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Tenant Inquilino

Housing for people, not profit

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Metropolitan Council on Housing
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PERIODICAL

A Tale of Two Buildings

By Gabriel Thompson

When the massive banner was first dropped along the side of 970 Kent Avenue in Brooklyn, it caused quite a stir. Construction had been going on for months, and neighborhood residents were curious about what would replace the cabinet-making factory that had previously employed dozens of people. With the drop of the banner, the mystery was put to rest.

"Welcome to 'The Kent,'" the signs proclaimed, announcing a new luxury development with "a fitness center, doorman, and outdoor track." Julieta Padilla, who has lived next door, at 944 Kent Ave., for more than a decade, was not impressed.

"We don't need luxury apartments," she said one afternoon while standing in front of her rent-stabilized building. "Everyone's already paying too much." She motioned west, where another manufacturing corridor had already been converted into spacious, expensive lofts. "Who can afford it? We need affordable housing, or jobs, or both. We don't need this."

Soon afterwards, a windy day doubled the banner back up again. The only words still legible on the sign are the curious name for the development: The Kent. This is a title that could only seem hip and chic to people who have never actually walked along this section of Kent Avenue. Kent runs south along the industrial waterfront in Williamsburg, then passes under the Brooklyn-Queens Expressway to the predominantly Mexican-immigrant neighborhood of northwest Bedford-Stuyvesant. After Kent crosses Myrtle Avenue, a few vacant lots sit opposite a popular Catholic church, St. Lucy-St. Patrick's. Two blocks later the avenue dead-ends into Lafayette Gardens, a public-housing development on DeKalb Avenue.

On any given day, large trucks bounce along the avenue's uneven pavement, belching emissions on

their ways to the few factories still in operation. The Kent, though more garish than most of the developments nearby, is just the most recent Manhattanite transplant to land in this working-class community.

Out With the Jobs, in With the Luxury

On a stroll around the hallways during an open house at "The Kent" in June, it becomes clear that the future residents will not have the same kind of problems that plague longtime tenants living nearby. Instead of 24-hour rats and cockroaches, residents of The Kent will have a doorman to welcome them to a home that includes a fitness center, an outdoor running track, and landscaped gardens.

One could still imagine the building filled with bustling enterprises and sweating laborers. At the check-in desk for the open house, visitors were asked



PEIHENG TSAI

Ms. Guzman, who has lived at 944 Kent Avenue for more than a decade, recently had her kitchen ceiling collapse.

to sign a waiver acknowledging that they were about to enter a construction site, releasing the owner from liability. A large elevator, once used to cart heavy equipment, brought potential buyers up to several completed apartments ready

to show.

In unit 408, going for \$395,000, hardwood maple floors cover an expansive dining room/living room combination—what the developers term "flexible space." Unit 408 is one of

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Tenants Demand Home Rule for City Over Rents and Evictions

By Kenny Schaeffer

Tenants and community leaders are rallying on the City Hall steps on December 15 at noon to send a "home rule message" to the Mayor and City Council, demanding that New York City's power over rents and eviction protections be restored.

They want the council to ask the state Legislature to repeal the 1971 Urstadt law, which bans the city from adopting rent regulations stricter than the state's. "It's clear that New York City needs home rule now so we can begin to reverse the loss of affordable housing," declared Councilmember Bill Perkins, who reserved the City Hall steps for the event. Other speakers will include State Senator Liz Krueger, Patrick Markee of the Coalition for the

Homeless, Councilmember Christine Quinn, and Rocky Chin of the Working Families Party, a former attorney at the city's human-rights commission.

"Met Council is organizing this rally to urge the City Council to pass a home-rule message that calls on the legislature to restore New York City's power to limit rents and evictions. Only the Council can address the city's deep and worsening housing affordability crisis, but its hands are improperly tied," explains Met Council director Jenny Laurie.

Local Passage Likely

It is likely that the Council will pass the home-rule message in the coming months, as tenants and housing advocates increasingly make the connection

between the city's lack of home rule and the housing/homelessness crisis. Council Speaker Gifford Miller has said previously that he will pass a home-rule message. When the Council renewed the city's rent laws in 2003, it overwhelmingly passed a resolution calling for restoration of home rule.

A home-rule message would go through Councilmember Joel Rivera's federal and state legislation committee. If the Council passes it this spring, Mayor Michael Bloomberg will have to choose between alienating real-estate interests by signing it or alienating tenants by vetoing it. It is likely that the Council would override a veto, much as it did with Bloomberg's veto of the

Childhood Lead Poisoning Prevention Act earlier this year.

A home-rule message—formally calling upon the state Legislature to pass a particular piece of legislation the local government considers necessary to its well-being—is stronger than a resolution, which has no

force of law at all. The Legislature generally gives deference to such messages.

There have been bills introduced in Albany to restore home rule for years, including ones this year sponsored by Sen. Frank Padavan (R-Queens) and Assemblymember Vito

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Federal Heating-Aid Program Doesn't Warm City

As winter descends on New York City, tens of thousands of tenants will find themselves without heat. Last winter, the city Department of Housing Preservation and Development received 118,000 complaints of no heat or hot water.

Yet the federal government's \$1.9 billion program to help prevent lower-income people from going without heat, the Home Energy Assistance Program, isn't doing much good in the city, according to a report released by the

city Independent Budget Office in November. The city got barely one-eighth of the \$244 million in HEAP funds New York State received in fiscal 2004, the report says. Though the city has about 42 percent of the state's population, it has received less than 15 percent of the HEAP funds given to the state over the past five years. "The program does little to prevent heat emergencies among New York's low-income population," the report states.

