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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

WEINSTEIN FIRED FROM RGB!

By Kenny Schaeffer

Edward Weinstein, a “public” member of the city Rent Guidelines Board who was a frequent target of tenant indignation, has been fired by Mayor Rudolph Giuliani.

In his three years on the RGB, Weinstein, a retired corporate accountant, attracted tenant anger because he expressed open disdain for the rent regulations he was entrusted to enforce. He also encouraged the use of police violence to suppress legitimate tenant input into the RGB process. “These aren’t terrorists, they’re tenants,” City Councilmember Steve DiBrienza (D-Brooklyn) observed after several elderly and peaceful protesters were arrested and roughed up during the board’s preliminary vote last May.

Last June, Weinstein cast the fifth and deciding vote in favor of the “poor tax”—a permanent, compounded \$15 per month surcharge on apartments renting for \$500 a month or less—apparently on orders from City Hall. He had previously told advocates that he intended to vote against this extra charge, which targets low-income, mostly minority, families who already pay, on average, half their income as rent. The poor tax has contributed to the loss of more than 200,000 apartments renting for less than \$500 since 1993. Weinstein’s obedience to the City Hall directive in June made a mockery of his earlier speech denouncing tenant advocates for asserting that the mayor controls the RGB votes of his appointees.

Met Council has been demanding that Weinstein, as well as RGB chair Ed Hochman, be removed from the board because of their open contempt for the rent-stabilization law, for the tenants who have been victimized by the RGB’s unreasonable rent increases, and for the tenants who come to the public meetings to express their views.

Met Council is also calling for 0% increases this year,

which would only partially compensate for the improperly elevated rent levels in rent-stabilized apartments.

In addition, Met Council is urging the City Council to pass Intro 859, which would give the Council advice and consent over RGB appointments, removing them from the mayor’s exclusive control. It would also change the requirements for service as a public member to five years experience in public service, nonprofits, or housing. The current requirement, five years experience in business, finance, or housing, has resulted in the five “public” seats being filled by five businessmen who in no way represent the public.

Intro 859 was introduced last December, but so far Council Speaker Peter Vallone (D-Queens) has not shown any indication that he is willing to address this critical issue. RGB deliberations for the coming year begin in April, with a preliminary vote in May,



Public Housing Protest

Public-housing tenants demonstrated Jan. 15 to protest the new federal requirement that unemployed tenants perform unpaid “community service.” Stories on page 5.

ETHEL VELEZ/NYC PHR ALLIANCE

and public testimony and the final vote in June.

The firing of Edward Weinstein, who epitomized what was wrong with the Giuliani RGB, is an encouraging sign. “Hopefully, this is an opportunity for us to get someone who understands the needs of tenants and will be a voice of balance at least on that board, as well as an opportunity for the Council to

use its authority to accomplish what we propose in the legislation,” noted Councilmember Bill Perkins (D-Manhattan), a prime sponsor of Intro 859. “We certainly don’t need a counter-demonstrator who is so overtly antagonistic to the cries and the demands of victims of the housing crisis who come to the public

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Charas Beats Back Eviction

By Steven Wishnia

Real-estate speculator Gregg Singer does not have the right to evict the Charas community arts center from the Lower East Side building he bought in 1998, a Manhattan Civil Court jury ruled Feb. 5.

The jury held that Singer, who paid \$3.15 million for the former public school at 605 East Ninth St. at an auction of city-owned property, had not proved that he would comply with restrictions in the deed requiring him to rent it for “community uses.”

“The consensus among the jurors was that Singer’s testimony was what sunk him,” said juror Allan Tulchin, a high-school history teacher. “He came across as a complete liar and sleaze. He couldn’t even answer questions from his own

lawyer straight.”

The decision bars Singer from evicting Charas, which has occupied the building since 1979, and over the years provided space for scores of community and arts groups, as well as hosting the 1983 premiere of *Joe’s Bed-Stuy Barbershop: We Cut Heads*, the first full-length movie directed by an NYU film student named Spike Lee. However, it doesn’t require Singer to give Charas a lease.

“It’s an important victory. He can’t just kick us out,” said Cathy Grad, one of Charas’ lawyers. “We hope it causes Singer to negotiate with us. But this decision doesn’t force him to negotiate with us.”

Singer has said he would give Charas a lease, but only if they paid the full market rate of \$32 a square foot, or \$3,200 a

month for a 1,000-square-foot space.

“He wants market rates. No one can afford market rates,” said Charas organizer Susan Howard. “Our biggest interest is to negotiate with Singer. He refuses to negotiate.”

