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Tenant *Inquilino*

Housing for people, not profit

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Metropolitan Council on Housing
64 Fulton Street
New York, NY 10038

PERIODICAL

Tenants To Vallone: Do The Right Thing Council Set to Vote on March 20

By Kenny Schaeffer

Testifying before the City Council Housing and Buildings Committee on February 25, dozens of tenants and numerous elected officials urged the Council to address the city's housing-affordability crisis by doing more than just renewing rent regulations. The witnesses, including City Controller Alan Hevesi, pointed out that simply renewing the expiring rent-stabilization and rent-control laws will not go far enough to address the worsening crisis. If the Council fails to enact measures supported by Met Council and sponsored by Councilmember Steve DiBrienza (D-Brooklyn) and others, they warned, it would tell New York's one million rent-regulated families that the present Council leadership is unwilling to deal with the crisis.

Council Speaker Peter Vallone (D-Queens) has pledged that the full Council will pass Intro. 669, his bill to renew the rent laws, on March 20, together with a provision intended to discourage landlords from illegally deregulating vacant apartments by claiming rents of \$2,000 a month or more. Mayor Giuliani has already announced that he will sign the bill. This is an important victory for tenants, because Vallone, who has received hefty campaign contributions from landlords in his bid for Mayor in 2001, has frequently enacted damaging legislation. The Housing Committee approved Intro. 669 by an 8-1 vote on March 6, with the lone "no" vote coming from Republican Thomas Ognibene (R-Queens), who is also planning to run for Mayor next year.

Kill Urstadt

Speaker after speaker at the Feb. 25 hearing at City Hall repeated the same basic message in a hundred

different ways: The Council must adopt immediate and long-term measures to address various aspects of the problem.

One is a resolution demanding that the state

legislature repeal the Urstadt Law, a Rockefeller-era relic which bars New York City from enacting any rent regulations stricter than those established in state law. Several

state senators and assembly members testified that a serious effort to force Albany to repeal this pro-

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Tenants: It's ON!
The full City Council will vote
on the Rent Control & Rent Stabilization Laws

Monday, March 20, at 1 p.m.
City Council Chambers, 2nd floor City Hall
(Broadway and Murray Streets, Manhattan)

Witness this vote and support the pro-tenant legislation that Peter Vallone is keeping off the Council floor. Remember, the more eyes on the Council, the less chance of a last-minute sellout!

Mayor Giuliani will hold his own hearing on the bills at the bill signing hearing tentatively scheduled for March 28.

For more info call Met Council at (212) 693-0553.
For up-to-date confirmations call (212) 788-7127 or (212) 788-7210

Brooklyn Mitchell-Lama Tenants Face Eviction Threat

By James Kemp

There is little joy—and scant hope—among the tenants of 20 Henry St. these days. Since last September, the threat of being evicted from this converted factory on the edge of Brooklyn Heights has hung over the 40 families who live there.

Saved from the wrecking ball over 25 years ago by a coalition of visionary politicians, architects, and community activists, 20 Henry St. became the first building in Brooklyn—and one of the few in the city—to offer affordable, government-subsidized housing for working artists and middle-income families. Mitchell-Lama funding and other taxpayer subsidies allowed city planners to lure potential developers with fire-sale prices (a \$5,500 down payment for a property worth at least \$10

million in today's market) and the added incentive of generous tax breaks.

Now, because of loopholes in rent-stabilization regulations and amendments to the original Mitchell-Lama law, the building's residents face almost certain eviction if their landlord has his way with Mayor Giuliani's appointees to the Department of Housing Preservation and Development.

From the late 1950s to the mid-1970s, Mitchell-Lama funding created more affordable middle-income housing than any other program before or since. As originally conceived, it mandated subsidized housing without time limits. But in the 1960s, the real-estate lobby in Albany got the law amended so that developers could buy out of the

program after 20 years. Once rent-stabilization was denied to buildings occupied after January 1974, this buyout clause became a time-released eviction clause. With no regulations to protect them from the naked reality of market-driven rents, tens of thousands of Mitchell-Lama tenants now face de facto eviction as their landlords move in for the kill.

20 Henry St. demonstrates how years of negligent oversight and anti-tenant legislation can turn what was once a socially progressive project into a pork-barrel payoff for landlords and developers. In 1959, city planners and politicians envisioned the possibility of transforming an abandoned factory located in an area designated for "slum clearance" into a vibrant complex of living

and work spaces for artists at affordable rents. After years of planning and Byzantine negotiations, the Candy Factory at 20 Henry St. opened its doors to working artists in 1975.

Many of those original tenants remain, and at least a third of the building's occupants are still artists. Gradually, the other blighted and abandoned buildings around the Candy Factory under-

went renovation and ultimately full-scale gentrification, as the glamour of "the Heights" spread to what had been a down-at-the-heels frontier. Property values—and market rents—rose at alarming rates.

But things began to go wrong for the Candy Factory long before gentrification took hold. The

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LETTERS

Don't Trust Vallone

As the article ("Keep the Pressure On," Feb. '00 *Tenant/Inquilino*) says, wait till the ink is dry on the Vallone bill and is actual law. Do not trust Peter Vallone for one second no matter what he promises or says.

My experience writing letters to elected officials, such as City Council Speaker Vallone, Mayor Giuliani, Governor Pataki, Public Advocate Mark Green, Borough President Howard Golden, Councilmember Stephen DiBrienza, and others, is often no answer after four to six weeks; answer, but avoid the subject and thank you; yes, we need safeguards but no answer on renewing rent controls. No one says they will go the distance and get full renewal and maybe increased protection.

Let's hope for the best and keep the pressure on till the very last minute.

*Nick Dipson
Brooklyn*

Don't Kill Vallone Bill

While I respect the view of some (including Councilmember Margarita Lopez) that the Vallone-sponsored bill regarding renewal of the rent-stabilization/control laws does not go far enough to address the housing crisis, I think it is destructive to encourage Councilmembers not to support the bill. A division of support is exactly what the landlords are looking for. It doesn't, in the end, matter why Councilmembers vote "no"; it just matters that they do if the bill is defeated and further erosion of protections is the result.

*Barbara Sandman
Forest Hills*

Minimum Rent Is Dangerous

Last spring, the city Rent Guidelines Board voted a minimum rent of \$215 a month for stabilized tenants. It passed by one vote. The issue was brought up at the last moment and debated hastily. One question that should have been discussed was whether it is appropriate for the RGB to decide on issues beyond actual increases.

