



# Court Rules RGB 'Poor Tax' Illegal

By Kenny Schaeffer

As the city Rent Guidelines Board's 2010 season looms, with no sitting chairman following the resignation of Marvin Markus [see sidebar], rent-stabilized families scored a tremendous victory on January 22 when State Supreme Court Justice Emily Jane Goodman ruled in *Casado v. Markus* that the higher rent increase imposed by the RGB in 2008 and 2009 on long-term, low-rent households is illegal.

"Order No. 40 penalizes tenants for failing to move in a city that has virtually no affordable housing," Judge Goodman wrote.

The ruling means that about 300,000 tenants are entitled to rent rollbacks. While it is likely to be appealed, "we are really confident that the appellate courts will see things our way," declared Ellen Davidson of the Legal Aid Society's law reform unit, appearing on Met Council's WBAI radio show, "Housing Notebook," on Jan. 25.

The case affects the last two guidelines issued by the RGB. In June 2008, the board approved Order No. 40, for leases and renewals taking effect between Oct. 1, 2008 and Sept. 30, 2009. All tenants would face increases of 4.5 percent for a one-year lease renewal or 8.5 percent for two years, but tenants paying under \$1,000 a month who had lived in their apartment for at least six years would get a higher minimum increase: \$45 for one year or \$85 for two years.

"They called it a longevity supplement. We called it a poor tax," Davidson said. In June 2009, the RGB imposed another "longevity supplement" for 2009-10. Markus's rationalization was that it wouldn't be "fair" to tenants who took two-year renewals in 2009 if tenants who chose to take two one-year renewals paid only one poor tax.

*Casado v. Markus* was brought by the Legal Aid Society and South Brooklyn Legal Services on behalf of represen-

tatives of the class of tenants affected by the higher rent. They included Mercedes Casado, who faced an increase of 11.5 percent on the \$739.31 rent for the apartment she has lived in since 1992, and Paul Hertgen, a recently laid-off union truck driver facing a 12 percent increase on his \$685 Staten Island apartment.

Earlier versions of the "poor tax" under the Koch and Giuliani administrations applied specifically to apartments renting for under \$500. Prolonged opposition by Met Council and others led to its being shelved after 2000 until the Bloomberg-Markus board brought it back.

The City Council filed a friend of the court brief in *Casado v. Markus*, supporting the tenants' challenge. It said that creating separate categories of tenants is a legislative, not a judicial function under the 1974 Emergency Tenant Protection Act, and they could have exercised it had they wanted to. The Bloomberg

administration's corporation counsel, Michael Carodozo, responded that the state Legislature had curtailed the Council's power to legislate in this area in 2003, when it extended the 1971 Rockefeller-Urstadt law removing New York's home rule over rent and

eviction laws. That opinion likely reflects the mayor's position, as he appointed Markus and all the RGB members who imposed the poor tax. (Bills are pending in the Legislature to restore home rule and to

*continued on page 6*

## Good Riddance to Markus

Tenants have been calling for Marvin Markus's replacement ever since Mayor Bloomberg appointed him RGB chair in March 2002. Markus, a Goldman Sachs executive, acquired the nickname "Marvin Markup" when he headed the RGB early in the Koch administration. During his prior tenure, the RGB imposed the highest increases in the history of rent stabilization. From 1979 to 1981, the board's guidelines allowed increases of 12 percent to 14 percent on a two-year lease, plus vacancy surcharges of up to 15 percent. Increases for a one-year lease topped 10 percent in 1980 and 1981.

Under Bloomberg, he showed no understanding of or support for the rent-stabilization law he was charged with enforcing—its purpose to protect some 2.5 million New Yorkers living in stabilized apartments from unaffordable rents.

In May 2009, Markus told the *New York Observer* that he favors complete vacancy decontrol. He would replace rent regulation with a system in which the government pays a subsidy for an undefined category of eligible low-income tenants, financed by a "rent tax" on everybody else.

# Vantage Disadvantage Lawsuits Bite Predatory-Equity Landlord

By Manuel Castro

Vantage Properties LLC, one of the city's most notorious predatory-equity landlords, has been hit with four lawsuits alleging that it harassed tenants and charged them illegally high rents.

On Jan. 28, the state Attorney General's office informed Vantage President Neil Rubler that it intended to file a suit to stop the company's "unlawful deceptive and harassing practices."

Vantage, one of the private-equity firms that entered the city's real-estate market during the housing bubble, has purchased more than 125 buildings since March 2006, in Queens, Harlem, and Washington Heights. Those buildings contain more than 9,500 apartments, almost all of them rent-stabilized. The company's efforts to drive out longtime tenants have

earned it the nickname "predatory equity."

"Vantage's ability to satisfy its projected profits largely depends on its ability to evict rent-regulated tenants and raise rents to market levels," Alphonso B. David, head of the office's Civil Rights Bureau, wrote in a letter to Rubler. "As a result, Vantage aggressively attempted to force out long-term tenants by serving baseless legal notices and commencing frivolous Housing Court eviction proceedings."

Tenants in 3495 Broadway have filed another three suits, accusing Vantage of failing to maintain the building, fraudulently claiming that tenants were paying "preferential rents" lower than the legal rent, and trying to intimidate legitimate tenants out of their apartments.

Vantage Management

Services LLC acquired the 10-story building, on the corner of Broadway and West 143<sup>rd</sup> Street, in March 2007. Conditions in it "deteriorated really quickly," says Irma Bonetti, head of the tenants association. "The building got really dirty. We would try to call the office and would get no response. Shortly after Vantage purchased the building, they fired the super we had and replaced him with a new person. He would say that none of the things that we asked for were his job. We would ask for repairs, and he would say 'I can't fix that. It's not my job.' We've dealt with no heat, no hot water, the elevators stopped working, garbage was left on the floors and never picked up. Rats started running around in the building hallways."