The reason, it says, is that the HEAP program is designed to aid low-income homeowners, while more than 70 percent of the New York City residents whose incomes are low enough to qualify for the aid are tenants whose heating costs are included in their rent. "It's not designed for New York City or any big city where a large proportion of the low-income residents live in apartment buildings," says IBO spokesperson Doug Turetsky. The aid goes to the person paying the heating bills, he explains, and "in New York City, that's not going to be the tenant."

The two main problems, the report says, are that most of the aid the program gives to tenants comes in one annual payment, not during "crises related to heating needs" and that owners of multifamily buildings are almost always ineligible for it. Low-income ten-

ants who don't pay for their own heat can get up to \$50 a year aid, and the small number of tenants who do pay for heat themselves can get up to \$400 a year, plus slightly more in emergencies. But landlords, even if they have significant problems paying fuel bills, are ineligible unless their income is below \$27,000 a year, which means that virtually all except the smallest and poorest landlords don't qualify for aid.

—Steven Wishnia

Grover Foster

Met Council is sad to report the death of Grover Foster on November 10, 2004. Grover served as a valuable member of Met Council's board of directors for two terms and was the president of the tenants' association of Patio Gardens, a large, two-building complex in Brooklyn's Flatbush neighborhood. Originally built as a well-appointed middle-class enclave by the Trump family, the complex was allowed to decline once the majority of the tenants were not white. Grover led a powerful tenants' association that represented tenants of all colors and fought to restore the complex to its former prestige. Tenants



who attended meetings he led, especially Met Council's 2001 Annual Assembly where he was a main speaker, will remember him for his preacher-like booming voice and speaking style that combined a call to activism with incisive analytical powers. Grover will be sadly missed by the tenants of his complex and by the broader tenant movement.

—Jenny Laurie



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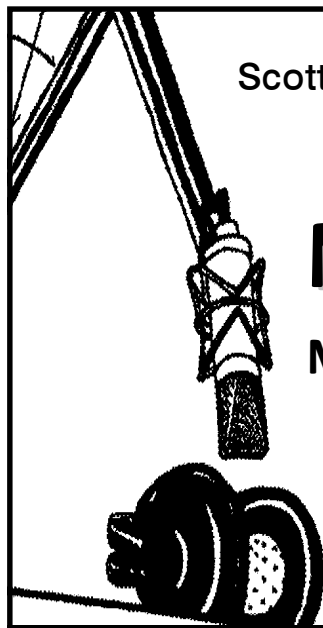
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EL INQUILINO HISPANO

Una historia sobre dos edificios

Por Gabriel Thompson
Traducido por Lightning Translations

Cuando se colgó la monumental bandera sobre el 970 de la avenida Kent en Brooklyn, se causó bastante conmoción. Se había estado realizando obras de construcción durante meses y los residentes de ese vecindario tenían curiosidad de saber qué sustituiría a la fábrica de ebanistería que previamente había empleado a decenas de personas. Al colgarse la bandera, se acabó el misterio.

“Bienvenidos a ‘El Kent,’” proclamaban los letreros, anunciando una nueva urbanización de lujo con “un centro de ejercicios, un portero y una pista de carreras al aire libre.” Julieta Padilla, quien ha vivido junto a ese lugar por una

década, en el 944 de la avenida Kent, no se sintió impresionada.

“No necesitamos apartamentos de lujo,” dijo una tarde, parada frente a su edificio de renta estabilizada. “Todo el mundo ya paga demasiado.” Hizo un gesto hacia el oeste, donde otro corredor industrial ya se había convertido en desvanes amplios y caros. “¿Quién puede pagar por todo esto? Lo que necesitamos es vivienda asequible o trabajos, o ambas cosas. No necesitamos esto.”

Poco después, un día ventoso hizo doblar la bandera otra vez. Las únicas palabras todavía legibles eran el nombre extraño de la urbanización: El Kent. Éste es

un título que sólo puede parecer de moda y elegante a gente que en realidad no ha caminado por este tramo de la avenida Kent. Kent se extiende al sur a lo largo de la zona industrial portuaria en Williamsburg, pasando después por debajo de Brooklyn-Queens Expressway hacia el vecindario del noroeste de Bedford-Stuyvesant, mayoritariamente poblado por inmigrantes mexicanos. Después de que Kent cruza la avenida Myrtle, hay algunos lotes baldíos al lado opuesto de una iglesia católica popular, St. Lucy-St. Patrick. Dos cuadras más adelante, la avenida termina sin salida en Lafayette Gardens, una urbanización

pública en la avenida DeKalb.

En cualquier día determinado, en el pavimento accidentado de la avenida, grandes camiones dan saltos, arrojando emisiones rumbo a las pocas fábricas todavía en operación. El Kent, aunque sea más ostentoso que las otras urbanizaciones cercanas, no es nada más que el trasplante más reciente de Manhattan a esta comunidad de clase obrera.

Fuera los trabajos, bienvenido el lujo

En un paseo por los corredores, durante una “casa abierta” en el

pasa a la página 4

Los Ajustes de la “Junta de Regulación de Renta” de la Ciudad de Nueva York (Orden No. 36)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2004 hasta el 30 de septiembre de 2005.

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 2004. 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 2004. 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. No se permite el recargo también conocido como el «impuesto de pobres.»

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 un recargo 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 ley permite también incrementos adicionales para los apartamentos vacíos donde no se habían cobrado incrementos por desocupación por ocho años o más.