The \$215 probably passed because it is such a low figure. But there already is another minimum rent floor, the one used to calculate supplementary "poor tax" increases. This figure seems to go up \$50 a year. Based on that, if the \$215 minimum were also to go up \$50 a year, maybe five years from now significant numbers of tenants will start to get pushed out of their homes. Just imagine the social dislocation after 10 years!

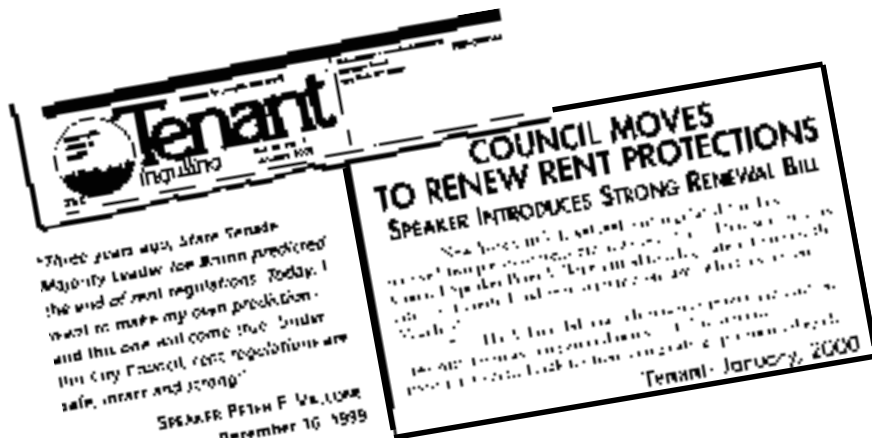
What is to be done? The \$215 floor should be reargued and repealed, or at worst, frozen forever at the current figure. For those of us who are able to contact RGB members, it would be important to do so now. We must object to both minimum-rent mechanisms with loud voices now... or be sorry later.

*Name Withheld
Manhattan*

DANCE PARTY!


Benefit for Met Council
WBAI's Delphine Blue will be the DJ for a dance at the
Brecht Forum, 122 W. 27th St., 10th fl., Manhattan

**Saturday, April 1, 8 p.m.
\$15**



DON'T BE FOOLED

City Council Speaker Peter Vallone, an unannounced candidate for Mayor in 2001, has sent out thousands of flyers at public expense to tenants throughout the city stating that he "shares [our] concerns." Does that mean he's going to stop blocking Stanley Michels's and Stephen DiBrienza's proposals to *strengthen the rent laws*?



Scott Sommer hosts Met Council's
HOUSING NOTEBOOK
Mondays at 7:00 p.m. on
WBAI 99.5 FM


Listen on the Internet
www.wbaifree.org/index.html

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- Met Council's Tenant/Inquilino newspaper posted monthly
- News from other NY tenant groups
- Fact Sheets & complete Housing Laws
- Bulletin Board & e-mail mailing list
- Rent Control/Rent Stabilization/DHCR information
- Weekly Housing Court Decision summaries



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EL INQUILINO HISPANO

Arrasan el jardín La Esperanza

Por Ben Shepard, Traducido por Lightning Translations

El teléfono empezó a sonar a eso de las 11 de la noche del lunes 21 de febrero. Me había inscrito en el "árbol telefónico" como uno de los "detenibles," decidido a usar mi propio cuerpo para impedir que los bulldozers destruyeran el jardín comunitario La Esperanza. Los mensajes afirmaron que mañana sería la fecha.

El Jardín de La Esperanza había crecido de los escombros de una vecindad que estaba tambaleando por la crisis económica de los años setenta. Alicia Torres convirtió un terreno baldío en la calle Siete

Este, entre las avenidas B y C, en un jardín magnífico donde dos generaciones de su amplia familia había festejado cumpleaños, bodas, días de fiesta, y los cambios de las estaciones. Era un espacio seguro donde los niños podían escapar de las calles del Loisaida, en ese entonces la provincia de narcotraficantes.

Y ya que el terreno había sido limpiado, el ayuntamiento de Giuliani quería ganar un poquito de dinero de él. El especulador Donald Capoccia, que había dado unos \$50,000 a las campañas del alcalde, ad-

quirió el sitio del jardín a la ciudad sin que se realizara ningún proceso de licitación imparcial. Giuliani aseveró que Capoccia iba a construir "vivienda para gente de ingresos bajos" en el lugar, y que los partidarios del jardín estaban "viviendo fuera del mundo real." La verdad es que los 79 apartamentos que Capoccia planea construir es "vivienda 80/20"—80 por ciento serán apartamentos de lujo que se rentan al nivel del mercado, mientras un 20 por ciento simbólico serán apartamentos reservados para inquilinos de bajos ingre-

El miembro del Consejo Municipal del Loisaida, Margarita Lopez, había servido como intermediario en un pacto que le dio al Capoccia el sitio de La Esperanza a cambio de que se salvara un jardín muy cerca, en la Avenida C.

Unos 100 personas estaban en el jardín cuando llegué a las 6 AM, 150 a las 8 AM. Antes habían falsas alarmas, pero esa mañana se sentía distinta. Toda la calle Siete Este estaba vacía. Una patrulla bloqueó el tráfico en la esquina de la avenida C. Con la acción pendiente, había cada vez más ansiedad entre la gen-

te. Dentro del jardín estaban los activistas de Reclaim the Streets, la Iglesia Dejar de Hacer Compras (Church of Stop-Shopping), Se Acabó el Tiempo (Time's Up), el Colectivo del Loisaida (Lower East Side Collective), y ¡Más Jardines! (More Gardens!), así como tres generaciones de la familia de Alicia Torres. La mayoría había permanecido toda la noche. El coquí, la rana de árbol gigantesca de los mitos puertorriqueños—construida por los activistas para vencer a los

pasa a la página 4

Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 31)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 1999 hasta el 30 de septiembre de 2000, incluyendo las concesiones de Pataki adoptadas por la Legislatura Estatal el 19 de junio de 1997

Los topes de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 1999. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 1999. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha.

Los Contratos para Apartamentos Vacíos o Nuevos En junio de 1997, el gobernador George Pataki, al intentar destruir la regulación de rentas, forzó cambios que les dieron a los caseros una sobrepaga muy grande por los apartamentos vacíos. Una cláusula de la "Reforma al Acta de Regulación de Renta" de 1997 permite que los nuevos alquileres sean incrementados en un porcentaje obligatorio: 20% para un contrato de dos años, y por un contrato de 1 año, 20% de incremento menos la diferencia en el tope de renovación para los contratos de 1 y 2 años. La nueva ley permite también incrementos adicionales para los apartamentos vacíos donde no se habían cobrado incrementos por desocupación por ocho años o más.