Since Singer took over the building and announced his intent to oust Charas, protesters have greeted him every time he brought a prospective tenant by, as well as picketing outside his home in a Murray Hill luxury high-rise, chanting “Stay Out of Our Neighborhood-And We’ll Stay Out of Yours.” When a hostel chain called Banana Bungalows was considering renting the space, Charas supporters demonstrated outside their headquarters, with a brass band playing “Yes, We Have No Bananas.” Singer painted over early-’80s-

vintage protest murals on the front of the building, calling them “graffiti.” He later painted over a memorial portrait of Armando Perez, the Charas co-founder who was murdered in Queens in 1999, saying it was an inappropriate image to have on a building he was trying to rent.

Perez’s murder remains unsolved.

While the decision does

not force Singer to give Charas a lease, the alternative is further litigation, according to Grad. Singer is already suing Charas and everyone who opposed him in a Housing Court case involving the building for \$600,000. He is also appealing an order by Judge Lucy Billings that paved the way for this trial. She refused to dismiss

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WBAI-FM in Crisis

By Vajra Kilgour

The corporate takeover of the Pacifica Foundation through a self-selecting governing board came home in New York City over the Christmas weekend, when the locks were changed at WBAI-FM, a new station manager was installed, and three longtime staffers were fired. Shortly afterward, half a dozen volunteer workers at the station were banned from the premises, and a "gag rule" was put into effect, banning on-air discussion of the crisis at the station and any announcements about actions to take it back.

"Housing Notebook," Met Council's own radio show, has been a staple on WBAI for decades; Scott Sommer, who is chairman of the board of Met Council, has been the show's host for 16 years. He has signed on to producers' statements protesting the gag rule and calling for a return to the station's mission.

"People need to really be concerned regarding the change in the Pacifica board when there are people from union-busting law firms, the National Association of Home Builders, and people who are at best Clinton Democrats on it," Sommer noted recently. "The listeners have to be concerned that the information that Pacifica has been able to distribute for fifty years will be squelched."

New Pacifica board member John Murdock—who has drafted new bylaws that could spell the end of Pacifica's historic mission—comes from the law firm Epstein Becker & Green, which advises employers on how to maintain "union-free" workplaces. Pacifica vice chair Ken Ford is program director at the NAHB. The NAHB's New York City affiliate

is the Associated Builders and Owners of Greater New York, which works closely with the Real Estate Board of New York and the Rent Stabilization Association, a landlord group. Board members of the ABO include Donald Trump, Peter Kalikow, Howard Milstein, and Donald Zucker.

"Tenants should not relax their vigilance in protecting WBAI and Housing Notebook when the Pacifica board is connected to the likes of these people," Sommer said.

Juan Gonzalez, former co-host of the popular Pacifica national show "Democracy Now," has launched a campaign to unseat the current board, and is calling for a boycott of all Pacifica fundraising

Charas

continued from page 1

Charas' case outright, and ruled that Singer had to prove he would comply with the community-use requirement.

"Will he give up? I doubt it seriously," says Howard.

CORRECTION

In last month's issue of *Tenant/Inquilino*, Manhattan Council-member Gifford Miller was erroneously identified as a Republican. He is a Democrat.

Fight the Firings, The Censorship of On-Air Discussion, The Bannings of Staff & Listeners from WBAI Radio

Demonstrate to Defend Free Speech Radio WBAI

Tuesday, February 20, 4:30 - 7 p.m.

250 Park Ave. (bet E 46 St & 47 St)

In Front of the Offices of Epstein, Becker and Green

This is a union-busting law firm defending Pacifica against the lawsuits seeking to reverse the corporatization of its National Board and whose senior associate, John Murdock, has drafted new Pacifica by-laws further insulating the Board from the listeners and making it easy to sell WBAI Radio.

Sponsored by WBAI's United Electrical (UE) Local 404 & Concerned Friends of WBAI
For more information: Ken Nash - 212-533-6515, knash@igc.org

until the campaign succeeds.

The Pacifica Campaign can be reached at (212) 871-9322. A local organization, Concerned Friends

of WBAI, has two hotlines: (718) 707-7189 and (800) 825-0055. An e-mail alert subscription address is at <http://savewbai.tao.ca>.

Met Council Volunteer Working Group Help Build Met Council!

Met Council holds open-house volunteer nights twice a month at our Fulton St. office. These meetings are task-oriented, focusing on the political work of Met Council via phone banking, mailings and letter-writing campaigns. At the same time, we hope to provide an informal forum for the exchange of ideas.

This will NOT be a housing clinic. If you have a housing problem and want to get counseled in person, visit the clinics listed on the back of this newspaper.

We meet the **first and third Tuesday of every month** from 6-8:30 p.m.

Met Council is located at: 64 Fulton Street, Room 401, Buzzer #9
For more information call (212) 693-0553 x 6.

BECOME A WRITING TENANT

Met Council wants to profile you and your neighbors' struggle to obtain affordable quality housing. We want you to write for *Tenant/Inquilino*.