Exceso de Cobro Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos del historial de renta de sus aparta-

mentos, para cobrar un alquiler ilegal. Una vez que el inquilino haya tomado posesión del apartamento, puede escoger entre llenar un formulario de queja de exceso de cobro 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 exceso de cobro de alquiler es muy común. Todos los inquilinos deben luchar contra posibles excesos de cobro. 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, o búsquelo en el sitio www.dhcr.state.ny.us.

La Apelación de la Renta de Mercado Justa Otro tipo de

exceso de cobro sucede 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) establece 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 36, es la Renta de Mercado Justa de HUD o un 50% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de 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 “exceso de cobro.” 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 \$24,000 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 2.5 por ciento por un contrato de un año y un 5.5 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación

No habrá ningún aumento de la renta este año 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). No se permiten incrementos para apartamentos vacíos.

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.

Para pautas previas, llame a la RGB al 212-385-2934 o busque el sitio www.housingnyc.com.

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años	
Renovación del Contrato	Si el dueño paga la calefacción	3.5%	6.5%	
	Si el inquilino paga la calefacción	3%	6%	
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	17%	
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 17%	
	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, mas 17%, o \$100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o \$100, lo que sea mayor

Dos edificios

viene de la página 3

Kent en junio, se hace patente que los nuevos residentes no tendrán el mismo tipo de problemas que atormentan a los inquilinos que llevan muchos años viviendo cerca de ahí. En lugar de ratas y cucarachas las 24 horas al día, los residentes de El Kent tendrán un portero para darles la bienvenida en un hogar que incluye un centro de ejercicios, una pista de carreras al aire libre y jardines ornamentales.

Uno puede todavía imaginarse el edificio lleno de prósperas empresas y trabajadores sudorosos. En la recepción para la casa abierta, se pidió a los visitantes que firmaran una liberación de responsabilidad, reconociendo que estuvieron a punto de entrar en un sitio de construcción y liberando al propietario de toda responsabilidad. Un ascensor grande, empleado previamente para llevar equipo pesado, trajo los probables compradores a algunos apartamentos terminados y listos para ser mostrados.

En la unidad 408, a la venta en \$395,000, hay una combinación sala/comedor expansiva con suelo de madera dura de arce—lo que los especuladores llaman “espacio flexible.” La unidad 408 es uno de los 103 condominios que se abrirán en 2005. Todos tienen techos de 12 pies de altura, ventanas monumentales, duchas “tamaño enorme” y cocinas futuristas. Los precios van desde \$335,000 por unidades de un dormitorio hasta \$600,000 por un apartamento penthouse de lujo. Los especuladores anuncian El Kent como “una combinación imponente de líneas bien proporcionadas y carácter industrial—un edificio industrial transformado por la imaginación y calentado por el sol.”

Residentes de mucho tiempo, luchas de muchos años

En el 944 de la avenida Kent, los inquilinos como Julieta Padilla también se acostumbran a estar calentados por el sol, ya que la caldera se descompone regular-

mente todos los inviernos. En cierto momento en 2002, hubo más de 300 violaciones en el edificio de ocho unidades, incluidas 50 violaciones de clase C, condiciones de “peligro inminente.” Al envejecer los inquilinos, algunos contrayendo condiciones serias de salud, los peligros en sus hogares les han dificultado la vida de manera creciente.

Al esposo diabético de Padilla se le amputó una pierna recientemente. Desde que regresó del Hospital Brooklyn a fines de octubre, la calefacción ha quedado apagada y la falta de un sistema de intercomunicación ha hecho difícil la coordinación de sus citas diarias con la enfermera visitante. Julieta, que tiene miedo de dejar abierta la puerta principal, se queda en casa todos los días esperando la llamada de la enfermera y luego baja para dejarla entrar. No quiere pensar en lo que puede pasar a su esposo, confinado en una silla de ruedas, si ocurre un incendio en el edificio cuando ella no esté para llevarlo fuera de peligro.

La falta de calefacción también le han provocado ataques de asma a la Sra. Bermúdez, amiga y vecina de Julieta e inquilina de renta controlada del cuarto piso que se mudó al edificio en 1964. Cuando no está enfrentando el problema del apartamento helado, trata de sujetar los adoquines decaídos con cinta adhesiva. Las goteras constantes causan que el techo se desplome regularmente, los alambres expuestos brotan de los enchufes eléctricos y grandes grietas cruzan las paredes en todos los cuartos.

La familia Martí vive debajo de la Sra. Bermúdez. La Sra. Martí, quien también vive en un apartamento de renta controlada, es ciega y probablemente anda por los setenta. Aquí se filtra el agua de las goteras de arriba para luego pasar al segundo piso; los techos continúan desplomándose y la pintura de plomo desprendida por la humedad se despega en grandes tiras. Anteriormente, Martí ha llevado al casero a la corte para recibir reparaciones, pero eventualmente el equipo legal del dueño le agotó con aplazamientos y promesas que nunca se han cumplido.

El día que visité a la Sra. Guzmán, una inquilina del segundo piso, ella estaba barriando grandes piezas de yeso en la cocina. El techo se había desplomado más temprano esa mañana, y mientras ella terminaba el trabajo de limpieza, sostuve a su nieta en los brazos para mantener a la pequeña lejos de la suciedad. La Sra. Guzmán afirmó, “llamé al casero, el Sr. Weber, de inmediato, pero eso no significa que él haga algo en realidad. Él sabe cómo vivimos, pero sólo quiere que nos larguemos.”