Organizers from the

Mirabal Sisters Cultural and Community Center began working with the tenants. In 2008, the tenants, represented by the Urban Justice Center, filed a suit in Housing Court seeking an order to appoint a 7A administrator to manage the building. That administrator would take over collecting rents and would use the money to provide essential services to the tenants and make necessary repairs.

The second suit from 3495 Broadway was filed in August 2009, on behalf of 13 tenants in the building. It seeks to have Vantage renew leases in accordance with preferential-rent agreements signed with the previous owner between 2000 and 2006.

"Preferential rent" is one of the more complicated areas of New York's rent

*continued on page 5*

## INSIDE THIS ISSUE!

- Assembly OKs AIDS Rent Cap ..... pg. 2
- El Inquilino Hispano ..... pg. 3
- Met Council's Annual Assembly ..... pg. 6
- Boston Resists Evictions ..... pg. 7

# Assembly Approves Rent Cap for Fixed-Income People with AIDS

By Jennifer Flynn Walker

**C**herone Whitehead has been in New York City's homeless-shelter system three times. She had an apartment and, because she is living with AIDS, she was participating in a program that helped her pay the rent. Yet she was evicted several times for failure to pay rent because she simply didn't have enough money.

In a city with over 35,000 low-income people living with AIDS, there is not enough supportive housing for all who need it. Whitehead now has an apartment in Crown Heights that she calls "great"—but she is paying more than 80 percent of her income towards the rent. If she lived in nonprofit-run housing, the city would have capped her rent at 30 percent of her income.

The first bill passed by the state Assembly this year attempts to remedy that situation. It would protect the over 11,000 New Yorkers living with AIDS who receive veterans' benefits or Social Security insurance or disability payments (SSI or SSD) from paying more than 30 percent of their income for rent. Popularly known as the "No More Than 30 Percent Towards Our Rent" bill, it was approved by an 82-54 vote. The state Senate passed the companion bill by a 52-1 vote in the final hours of last year's session (after a 4 a.m.

speech by Senator Tom Duane). It is expected to pass again this session, and Governor David Paterson has stated several times that he will sign it.

"This bill moves these low-income New Yorkers in the HIV/AIDS Administration (HASA) program under the same protection that exists in other comparable low-income housing programs, such as Section 8," stated Assemblymember Deborah J. Glick (D-Manhattan), the bill's lead sponsor.

People living in affordable-housing programs such as Section 8 or public housing do not have to pay more than 30 percent of their income for rent. But without such protection, some New Yorkers living with AIDS have been required to pay more than half of their income towards rent. This leaves them with \$340 a month to cover all other expenses, including food, medicine, subway fare, and basic toiletries. Advocates have long pointed out that this legislation would save New York money currently spent on paying rent arrears and other costs related to increased homelessness.

"Especially during these difficult economic times, we must protect out most vulnerable citizens," Assembly Speaker Sheldon Silver (D-Manhattan) said in a

statement. "This legislation will keep those on fixed incomes living with HIV/AIDS from being priced out of affordable housing and ending up in emergency housing where their health and safety would be at risk."

"We are so grateful to the members of the New York State Assembly for sending the strong

message that housing saves lives and that the lives of people living with AIDS lives matter. For many of us, this bill that could be the difference between a house or the street, medication or rent, or life and death," said Wanda Hernandez, a board member of the New York City AIDS Housing Network.

## Senior and Disabled Tenants

Seniors, 62 or older, in rent-regulated, Mitchell-Lama and some other housing programs whose disposable annual household income is \$29,000 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 Finance  
SCRIE/DRIE Exemption  
59 Maiden Lane - 20<sup>th</sup> floor, New York, NY 10038

Disabled tenants receiving eligible disability-related financial assistance with incomes of \$19,284 or less for individuals and \$27,780 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  
SCRIE/DRIE Exemption  
59 Maiden Lane - 20<sup>th</sup> floor, New York, NY 10038

DRIE and SCRIE info is available on the city's website [www.nyc.gov](http://www.nyc.gov), or call 311.

## WRITE for 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 x207



Scott Sommer hosts Met Council's

# HOUSING NOTEBOOK

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

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

**SUPPORT LISTENER SUPPORTED WBAI PUBLIC RADIO**



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

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

EDITOR  
Steven Wishnia

PRODUCTION/DESIGN  
John M. Miller

TRANSLATION  
Vajra Kilgour/Lightning Translations

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

Articles, letters, artwork and photographs are welcome.

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

Metropolitan Council on Housing, founded in 1958, is incorporated as Met Council, Inc., a membership organization dedicated to decent, affordable, integrated housing.  
[www.metcouncil.net](http://www.metcouncil.net)

ISSN-1536-1322 ©2009

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

for information about:

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

and much more!

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



# EL INQUILINO HISPANO

## La Corte decide que el “impuesto de pobres” de la RGB es ilegal

Por Kenny Schaeffer

Traducido por Lightning Translations

Al acercarse la temporada de 2010 de la Junta de Regulación de Renta (Rent Guidelines Board, RGB) municipal, sin un presidente sentado después de la dimisión de Marvin Markus (vea el artículo acompañante), las familias con el alquiler estabilizado ganaron una tremenda victoria el 22 de enero cuando la jueza de la Corte Suprema Estatal Emily Jane Goodman decidió en el caso *Casado v. Markus* que el aumento de alquiler más alto impuesto en 2008 y 2009 para las familias con alquileres bajos que han vivido en sus apartamentos por mucho tiempo es ilegal.

“La Orden No. 40 castiga a los inquilinos por no haberse mudado en una ciudad que virtualmente no cuenta con vivienda asequible”, escribió la jueza Goodman.