For more information call Met Council 212-693-0553

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

SUPPORT LISTENER SUPPORTED WBAI PUBLIC RADIO

TenantNet™ Online Resource for Residential Tenants

New York Tenants on the World Wide Web
<http://tenant.net>
email: tenant@tenant.net

- 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

Acuerdo salva a Harlem – Pero hay mucho trecho entre dicho y hecho

Por Kathleen McGowan
Traducido por Lightning Translations

El mes pasado, los grandes políticos de Harlem y los funcionarios federales de vivienda salientes hicieron público un elegante plan para rescatar cerca de 465 edificios de tres o cuatro pisos que habían sido saqueados, explotados y abandonados a su suerte a través de estafas llevadas a cabo bajo el programa federal de seguro a las hipotecas conocido como 203(k). El plan, cargado de dinero del rico fondo de

seguros de la Federal Housing Administration (Administración Federal para la Vivienda) y dependiente de la experiencia de algunos de los más admirados grupos sin fines de lucro para la vivienda, parece ser la salvación para los indefensos inquilinos de bajos ingresos y los edificios frágiles:

*Después de hacerse propietario de los edificios, el Department of Housing and Urban Development

federal (Departamento de Vivienda y Desarrollo Urbano; HUD, por sus siglas en inglés) los transferirá a los grupos sin fines de lucro a un costo nominal. Los grupos sin fines de lucro administrarán los edificios ocupados (los inquilinos no pagarán más del 30 por ciento de sus ingresos) y venderán aquellos vacíos a familias, dándose preferencia a los residentes del alto Manhattan que ganen hasta \$79,000.

*HUD reembolsará a los bancos que poseen ahora las hipotecas, pagará por todas las reparaciones y proporcionará los pagos de administración, desarrollo y mercadeo a los grupos sin fines de lucro. (Abyssinian Development Corporation [Corporación de Desarrollo de la Iglesia Abyssinian] supervisará el proceso en Harlem y East Brooklyn Congregations [Feligreses del Este de Brooklyn] lo harán en Brooklyn.)

Es una gran victoria. Ahora sólo queda una cosa que lograr: hacerlo funcionar.

Esto no será fácil. Las estafas han dejado una maraña legal detrás de ellas. Podría tomarle a HUD 18 meses o más para poder controlar algunas de las propiedades. Mientras tanto, los grupos sin fines de lucro involucrados en el escándalo aún poseen los títulos y están tratando

pasa a la página 4

Los Ajustes de la “Junta de Regulación de Renta” de la Ciudad de Nueva York (Orden No. 32)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2000 hasta el 30 de septiembre de 2001, 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 2000. 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 2000. 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 subvenciones, 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) es-

tablece 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 32, 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 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 “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 3 por ciento por un contrato de un año y un 5 por ciento por un contrato de dos años. No se permiten in-

crementos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación Lo establecido es un 2% 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 2000. 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	4%	6%	
	\$500 o menos (Alquileres de \$215 o menos se alzan a \$215 después de aplicarse los aumentos)	4% + \$15	6% + \$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%
	Menos de \$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

Harlem

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intensamente de vender algunos de los edificios a compradores incautos. (“No hay nada que el HUD, usted, yo o cualquiera de estas personas pueda hacer para detenerlos,” dijo Darren Walker, que trabaja para Abyssinian y es un diseñador del plan.) Encima de todo esto, varios de los principales cerebros del plan en el HUD, además de los funcionarios más altos del departamento, quedarán fuera de sus puestos cuando entre en funciones la administración Bush.

También existen dificultades prácticas. Los edificios son muy diversos, en diferentes estados de deterioro. Algunos han sido abandonados totalmente, otros han sido reparados parcialmente y tapiados y de otros no queda más que las paredes. Y a estas alturas, nadie sabe exactamente cuántas propiedades están en juego o quién vive en ellas. El 17 de enero, en una reunión áspera, altos representantes del HUD, políticos de Harlem y representantes de Abyssinian presentaron el plan a

cerca de 100 frustrados y escépticos activistas locales e inquilinos de Harlem. Los funcionarios, que prometieron varias veces que ningún inquilino sería lanzado, también prometieron atender rápidamente todos los problemas de mantenimiento de los edificios.

Tanto el acuerdo como esas promesas son impresionantes, expresó Elizabeth Kane, del West Side SRO Law Project (Proyecto de Leyes de los SROs del Lado Oeste), quienes descubrieron la estafa de hipotecas al principio. Pero ella está preocupada que aún mientras los funcionarios de vivienda y los políticos prometen que ningún inquilino será lanzado, entre el dicho y el hecho hay mucho trecho. En realidad, ellos no tienen manera de hacer cumplir esa promesa hasta que el HUD se apodere de los edificios, y aún entonces el proceso podría complicarse bastante. “Tenemos que trabajar en serio para asegurarnos que se implemente tan bien como lo han declarado,” explicó.