Guzmán se rió cuando le pregunté si tenía planeado entablar una demanda en la Corte de Vivienda para que se arreglara el techo. “La Corte de Vivienda no va a hacer nada,” respondió. “Nada más mandarán otros inspectores para escribir más informes de

queja. En realidad no harán nada para resolver el problema.”

En el apartamento del primer piso, María Moran se esfuerza constantemente para mantener a su hija de dos años de edad, Alejandra, alejada de la repisa contaminada por plomo en la cocina. Hace un año se descubrió que Alejandra tenía un alto nivel de plomo en la sangre, y aunque los inspectores de vivienda han citado numerosas violaciones de pintura de plomo desde entonces, ni el casero ni la ciudad ha tomado ninguna medida al respecto. Para agravar los problemas de Moran, hace un mes el techo sobre la estufa se desplomó—otra vez por la misma gotera—para dejar expuestas tablas de madera que regularmente dejan caer escombros. Así como con los peligros de plomo, el casero no considera el agujero profundo una prioridad, forzando a Moran a hacer lo mejor que pueda para mantener a Alejandra alejada de la cocina.

Cuando hablé con Julieta Padilla para contarle los varios problemas en su edificio, soltó un largo silbido. “Como ves, Gabriel, él piensa que puede maltratarnos,” dijo del casero. “Pero no se atreve a asomarse por acá, porque sabe que si lo hiciera, se metería en un lío. Yo haría venir acá a mis muchachos de Lafayette Gardens y ellos le propinarían una paliza.” Sonrió al contemplar la perspectiva de tomar la justicia en sus propias manos. “De todos modos, nos hemos pasado mucho en este edificio y él no va a desalojar a nadie.”

¿No estamos en Bed-Stuy?

El Kent parece empecinado en hacer todo lo que puede para alejarse de la pobreza y miseria que caracteriza a buena parte del vecindario. El Developers Group (grupo de especuladores), que está a cargo del 970 de la avenida Kent, pone mucho énfasis en las ventajas de vivir en el vecindario. En un mapa desplegado para probables compradores, se muestra a El Kent como cercano a restaurantes de moda como la cantina francesa Chez Oscar y el restaurante tipo sudafricano Madiba, además de los servicios importantes de Kiki's Pet Spa & Boutique (tienda y lugar de recreo para mascotas de Kiki).

En su sitio Web el Development Group asevera que “la clave de cualquier vecindario emergente es la ubicación.” Sin embargo, pese a todo su énfasis en los beneficios del vecindario, El Kent no está precisamente cómodo en su nuevo hogar. La propaganda del Developers Group hace una lista de una serie de vecindarios cercanos en Brooklyn: “Williamsburg, con sus tiendas, restaurantes y encantador vecindario, queda a pocos pasos al norte. Al oeste, quedan cerca regiones bien establecidas como Brooklyn Heights y Cobble Hill. Y Park Slope, con el hermoso Parque Prospect, queda un poco al norte.”

Lo que falta, por supuesto, es cualquier mención del verdadero

pasa a la página 5

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 al casero por cada día que se produzca la violación. (Pero la verdad es que la Corte de Vivienda raras veces impone las multas, y menos aun las cobra).
- * Una multa de \$1,000 al casero si algún aparato de control automático se instala en la caldera para mantener la temperatura por debajo del mínimo legal.
- * Si el tanque de combustible de la caldera está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción y también sin obtener ninguna respuesta del casero. Esto no se aplica si la caldera está rota y necesita tanto reparación como combustible.

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



Dos edificios

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vecindario en el que El Kent está situado: Bedford-Stuyvesant. De hecho, todos los vecindarios mencionados se conocen mejor por aquí por la presencia en ellos de grandes cantidades de gente blanca. Aun así, no todos se dejan engañar por la retórica de El Kent. "Mencionan el Instituto Pratt y el Parque Fort Greene, pero ¿y los proyectos?" indicó una mujer afro-americana al bajar de la casa abierta en el ascensor. "¿Y el cuartel de policía? ¿No estamos en Bed-Stuy?"

Hector Rivera, un trabajador en el Pratt Area Community Council (Consejo Comunal del Area Pratt), e inquilino por largo tiempo en la avenida DeKalb, cerca de la esquina de la avenida Kent, se siente ofendido por el mapa de El Kent. "¿Dónde está la bodega de Esteban?" se pregunta enfadado. "Ha estado aquí desde siempre y todos nosotros conocemos al dueño. Ese lugar de recreo de mascotas acaba de mudarse aquí y queda a diez cuadras de distancia. ¿Por qué la bodega en la esquina no se incluyó en el mapa?" Rivera se inquietó tanto por el futuro de la bodega a la luz del mapa de El Kent que pasó por ahí para asegurarse que no planeaban irse a ningún lado. Él se puso feliz al enterarse de que Esteban acababa de firmar un contrato de dos años, asegurando así que la institución del vecindario se quedara por al menos los próximos 24 meses.

¿El nuevo modelo de desarrollo?

Bajo el mando del alcalde Michael Bloomberg, la Ciudad de Nueva York está en medio de una reconstrucción radical, que al no ser detenida, seguirá el modelo desarrollado aquí en Bedford-Stuyvesant. Hay cuadras como la de la avenida Kent en muchos vecindarios, donde viejos edificios

industriales están inactivos o subutilizados y listos para una conversión residencial. Hay cuatro preguntas importantes que vienen a la mente al enfrentar los cambios que han ocurrido aquí: ¿Qué está dispuesta a hacer la ciudad para proteger a los residentes como las familias que viven en el 944 de la avenida Kent y qué va a pasar con todas esas conversiones? ¿Qué se construye y para quién?