La decisión significa que alrededor de 300,000 inquilinos tienen derecho a una reducción de sus alquileres. Aunque es probable que se apele, “estamos muy seguros de que las cortes de apelación van a ver las cosas de la misma manera que nosotros”,

declaró Ellen Davidson de la unidad de reforma de leyes de la Sociedad de Ayuda Legal (Legal Aid Society) al salir en el programa radial de Met Council, “Cuaderno de Vivienda” (Housing Notebook) el 25 de enero.

El caso afecta al menos las dos últimas pautas emitidas por la RGB. En junio de 2008, la junta aprobó la Orden No. 40, para contratos y renovaciones de contrato que entraron en vigencia entre el 1o de octubre de 2008 y el 30 de septiembre de 2009. Todos los inquilinos enfrentarían aumentos de un 4.5 por ciento por una renovación de contrato de un año o un 8.5 por ciento por dos años, pero los inquilinos que pagaban menos de \$1,000 al mes y habían vivido en sus apartamentos por al menos seis años tendrían un aumento mínimo más alto: \$45 por un año u \$85 por dos años.

“Lo llamaron un suplemento de longevidad. Nosotros lo llamamos un impuesto de pobres”, dijo Davidson. En junio de 2009, la RGB impuso otro “suplemento de longevidad” para 2009-10. La expli-

cación de Markus fue que no habría sido “justo” para los inquilinos que optaron por una renovación de contrato de dos años en 2009 si los inquilinos que optaron por dos renovaciones de un año pagaron un solo impuesto de pobres.

La Sociedad de Ayuda Legal y los Servicios Legales del Sur de Brooklyn (South Brooklyn Legal Services) entablaron *Casado v. Markus* de parte de representantes de la clase de inquilinos afectados por el alquiler más alto. Ellos incluyeron a Mercedes Casado, quien enfrentó un aumento de un 11.5 por ciento del alquiler de \$739.31 por el apartamento en el que ha vivido desde 1992, y Paul Hertgen, un conductor de camiones agremiado dado de baja del trabajo, quien enfrentó un aumento de un 12 por ciento en su apartamento de \$685 en Staten Island.

Versiones anteriores del “impuesto de pobres” durante los gobiernos de Koch y Giuliani se aplicaron específicamente a los apartamentos que se alquilaban por menos de \$500. La oposición prolongada de Met Council, en-

tre otros, condujo a que se lo desechara después de 2000, hasta que la junta Bloomberg-Markus lo impuso de nuevo.

El Concejo Municipal presentó un escrito “amigo del tribunal” en *Casado v. Markus*, para apoyar la impugnación de los inquilinos. El escrito dijo que crear categorías distintas de inquilinos es una función legislativa, no judicial, bajo la Ley de Emergencia para la Protección de Inquilinos (Emergency Tenant Protection Act) de 1974, y que la hubieran ejercido si hubieran querido hacerlo. El asesor legal corporativo del gobierno de Bloomberg, Michael Cardozo, respondió que la legislatura estatal había restringido el poder del Concejo para legislar en esta área en 2003, cuando extendió la ley Rockefeller-Urstadt de 1971 que quitó la autonomía de Nueva York en torno a las leyes de alquiler y desalojo. Esta opinión probablemente refleja la posición del alcalde, ya que él nombró a Markus y todos los miembros de la RGB que im-

*pasa a la página 4*

## Los Ajustes de la “Junta de Regulación de Renta” de la Ciudad de Nueva York (Orden No. 41)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2009 hasta el 30 de septiembre de 2010.

### 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 periodo de las pautas.

Tipo de Contrato		Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años
Renovación del Contrato	Todos	casero abastece la calefacción	3%	6%
		inquilino paga la calefacción	2.5%	5%
	Salvo donde el último contrato del apartamento vacío se firmó 6 o más años atrás y la renta es menos de \$1,000	casero abastece la calefacción	30	60
		inquilino paga la calefacción	25	50
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 un 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, +17% + \$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, más 17%, o \$100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, más 20%, o \$100, lo que sea mayor

### Las unidades desvanes

Los aumentos legalizados para unidades de desván son un 3 por ciento por un contrato de un año y 6 por ciento por dos años. No se permiten incrementos para las unidades de desván vacías.

### Hoteles y SROs

4.5% para todas categorías, sin embargo, 0% cuando menos de un 85% de las unidades sean ocupadas por inquilinos permanentes de renta regulada.

### 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

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 tal 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](http://www.nyc.gov/html/dof/html/property/property_tax_reduc_drie.shtml)

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

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

**"impuesto de pobres"**

viene de la página 3

pusieron el impuesto de pobres. (Hay proyectos de ley pendientes en la Legislatura para restaurar la autonomía y revisar el proceso de nombramiento de la RGB para incluir la participación del Concejo).

La ciudad ha declarado su intención de apelar la decisión, que significaría que podría pedir una suspensión de la decisión.

La decisión en un caso de Long Island en julio de 2008, *NYC Tenants & Neighbors v Nassau Co. RGB*, en la que la División de Apelación, 2o Departamento, decidió que una diferenciación similar entre clases de inquilinos excedió la autoridad de la junta de renta de Nassau, reforzó la posición de los inquilinos de la Ciudad de Nueva York en este caso.

Que empiecen las reducciones

La orden de la jueza Goodman anuló los dos impuestos de pobres de 2008 y 2009. Esto significa que los inquilinos que firmaron

renovaciones de contratos en o después del 1o de octubre de 2008 basadas en el aumento más alto tienen derecho a una reducción. Se supone que esto afectará a alrededor de 300,000 familias, quienes pueden recuperar desde \$36 millones hasta \$100 millones, según los cálculos de Ayuda Legal.