Sobrecargos de Renta Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y sobrepagas, así como del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar un alquiler ilegal. Una vez que el

inquilino haya tomado posesión del apartamento, puede escoger entre llenar un formulario de queja de sobrecargo de renta con la oficina de la División de Vivienda y Renovación Comunal (DHCR), o disputar la cantidad de la renta en la corte de vivienda de la ciudad para que se determine cuál es el alquiler legal.

Si un posible inquilino da muestras de conocer sus derechos, lo más probable es que el casero no firmará ningún contrato con tal inquilino. Los caseros evitan contratar con inquilinos que les pueden dar problemas. El sobrecargo de alquiler es muy común. Todos los inquilinos deben luchar contra posibles sobrecargos. Obtenga y llene un formulario *Form RA-89* con la oficina de DHCR para determinar el alquiler correcto en los archivos oficiales. Llame a la DHCR a (718) 739-6400 para obtener un formulario.

La Apelación de la Renta de Mercado Justa Otro tipo de sobrecargo ocurre frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a renta controlada y se alquila con renta estabilizada. La Junta de Regulación de Renta (RGB) esta-

blece anualmente lo que ellos llaman el "Tope Especial de la Renta de Mercado Justa," el cual es empleado por la DHCR para bajar las rentas de mercado injustas de los inquilinos que llenan el formulario llamado "Apelación a la Renta Justa de Mercado" (FMRA). Según la Orden 31, es la Renta de Mercado Justa de HUD o un 150% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro he abril de 1984 o después debe dejar de poner a prueba la llamada "Renta Legal Inicial Regulada" (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de "Apelación a la Renta Justa de Mercado" como de "sobrecargo." La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

Exención de Incrementos para las Personas de Mayor Edad: Las personas de 62 años o más que viven en apartamentos estabilizados y cuyos ingresos familiares anuales son de \$20,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

Unidades de Desván (Lofts) Los incrementos legales sobre la renta base para las unidades de desván son de un 1 por ciento por un contrato de un año y un 2 por ciento por un contrato de dos años. No se permiten incre-

mentos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación Lo establecido es un 4% para los apartamentos de hotel de Clase A, casas de habitaciones, hoteles de clase B (de 30 habitaciones o más), hoteles de una sola habitación, y las casas de habitaciones (Clase B, 6-29 cuartos), sobre la renta legal que se pagaba el 30 de septiembre de 1999. No se permiten incrementos para apartamentos vacíos. Lo incremento estipulado no se puede cobrar a menos que un 70 por ciento de las unidades en el edificio sean ocupadas por inquilinos permanentes de renta estabilizada o controlada, pagando rentas reguladas legales. Además, no se permiten incrementos si el casero ha omitido de darle al nuevo ocupante una copia de los Derechos y Responsabilidades de los Dueños e Inquilinos de Hoteles.

La Desregulación de Rentas Altas y Altos Ingresos (1) Los apartamentos que legalmente se alquilan por \$2,000 o más por mes y que se desocuparon entre el 7 de julio de 1993 y el 1ro. de octubre de 1993, o en o desde del 1ro de abril de 1994 son sujetos a la desregulación. (2) La misma desregulación se les aplica, para el mismo período establecido en (1), a los apartamentos que legalmente pagan \$2,000 o más mensualmente aunque no se desocupen, si el ingreso total de la familia es más de \$175,000 en los dos años consecutivos previos. Para cumplir los requisitos de esta segunda forma de desregulación, el casero tiene que enviarle un formulario de certificación de ingreso al inquilino entre el 1ro de enero y el 1ro de mayo, así como someter dicho formulario al DHCR y conseguir su aprobación.

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años	
Renovación del Contrato	Más de \$500	2%	4%	
	\$500 o menos (Alquileres de \$215 o menos se alzan a \$215 después de aplicarse los aumentos)	2% + \$15	4% + \$15	
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	18%	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 18%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
	Less than \$300	Incrementos por desocupación cobrados en los últimos 8 años	18% + \$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, + 18% + \$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	18% 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 18%, 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



Esperanza

viene de la página 3

enemigos más grandes—observaba el escenario desde arriba.

Al llegar, mi amigo Brad me preguntó, “¿Puedes ayudarme a distraer al operador para que pueda ponerme debajo del bulldózer?” Me pareció una estrategia conveniente. Para aumentar el sentido de urgencia, después de meses de trabajo por parte de los activistas jardineros, el Fiscal General del Estado, Elliot Spitzer, estaba entablado esa misma mañana una reclamación de entredicho para prohibir la destrucción de todos los jardines.

Ningún entredicho podía entrar en vigencia antes de las 2 de la tarde a lo más temprano—pero si los activistas pudieron poner en jaque a la policía y los bulldozers durante la mañana, había una posibilidad que el jardín se salvara. Unos activistas, con cerraduras de bicicleta en los cuellos, se ataron al alambrado que rodeaba el jardín, mientras otros se encadenaron en “dragones dormidos,” pipas conec-

tadas a bloques de hormigón enterrados profundamente en el suelo. Un otro grupo se encadenó en un girasol en forma de torre de 45 pies de altura, y en trípodes. Y, por supuesto, cinco activistas se encerraron dentro del coquí, con esperanzas de salvar La Esperanza.

La policía se agrupó delante del jardín, mientras un bulldózer esperaba en la lejanía detrás de él. Los activistas fueron cerrados con llave adentro. “Proteger y servir al jardín, protestar y servir al pueblo,” coreamos. La policía se movió hacia dentro, derribando el alambrado delante del jardín, cortando con sierra la cadena de una activista atada a él. Entonces, uno por uno, la policía detuvo a 25 activistas que se habían encadenado en el jardín o juntos habían formado cadenas humanas. En total, se detuvieron a 31 personas, muchas de ellas por primera vez en la vida.

Los bulldozers tomaron 15 minutos para demoler el jardín, que había existido por 22 años. Los detenidos fueron procesados por la policía; muchos pasamos hasta 30 horas en la cárcel, la mayoría de

nosotros en las celdas de detención en el sótano de la cárcel de Manhattan.


En la cárcel, oímos que el Fiscal General había tenido éxito en procurar una orden provisional de restricción del desarrollo de todos los jardines de Greenthumb (menos el jardín La Esperanza, que fue omitido del arreglo por estar ya destruido). Mas tarde, Spitzer dijo que el alcalde había “subvertido el proceso legal” por arrasar el jardín justo en el momento cuando el caso se vio en la corte.