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Residentes de vivienda pública protestan una nueva regla federal que requiere a los inquilinos desempleados trabajar sin pago en “servicio a la comunidad.”

WBAI en Crisis

Por Vajra Kilgour

Traducido por Lightning Translations

La toma de poder corporativa de la Pacifica Foundation a través de una junta directiva elegida por sus propios miembros se hizo sentir en la ciudad de Nueva York en la Navidad pasada cuando las cerraduras fueron cambiadas en WBAI-FM, se designó una nueva administradora de la estación y se despidió a tres empleados de muchos años. Poco tiempo después, se prohibió el acceso a las instalaciones de la estación a media docena de trabajadoras voluntarias y se instituyó una ley de la mordaza, prohibiendo discusiones al aire de la crisis en la estación, así como todo anuncio acerca de actividades de organización para retomarla.

“Housing Notebook” (“Cuaderno de Vivienda”), el programa de radio del Metropolitan Council on Housing (Consejo Metropolitano de Vivienda), ha sido transmitido desde WBAI durante décadas; Scott Sommer, quien es presidente de la junta de Met Council, ha sido el anfitrión del programa durante 16 años. El ha firmado las declaraciones de los productores protestando por la imposición de la ley de la mordaza y reclamando el retorno al propósito original de la estación.

“La gente necesita estar verdaderamente preocupada en cuanto al cambio en el directorio de Pacifica, ya que en él hay gente de bufetes que especializan en destruir sindicatos y la asociación nacional de constructores de hogares [NAHB, por sus siglas en inglés], además de personas que cuando mucho son Demócratas que respaldan a Clinton,” Sommer anotó recientemente. “El público tiene que encargarse de que la información que Pacifica ha sido capaz de distribuir durante cincuenta años no se haga callada suprimida.”

John Murdock, nuevo miembro

del directorio de Pacifica—quien ha preparado nuevos estatutos que podrían poner fin al histórico propósito de Pacifica—trabaja en el bufete Epstein Becker & Green, el cual aconseja a los empleadores en maneras de mantener los lugares de trabajo “libres de sindicatos.” Ken Ford, vicepresidente de Pacifica, es el director de programación de la NAHB. La afiliada de NAHB en la ciudad de Nueva York es Associated Owners and Builders of Greater New York (Dueños y Constructores de Edificios del Área Metropolitana de Nueva York; ABO, por sus siglas en inglés), la cual ha trabajado conjuntamente con la Real Estate Board of New York (Junta de Bienes Raíces de Nueva York) y la Rent Stabilization Association (Asociación de Renta Estabilizada), un grupo de caseros. Los miembros del directorio de ABO incluyen a Donald Trump, Peter Kalikow, Howard Milstein y Donald Zucker.

“Los inquilinos no deben dejar de vigilar y proteger a WBAI y Housing Notebook mientras el directorio de Pacifica está conectado con tipos como estos,” dijo Sommer.

Juan Gonzalez, ex anfitrión del popular programa nacional de Pacifica “Democracy Now,” ha lanzado una campaña para destituir el directorio actual y ha hecho un llamado para boicotear todas las recaudaciones de fondos para Pacifica hasta que la campaña consiga la victoria.

Para comunicarse con la Campaña Pacifica llame al (212) 871-9322. Concerned Friends of WBAI (Amigos Preocupados de WBAI), una organización local, tiene dos líneas de información: (718) 707-7189 y (800) 825-0055. Para una suscripción de boletín de noticias por correo electrónico vaya a <http://savewbai.tao.ca>.

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 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.

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 (212) 824-4328 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 tenga 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 la calefacción y el agua caliente. Escriban y llamen al casero para demandar las 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 mucho menos 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!



E-mail Met Council
metcouncil@aol.com

Public-Housing Residents Protest 'Involuntary Servitude'

Upwards of 100 public-housing residents and their allies braved the cold on Martin Luther King Day, Jan. 15, to protest a "community service" requirement that will soon be implemented at all public-housing developments in the city.

The implications of forcing unpaid work upon a largely black and Latino tenant population are not lost on public-housing residents, who chose the "African Burial Ground" site in lower Manhattan for their protest. Many speakers referred to the requirement—eight hours of unpaid work per month for all able-bodied, unemployed tenants, and possible eviction if any member of a household refuses to comply—as "forced servitude" and "modern-day slavery." The protest was called by the New York City Public Housing Resident Alliance.

—Dave Powell

To get involved in the struggle against forced labor in public housing, contact: the NYC Public Housing Residents Alliance: Victor Bach, (212)614-5492 or Adriene Holder, (212)577-3334.