Cuando la RGB vota sobre las pautas de 2010-11 este junio, tendrá que tomar en cuenta una reducción para los inquilinos afectados o estar en desacato de la orden judicial.

*Ya que el desenlace final de este caso no estará seguro hasta que se completen las apelaciones, los inquilinos que han firmado, o a los que se ha ofrecido, renovaciones del contrato con los aumentos incorrectos deben firmar las renovaciones del contrato y pagar los aumentos hasta nuevo aviso, en vez de exponerse a una demanda legal por falta de pago del alquiler.*

**En buena hora nos libramos de Markus**

Los inquilinos han reclamado la sustitución de Marvin Markus desde que el alcalde Bloomberg le nombró como presidente de la RGB en marzo de 2002. Markus, un ejecutivo de Goldman Sachs, se ganó el apodo "Marvin el Recargador" (Marvin Markup) cuando encabezó la RGB a principios del gobierno de Koch. Durante su anterior ejercicio del oficio, la RGB impuso los aumentos más altos en la historia de la estabilización de alquileres. Desde 1979 hasta 1981, las pautas de la junta permitieron aumentos de un 12 por ciento a un 14 por ciento por un contrato de renovación de dos años, además de sobreimpuestos en viviendas disponibles que alcanzaron hasta un 15 por ciento. Aumentos por un contrato de renovación de un año excedieron un 10 por ciento en 1980 y 1981.

Durante el gobierno de Bloomberg, Markus no mostró comprensión ni apoyo alguno para la ley de estabilización, que fue encargado de hacer cumplir: su propósito de proteger de alquileres inasequibles a alrededor de 2.5 millones de neoyorquinos que viven en apartamentos estabilizados.

En mayo de 2009, Markus dijo al *New York Observer* que él favorece el total descontrol de viviendas disponibles. Sustituiría la regulación de alquileres con un sistema en el que el gobierno pagara subvenciones por una categoría indefinida de inquilinos de bajos ingresos que llenaran los requisitos, financiadas por un "impuesto de alquiler" para los demás.

Defendió la imposición de altos aumentos generales en medio de una bonanza de bienes raíces, al decir que su método fue hacer caso omiso de la gran mayoría de edificios cuyos propietarios gozan de ganancias récords para enfocarse en los pocos que pudieran no hacerlo.

"Generalmente no nos preocupamos de conjunto con los edificios que 'funcionan'", dijo al *Observer*. "Nos preocupamos de conjunto con asegurarnos que los edificios que se hallan en la categoría de estar en malas condiciones, o casi no funcionan, tengan ingresos."

**Más de 100 personas llenan la asamblea anual de Met Council**

Por Steven Wishnia  
Traducido por Lightning Translations

Una grande y enérgica multitud de más de 100 personas llenaron la asamblea anual de Met Council, que se celebró en una sala de reuniones del sindicato Trabajadores Automovilísticos Unidos (United Auto Workers) en Manhattan el 14 de enero.

El senador estatal Tom Duane habló sin rodeos del hecho de que el senado estatal no promulgó proyectos de ley a favor de los inquilinos, después del "golpe" del junio pasado. "Albany fue especialmente horrible este año", dijo a la reunión. "Fallamos a ustedes absoluta y totalmente. Estoy furioso, y ustedes deben estar furiosos también".

Duane dijo que puede aprovecharse de nuevas normas del senado para poner proyectos de ley a favor de los inquilinos sobre la mesa sin la aprobación del liderazgo democrata. Aun si no se aprueban las medidas, dijo, la votación forzará a los adversarios a revelarse y tomar una posición que se puede usar en su contra. Otra táctica que los legisladores a favor de los inquilinos pueden usar es bloquear otros proyectos de ley hasta que el senado apruebe la autonomía para la Ciudad de Nueva York en torno a las regulaciones de alquiler.

Nada de esto sucederá, dijo, sin presión por parte de los inquilinos y sus defensores. "Lo siento", dijo para disculparse. "Tendrán que ir a Albany con más frecuencia".

Sobre asuntos locales, el recién elegido miembro del Concejo Municipal Brad Lander dijo que sus prioridades más importantes incluyen restaurar los 3,000 vales de Sección 8 que el gobierno de

Bloomberg suspendió en diciembre, prohibir desalojos en masa para el uso del casero y aumentar la cantidad de vivienda subvencionada con fondos del erario público que se ofrece a inquilinos de bajos y moderados ingresos, como por ejemplo al hacer aprobar \$400 millones en subvenciones de impuestos 421a que se prometieron para construir viviendas para personas de bajos ingresos. También dijo que estaba dispuesto a romper con los protocolos del Concejo y votar en contra de la rezonificación para ciertos proyectos de construcción aun cuando el miembro local del Concejo los apoye.

La noche llegó a su fin con la elección de 17 personas a la junta directiva de Met Council. Los siete miembros nuevos son: **Arun Aguiar**, antiguo empleado del Departamento de Preservación y Desarrollo de Vivienda (Department of Housing Preservation and Development), actualmente un voluntario activo en WBAI-FM; **David Brown**, un voluntario en Met Council desde hace años; **Joe Catron**, antiguo organizador de Met Council; **Cathy Grad**, una abogada de inquilinos desde hace años; **Jenny Laurie**, antigua directora ejecutiva de Met Council, actualmente directora asistente en el City-Wide Task Force on Housing Court; **Michael McKee**, un organizador veterano y director ejecutivo de la coalición de Vivienda Aquí y Ahora (Housing Here and Now); y **Seth Miller**, también un abogado de inquilinos desde hace años.

**No se quede helado: ¡ORGANÍZASE!**



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

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

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

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

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

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

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

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

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

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

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

## Vantage

continued from 1

regulations. Before 2003, landlords who rented apartments for less than the maximum allowed by rent stabilization were not allowed to end that discount when the tenant renewed their lease. In 2003, the state changed the law, saying that the preferential rent would be locked in only if the lease specifically said so.