Giuliani se apeló al debate de siempre, que dice que la ciudad tiene que optar entre la vivienda y los jardines. Los activistas jardineros rechazan esta suposición rotundamente. Ellos arguyen que dados los miles de terrenos baldíos y edificios ruinosos que se pueden reestructurar en los cinco condados, hay cupo tanto para los jardines como para la vivienda. (Más tarde, un vocero del alcalde sostuvo que las contribuciones de Capoccia no tenían nada que ver con su ganancia de los contratos de desarrollo para los sitios de La Esperanza, los jardines arrasados en diciembre de 1998, y los edificios

abandonados y ocupados por activistas de vivienda que luego fueron desalojados, en la calle Trece Este. Al contrario, dijo el ayudante, el especulador le dio dinero al alcalde por su apoyo en torno a la cuestión de derechos para homosexuales.)

La noche en la cárcel fue larga y fea, pero me alegré de estar adentro, en vez de afuera en las calles donde se realizaba la destrucción del jardín. Pensé en mis amigos que habían arriesgado sus vidas, que habían dicho que harían lo imposible para salvar este pequeño espacio comunal, el coquí. Nunca he sentido más alegría y conexión con neoyorquinos de todas esferas como sentía mientras estaba parado en una tormenta de nieve, sonriendo cerca de la hoguera durante el campamento del invierno, y compartiendo historias en La Esperanza. La comunidad que se construyó en la lucha por el jardín es algo que nadie nos puede quitar jamás; la energía de defender este espacio es algo que no se va.

No Se Congele: ¡ORGANIZASE!



La ley requiere que su casero provea calefacción y agua caliente a los niveles 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 dentro 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 dentro debe ser al menos de 55 grados en todo el apartamento.

Agua caliente a un mínimo de 120 grados debe proveerse las 24 horas del día, todo el año.

Si su casero no mantiene esas temperaturas mínimas, usted debería:

- * Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al (212)960-4800 inmediatamente, con el propósito de documentar la violación del casero. Llame repetidamente. Un inspector debería de venir eventualmente, aunque a veces no lo hacen.
- * Haga que otros inquilinos en el edificio llamen a Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, y todos los días en que no se enmiende la situación.
- * Consiga un buen termómetro para fuera y adentro, y mantenga una documentación de las fechas exactas, las horas, las temperaturas, tanto afuera como adentro, mientras no se enmiende la situación. Esta documentación es su evidencia
- * Llame a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en inglés) al (718) 739-6400, y requiera que le envíen el formulario de queja de calefacción y agua caliente. Llene el formulario con cuanto apartamentos en su edificio puedan firmarlo, demandando una orden para restaurar la calefacción y el agua caliente, y una reducción y

congelamiento (perdón por la expresión!) en todas las rentas.

- * Es importante llamar al Central Complaints y documentar oficialmente la violación del casero, pero no confíe sólo en que la ciudad va a corregir la situación.
- * Ustedes van a necesitar una asociación de inquilinos fuerte para obligar al casero a proveer la calefacción y el agua caliente. Escriban al casero para demandar las reparaciones y aceite. Preparense para ir a huelga de renta; si es necesario, en forma rápida.

La ley sobre la calefacción establece también:

- * Que el Departamento de Reparaciones de Emergencia de la ciudad le provea la calefacción si el casero no 10 hace.
- * Una multa de \$250 al casero por cada día que se produzca la violación. (Sin embargo, la Corte de Vivienda raras veces impone estas multas, por no hablar de que no las colecta).
- * Una multa de \$1,000 al casero Si algún aparato de control automático se instala en la “boila” para mantener la temperatura por debajo del mínimo legal.
- * Si el tanque de combustible de la “boila” está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción, y sin obtener respuesta del casero. Esto no se aplica si la “boila” esta rota y necesita tanto reparación como combustible.

Cuidadol proteja su dinero! Si ustedes deciden comprar el combustible, deben seguir los procedimientos legales cuidadosamente. Deben re-querir la ayuda y el consejo de un organizador de inquilinos.

El hecho de que las leyes de calefacción y agua caliente están en los libros no significa que el gobierno la implementa. No se congele esperando por la ciudad 0 el estado para actuar. Organízase!

Mitchell-Lama

continued from page 1

landlord soon stopped giving tenancy priority to artists. And the owners never offered 20% of the apartments to low-income tenants, as mandated by their contract with the city. During the fiscal crises of the late 1970s, HPD easily overlooked such “indiscretions,” as long as building owners did not default on their mortgages. At 20 Henry St., the tenants struggled to maintain the original commitment to cultural diversity and support for artistic creativity, in spite of the landlord’s abandonment of any such vision.

The, last September, the really bad news hit. The management/owner, Penson Corporation, notified tenants of its intention to buy out of the Mitchell-Lama program by Dec. 15. If leases were renewed at all, they would be for “market rents.” Current rents of between \$600 and \$1,300 a month for basic studio apartments (spaces ranging from 350 to 600 square feet) could be doubled, tripled, or more with just 30 days notice. Senior citizens, the ill and disabled, students, working mothers, and all other “financially marginal” tenants would in effect be forced to move once the landlord received approval for the buyout.

While most local politicians contacted by tenant representatives chose to keep their distance from this “hopeless” situation, Frank Pannizzo, an attorney with Brooklyn Borough President Howard Golden’s office, did come to the tenants’ aid. Along with volunteer tenant researchers, Pannizzo found covenants in the landlord’s deed and contract with the city prohibiting a buyout until June 26, 2002. A 1992 decision by the Court of Appeals, the state’s highest court, clearly states that in such circumstances, restrictive



20 Henry St.

STEVE WISHNIA

covenants take priority over 20-year buyout provisions.

HPD has ignored such precedents, claiming that in the current Cooper-Gramercy buyout case, for instance, that the 20-year clause overrides any and all other covenants in deeds or contracts. However, they have refused to make a finding concerning the covenants in the 20 Henry St. case, deferring instead to Corporation Counsel Michael Hess.

Meanwhile, the building’s tenant leaders, Anita Karl and Dorothy Barnhouse, hope to meet with HPD officials, Pannizzo, and Mitchell-Lama tenant advocate Bob Woolis, before Hess hands down an opinion on whether the buyout clause can trump the restrictive covenants.

In a letter to HPD, Carol Ule, the tenants’ consulting lawyer, contended that if it is determined that the landlord has never honored the covenants, then it should be required to do so for the full 40 years of the original mortgage agreement, “thereby giving the people of the state and city of New York the benefit to which they are entitled.

In a just world, Ule’s plea would guarantee the tenants’ rights to their homes. But in the harsh reality of present-day New York politics, the odds are heavily against them as they fight to stay in the community they helped create.

For more information or to offer support, contact Anita Karl, (718) 834-1283, or Dorothy Barnhouse, (718) 643-5458.

