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Tenant Inquilino

Housing for people, not profit

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Metropolitan Council on Housing
339 Lafayette St.
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PERIODICAL

“Hope Community” Evicts Disabled Met Council Member

By Dave Powell

On the afternoon of January 23, Edna Greenaway, a Met Council member disabled by reflexive sympathetic dystrophy, was evicted from her home at 311 East 111th St. The eviction capped a two-year rent dispute between Edna and her landlord, Hope Community, a nonprofit housing developer with dozens of buildings in East Harlem.

Although over 26,000 New Yorkers were evicted last year, the circumstances surrounding Edna Greenaway’s eviction deserve special attention. In early May 2001, Edna walked into Met Council’s office. She had just come from Housing Court after having her order to show cause denied by Judge Ernest J. Cavallo, who had given her until the end of the month to clear out.

The building Edna lived in was acquired by Hope Community through the Neighborhood Redevelopment Program (NRP), which is administered by the city Department of Housing Preservation and Development (HPD). Under this program, nonprofits acquire “severely distressed” city-owned buildings to manage as low and middle-income housing. Rent is supposed to be set at no more than 30% of the tenant’s income, and the buildings are gut-renovated, financed by construction loans provided by HPD. After renovations, the rents are “recalculated” (raised), based on the projected cost of running the building and the tenant’s income, household makeup, and apartment size. The rents are then registered with the state Division of Housing and Community Renewal, and the building enters rent stabilization. If the rent after recalculation exceeds 30% of a tenant’s income, the tenant is meant to contact their landlord, who is supposed to facilitate some form of rent assistance. Simple enough, right?

In late 1998, Edna came to Hope Community to apply for an apartment. She had no family in New York and was working as a street vendor. Because she did not have a steady, taxable income, she was told she did not qualify to live in a Hope Community building. However, she was told, there was a way around this: She could get someone with a steady income to cosign the lease, even if they didn’t actually live there.

After some searching, Edna was able to get Gary Dean, the son of a friend, to submit his income information to Hope Community. In December 1998, they cosigned a lease for a studio apartment on East 111th Street, at a rent of \$223 a month. Despite the fact that the rent was based upon Dean’s income, Edna was able to pay it with no assistance. Dean has sworn in an affidavit that he never resided at 311 East 111th

St. and that Hope Community was well aware of this.

In May 1999, Edna began working as a home attendant at two separate companies. She contacted Hope Community and notified them that she had steady work, and wanted

to remove Dean’s name from the lease and have the information on her file reflect her true income.

But that September, she was injured on the job and put on workers’ compensa-

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Liz Krueger for State Senate Feb. 12

Tenants in New York City will have a chance to improve the playing field in Albany by helping elect community activist Liz Krueger to the state Senate on Feb. 12. She’s running for the Upper East Side seat formerly held by Republican Roy Goodman. In addition to Met Council, Liz—who is running on the Democratic, Green and Working Families lines—has been endorsed by many rent-regulated and Mitchell-Lama tenants, as well as Tenant PAC.

A victory by Liz will weaken Joe Bruno’s power to continue the assault on rent and eviction protections. Volunteers are urgently needed to get out the work for this special election and counter the Republicans’ vast financial resources. To help, call (212) 964-0620.

It’s Miller Time in the City Council

By Kenny Schaeffer

Following furious maneuvering by half a dozen City Council members eager to replace Peter Vallone as Speaker, 32-year-old Gifford Miller, who represents the “silk stocking district” on Manhattan’s East Side, emerged as the winner on Jan. 9.

Miller won the old-fashioned way, relying on the support of Democratic bosses Thomas Manton of Queens and Roberto Ramirez of the Bronx, who delivered him a majority of votes, aided by a timely endorsement by Dennis Rivera of Local 1199. A week later, as Manton and Ramirez looked down approvingly from the balcony of the Council chambers, Miller promptly repaid his benefactors by assigning major committee chairs to Queens and Bronx delegates.

The Housing and Buildings Committee went to Bronx machine loyalist Madeline Provenzano; Land Use went to former Assembly member Melinda Katz of Queens; and Finance went to David Weprin, also of Queens. Progressive Manhattan Miller allies Christine Quinn and Eva Moskowitz were made chairs of the Health and Education committees, respectively, while Bill Perkins, a contender for the speakership, emerged as deputy majority leader and chair of the Government Operations Committee. Phil Reed of Manhattan, another contender, became chair of the Consumer Affairs Committee.