The suit alleges that Vantage took advantage of the fact that all of the tenants were Spanish speakers, with a limited understanding of English, to get them to sign leases without the clause preserving the preferential rent. The negotiations were conducted in Spanish, but the leases were in English. Vantage and the prior owner had previously told tenants that they were only required to pay the lower rent and that the legal rent would not affect them in any way.

According to court papers, Vantage used this ruse to raise rents by more than 50 percent, such as from \$1,000 to \$1,800 or from \$1,300 to \$2,175.

Last October, tenants, represented by Manhattan Legal Services, filed a third suit. This one alleged that Vantage was harassing them by filing baseless and frivolous court actions, charging them for rent that was already paid, threatening them with evictions, and denying them basic services.

In one case, Vantage sent threatening letters to an elderly woman in a rent-controlled apartment, telling her she had a \$3,000 balance. The tenant has sent multiple letters with copies of her rent payments to the landlord, but the rent demands and threats of legal action continue.

Another tenant was told that she owed rent for May 2007. She paid to run a trace on the money order to prove that she had sent in her rent for that month. The threats continued, so she paid Vantage the May rent for a second time that August, mailing it in with a letter asking that it be refunded if the trace proved that the rent she paid in May had been received. The trace eventually showed that Vantage had cashed her earlier money order, but when she provided them this information on three occasions, they refused to acknowledge it and have neither refunded the money nor adjusted her rent bill.

Vantage also tried to evict tenants on the grounds that the apartment was not their primary residence or that they did not have the right to take over the lease.

"These are people who have lived there for decades," says Irma Bonetti. "This is a very nerve-racking experience for people that age. They even locked us out of our own building. One day they changed the locks to the front gate in the middle of the day, and none of the tenants had been given new keys. The manager stayed around for a few hours at the front entrance and would stop tenants who tried to come into the building, ask for photo ID, and

check to see if they were on a list that he had with him. If the person wasn't on his list, he wouldn't allow them to enter the building, and he would harass them. After a certain hour, the manager left. If you didn't arrive home by the time he left, you wouldn't get a key."

The Vantage experience was little better for market-rate tenants. Mari Hayman, a journalism student at New York University, moved into a three-bedroom apartment with her brother and a roommate in July 2008, paying \$2,800. A year later, their rent was raised by 14 percent, to \$3,200. Last November, they filed an overcharge complaint.

When the ceiling collapsed in their bathroom, she says, Vantage just patched over the leak that caused it with drywall, doing that three times before they finally rebuilt the wall. Still, Hayman says, "at least repairs happen, shoddy as they are. I know that's not the case with some of the rent-regulated tenants who live above and below us. They wait for repairs to happen that never do."

One elderly tenant in the lawsuit pays \$593.15 a month rent, and another pays \$868.77. Both are on the SCRIE program for low-income seniors who pay more than one-third of their income in rent.

The Attorney General's office alleges that these practices were part of Vantage's business model. "The investigation found that a major component of Vantage's business and management strategy is to generate substantial tenant turnover by serving Golub notices and commencing eviction proceedings against rent-regulated tenants. Once units become vacant, Vantage's business plans call for massive renovations, which allow Vantage to charge substantially higher rents under applicable rent regulations," the office's letter to Neil Rubler stated.

"Golub notices" are letters telling tenants that the landlord is not renewing their lease. According to Attorney General's office, Vantage's reports to investors and business plans stated that the company's goal was to "generate unit turnover through active management of the Golub program" and that "our legal efforts are starting to bear fruit."

In one case, the office says, Vantage tried to evict an elderly woman who'd lived in her apartment for 20 years by saying that it was not her primary residence. The Attorney General's office said that eviction attempt "was premised on false and deceptive allegations."

Vantage tried to evict another tenant three times in one year, twice accusing him of not paying rent that he had already paid, and once charging that the apartment was not his primary residence. The man had lived there for 14 years before Vantage acquired the building.

Another tactic the company used was to accuse tenants of hav-

ing a primary residence at another address—"when the alternative addresses were in fact the tenants' addresses prior to moving into the Vantage property. Such notices were served despite Vantage's possession of the accurate information in tenant files, as well as public database reports."

"In the beginning, there were people who were so afraid that they considered moving," says Irma Bonetti of 3495 Broadway. "We formed a tenants association and explained to the tenants that Vantage trying to scare them into moving from their apartments. Some people did leave, and some people didn't. The people who are still here refuse to budge. They're not going to kick us out. I grew up in this building. They're not going



An ad for Vantage at a bus stop on Broadway outside Columbia University.

to convince me to get out."

Manuel Castro is an organizer at Mirabal Sisters. Mario Mazzoni and Steven Wishnia contributed to this article.

## 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!

## Over 100 Pack Met Council's Annual Assembly

A large and energetic crowd of more than 100 people packed Met Council's annual assembly, held in a United Auto Workers meeting hall in Manhattan on Jan. 14.

State Senator Tom Duane spoke bluntly about the state Senate's failure to enact pro-tenant bills after last June's "coup." "Albany was particularly horrible this year," he told the gathering. "We absolutely and totally let you down. I'm furious, and you should be too."

He said that he might take advantage of new Senate rules to bring pro-tenant bills to the floor without the approval of the Democratic leadership. Even if the measures are defeated, he said, a vote will smoke out opponents, forcing them to take a stand that can be used against them. Another tactic pro-tenant legislators might use is blocking other bills until the Senate passes home rule for New York City on rent regulations.

None of this will happen, he said, without pressure

from tenants and their supporters. "I'm sorry," he apologized. "You'll have to come up to Albany more."