Tenants Irked at Housing Work

By Saj P. Kuriakos

Public-housing tenants and advocates are preparing to do battle against a new federal rule that requires unemployed residents to perform compulsory community service. They say the legislation, which officially went into effect last month, unfairly targets the poor and is fraught with implications of forced labor.

The rule, part of former Long Island Rep. Rick Lazio's 1998 public-housing law, mandates that unemployed residents of public housing perform eight hours of community service per month in their projects. The work ranges from patrolling the grounds of the projects to maintenance of the buildings and common areas. Although this work is labeled "voluntary" in the bill, tenants who refuse face eviction, along with

their families.

On the surface, the obligation translates to a little less than two hours a week. But advocates say time is not the issue; it is the principle.

"Are we second-class citizens?" asked Gerri Lamb, chair of the resident advisory board of the New York City Public Housing Resident Alliance, which held a protest demonstration against the bill Jan. 15 at 26 Federal Plaza in lower Manhattan.

There are other inherent problems with the legislation, she added. "There is no way that [the city housing authority], the way it is now, is going to be able to monitor this," she said. "Right now they can't even keep up with the day-to-day problems in the projects."

"This law is grossly unfair and targets only residents

of public housing," agreed Vic Bach, a housing-policy expert at the Community Service Society of New York. "More than 50 percent of our public-housing residents are African-American, and this law means forced labor and involuntary servitude."

Bach added that the law does not require community service from those getting federal assistance in the form of Section 8 entitlements and other subsidies. He estimated the law would affect some 70,000 public-housing residents citywide.

Lamb said that tenants and their advocates intend to pressure the New York State congressional delegation to repeal the law. "It's not outside the realm of possibility," she said.

According to advocates, the New York City Housing Authority plans to en-



ETHEL VELEZ/NYC PHR ALLIANCE

force the rule beginning in March. NYCHA refused to comment on the new law or its ramifications.

Lamb added NYCHA was not particularly receptive to the concerns of the Alliance or public-housing

residents. "Find a way to live with it, is pretty much what we've been told," she said.

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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 (212) 824-4328 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 collect 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!

Federal Court Rejects Public-Housing Evictions

By Steven Wishnia

A federal appeals court in San Francisco has ruled that the Oakland Housing Authority cannot evict four public-housing tenants for other people's drug use.

The OHA had begun eviction proceedings against the four, all elderly, in 1998, after their relatives or caretakers had been caught using drugs. Under federal regulations adopted in 1991—popularly known as the "one-strike" rule—local housing authorities may summarily evict tenants for crimes committed on or near public-housing property by a household member, guest or "other person under the tenant's control."

The rule, based on a 1988 law intended to stop drug dealing in housing projects, was written broadly enough for the OHA to try

to evict two of the four tenants because their grandsons had been caught smoking marijuana in the parking lot. Another tenant, Herman Walker, a disabled 78-year-old, had his lease terminated after his caretaker was caught using cocaine in his apartment.

But in a 7-4 vote, the 9th Circuit Court of Appeals held that it was unfair to punish tenants for acts that they did not know about. "Congress did not intend to authorize the eviction of innocent tenants," Judge Michael Daly Hawkins wrote in the majority opinion. Judge Joseph T. Sneed, one of the four dissenters, argued that the 1988 federal law had intended to do just that.

"This is a big win for public-housing tenants, especially those who have no control over what goes

on outside of their housing," Whitty Somvichian, one of the lawyers representing the four tenants, told *High Times*.

While the decision is only law in California and the eight other western states covered by the 9th Circuit, it may affect New York indirectly. "Because the courts held that Congress did not intend housing authorities to be authorized to evict innocent tenants, and because it's a persuasive decision, it is likely to be followed by the courts in New York," Scott Rosenberg of the Legal Aid Society told *City Limits*.

The Department of Housing and Urban Development may appeal.



Hell's Kitchen Scuttles Rose Skyscraper Plan

By George Spelvin

Last December in its "Hot Developers" guide, the New York *Observer* chided City Planning Commissioner Joe Rose for failing to get any of his major neighborhood-busting planning projects approved. "How about winning just one, Joe?" it asked.

Perhaps that's why Rose rushed to hold a news conference soon after the Appellate Division issued its Jan. 25 decision modifying a 1999 lower court ruling on the Theater Subdistrict Zoning Amendments (previously reported in *Tenant/Inquilino*). But while Rose claimed victory (and the real estate-owned media dutifully reported it as such), a closer analysis indicated that his prize was not only hollow, but a sound defeat!

