied, "Only lobbyists." At a recent fundraiser for the tenants' political action committee Tenant PAC at Harlem Lanes, Paterson, bowling ball in hand, told the crowd that taking out Joe Bruno as majority leader "would be as easy as a blind man taking out these pins"—and then suddenly turned around and fired the ball down the center of the alley, taking out most of the pins.

JAMES LEWIS/UHAB

City Council Speaker Christine Quinn appears at a rally at City Hall March 13, celebrating the enactment of a law that lets tenants sue landlords in Housing Court for harassment.

Cranes

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stricter safety standards, and the department isn't moving forward on its own, there is a role for the state to play. Here are just some of the bills currently in the Senate and/or Assembly:

- Increase penalties and professional sanctions for those who show patterns of violating regulations, safety standards and zoning laws.
- Require the department to reinspect and abate hazardous violations and significantly increase the oversight of development sites, making it a priority to inspect sites with histories of violations.
- Mandate clear lines of responsibility for developers, contractors, and their subcontractors. In the crane collapse of March 8, the developer says that he is not responsible because he contracted out the construction, and that contractor in turn subcontracted to a crane company. The current guidelines are not clear enough, leading to complex litigation with each incident that occurs.

New legislation can provide more tools to our agencies. But the city needs to enforce the laws that are on the books and provide the department with the resources it needs to conduct full inspections, prioritizing them by the size of the project and the risks involved.

Raising the City's Standards

Reports indicate that the crane collapse may have happened because a strap used to stabilize the crane was damaged or frayed and could not bear the load. While Buildings Department records showed that the site, including the crane, had been inspected shortly before the accident, we have since learned that at least some of those inspections did not take place.

City officials were called in to inspect complaints on the site. At least one inspector failed to show up, but submitted reports that indicated everything was fine. Assuming others did show up as required, did they know what to look for? Did they see the problems? Did they cross-check to see if the 14 outstanding safety violations at the site had been resolved? As Robert Guskind of the Web site Gowanus Lounge says, even if the department "functioned like a well-oiled machine that rigorously enforced city regulations, its inspectors are still overwhelmed by the level of construction." I agree.

In many instances, the city's response to violations has been something like: "It's already done, so there is nothing we can do." In the case of most violations issued, the developer goes before the Environmental Control Board. However, the board often won't hear complaints for months, the developer can easily get hearings postponed, and the fines are usually so small that they are considered "the cost of doing business." Fines need to be enforced in a timely way, and dramatically increased to serve as an adequate deterrent.

The Department's Role

In December, the *Daily News* reported that Commissioner Lancaster had signed a stipulation promising an architect accused of violations at 32 sites that she would not report the "alleged misdeeds to any regulatory agency," including one that could revoke his license.

In another instance, a Brooklyn developer was found to have 48 violations from one development—the same development he certified at 100 percent compliance. The developer of the site of the crane accident had 14 violations. Though none were deemed extremely serious, there should be a clearly defined timeline during which developers must bring their sites up to code or be forced to stop their work. This must occur within hours, or at most days, not months or years.

New York should not accept a model of construction safety that relies on a neighbor seeing something wrong and reporting it. The role of the department should be to prevent problems beforehand. If the city is unable to provide more money for staffing, then the cost of permits must be raised enough to fund new inspectors and a faster penalty system. A study conducted by then-Assemblymember (now Manhattan borough president) Scott Stringer in 2002 revealed that the city could generate more than $10 million a year to hire additional inspectors by actually collecting the fines the Environmental Control Board issues.

The lack of enforcement, oversight, and accountability within the Department of Buildings allows those developers and construction firms who put profit before the safety of the public and their workers to shirk city and state laws and codes.

Liz Krueger, a Democrat, is a state senator from Manhattan's East Side. A longer version of this article appeared in the Gotham Gazette, www.gothamgazette.com.

Lower East Side Tenants Organize Against "Predatory Equity"

By Jenny Laurie

Westbrook tenants packed the community room of Perseverance House on East Fifth Street on the Lower East Side in late March to discuss ways to combat their new landlord.

The tenants, who had not been particularly thrilled with their previous landlord, Extell—which had bought about 20 buildings 18 months earlier—were very disturbed by the new Westbrook operation. "Initially, we were not sure if Westbrook would be any better or worse than Extell," said tenant leader Corey Green, "but almost as soon as the buildings were purchased, it became clear that Westbrook was going to play hardball."