On local issues, newly elected Brooklyn City Councilmember Brad Lander said his top priorities include restoring the 3,000 Section 8 vouchers terminated by the Bloomberg administration in December, banning mass owner-use evictions, and increasing the amount of publicly funded housing that goes to low- and moderate-income tenants, such as by putting through \$400 million in 421a tax subsidies promised for low-income housing. He also said he was willing to break Council protocol and vote against rezoning for certain developments even when the local Councilmember supports it.

The evening ended with the election of 17 people to Met Council's board of directors. The seven new members are:

**Arun Aguiar**, a former Department of Housing Preservation and Development staffer and a volun-

teer at WBAI-FM; **David Brown**, a longtime Met Council volunteer; **Joe Catron**, a former Met Council staff organizer; **Cathy Grad**, a longtime tenant lawyer; **Jenny Laurie**, former Met Council executive director, now assistant director at the City-Wide Task Force on Housing Court; **Michael McKee**, a veteran organizer and head of the Housing Here and Now coalition; and **Seth Miller**, also a longtime tenant lawyer.



Six of the seven new Met Council board members. From left, Michael McKee, Jenny Laurie, Cathy Grad, Joe Catron, Seth Miller, and Arun Aguiar.

STEVEN WISHNIA

## NYC Rent Guidelines Board Adjustments (Order No. 41)

for Rent Stabilized Leases commencing Oct. 1, 2009 through Sept. 30, 2010  
Order No. 40, covering leases commencing prior to October 1, 2009,  
is available at <http://www.metcouncil.net/campaigns/RGB.htm>

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	All...	landlord supplies heat	3%	6%
		tenant pays for heat	2.5%	5%
	Except where last vacancy lease was 6 or more years ago and rent is below \$1000	landlord supplies heat	\$30	\$60
		tenant pays for heat	\$25	\$50
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 a rent-stabilized tenant a renewal lease 90 to 120 days before the expiration of the 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, the tenant has 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 per-

cent 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 \$29,000 or less (for 2007 tax year) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a rent freeze. *Apply to:* NYC Dept. for the Aging, SCRIE Unit, 2 Lafayette St., NY, NY 10007 or call 311 or visit their Web site, [www.nyc.gov/html/dfta/html/scrie/scrie.shtml](http://www.nyc.gov/html/dfta/html/scrie/scrie.shtml).

**Disability Rent Increase Exemption Program** Rent-regulated tenants receiving eligible disability-related financial assistance who have incomes of \$18,396 or less for individuals and \$26,460 or less for a couple and are facing rents equal to more than one-third of their income may be eligible for a rent freeze. *Apply to:* NYC Dept. of Finance, DRIE Exemptions, 59 Maiden Lane, 20th floor, New York, NY 10038. Call 311 for an application or go to the Web site at [www.nyc.gov/html/dof/html/property/property\\_tax\\_reduc\\_drie.shtml](http://www.nyc.gov/html/dof/html/property/property_tax_reduc_drie.shtml).

### Loft Units

Legalized loft-unit increases are 3 percent for a one-year lease and 6 percent for two years. No vacancy allowance is permitted on vacant lofts.

### Hotels and SROs

4.5% for all categories, however, 0% when fewer than 85% of units are occupied by permanent, rent-regulated tenants.

### Rent Overcharges

Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses—and the tenant's unfamiliarity with the apartment's rent history—to charge an illegal rent. Tenants can challenge unauthorized rent increases through the courts or by filing a challenge with the state housing agency, the Division of Housing and Community Renewal (DHCR). The first step in the process is to contact the DHCR to see the official record of the rent history. Go to [www.dhcr.state.ny.us](http://www.dhcr.state.ny.us) or call (718) 739-6400 and ask for a detailed rent history. Then speak to a knowledgeable advocate or a lawyer before proceeding.

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



State Senator Tom Duane, right, addresses the meeting.

MARIO MAZZONI

## RGB

continued from 1

revise the RGB selection process to include Council input.)

The city has announced its intent to appeal, which would mean it could ask for a stay.

New York City tenants' position in this case was bolstered by the July 2008 decision in a Long Island case, *NYC Tenants & Neighbors v Nassau Co. RGB*, in which the Appellate Division, 2d Department, ruled that a similar differentiation between classes of tenants exceeded the Nassau rent board's authority.

### Let the Rollbacks Begin

Judge Goodman's order struck down both the 2008 and the 2009 poor tax. It means that tenants who signed leases on or after Oct. 1, 2008 based

on the higher increase are entitled to a rollback. This is expected to affect some 300,000 families, who stand to recover \$36 million to \$100 million, according to an estimate by Legal Aid.

When the RGB votes on the 2010-11 guidelines this June, it will have to factor in a rollback for affected tenants or be in violation of the court's order.

*Because the ultimate outcome of this case will not be clear until any appeals are completed, tenants who have signed or have been offered renewals with the improper increases should sign their lease renewals and pay the increases until further notice rather than risk being sued for nonpayment.*

# Fighting on Frontlines of the Foreclosure Crisis Citizens Take on the Monster Banks

By Steven Wishnia

East Boston is one of those urban neighborhoods that is easy to pass through and hard to get to. It's separated from downtown Boston by a river, bisected by two tunnels and a freeway, and hemmed in by Logan Airport on the east. Sonny Noto's restaurant is a reminder of the days when it was heavily Italian, but it's now overwhelmingly Latino, mostly Mexican, Salvadoran, and Colombian immigrants, their desires for ice cream and cumbia CDs catered to by the Heladeria al Jardin and El Poder Musical.

East Boston has been hard hit by foreclosure. More than 400 buildings there have been foreclosed, says Dominic Desiata, a community organizer for City Life/Vida Urbana. He estimates that out of a population of 40,000 people, 500 to 700 have faced eviction because of foreclosures.