En la avenida Kent, las respuestas no se prestan a pensamientos prometedores. Los empleos bien pagados se han convertido en vivienda inalcanzable, mientras vecinos de muchos años del complejo costoso todavía esperan vivir en una vivienda sin peligros. Sin ninguna intromisión, el modelo Kent será recreado a través de toda la ciudad, siguiendo la lógica de un mercado de bienes raíces fuera de control, salarios de trabajadores estancados y un sistema para hacer cumplir los reglamentos que hace poco por hacerlos cumplir.

Cambiar del lenguaje académico a la lucha moral

*Hace mucho tiempo se decía que "la mitad del mundo no sabe cómo vive la otra mitad." En ese entonces, era verdad. No sabía porque no le importaba. A la mitad que se encontraba arriba le importaba muy poco las luchas, y mucho menos el destino de los que quedaron abajo, siempre y cuando pudieran mantenerlos ahí y guardar su propio asiento. — Jacob A. Riis, *How the other Half Lives* (Cómo vive la otra mitad).*

Jacob Riis causó un escándalo cuando publicó *Cómo vive la otra mitad*. Sus fotos que capturaron las condiciones infrahumanas de los barrios pobres exigieron hechos. ¿Cómo no iban los lectores

a tener un profundo sentido de vergüenza, si después de todo, ¿no era esta la tierra de libertad y oportunidades?

Desde entonces, los partidarios y organizadores del movimiento de vivienda nos hemos vuelto mucho más sofisticados. No simplemente hablamos sobre la injusticia sino soltamos términos como planeación urbana de inclusión, urbanizaciones 80/20 y el favorito de todos, "burguesificación" ("gentrification"). Sin embargo, quizás lo que necesitamos más que nada es un buen dosis de la buena y anticuada indignación moral. Para imponer propuestas políticas importantes como la planeación urbana de inclusión obligatoria, nos hará falta más que argumentos inteligentes y voceos que se expresen con facilidad. Necesitaremos empezar a elaborar nuestras luchas menos en términos de la accesibilidad financiera y más en términos de la justicia. La tarea del movimiento de vivienda es vincular nuestras recomendaciones políticas, que al imple-

mentarse mejorarían nuestra ciudad radicalmente, con la indignación moral del descubrimiento de corrupción que hizo Riis. Para hacer esto, tenemos que retirarnos de vez en cuando y dejar a la gente más afectada—como los inquilinos del 944 de la avenida Kent—hablar en sus propias palabras sobre sus experiencias.

Gabriel Thompson es miembro de la junta directiva de Met Council y organizador con el Pratt Area Community Council.

Complaint Numbers

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

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

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 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!

Say NO to the West Side stadium

Say YES to affordable housing in our neighborhood

The week of December 13 will be the most decisive week yet in the fight for the West Side. The City Council is holding a hearing before voting on the Hudson Yards plan, and the Empire State Development Corporation will hold a final hearing on the proposed stadium.

Monday, December 13

Hudson Yards hearing at City Hall, 9:00 a.m.

- Our last chance to testify about affordable housing, traffic and the proposed 80-story office towers
- Free lunch will be served
- Free "affordable housing now!" T-shirts will be distributed

Thursday, December 16

West Side stadium hearing at the Javits Center, 4:00 p.m.

- The only public hearing scheduled about the stadium—and the Mayor wants to start construction this spring!
- Free snacks for neighborhood residents
- Free "no stadium" T-shirts

If you are going to attend these hearings, call the Hell's Kitchen/Hudson Yards Alliance's special RSVP hotline, (212) 629-1760. For more information or to help organize, call HK/HYA at (212) 541-5996, e-mail jraskin@hcc.nyc.org, or go to www.hkhyalliance.org.

Two Buildings

continued from page 1

the 103 condominiums that will open in 2005. They all have 12' ceilings, massive windows, walk-in showers, and futuristic kitchens. Prices range from \$355,000 for one-bedroom units to more than \$600,000 for luxury penthouses. The developers advertise The Kent as "a stunning combination of clean lines and industrial character... an industrial building transformed by imagination and warmed by the sun."

Longtime Residents, Longtime Struggles

At 944 Kent, tenants like Julieta Padilla are also accustomed to being warmed by the sun, since their boiler breaks down regularly each winter. At one point in 2002 there were more than 300 violations in the eight-unit building, including 50 Class C "immediately hazardous" conditions. As the tenants have aged, some developing serious health conditions, the hazards in

their homes have made life increasingly difficult.

Padilla's diabetic husband recently had one of his legs amputated. Since he returned from Brooklyn Hospital in late October, the heat has been off, and the lack of an intercom or buzzer at the entrance has made his daily appointments with the traveling nurse difficult to coordinate. Julieta, afraid to leave the front door open, stays home each day waiting for the nurse's call, then goes down to let her in. She doesn't like to think what might happen to her wheelchair-bound husband if a fire in the building should occur when she's not around to carry him to safety.

The lack of heat this winter has also been triggering asthma attacks for Julieta's friend and neighbor, Ms. Bermudez, a rent-controlled tenant on the fourth floor who moved into the building in 1964. When she's not contending with the freezing apart-

ment, Bermudez tries to tape down her decaying floor tile. Constant leaks cause her ceiling to collapse regularly, exposed wires sprout from electrical sockets, and large cracks run up and down the walls in every room.