Esperanza Garden Bulldozed

by Ben Shepard

The phone started ringing about 11 PM Monday night, Feb. 21. I had put my name on the phone tree as one of the “arrestables,” willing to use my body to block bulldozers from destroying the Esperanza community garden. Tomorrow would be the day, the messages confirmed.

El Jardin de la Esperanza (Garden of Hope) had grown from the rubble of a neighborhood reeling from the 1970s fiscal crisis. Alicia Torres turned a vacant lot on East Seventh Street between Avenues B and C into a glorious garden where two generations of her extended family had celebrated birthdays, weddings, holidays, hot-dog roasts, and the change of seasons. It was a safe place for children to get off the streets of a Lower East Side once overrun with drug dealers.

And now that the land was cleaned up, the Giuliani administration wanted to make a buck with it. Developer Donald Capoccia, who had donated some \$50,000 to the mayor’s campaigns, acquired the garden site from the city without any fair bidding process for it. Giuliani claimed that Capoccia was going to construct “low-income housing” on the site, and that garden supporters were “not living in the real world.” In reality, the 79 apartments Capoc-



STEVE WISHNIA

occia is slated to build are “80/20 housing”—80% market-rate, luxury apartments, with a token 20% set aside for low-income tenants. Lower East Side Councilmember Margarita Lopez had helped broker a deal giving Capoccia the Esperanza site in exchange for sparing a nearby garden on Avenue C.

Some 100 people were at the garden when I arrived at 6 AM, 150 by 8 AM. There had been false bulldozer alarms before, but this morning felt different. The whole of Seventh Street was empty. A police car blocked traffic at the corner of Avenue C. Pre-action butterflies, excitement, and nervousness loomed.

Inside the garden were activists from Reclaim the Streets, the Church of Stop-Shopping, Time’s Up, the Lower East Side Collective, and More Gardens!, as well as three gen-

erations of Alicia Torres’ family. Most had been there all night. The coqui, the giant tree frog of Puerto Rican lore that activists had erected to vanquish larger foes, watched from above.

“Can you help me distract the driver so I can get under the bulldozer,” my friend Brad asked when I arrived. That seemed like a worthwhile strategy. To add a sense of urgency, after months of effort by garden activists, state Attorney General Elliot Spitzer was filing papers calling for an injunction barring the destruction of all gardens that morning.

No injunction could go into effect until 2 PM that afternoon at the earliest—but if activists could stall the police and bulldozers all morning, there was a chance the garden could be saved. Some activists locked themselves to the surrounding fence with bicycle locks around their necks, others locked down to “sleeping dragons,” pipes connected to concrete blocks buried deep in the ground. Another group locked themselves to a 45-foot high steel tower of a sunflower and tripods. And, of course, five activists locked themselves inside the coqui, hoping to save Esperanza.

Police swarmed the front of the garden, while a bulldozer loomed in the distance to the back of the garden. The activists were locked inside. “Protect and serve the garden, protest and serve the people,” we chanted. The police moved in, tearing down the fence in front of the garden, sawing off an activist who’d chained herself to it. Then, one by one, the police arrested 25 activists who had locked themselves down to the garden or formed human chains with each other. In all, 31 people were arrested, many for the first time.

—Steven Wishnia

It took the bulldozers 15 minutes to demolish the 22-year-old garden. Those arrested were put through the system, many of us spending some 30 hours in jail, mostly in the holding cells in the basement of the Manhattan jail.

In jail, we heard that Attorney General Spitzer had successfully procured a temporary restraining order on development of all Greenthumb gardens, (except Esperanza, which

as it was already destroyed, was left out of the deal). Spitzer later remarked that the Mayor had “subverted the legal process” by going ahead to bulldoze the garden just as the case was being heard in court.

Giuliani played to the usual debate that the city has to decide between housing vs. gardens. Garden activists soundly reject

continued on next page



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:

- * Call the New York City Central Complaints Bureau at (212) 960-4800 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 a day, and 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. File it with as many apartments in your building signing on as possible, demanding an order restoring heat and hot water, and

a reduction and freeze (pardon the expression!) in all the rents.

It is important to call Central Complaints and officially record your landlord’s violation, but don’t rely on the city to do anything about the situation.

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 — fast, if necessary.

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 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!

Cops Attack Esperanza Protesters

Early in the morning of March 5, police attacked a crowd of protesters who tore down the wood fence surrounding the bulldozed Esperanza Garden.

The confrontation began when about 200 people—part of a floating party/demonstration that began on the L train a few hours earlier—broke into the garden and planted flowers.

“Police clubbed passers-by on the sidewalk, causing at least three people to bleed in the face, one person to lose vision (we hope only temporarily), while a pool of blood collected at the intersection of Avenue C and Seventh Street,” a protester named Mario posted on an activist e-mail list. “The NYPD presence was in even larger numbers than on the day of Esperanza’s eviction, with hundreds of

officers in riot gear swinging clubs and the police helicopter again circling above.”

Police told the New York Times that eight people were arrested, and seven officers and one protester injured. Protesters said at least four of them were seriously injured, including a woman who had her jaw fractured when police threw her to the ground. The woman with the broken jaw, described by a friend as a sympathetic bystander, was held in Bellevue Hospital’s prison ward for over 48 hours.

“The police made it quite clear Saturday night that the interests of the developers of luxury housing are in direct cooperation with this city’s administration and police force,” wrote Mario.

Bulldozed

continued from page 5

that assumption, arguing that with thousands of vacant lots and dilapidated buildings to rebuild in the five boroughs, there is room for both gardens and housing. (Later, a Giuliani spokesman would claim that Capoccia's contributions had nothing to do with him winning city development contracts for the Esperanza site, the

sites of the gardens bulldozed in December 1998, and the evicted squats on East 13th Street. Instead, the aide said, the developer gave money to the mayor because of his support on gay-rights issues.)

The night in jail was long and ugly, but I was glad to be inside, instead of on the streets where the destruction of the garden was taking place. I thought of my friends putting their bodies on the line, saying they would do anything to necessary to save this small community space, the coqui. Never have I felt more joy and connection with New Yorkers from all walks of life than standing in a blizzard, smiling by a bonfire during the winter encampment, sharing stories at Esperanza. The community built fighting for the garden is something no one can ever take away; the energy of defending this space is something that does not go away.



STEVE WISHNIA

Court Rejects Giuliani Homeless Policy

By Steven Wishnia

State Supreme Court Justice Stanley L. Sklar has blocked the Giuliani administration's plans to require homeless adults to work or be evicted from city-run shelters.

The ruling, handed down Feb. 23, found that the workfare rule was constitutional, but would violate a 1981 consent decree in which the city and state agreed to provide shelter to homeless single adults who qualify for home relief or need shelter because of "physical, mental, or social dysfunction."