Unlike the rest of the country, most of the victims of foreclosure in the Boston area are renters. Steve Meacham, a longtime City Life/Vida Urbana organizer, estimates that three-fourths of the people facing eviction in foreclosed properties are tenants.

"The foreclosure crisis is mainly affecting the three-decker," says Zoe Cronin, an attorney with Greater Boston Legal Services, referring to the three-story, three-apartment wood buildings that are urban New England's iconic working-class housing.

But Boston has also seen a strong campaign against foreclosure evictions. Combining grass-roots organizing, legal action, political and media pressure on the banks, and eviction-day sit-ins, it's so far been able to keep dozens of people in their homes.

"We've kept many, many people in their apartments," says Desiata. "We don't want to be displaced at the right price. We want to stay and keep the community together."

The banks, he says, don't want to renegotiate mortgages, and want the buildings vacant once they've been foreclosed. So they have to be pressured to let residents stay and pay rent, or to sell the building at the current appraised value instead of the housing-bubble mortgage value.

## Canvassing

Salvadoran immigrant Alfredo Martinez became an organizer with City Life/Vida Urbana two years ago, when he was fighting eviction. A short, stocky, engaging man in a brown outdoor-work jacket and a baseball cap, Martinez first came to the United States in 1973 and settled in East Boston after several trips back and forth. He's worked in restaurants and construction, as a bricklayer, tiler, and plasterer.

In 2007, Citizens Bank foreclosed on Martinez's landlord, and then moved to evict him. He got

a Legal Services lawyer to contest the eviction on the grounds that the building needed repairs. Eventually, he won a \$12,500 settlement and the right to stay, signing a lease with the new owner, although his rent was raised to \$900 and he's still trying to get repairs done.

Now he spends Saturday afternoons canvassing East Boston. Organizers—mostly tenants who have fought their own evictions—trek through the neighborhood in pairs, knocking on the doors of recently foreclosed buildings to try to get the residents to join the movement against displacement.

On Brooks Street, a toddler peers out the window of a two-story clapboard home. Someone immediately pulls the curtains shut. A lot of immigrants have *miedo*—fear—of strangers, Martinez explains; they're scared that outsiders could be immigration agents or police.

The upstairs apartment has five names listed on the mailbox, a common sight in the neighborhood. That's nothing, Martinez says. He once lived in a house with 24 people.

No one is home at the next building, on Lexington Street. On Marion Street, the three-decker of beige clapboards and stone facing already has a padlock on the front door. The white three-decker on Prescott Street has a for-sale sign. A real-estate Web site says a two-bedroom condo in the building sold for \$100,800 in March and \$83,605 in October, slightly below the average for the area.

The last block of Putnam Street slopes sharply down to the waterfront, overlooking the gas tanks across the river. The white clapboard house with the archetypal New England greenish-black shutters is obviously vacant. The mailbox is stuffed and the front door is open. The only signs of habitation inside are an old couch, an embossed-plastic picture of Jesus on the cross, and the drum pads from a Guitar Hero video game. The building across the street has a for-sale sign, broken brick steps, and a backwards swastika spray-painted on the side.

At the last building, a tan three-decker on Bennington Street, a woman answers the door. Martinez hands her a flier and gives her his spiel in Spanish, but she says there's a new owner, they got a new lease, and there are no problems. The other groups of canvassers have better luck. They get five new contacts.

A few weeks later, the canvassers will gather in a community group's basement offices, practicing and refining their talks and techniques, making sure their *mensajes de comunicar* cover the key points. Desiata, a bearded man of about 30 with close-cropped black hair, conducts the

meeting, mostly in Spanish. The United States is in a housing crisis, he says. "It doesn't matter if you're owners or tenants—the bank wants you out."

Maria Guardado has been fighting eviction for the last year. The three-decker she lives in was foreclosed in January 2009, but she kept paying rent until April. A real estate agent offered her \$1,500 "cash for keys" to move out, but she decided to stay.

"I decided to stay because I have rights," she says in Spanish. "The others moved out because they were undocumented—they were scared."

Guardado, a Salvadoran immigrant, walks with one crutch. She says she had to leave her job in a spinach-packing plant because of the injury, caused when her supervisor attacked her. She and her husband, a taxi driver, have been staying in the apartment, but they want to move, because the bank has refused to make repairs.

"We're human beings, and we want to live like human beings, somewhere comfortable," she says. "It's not right that we have to pay rent for these miserable conditions."

Miriam Ramirez, an outgoing grandmother of two who works in a university cafeteria, got a letter in April 2008 telling her she had 15 days to leave her apartment. Instead, a neighbor told her about the CL/VU campaign, and she became an organizer. The bank sent her lots of threatening letters, but never went to court to initiate a formal eviction. Eventually, new owners bought the building for \$219,000 and agreed to let her stay. In the 16 months she'd been on rent strike, she saved enough money to buy a house in her native Colombia.

"I stayed strong and avoided fear," she says. "I was the lucky one. God has been very good to me."

## Fighting Evictions

City Life/Vida Urbana, based in the southeastern Boston neighborhoods of Jamaica Plain, Roxbury, Dorchester and Mattapan, noticed rising foreclosures in early 2007. At first, says Steve Meacham, they thought it wasn't their issue, as the group dealt

mainly with tenants' rights, "but then we saw that the main evictors were the banks, and a lot of the people being evicted were tenants."

The group's first campaign was against Deutsche Bank. Organizing under the umbrella of the Bank Tenants Association, it has expanded to East Boston and inner suburbs like Revere and Chelsea. Now, says Meacham, two-thirds of the people coming to the group's meetings in southeast Boston are owners—typically overwhelmed working-class buyers.

"It's been an interesting experience for me, coming from the tenant side of things, getting to understand the landlord side," says Desiata. Many buyers worked the same low-income jobs as their tenants, but "even if they had good intentions, the numbers didn't add up."