Below Ms. Bermudez lives the Martí family. Ms. Martí, who is blind and probably in her seventies, is also a rent-controlled tenant. Here water from the leaks above seeps through and heads down to the second floor; ceilings continue to collapse, and lead paint loosened by the moisture peels off in large swaths. Martí has previously taken the landlord to court in order to receive repairs, but his legal team eventually wore her down with postponements and never-kept promises.

On the day that I visited Ms. Guzman, a tenant on the second floor, she was sweeping up large chunks of plaster in the kitchen. The ceiling had collapsed

earlier that morning, and while she completed the cleanup job I held her granddaughter in my arms, keeping the little girl away from the mess. "I called the landlord, Mr. Weber, right away," Guzman said, "but that doesn't mean that he'll actually do anything. He knows how we live, but he just wants us out."

When I asked Guzman if she was planning on starting a Housing Court case to get the ceiling fixed, she laughed. "Housing Court won't do anything," she responded. "They'll just send more inspectors out here to write up more complaints. They won't actually do anything to fix the problem."

In the first-floor apartment, Maria Moran constantly struggles to keep her two-year-old daughter, Alejandra, away from the lead-contaminated windowsill in the kitchen. One year ago Alejandra was found to have an elevated blood-lead level,

and though housing inspectors have since cited numerous lead-paint violations, neither the landlord nor the city has taken action. Compounding Moran's problems, the ceiling above the stove collapsed a month ago—that same leak again—exposing wooden planks from which debris regularly falls. As with the lead hazards, the landlord does not consider the gaping hole a priority, forcing Moran to do her best to keep Alejandra out of the kitchen area.

When I speak to Julieta Padilla and chronicle the number of problems in her building, she lets out a long whistle. "You see, Gabriel, he thinks he can mess with us," she says of the landlord. "But he doesn't dare show his face around here, 'cause he knows that if he did than he'd be in trouble. I'd get my boys from Lafayette Gardens out here and

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NYC Rent Guidelines Board Adjustments (Order No. 36)

for Rent Stabilized Leases commencing Oct. 1, 2004 through Sept. 30, 2005

This 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, 2004. 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, 2004. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, a.k.a. poor tax, allowed.

Sublease Allowance

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

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 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 be-

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	Landlord pays heat	3.5%	6.5%	
	Tenant pays heat	3%	6%	
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

tween 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.

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 or go to: www.dhcr.state.ny.us

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 an-

nually 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 36, it is HUD Fair Market Rent or 50% above the maximum base rent., whichever is higher. 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 \$24,000 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 avoided. Obtain the SCRIE application form by calling (212) 442-1000.

Loft Units

Legalized loft unit increases above the base rent are 2.5 percent for a one-year lease and 5.5 percent for two years. No va-

cancy allowance is permitted on vacant lofts.

Hotels and SROs

The board voted to freeze rents 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). No vacancy allowance is permitted. Landlords cannot collect an increase over the rent charged on September 30, 2004 between October 1, 2004 and September 30, 2005.

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.

For previous guidelines call the RGB at 212-385-2934 or go to www.housingnyc.com.



Two Buildings

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they'd whup his ass." She smiles at the prospect of vigilante justice. "Either way, we've all been through a lot in this building, and he ain't going to get nobody out."

Isn't This Bed-Stuy?

The Kent seems determined to do its best to distance itself from the poverty and hardship that characterizes much of the neighborhood. The Developers Group, which is in charge of 970 Kent, puts much emphasis on the advantages of living in the neighborhood. On a map laid out for prospective buyers, The Kent is shown to be near trendy restaurants like the French bistro Chez Oscar and the South African-style Madiba, as well as the critical services of Kiki's Pet Spa and Boutique.

On its Web site the Developers Group states that "the key to any up-and-coming neighborhood is location." Yet for all its emphasis on the benefits of the neighborhood, The Kent is not exactly comfortable in its new home. The Developers Group literature lists a series of Brooklyn neighborhoods in the vicinity: "Williamsburg, with its shops, restaurants, and neighborhood charm, is just a few steps north. Long-established areas like Brooklyn Heights and Cobble Hill are close to the west. And Park Slope with beautiful Prospect Park lies just to the south."

Missing, of course, is any mention of the actual neighborhood in which The Kent is located: Bedford-Stuyvesant. In fact, every neighborhood they mention is known most, in these parts, for the presence of large numbers of white people. Yet not everyone is falling for the rhetoric of The Kent. "They mention Pratt Institute and Fort Greene Park, but what about the projects?" an African-American woman remarked during the elevator ride down from the open house. "What about the police station? Isn't this Bed-Stuy?"

Hector Rivera, a worker at the Pratt Area Community Council and a longtime tenant on DeKalb Avenue near the corner of Kent, takes offense at The Kent's map. "Where is Esteban's Bodega?" he wondered angrily. "That has been around forever, and we all know the owner. That pet spa just moved in, and is ten blocks away. Why wasn't the bodega on the corner included in the map?" Rivera became so concerned about the bodega's future, in light of The Kent's omission, that he stopped by to make sure that they weren't planning on going anywhere. He was happy to learn that Esteban had just signed a two-year lease, ensuring that the neighborhood institution would stick around for at least the next 24 months.

New Model of Development?

Under Mayor Michael Bloomberg, New York City is in the midst of a radical restructuring, which if not checked will follow the model

developed here in Bedford-Stuyvesant. In many neighborhoods there are blocks like Kent Avenue, where old manufacturing buildings lie dormant or underused, ready for residential conversion. There are four big questions that come to mind when confronting the changes that have occurred here: What is the city ready to do to protect residents like the families living at 944 Kent, and what is going to happen with all of those conversions? What will be built, and for whom?