"The decision isn't about whether work is good or bad," says Legal Aid attorney Steven Banks, one of the lawyers challenging the regulations. "It's about the importance of keeping a roof over people's heads."

The Giuliani administration plans to appeal the decision. The city provides shelter for an average of about 23,000 people a

night, of whom about 7,000 are single adults.

Last October, Giuliani issued new shelter regulations for the city Department of Homeless Services, requiring it to deny shelter to anyone violating state workfare rules instituted in 1995. Homeless people would be thrown out of shelters for 30 days or more if they failed to cooperate with an assessment, violated shelter rules, failed to comply with a service plan, or failed to comply with any public-assistance requirement, from attending recertification hearings to obeying all workfare rules. Homeless families evicted would face having their children put into foster care.

Advocates for the homeless challenged those rules, arguing that they violated the consent decree, which was extended to families later in the '80s. A series of decisions in December and January barred the city from using the new rules to evict

homeless families.

Justice Sklar agreed that the workfare rules could not be used to deny shelter to single adults either, holding that it would "violate the terms of the Consent Decree, in that it will place restrictions on the right to shelter guaranteed under the specific and unambiguous language of the Consent Decree." Sklar also held that the rules made no provision for people with "social dysfunction," who may be "unable, as opposed to unwilling, to cooperate with bureaucratic niceties."

"It highlights the fact that the city has no comprehensive housing policy," says Banks. The Giuliani administration, he adds, "has spent seven years undermining protections for people who have fallen out of the housing market."

NYC Rent Guidelines Board Adjustments (Order No. 31)

for Rent Stabilized Leases commencing Oct. 1, 1999 through Sept. 30, 2000, including the Pataki vacancy bonuses adopted by the State Legislature on June 19, 1997

The above rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 1999. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 1999. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date.

Vacancy Leases

In June 1997, Governor George Pataki, as a part of his efforts to destroy rent regulation, forced changes that gave landlords large vacancy bonuses. Provisions of his Rent Regulation Reform Act of 1997 allow the rents of apartments to rise by a statutory percentage: 20 percent for a 2-year lease, and 20 percent minus the difference between the 1- and 2-year renewal guidelines for 1-year leases. The new law also allows additional vacancy increases for apartments which have had no vacancy allowance in eight or more years.

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. The tenant can choose between filing an overcharge complaint with the Division of Housing and Community Renewal or challenging the rent in Housing Court to get a determination of the legal rent.

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	more than \$500	2%	4%	
	\$500 or less (Rents that are \$215 or less brought up to \$215 after increases applied)	2% plus \$15	4% plus \$15	
Vacancy Leases	More than \$500	Vacancy allowance charged within last 8 years	18%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than \$300	Vacancy allowance charged within last 8 years	18% plus \$100	20% plus \$100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18% 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	18% 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 18%, or \$100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, or \$100, whichever is greater

A prospective tenant who expresses knowledge of their rights will probably not be given a lease to sign. Landlords avoid renting to tenants who may be troublesome. Overcharging is very common. Every tenant should challenge possible overcharge. With DHCR, obtain and fill out Form RA-89 to determine the correct rent from official records. Call DHCR at (718) 739-6400 to obtain the form.

Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is re-rented as a stabilized unit. The Rent Guidelines Board annually sets what they call the "Special Fair Market Rent Guideline" that is used by DHCR to lower unfair market rents for tenants who file the Fair Market Rent Appeal

(FMRA). Under Order 31, it is HUD Fair Market Rent or 150% above the maximum base rent. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR Form RA-89. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable

annual household income is \$20,000 or less 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) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be waived. Obtain the SCRIE application form by calling (212) 442-1000.

Loft Units

Legalized loft unit increases above the base rent are 1 percent for a one-year lease and 2 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

The guideline is 4 percent for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms), above the legal rent paid on September 30, 1999. No vacancy allowance is permitted. The guideline is not collectible unless 70% or more of the units in the building are occupied by permanent rent stabilized or controlled tenants paying legal regulated rents. Further, no increase is allowed when the landlord has failed to provide the new occupant a copy of the Rights and Duties of Hotel Owners and Tenants.

High-rent, High-income Deregulation

(1) Apartments legally renting for \$2,000 or more a month that became vacant from July 7, 1993 through October 1, 1993, or on April 1, 1994 and thereafter are subject to deregulation. (2) The same deregulation applies in the time periods set forth in (1) above to apartments legally renting for \$2,000 or more a month without their becoming vacant if the total household income exceeds \$175,000 in each of the prior two consecutive years. To be eligible for this second form of deregulation, the landlord must send an income certification form to the tenant between January 1 and May 1 and file it with and get the approval of DHCR.



The Met Council 20

How they voted on the 1994 decontrol and 1999 lead bills

Manhattan

A. Gifford Miller (D)
336 E. 73rd St., Suite C, New York, NY 10021
(212) 535-5554; fax, 535-6098
1994: not in Council; 1999: pro-landlord

Bronx

June Eisland (D)
3636 Waldo Ave., Bronx, NY 10463
(718) 549-0158; fax, 549-6983
1994: pro-tenant; 1999: pro-landlord

Madeline Provenzano (D)

2931 Westchester Ave., Bronx, NY 10461
(718) 931-6060; fax, 518-8443
1994: not in Council; 1999: pro-landlord

Adolfo Carrion, Jr. (D)

1 East Fordham Road, Suite 2, Bronx, NY 10468
(718) 584-6955; fax, 584-5725
1994: not in Council; 1999: pro-landlord

Jose Rivera (D)

2488 Grand Concourse, Suite 319, Bronx, NY 10458

(718) 364-3700; fax, 365-5267
1994: pro-landlord; 1999: pro-tenant

Wendell Foster (D)
1377 Jerome Ave., Bronx, NY 10452
(718) 588-7500; fax, 588-7790
1994: pro-landlord; 1999: pro-tenant

Lucy Cruz (D)
1967 Trumbull Ave., Bronx, NY 10473
(718) 518-7110; fax, 518-7016 (fax)
1994: pro-landlord; 1999: pro-landlord

Queens

Helen Marshall (D)
97-19 Astoria Blvd., East Elmhurst, NY 11369
(718) 507-0813; fax, 507-1840
1994: pro-tenant; 1999: pro-landlord

Morton Povman (D)
108-18 Queens Blvd., Forest Hills, NY 11375
(718) 793-2255; fax, 268-3499
1994: pro-tenant; 1999: pro-landlord