In 1998, Mayor Giuliani sought to allow building owners in the Theater Subdistrict, from 40th to

57th streets and from Sixth to Eighth avenues, to increase building size by up to 44% through the transfer of development rights from Broadway theaters. The plan would have encouraged skyscrapers on the west side of Eighth Avenue in the low-rise residential Clinton/Hell's Kitchen neighborhood. Residents were concerned about traffic, noise, the loss of light and air, and that the massive office and luxury apartment buildings would lead to working-class immigrants and performing artists being forced out of the neighborhood.

The zoning change, as originally adopted, would have allowed a 44% increase in bulk in two steps—first, a 20% increase that was "as of right," i.e. without further government approvals (and which could be used instead of an existing 20% bonus for including

housing), and a second 24% increase by special permit.

The appeals court decision reaffirmed the lower court ruling that struck down the additional, and unprecedented, 24% special-permit increase. It also left in place the community's earlier victory, excluding 12 blocks of the west side of Eighth Avenue from the Mayor's plan.

As a result, the size of new buildings that could be built under the Theater Subdistrict Amendments has been reduced by over 50%, and the two-year delay created numerous missed opportunities for buildings in the pipeline.

"We are disappointed that the first 20% increase was retained, as it allows owners to take advantage of a bonus that will have little, if any, public benefit, rather than using the existing inclusionary housing bonus," said John

Fisher, president of the Clinton Special District Coalition, a neighborhood group that brought the legal challenge. "But this first increase is a wash—there's no increase in bulk impacting the neighborhood, only the mechanism on how to get there."

But he called the court's ruling abolishing the 24% bonus plan, which was passed by City Council without the required environmental review, "a resounding victory for the neighborhood and for sound environmental planning. We hope the city takes this decision as a message that it cannot ram through zoning changes that authorize increases in building bulk without taking into account the impact on local neighborhoods."

The decision, he added, will somewhat lessen the economic incentives to real-estate owners to replace low-income housing

with high-rise developments. The Clinton area community is under tremendous pressures from developers, from Times Square to the east and the proposed stadium and expanded central-business district to the south.

Although the plan was touted as a benefit for the "dying" Broadway theater (which strangely enough had been experiencing its most successful season), the development rights from Broadway theaters would provide only 10% of what was needed; at least 90% the benefit package was dependent on contributions by theatrical unions. When the unions discovered that Rose and theater owners had deceived them, these evaporated into thin air. The theater was the camouflage for a developers' land grab intended to break the low-rise Special Clinton District.

NYC Rent Guidelines Board Adjustments (Order No. 32)

for Rent Stabilized Leases commencing Oct. 1, 2000 through Sept. 30, 2001, 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, 2000. 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, 2000. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date.

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 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

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	more than \$500	4%	6%	
	\$500 or less (Rents that are \$215 or less brought up to \$215 after increases applied)	4% plus \$15	6% 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

cent for a one-year lease and 5 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

The guideline is 2 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, 2000. 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.

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.

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 32, 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 3 per-

How to Create Affordable Housing?

On Feb. 3, WNYW TV-Channel 5's "Good Day New York" broadcast a debate among Met Council vice chair Kenny Schaeffer, Mary Brosnahan of the Coalition for the Homeless, and Joseph Strasburg of the Rent Stabilization Association. Felipe Luciano was moderator. Here are portions of the unofficial transcripts:

Felipe Luciano: A housing crisis is gripping New York City. How do you assess it?

Kenny Schaeffer: Well, it's absolutely true. We're living in an ever-worsening housing-affordability crisis for a number of reasons, and it's the low-income people who end up being pushed out, whether it's

and that's oil, water and sewer. The reality is, somebody has to bear these increased costs or the city will end up owning many of these buildings.

Luciano: The city is now saying, we have these buildings but we want to sell them to private developers. Will that raise the gentrification level in our city?

Schaeffer: Yes, it will. Let me back up, though, a little bit and talk about the RGB. It's not true that landlords are not compensated properly for their costs. Two years ago, owners' costs only went up 3/100th of 1%, but tenants were hit with 2% increases for a one-year renewal and 4% for two years. This past year, owners' profits went up

Strasburg: It's clear to us. I'm glad the debate has gone from the early '90s to recognize that you need to do something in order to retain the middle class in the city of New York. How do you put together a program to create affordable housing, and affordable is defined as not just low-income but middle-income, so that we can deal with what clearly is a crisis?

Those who are in the business, developers and bankers and everyone, they will tell you that the one thing that is lacking is a subsidy. Someone has to pick up the difference between what the individual can afford [as] rent, and the difference in terms of the market value. That's where Mitchell-Lama came in, Section 8 has worked in that capacity by giving the owner an ability to charge, say, \$600, and the government picks up the other \$200. We need to create a greater subsidy program to get ourselves out of this crisis. But the bottom line is you need the political will to say this is going to cost us, whether it's the city of New York, the state of New York...