On Kent Avenue, the answers have not lent themselves to hopeful thinking. Well-paying jobs have been converted into unattainable housing, while longtime neighbors to the pricey complex are still waiting to live in hazard-free housing. Without interference, the Kent model will be recreated across the city, following the logic of an out-of-control real-estate market, stagnating wages for workers, and a code-enforcement system that does remarkably little enforcing.

Framing the Fight

"Long ago it was said that 'one half of the world does not know how the other half lives.' That was true then. It did not know because it did not care. The half that was on top cared little for the struggles, and less for the fate of those who were underneath, so long as it was able to hold them there and keep its own seat. —Jacob A. Riis, How the Other Half Lives.

When Jacob Riis published *How the Other Half Lives* in 1890 it caused an uproar. His photos capturing the inhumanity of slum conditions demanded action. How could readers not feel a deep sense of shame—wasn't this the land of liberty and opportunity, after all?

Since then, advocates and organizers in the housing movement have become much more sophisticated. We don't simply talk about

injustice, but throw around terms like inclusionary zoning, 80/20 developments, and everybody's favorite, gentrification. Yet perhaps what we need most of all is some good old-fashioned moral indignation. In order to push through important policy proposals like mandatory inclusionary zoning, we're going to need more than smart arguments and articulate spokespeople. We need to begin to frame our fights less in terms of affordability and more in terms of justice. The task of the

housing movement is to connect our policy recommendations, which if implemented would radically improve our city, with the moral outrage of Riis' muckraking. And to do this, we need to step back sometimes and let the people most affected—like the tenants of 944 Kent Avenue—speak in their own words about their experiences.

Gabriel Thompson is a Met Council board member and an organizer with the Pratt Area Community Council.

Missed an issue of TENANT?

see www.metcouncil.net

Rent-Controlled Tenants Challenge MBR

The Committee for the Protection of Rent Controlled Tenants was formed in the spring of 2002. Rent-controlled tenants (mostly seniors and living on fixed incomes) are subject to a system that came into force at the end of World War II; these tenants were once the majority in the city. Today most regulated tenants are covered by the rent-stabilization laws. The remaining 60,000 rent-controlled tenants are the forgotten, neglected minority who receive annual 7.5 percent maximum collectible rent (MCR) increases, in addition to annual fuel-passalong increases and major capital improvement increases. The ceiling rent, the Maximum Base Rent (MBR), is increased once every two years by the state housing agency, the Division of Housing and Community Renewal. The 2004/2005 increase was 17.2 percent. The rent for a rent-controlled apartment can go up 7.5% per year until it reaches the MBR—which it never reaches if the MBR increases are high.

Attorney Robert Levy, repre-

senting the Committee, filed a suit versus the DHCR, claiming that its formula for determining the annual MBR increase does not conform with the intent of the original rent-control statute, which is to protect tenants from excessive rents caused by the shortages in today's rental market.

State Supreme Court Judge Emily Goodman heard the case on Oct. 21. DHCR moved to dismiss the tenants' petition, claiming the Committee has no legal standing to file such a suit and failed to show sufficient cause for it. Judge Goodman did not dismiss the case. The Committee is now required to submit additional information to her, and is hoping that the case will go forward.

—Belle Feldman



Feb. 2 Housing March to Demand Housing

Met Council has joined a coalition, initiated by ACORN (Association of Community Organizations for Reform Now), that will march over the Brooklyn Bridge on Wednesday, February 2 to demand serious steps to address New York City's worsening housing crisis.

The march's three main demands will be the inclusion of affordable housing in any major rezoning and development in the city, such as those proposed for Brooklyn, Manhattan's far West Side, and West Harlem/Manhattanville; the use of Battery Park City profits to preserve and create affordable housing for all New Yorkers; and home rule for the city over rents and regulations.

Requiring affordable housing in any major development or rezoning—known as "inclusionary zoning"—is a common way to get developers to build new affordable housing. But the usual ratio of market-rate luxury housing to

"affordable" housing in such projects is 80:20. Advocates are increasingly recognizing that the 80:20 ratio is grossly inadequate, especially when public land or money are used for the project.

The second plank of the platform demands that profits generated by the huge Battery Park City project at the southern tip of Manhattan be devoted to affordable housing, as promised when the project was conceived more than 30 years ago. The city has used Battery Park City funds merely to replace other existing funds, resulting in zero net gain.

The third component of the march's platform is home rule—repeal of the 1971 Urstadt law, which placed city tenants at the mercy of the state Legislature, which has steadily weakened rent and eviction protections as the housing crisis has continued to deepen (see article on page 1).

"Home rule over rent and evic-

tion protections is an absolutely necessary first step towards fixing the rent control and stabilization laws and protecting the one million or so apartments still covered," declared Michael McKee, associate director of New York State Tenants & Neighbors, a member of the march's planning committee.

For more information or to help out, contact Jane Thompson of ACORN at (212) 223-7102; e-mail, jthompson62@nyc.rr.com; or Met Council.

—Kenny Schaeffer



Urstadt

continued from page 1

Lopez (D-Brooklyn). These see no light in the Senate and become one-house bills, passed by the Assembly with no effect. Until now, the Assembly has never made this an issue to keep on the table when deals are made. New bills are certain to be introduced in January, according to Sen. Krueger (D-Manhattan), and a home-rule message from the Council would specifically support them.