Green said she and other tenants at 508 East 12th St. began experiencing a number of repair problems, including lack of heat and hot water. Westbrook often refused to accept rent from rent-stabilized tenants or told them that their payments had been lost, and it subjected them to extensive questioning about their identity and their right to apartments. Market-rate renters found that their leases were not renewed. Westbrook also installed a key-pad system, making tenants feel that they were constantly under surveillance.

"The tactics which Westbrook and their property management firm, PVE Property Management, have employed to harass the tenants have been pretty consistent throughout all the buildings," says Brandon Kielbasa, the Cooper Square Committee organizer who ran the meeting. Those tactics include "serving notices of non-renewal to almost every tenant who is up for renewal, mixups with rent payments or not accepting rent payments, noncompliance with repair requests, and no response to complaints about the abundance of construction and/or renovations in the buildings."

According to Kielbasa, the plan for the multibuilding meeting came to him after he began working with Westbrook tenants. He noticed that many tenants had been evicted or had moved out. "Several of the buildings owned by Westbrook (within the former Extell portfolio on the Lower East Side) had a turnover rate of about 40 percent, so that there are now only a few long-term tenants left in them," he says. "The tenants in the most severely affected buildings expressed a feeling of desperation when I suggested to them the idea of forming a tenants association within their individual buildings."

Cooper Square Committee and GOLES, which helped organize the meeting, are part of the Association for Neighborhood and Housing Development's campaign against what are now called "predatory equity" real-estate ventures. ANHD's David Shuffler spoke at the meeting to urge tenants to get involved in the campaign and said that the entire business strategy of real-estate investment funds such as Westbrook depends on displacing rent-regulated tenants. These funds make speculative, highly leveraged, purchases of rent-regulated buildings while promising returns of 20 to 30 percent to their investors. Those promises are based on an assumption that the company will be able to evict or drive out a high percentage of the current tenants, deregulate the apartments through renovations, and put in high-rent tenants, he explained.

The tone of the meeting turned angry when the discussion moved to how to stop the constant construction and apartment renovations in the buildings. Susan Stetzer, district manager of Community Board 3, bore the brunt of many frustrated tenants questioning the city Buildings Department's failures. They complained about ignored stop-work orders and construction work being done without proper permits.

"The construction continues to be a source of complaint for tenants," Corey Green says about her building. "Very dirty hallways. A lot of dust from the construction ends up in people's apartments." She summed up the feeling of many in the room when she said, "We feel we are being treated as though we are nuisances rather than as paying tenants."

Given the current state of the market and the aims of predatory-equity firms like Westbrook, these organized tenants are probably a lot more than nuisances.

Vantage

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in the former Haros buildings, ITAP quickly returned to its tenant leaders and organizers to warn of the danger. Shortly afterwards, Vantage confirmed tenants' fears by returning hundreds of rent checks, sending out termination notices, and initiating summary eviction proceedings against tenants.

Determined not to be harassed or intimated by this new Goliath, the Queens Vantage tenants have organized across the nearly 80 buildings in western Queens and have formed an alliance with Vantage tenants in Harlem and Washington Heights. Building on the organizing networks first developed in response to Haros's neglect of their buildings, the tenants have mounted an impressive campaign to stop Vantage. With legal assistance from the Legal Aid Society, the Queens Legal Services Corporation, and the Catholic Migration Office, they are asserting their defenses in holdover proceedings and combating harassment.

On April 12, the Queens Vantage tenants will gather to rally and protest against their landlord's efforts to deplete our affordable housing stock. To draw attention to the precarious financial underpinnings of Vantage's massive building acquisitions, they will peacefully demonstrate in front of Credit Suisse's corporate headquarters in Manhattan.

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

MIRABAL SISTERS
618 W. 142nd St., 212-234-3002
Saturdays..... 1 - 4 pm

PRATT AREA COMMUNITY COUNCIL
201 DeKalb Ave., Brooklyn,
718-522-2613 ext. 24
3rd Wednesday ..... 6 pm

VILLAGE INDEPENDENT DEMOCRATS
26 Perry St. (basement), 212-741-2994
Wednesdays ..... 6 pm

WEST SIDE TENANTS UNION
4 W. 76 St.; 212-595-1274
Tuesday & Wednesday ..... 6-7 pm

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

Senior and Disabled Tenants

Seniors, 62 or older, in rent-regulated, Mitchell-Lama and some other housing programs whose disposable annual household income is $27,000 or less (for the previous year) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE). Apply to:
The NYC Dept of the Aging
SCRIE Unit
2 Lafayette Street, NY, NY 10007.

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