Karen Koslowitz (D)
118-21 Queens Blvd., Room 205, Forest Hills, NY 11375

(718) 544-3212; fax, 261-5022
1994: pro-tenant; 1999: pro-landlord

Brooklyn

Kenneth Fisher (D)
16 Court St., Room 1505, Brooklyn, NY 11241
(718) 875-5200; fax, 643-6620
1994: pro-landlord; 1999: pro-landlord

Mary Pinkett (D)
324 DeKalb Ave., Brooklyn, NY 11205
(718) 857-0959; fax, 857-5524
1994: pro-landlord; 1999: pro-tenant

Annette Robinson (D)
1360 Fulton St., Room 417, Brooklyn, NY 11216
(718) 399-8900; fax, 399-6099
1994: pro-landlord; 1999: pro-landlord

Angel Rodriguez (D)
406 43rd St., Brooklyn, NY 11232
(718) 436-2215; fax, 436-2656
1994: not in Council; 1999: pro-landlord

Una Clarke (D)
123 Linden Blvd., Brooklyn, NY 11226

(718) 287-8762; fax, 287-8917
1994: pro-landlord; 1999: pro-tenant

Tracy Boyland (D)
2094-A Fulton St., Brooklyn, NY 11213
(718) 345-3110; fax, 345-3120
1994: not in Council; 1999: pro-tenant

Martin Golden (R)
9002 3rd Ave., Brooklyn, NY 11209
(718) 238-6044; fax, 238-6170
1994: not in Council; 1999: pro-landlord

Lloyd Henry (D)
1498 Flatbush Ave., Brooklyn, NY 11210
(718) 421-6621; fax, 421-6625 (fax)
1994: pro-landlord; 1999: pro-landlord

Howard Lasher
532 Neptune Ave., Brooklyn, NY 11224
(718) 266-2000; fax, 266-0309
1994: pro-tenant; 1999: pro-landlord

Michael Nelson (D)
3810-A Nostrand Ave., Brooklyn, NY 11235
(718) 368-9176; fax, 368-9160
1994: not in Council; 1999: pro-landlord

Lost Causes?

Bronx

Lawrence Warden
Pedro Espada

Queens

Michael Abel
Julia Harrison
Speaker Peter Vallone
John Sabini
Walter McCaffrey
Archie Spigner
Thomas White
Thomas Ognibene
Juanita Watkins
Al Stabile

Brooklyn

Victor Robles
Martin Malave-Dilan
Priscilla Wooten
Noach Dear
Herbert Berman

Staten Island

Jerome O'Donovan
James Oddo
Stephen Fiala

Expected Allies

Manhattan

Kathryn Freed
Margarita Lopez
Christine Quinn
Eva Moskowitz
Ronnie Eldridge
Stanley Michels
Philip Reed
Bill Perkins
Guillermo Linares

Queens

Sheldon Leffler

Brooklyn

Stephen DiBrienza

To find out who your Council Member is call the League of Women Voters at (212) 674-8484

Vallone Holding Pro-Tenant Legislation Hostage

Peter Vallone claims to be a friend of tenants.

Yet Vallone is currently blocking Resolution 801 from going to the Council floor for a hearing and vote. Similarly, Vallone's people are blocking the DiBrienza program from even being introduced!

Contact Vallone's office to express outrage at his underhanded and undemocratic tactics. Tell him Resolution 801 and the DiBrienza program need to be heard and voted on by the City Council. Don't forget to mention that you know he's running for mayor in 2001.

Contact Vallone: (212) 788-7210 (phone), (212) 788-7207 (fax)

"Could you clarify that please..."

Met Council has met with the following Councilmembers:

Angel Rodriguez	Una Clarke
Ken Fisher	Martin Golden
Jose Rivera	Annette Robinson
Howard Lasher	

Although nearly all the Councilmembers we met with aligned themselves with the Vallone rent-laws-renewal bill, **not one** would make a straightforward pledge to vote against weakening amendments.

Neither did they make a commitment to support Resolution 801 (calling for the overturn of Urstadt) or the DiBrienza program. We did get a lot of "My record speaks for itself," "I will do what I think is right," "I will do what is best for tenants in my district," etc.

All tenants should contact their Councilmembers and demand a straightforward commitment on the renewal and **strengthening** of the rent laws.

Met Council continues to meet with Councilmembers on the rent-laws issue. If you would like to join us at a meeting with your Councilmember, call Met Council at (212) 693-0553, extension #6

Preliminary Rent Guidelines Board Public Meeting Schedule

The city Rent Guidelines Board, which sets annual increases for the 1,000,000 rent-stabilized households in New York City, is about to begin its public meetings which will lead to the voting on preliminary guidelines on May 8,

followed by a public hearing and final vote in late June.

Tenants will demand the end of the RGB's "poor tax"—the surcharge on low-rent apartments, which is contributing to the disappearance of apartments afford-

able to low-income New Yorkers. With this year's high fuel costs, landlords can be expected to demand steep increases, while tenants will argue that rents are already too high. Last year, when owners' costs went up 0.03% and

their profits increased 11%, the RGB imposed rent increases of 2% for a one-year lease renewal and 4% for two years.

This year's public meetings are tentatively scheduled as follows:

March 21	9:00 a.m.-12:30 p.m.	22 Reade Street, Manhattan	Public meeting
March 28	9:00 a.m.-12:30 p.m.	" "	Public meeting
April 11	9:00 a.m.-12:30 p.m.	" "	Public meeting
April 25	9:00 a.m.-12:30 p.m.	" "	
May 2	9:00 a.m.-5:00 p.m.	" "	(Invited landlord and tenant testimony)
May 8	5:00 p.m.-9:00 p.m.	N.Y. County Lawyers Ass'n 14 Vesey Street, Manhattan	(Preliminary Vote—Tenant turnout needed)
June 6	9:30 a.m.-12:30 p.m.	22 Reade Street, Manhattan	Public meeting

Note: These dates, times and places are subject to change, and should be confirmed by calling the RGB at (212) 385-2934, checking the RGB Website at www.housingNYC.com, or calling Met Council at (212) 693-0553.

Right Thing

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vision will not be possible until the Council demands it.

In response to this strong outcry, several sources close to Speaker Vallone, including Housing Committee chair Archie Spigner (D-Queens) and political and policy advisors including Kathy Cudahy, indicated that Intro. 801, Councilmember Stanley Michels' (D-Manhattan) measure calling for repealing the Urstadt Law, might get serious consideration this year.

Another issue requiring immediate attention is prohibiting the Rent Guidelines Board "poor tax," the additional monthly charge of \$15 to \$25 imposed on low-rent apartments in recent years. The poor tax has contributed to the loss of half the apartments renting for under \$500 a month in the past six years, a loss of almost 200,000 apartments, according to the 1999 Housing and Vacancy Survey. The HVS also showed that the supply of apartments renting for between \$400-599 declined by over 10% since 1996.