Luciano: And we need the corporate world...

what it costs to run that housing, but not between what they can pay and the market rate. The market rate is completely artificial, with people paying \$2,500 for a two-bedroom apartment. At the Rent Guidelines Board this past year there was testimony from a number of nonprofits that they can provide housing at about \$400 to \$450 per month.

Also, we have to not repeat the mistakes of the past. One of these is the 80-20 program, with 80% of the units being luxury and 20% trickling down as affordable. The other is permanent affordability. We have buildings all over the city that were affordable, and now 20 years is up and they're not affordable any more.

Strasburg: It's unfortunate that the only program that really does create affordable housing with the right of the resident to remain in Manhattan is the 80-20 program. If not for that subsidy, then most people who do live in Manhattan whose income is below a certain amount would not be residing here. So that's a positive program. I think we need to build on it and expand it to allow

'We need to create a greater subsidy program... Someone has to pick up the difference between what the individual can afford and the market value.'

—Joe Strasburg, landlord lobbyist

into homelessness, through evictions, being doubled and tripled up or living in very hazardous conditions, or being forced to leave the city.

Luciano: Joe, is there any compassion for people who are not making \$150,000 a year? You're a landlord advocate; do your people understand what's happening at that end of the spectrum?

Joe Strasburg: Clearly, and in fact they have proposed ideas about how government in partnership with the private sector should come together and develop more affordable housing in the city of New York. Their greatest objection has always been that government shirks its responsibility and imposes an obligation on the private sector, the owners, to bear the cost of the subsidy to tenants. If we're going to create an affordable-housing program, that cost has to be shared by society as a whole.

Luciano: Mary, do you foresee an increase in homelessness if these rent guidelines go through?

Mary Brosnahan: Just in the past two years we've had a 15% increase in homelessness in New York City. In December we went over the 25,000 mark. If you're just focusing on the kids, it's over 10,000 kids. Certainly there's been a cutback in housing, particularly for the mentally ill, but across the board, where is the new Mitchell-Lama program, where is the help for the middle class?

Luciano: Let me throw out some facts. There are plans to raise the rents for 1,000,000 New Yorkers living in rent [regulated] apartments. [Reading:] "The [Rent Guidelines] board last night was expect to take a final vote last night approving 4% for one-year leases, and 6% for two-year leases."

Strasburg: Those numbers did not even cover the actual expenses of many owners. There are tremendous increases to owners that none of us anticipated in the past

another 11%—owners' profits are at an all-time high—and tenants were forced to pay 4% and 6% increases, plus the supplemental charge on low-rent apartments. And the reason that was given was an increase in the price of heating fuel. We said at the time that it's a known fact that when the price of fuel goes up, owners provide less heat. They pooh-poohed it at the time, but the *New York Times* reported on December 27 that heat complaints are up 17% this year over last year.

Luciano: A study released by the National Low Income Housing Coalition found that the minimum wage would have to be increased 242% in order to afford the average national price for a two-bedroom apartment.

Brosnahan: One of the programs that the Coalition for the Homeless runs is SRO properties on the Upper West Side. We inherited these properties from some landlords

who were trying to illegally evict the tenants. What I learned first-hand was that we couldn't operate the buildings, given the fact that most of the people were desperately poor and the rent rolls were so low. Now we've just gotten some government relief to go in, Section 8 rehab, to actually turn these buildings into what they should be, beautiful and decent housing. But I'll tell you, government has to step in in a major way.

Luciano: Joe, is it possible that landlords can begin to work with groups to begin to force government to give up some subsidies?

Schaeffer: The government has to make that determination. The real-estate industry is not a social-service agency.

Luciano: The government could care less, it seems to me.

Schaeffer: The private sector can't solve the problem of providing housing to poor people. There's no profit in it. Government has to do it, whether it goes back to building public housing—in New York City the waiting list is hun-

greater development.

Schaeffer: But maybe 50-50 or some other ratio?

Strasburg: Uh...

Luciano: I'm concerned about what's happening in Park Slope, where minority families have lived and raised their children, and all of a sudden the landlord says, "Mrs. Ramirez, I love you, but someone is offering me \$2,500 and you have to go." How can we prevent this kind of conflict?

Brosnahan: What would be helpful would be to look at the huge cutback in capital construction over the past 10 years. New York City used to invest over \$700 million annually for new construction for housing. It's gone down to nearly \$100 million under Giuliani, and with his new proposal we're just inching our way back to the halfway point. The federal government has also completely abdicated its responsibility

Luciano: Mary Brosnahan, any final thoughts?

Brosnahan: I'm encouraged that housing is emerging as *the* issue in the mayoral campaign. What we're hoping is that with this drumbeat, people are starting to recognize that what government is doing about housing makes a difference for their living situation.

'New York City used to invest over \$700 million annually for new construction for housing. It's gone down to nearly \$100 million under Giuliani.'