**Rockefeller's
Disastrous Legacy**

In 1971, the city's housing crisis was mild compared to today's, though abandonment was a growing threat. According to the US Census Bureau, the median rent in the city in 1971 was an astonishing (to us now) \$215 a month. The enactment of the Rent Stabilization Law of 1969 placed post-World War II buildings with six or more units under control, and another one million prewar apartments were protected by rent control. Tens of thousands more people lived in affordable Mitchell-Lama apartments. But New York's Republican governor, billionaire Nelson Rockefeller, pushed two bills through the Legislature that turned the city's perennial housing shortage into a full-blown crisis.

The first prong of Rockefeller's assault was vacancy decontrol. Starting July 1, 1971, every vacated apartment lost all rent-control protections. The second prong, the brainchild of Rockefeller aide Charles Urstadt, removed New York City's home rule over rents, making it illegal for local governments to enact "more stringent" regulations for housing units already subject to controls or to regulate units which were not already covered.

The results of these twin "Rocky Horrors" were immediate and long-lasting. Between 1971 and 1974, more than 400,000 units were decontrolled. Rents began escalating. Maintenance decreased even as rents and profits skyrocketed, for the obvious reason that deregulated tenants had

no protection if they complained. Even though vacancy decontrol was ended after three years with the passage of the Emergency Tenant Protection Act of 1974, tremendous and lasting damage had already been done. The deprivation of home rule meant that the power to fix the rent and eviction laws—or to make them worse—was vested in the state legislature, with the state Senate controlled by the real-estate friendly Republican Party. And the more profits landlords earned, the more political influence they could buy.

The Legislature has weakened the state's rent laws three times in the last 12 years, leading to effective vacancy decontrol in much of the city, not just core Manhattan. In 2003, it widened the scope of the Urstadt law further, to a point that may unconstitutionally infringe on local governments' powers. The city now cannot adopt or amend *any* "local laws or ordinances with respect to the regulation and control of residential rents and eviction."

Reforming the Legislature?

The way the Legislature has abused its power over the city's rent laws is symptomatic of its broader dysfunction. Earlier this year, New York University's Brennan Center for Justice released a study that called the New York state legislature the worst in the nation in many key respects. As a result, many lawmakers have joined the call to change the way business is conducted in Albany.

Assemblymember Scott Stringer (D-Manhattan) has launched a call, joined by Sam Hoyt of Buffalo and numerous colleagues, to adopt seven reforms proposed by the Brennan Center to weaken the control of the "three men in a room" who exercise virtually total power in state government: Governor George Pataki, state Senate majority leader Joseph Bruno, and Assembly Speaker Sheldon Silver. Most tenants have lost whatever confidence they had in Silver, as he has proven unable or unwilling to resist the Republicans effectively, whether on gutting rent and evic-

tion protections, state budgets, education funding, or reform of that other "Rocky Horror," the state's draconian drug laws.

Assembly Democrats discussed Stringer's proposals and ways to end gerrymandering at a three-day luxury retreat hosted by Silver in his downtown district the first week of December. According to the *New York Sun*, the retreat was bankrolled by several top Wall Street firms, which bought the legislators tickets to two Broadway shows and a Knicks basketball game. New York State Tenants & Neighbors crashed the retreat and handed members packages containing snack bars and water bottles to strengthen their resolve.

Sen. Krueger has also threat-

ened to bring a lawsuit alleging violation of her rights if the legislative process is not fixed by January.

Despite the modest changes likely to result from the Brennan report, the need for home rule will not lessen. George Pataki will still be governor at least through 2006, and Joseph Bruno will remain senate leader, although the November elections diminished the Republicans' 38-24 majority by three and possibly four seats. (The battle for Republican Nick Spano's Yonkers seat is now in the courts.) Bruno's response to the Brennan recommendations was to appoint a "commission" to study reform—consisting of all of the incumbent Republicans in his conference!

**SAVE THE DATE — FEBRUARY 2, 2005
MARCH AND RALLY FOR AFFORDABLE HOUSING**

Join thousands of New Yorkers as we march across the Brooklyn Bridge to demand affordable housing for all!

The lack of affordable housing in New York City is a pervasive and well-documented problem. One out of every four renter households—500,000 families—pays more than half of their income in rent. Too many New Yorkers cannot afford to live here.

Now is the time to take action.

On **February 2, 2005**, New Yorkers from every borough will come together at a march and rally to fight for:

Help make this a city where all New Yorkers can afford to live! With housing advocates, community groups, and labor teaming up, we can ensure that the Bloomberg administration gets the message that *all* New Yorkers need a decent, affordable place to call home.

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
- LOWER MANHATTAN LOFT TENANTS**
St. Margaret's House, Pearl & Fulton Sts.,
212-539-3538
Wednesdays 6 pm-7 pm
- CHELSEA COALITION ON HOUSING**
Covers 14th St. to 30th St., 5th Ave. to the Hudson River.
322 W. 17th St. (basement), CH3-0544
Thursdays 7:30 pm
- VILLAGE INDEPENDENT DEMOCRATS**
26 Perry St. (basement), 212-741-2994
Wednesdays 6 pm
- GOLES (Good Old Lower East Side)**
525 E. 6th St. (btwn. Aves. A & B) Lower East Side tenants only, 212-533-2541.
- WEST SIDE TENANTS UNION**
200 W. 72nd St. Room 63; 212-595-1274
Tuesday & Thursday 2-5 pm
Tuesday & Wednesday 6-7:45 pm
- 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 pm



**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 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 _____ Email _____

Send your check or money order with this form to:
Metropolitan Council on Housing, 339 Lafayette St., NY, NY 10012