The DiBrienza bill would abolish both the RGB poor tax and the 7-1/2% annual increases imposed on rent-controlled tenants under the Maximum Base Rent system. The MBR provision is a little more complicated, because many rent-controlled tenants have already reached their MBR levels and are not currently liable for further increases, although landlords are suing to overturn a city law that reduced MBR increases.

The DiBrienza initiative also includes a resolution calling of the state legislature to repeal three of its recent provisions designed to cripple rent regulations: allowing minimum 18% vacancy increases on every apartment, deregulating vacant apartments that rent for \$2,000, and deregulating high-income tenants' apartments.

Testimony of Dave Powell

My name is Dave Powell and I am a staff organizer with the Metropolitan Council on Housing. I just want to echo what has been said here by many people, that the existing rent laws simply being renewed is not enough.

There are several concrete proposals that are out there, and I wonder whether or not the City Council is going to vote these in, or for that matter if the Speaker of the City Council is even going to allow them to come to the floor. First and foremost is Stanley Michels' Resolution 801, to repeal the Urstadt Law. The word is that the Speaker is blocking this from the floor, and I wonder how we can talk about a City Council that protects tenants' rights when we cannot even get a resolution that recommends that the Council have more power over the rent laws onto the floor.

In addition to that, we also ask that the Council have a hearing on the Steve DiBrienza bill that will kill the poor tax, the \$15 surcharge, and lower the rent-control annual increase from 7.5%, which is outrageous. Many rent-controlled tenants are paying well over what rent-stabilized tenants are paying. And we also ask that you pass the DiBrienza resolution, which calls for overturning \$2,000 vacancy decontrol, overturning so-called luxury decontrol, and ending the incredibly inflated 18-20% vacancy increase that landlords are collecting every time there is a vacancy.

I would like to say that Met Council has unfortunately been used to some degree by the City Council in keeping up this facade that everything is OK and that the City Council

has the best interests of tenants in mind. A mailing was sent out at public expense by the Speaker, quoting our newspaper and saying that there is nothing to worry about, and it is funny because at one point you talk about "irresponsible advocates" who are saying that everything is not OK—which we are absolutely saying, because everything is not OK—and then in the same mailing you quote our newspaper but twist our words.

If the City Council is serious, if the City Council does support

tenants' rights, there is absolutely no way the City Council can let the laws simply be renewed. It is absolutely not enough. We know that this is a move on the part of the Speaker, it is a very politically correct thing to say, "Yes, we are going to renew the rent laws," but you have the opportunity to strengthen the rent laws. You have the opportunity to do something active, and if you do not take that opportunity we will see that hollow facade for what it is.

Excerpts from Testimony of Met Council Board member Susan Howard

Without rent regulations, entire communities are at risk. I brought with me today typical rents advertised in the current *Village Voice* for apartments in Harlem and the Lower East Side: "Avenue C and 5th Street, beautiful renovated 3-bedroom, \$3,400/month"; "3rd Street and 2nd Avenue, renovated bright 1-bedroom, \$1,250/month"; "14th Street and Avenue A, renovated studio, convenient location, \$1,050"—that's cheap; "4th Street and 2nd Avenue, pre-war 1-bedroom, \$2,000/month"; "5th Avenue and 16th Street, spacious mini-loft, \$1,825/month."

In order to afford these prices, you're going to have to make about \$80,000 a year. I don't know what you Councilmembers make, what we pay you, probably almost \$100,000, but that's not what we make in Harlem and the Lower East Side.

We are losing the character of our communities. We are losing our public spaces, our local businesses and mom & pop stores, and there is nothing to be done without rent regulations.

We need to repeal and abolish the Urstadt Law so we can have some control over what happens in this city. We need to overturn \$2,000 decontrol. We need to abolish the Rent Guidelines Board's poor tax.

There is a lot of work to be done and this next year is the time to do it. 36 City Council seats will be vacant in 2001 due to term limits, and we will vote in a new Mayor, and we will choose someone who is going to represent the tenants of New York City.

WHERE TO GO FOR HELP

LOWER EAST SIDE

Cooper Square Committee

61 E. 4th St. (btwn. 2nd Ave. & Bowery)

Tuesdays 6:30 pm

BENSONHURST TENANT COUNCIL

1708 West 10th St., Brooklyn, 718-372-2413

Monday-Thursday 10 am-5 pm

Call for appointment.

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)

525 E. 6th St. (btwn. Aves. A & B) Lower East Side tenants only, 212-533-2541.

HOUSING COMMITTEE OF RENA

Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.,

544 W. 157th St. (basement entrance).

Thursdays 8:00 pm

LOWER MANHATTAN

LOFT TENANTS

St. Margaret's Home, Pearl & Fulton

Sts., 212-539-3538

Wednesdays 5 pm-7 pm

WEST SIDE TENANTS UNION

200 W. 72nd St. Room 63; 212-595-1274

Tuesday & Thursday 2-5 pm

Tuesday and Wednesday .. 6-7:45 pm



Pro-Giuliani Group Gets Big Homeless-Shelter Deal

Welfare isn't the only social service bringing in the big bucks. Last month, the city Department of Homeless Services announced a whopping 22-year, \$180 million contract for a new 400-bed shelter for adult homeless men in Bushwick. The winner: The Doe Fund, a major nonprofit that has stood out as one of the few to support the mayor's policies on homelessness.

Unlike many homeless advocates, Doe Fund founder George T. McDonald is conservative, trumpeting the importance of putting the homeless to work. During a heated exchange with an Urban Justice Center lawyer on the Fox News Channel talk show *Hannity and Colmes* last fall, McDonald defended his work-first philosophy this way: "[The homeless] don't need people like you to fight for their rights," he proclaimed.

"What they need are people like you to fight for their right to work."

McDonald also filed suit in 1997 against the Coalition for the Homeless, an advocacy group that has frequently needled the mayor. (The suit was subsequently dropped.)

As with many recent large contracts for social services, this contract was awarded via "negotiated acquisition," a process that minimizes competition among potential vendors. The technique is now used much more loosely: in 1996, the city awarded only 42 negotiated-acquisition contracts, worth \$164 million. By 1999, there were 208 awarded this way, and their value had jumped to \$1 billion.

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—Kathleen McGowan

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 212-693-0550 for information. Mon., Wed. & Fri., 1:30-5:00 pm.

My apartment is 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 _____

Send your check or money order with this form to:
Metropolitan Council on Housing, 64 Fulton St., Rm. 401, NY, NY 10038