—Mary Brosnahan, Coalition for the Homeless

dreds of thousands. There hasn't been any new public housing created since the Nixon administration.

Luciano: I thought that went out of style. I thought they're trying to co-op the projects.

Schaeffer: Under recent administrations public housing has been targeted, but there are hundreds of thousands of people who would love to live there.

One thing I disagree with Joe Strasburg about is, certainly the government would need to provide subsidies to cover the difference between what people can pay and



Deal Brings Salvation to Harlem— But the Devil's in the Details

By Kathleen McGowan

Last month, Harlem political heavyweights and departing federal housing officials announced an elegant plan to rescue about 465 brownstones that have been pillaged, exploited, and left for dead through scams carried out under the federal mortgage insurance program known as 203(k). Larded with cash from the flush Federal Housing Administration insurance fund and reliant upon the expertise of some of the city's most admired nonprofit housing groups, the plan looks like salvation for both vulnerable low-income tenants and fragile housing stock:

*The federal Department of Housing and Urban Development, after taking title to the buildings, will pass them off to nonprofits for a nominal cost. The nonprofits will manage the occupied buildings (tenants will pay no more than 30% of their income) and sell the vacant ones off to families, with preference given to upper Manhattan residents who make up to \$79,000.

*HUD will pay back the banks that now hold the mortgages, pay for all repairs, and provide the nonprofits that will be overseeing the buildings with management, development and marketing fees. (Abyssinian Development Corporation will oversee the process in Harlem, and East Brooklyn Congregations will in Brooklyn.)

It's quite a victory. Now, there's just one thing left to do: make it work.

That won't be easy. The scams have left a messy legal tangle in their wake. It could take HUD 18 months or longer to get control of

some of the properties. In the meantime, the nonprofits involved in the scandal still hold the titles and are actively trying to sell some of the brownstones to unwary buyers. ("There's nothing that HUD, you, I or any of these people can do to stop them," said Abyssinian's Darren Walker, an architect of the plan.) To top it all off, several of the plan's principal masterminds at HUD, as well as the department's top brass, will be out of their jobs as the Bush Administration takes over.

There are practical pitfalls as well. The buildings are a motley lot, left in various states of disrepair. Some are untouched, some partly fixed and boarded up, and some have been gutted. And at this point, nobody knows exactly how many properties are involved—or who lives in them.

At a raucous meeting Jan. 17, top HUD representatives, Harlem pols, and representatives from Abyssinian presented the plan to about a hundred frustrated and skeptical Harlem tenants and local activists. The officials, pledging repeatedly that no tenant would be evicted, also promised to quickly address all the buildings' maintenance problems.

The deal—and those promises—are impressive, says Elizabeth Kane of the Westside SRO Law Project, which discovered the scam. But she worries that even as housing officials and politicians promise that no tenant will be ousted, the devil is in the details. In reality, they have no way to enforce that promise until HUD takes over the buildings, and even then the going could get very complicated. "There's an

enormous amount of work ahead of us to make sure it's implemented in a way that's as good as its word,"

she said.

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RGB

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RGB meetings to voice their desire get some equity."

The nine-member RGB, consisting of two landlord, two tenant, and five public members, sets rent increases for the over 2,000,000 New Yorkers who live in the city's one million rent-stabilized apartments. Charged with limiting rent increases under the 1969 Rent Stabilization Law "to prevent exactions of unjust, unreasonable

and oppressive rents... and to forestall profiteering, speculation and other disruptive practices tending to produce threats to the public health, safety and general welfare," the RGB has instead imposed unjustified rent increases year after year, contributing to the loss of affordable housing. Last June, despite record landlord profits, the RGB imposed the highest increases in five years, including the infamous "poor tax" on low-rent apartments.

City Limits

New York's Urban Affairs News Magazine

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120 Wall Street, 20th flr.
New York, NY 10005

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

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 pm

**LOWER MANHATTAN
LOFT TENANTS**
St. Margaret's House, Pearl & Fulton Sts., 212-539-3538
Wednesdays 6 pm-7 pm

**VILLAGE INDEPENDENT
DEMOCRATS**
26 Perry St. (basement), 212-741-2994
Wednesdays 6 pm-7:30 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

Hotline Volunteers Needed!

Our phones are ringing off the hook! Met Council is looking for people to counsel tenants on our hotline. We will train you! The hotline runs on Mondays and Wednesdays (and hopefully Fridays again soon!) from 1:30-5 PM. If you can give one afternoon a week for this crucial service to the tenant community, call Dave at (212) 693-0553 x6.

METROPOLITAN COUNCIL ON HOUSING

Met Council is a citywide tenant union.

Our phones are open to the public
Mondays and Wednesdays from 1:30 to 5:00 p.m.

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

212-693-0550

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 212-693-0553.

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