Maria Cuervo, a mother of four who immigrated from Colombia 21 years ago, is one. She bought a two-family house in Revere for \$480,000 in 2004, hoping to cover the mortgage through rent, her income as a school bus driver, and child support. But when she lost her child support, she was unable to make the payments. She hired a lawyer to get the loan modified, but the house was foreclosed last September.

"A lot of these people were targeted with bad loans," says Zoe Cronin. "We've seen a lot of predatory lending." The interest on adjustable-rate mortgages can jump to as high as 33 percent, she says. In one case cited by Desiata, a kitchen worker's monthly payments on a three-decker ballooned from \$3,300 to \$5,600.

It's impossible to work with banks before foreclosure, says Cronin. Under Massachusetts law, owners don't have to go to court to foreclose on property; all they need to do is place a notice in a newspaper before they auction it off. As tenants or homeowners thus have no leverage, banks refuse to negotiate.

"There's almost no way to fight foreclosure," she says. "We have to fight the eviction."

One avenue for that is in the way banks package and sell mortgage

*continued on page 8*



*Missed an issue  
of TENANT?*

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

**Boston**

*continued from page 7*

debt; the bank that files for foreclosure often does not have legal title to the property. In one case, Cronin says, the trust listed as the owner had ceased to exist three years before. Another avenue is that Massachusetts laws intended to protect tenants from slumlords bar eviction when the building is dilapidated.

Meacham describes the group's strategy as "sword and shield"—the sword of publicity and direct action, and the shield of legal action. Tenants have more legal rights, so most of the direct action has been to defend homeowners. In the last year, CL/VU has staged 18 "eviction blockades"—sit-ins on the day the marshals come to seize the building.

These have usually succeeded

at delaying evictions, but most of the people defended have eventually lost their homes. Their main purpose, says Meacham, is as a "public opportunity to embarrass the banks to the max."

**Conservative Banking and Radical Activism**

City Life/Vida Urbana is not the only group using direct action against foreclosure. In Miami, the homeless people's organization Take Back the Land has occupied vacant foreclosed houses, and ACORN has staged similar sit-ins in Baltimore and Detroit.

In the long run, though, the group's strategy is to get lenders to reduce the principal on mortgages, which is the only way that working-class buyers can afford to

keep their homes, Meacham says. That idea has recently gained a surprising amount of credibility outside the left, he adds, as investors and major media realize that "the real estate crisis is not over, the financial crisis is not over."

In what he calls an odd combination of "conservative banking and radical organizing," the group has been working with Boston Community Credit, a nonprofit loan fund for affordable housing. The fund has been acquiring foreclosed properties and reselling them to the homeowners at the current market value, usually for around half the price they paid during the housing bubble. It has closed on 25 houses so far, with another 50 in the pipeline.

"It takes a nonprofit to do conventional banking now," Meacham says, adding that he finds it ironic that critics of the free market are the only ones presenting solutions that will save it from the speculative manias of the last decade. Fannie Mae, the federally supported mortgage-finance agency, changed its policy a year ago to ban evicting tenants in foreclosed buildings it holds, and two months ago said it would not throw owners out of their homes. But Meacham says these policies have been applied "very, very unevenly"—Fannie Mae has issued almost no leases, is still doing evictions, and often gives tenants "cash for keys" pay-

ments to leave.

Meanwhile, the banks in the Boston area have been recalcitrant about doing more than temporary loan modifications to avert foreclosure, organizers say.

"It would save a lot of anguish and money, and people's homes and neighborhoods," says Cronin. The banks almost inevitably lose money on a foreclosure, she explains, because the process costs money and they then have to sell the property at a loss.

"What they're trying to do is sit on the property and wait until the market comes back," says Desiata. "In the meantime, people are getting thrown out in the street."

He and other organizers are now seeing a more ominous sign: Foreclosure filings are rising, but they're now happening to people who can't keep up their payments because they've lost their jobs.

"We're gathering up our resources and consolidating our victories for the next fight," Desiata says.

"It's not a losing battle, it's a winning battle, but it would be nice if we didn't have to fight it," Cronin says.

"Always forward, not one step back," concludes Miriam Ramirez. "Unidos venceremos." United we will win.

*This article originally appeared on Alternet.org.*

**HPD CODE VIOLATIONS ON LINE**  
*Look up your building!*

HPD violations are available on-line.  
 Go to [nyc.gov](http://nyc.gov) and select the Housing-HPD link from the agency drop down list.

**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), 212-243-0544  
 Thursdays ..... 7:30 pm

**GOLES (Good Old Lower East Side)**  
 171 Avenue B (between 10 and 11 St.)  
 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

**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.  
 Tuesday & Wednesday ..... 6-7 pm

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

**NEIGHBORS HELPING NEIGHBORS**  
 Covers Sunset Park and surrounding neighborhoods  
 443 39 St., Ste. 202, Brooklyn  
 By appointment only. 718-686-7946, ext. 10

**NYC TENANTS RIGHTS CLINIC**  
 305 Broadway (Corner of Duane), Suite 201, 212-571-4080  
 Tuesdays ..... 4:30-7:30pm

**QUEENS COMMUNITY HOUSE**  
 Forest Hills Community Center,  
 10825 62nd Dr., Forest Hills  
 (718) 592-5757, ext. 280  
 Mondays and Wednesdays ... 9:30-11 am

**QUEENS COMMUNITY HOUSE**  
 Pomonok Community Center,  
 6709 Kissena Blvd., Flushing  
 (718) 591-6060  
 Fridays ..... 10 am-12 pm



*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**

**METROPOLITAN COUNCIL  
 ON HOUSING**

*Met Council is a citywide tenant union.*

*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**

**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