In all, every member of the Queens and Bronx delegations was rewarded with an important com-

mittee or subcommittee chair, with the notable exceptions of two Bronx Councilmembers—Oliver Koppell and Larry Seabrook—who have been independent of the Bronx machine. The continuing influence of the Bronx and Queens machines in Miller’s office was cemented by the appointment of Ramirez’s top aide, Kathy Torres, and Matt Malarkey, a Manton ally, to key \$125,000-per-year positions in the Speaker’s office.

Youth Will Serve

That merit and experience were not the main criteria in selecting committee chairs was evident from the slighting of Koppell, a former state attorney general and chair of the state Assembly Judiciary Committee; Sea-

brook, a former state senator and Assemblymember; and Brooklyn’s Al Vann, who served in the state legislature for more than two decades. They were passed over for people who can be expected to be loyal to Miller and the Bronx and Queens party leaders who put him in power—such as newly elected Joel Rivera of

the Bronx, a 23-year-old college student who was elevated to majority leader, nominally the number-two position in the Council.

The Dreyfoos Affair

Miller’s victory represented the culmination of a single-minded pursuit of

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Rent Guidelines Board Vacancies Present Opportunity for Progress

By Kenny Schaeffer

Mayor Michael Bloomberg and the new City Council will have an opportunity to address New York's worsening housing affordability crisis—or to continue business as usual—due to vacancies on the Rent Guidelines Board. Last year's chair, Steven Sinacori, a Giuliani employee who was appointed the day of the preliminary vote last May, and did not attend another meeting until the final vote a month later, has resigned, as has Jeffrey Coleman, one of the two tenant members on the nine-member RGB.

Like almost all of Rudolph Giuliani's appointees as public members of the board, Sinacori displayed a lack of agreement with the rent-stabilization laws he was sworn to uphold and enforce. At the urging of Giuliani's housing commissioner, Jerilyn Perrine, (who has been reappointed by Mayor Mike Bloomberg) he voted for the "poor tax" low-rent surcharge, and supported another round of sharp increases for New York's 2.5 million rent-stabilized tenants, despite the fact that the housing-affordability crisis is worse than even and owners' profits are at an all-time high. The one exception to Giuliani's dismal record has been Mort Starobin, who was also appointed last year and cast the decisive vote to defeat the poor tax last June.

The departure of Sinacori (ironically, his name is derived from *sin*—secure, defined as "an office or position that requires little or no work") presents an opportunity for the new Mayor to appoint a woman or man who will understand that the purpose of the RGB is to enforce the rent-stabilization law and protect the public from oppressive rent increases.

While Sinacori will not be missed, Jeff Coleman will be difficult to replace. Although he is a trial lawyer and did not come out of the tenant movement, as so many of his predecessors as tenant members of the RGB did (Ken

Rosenfeld, Leslie Holmes, Oda Friedheim, Steve Dobkin, Galen Kirkland, Harriet Cohen), he displayed a sincere passion and dedication to his role. At his very first meeting two years ago, he quoted back to the landlord representatives arguments they had made the year before, called the poor tax "an abomination," and asked how the other members could sleep at night if they voted for it. Jeff was often the target of criticism from some in the tenant movement who did not share or understand his approach, but we at Met Council will always be grateful for the time he gave and the extraordinary energy and dedication he showed.

"Of all the representatives, he was the best prepared, considering where he came from, and was aggressive and vigorous in defense of tenants at every meeting," says Met Council director Jenny Laurie. "He also went out of his way to convince the chair and the public members. I think it's fair to say that he served tenants extremely well."

Last year, Met Council developed legislation which would give the City Council advise-and-consent power over RGB appointments, and would change the statutory requirement for service so that there would be fewer bankers and businessmen representing the "public" and more women and men who understand

the housing needs of the millions of low, moderate and middle-income New Yorkers who depend on rent and eviction protections to keep their housing affordable.

Under the previous Council speaker, Peter Vallone, a close ally of the real-estate industry, it was not possible to advance legislation that the landlords opposed. We hope and expect that with a new day dawning in the Council, this important measure will get the hearing it deserves.

20% Cuts

Met Council will continue our campaign for a rent freeze in 2002.

With Mayor Bloomberg calling for 20% across-the-board cuts in the city's budget, a 20% cut in rents

would be easy to justify. Until a consensus returns for aggressive action to rescind some of the unwarranted increases that have been imposed as rent protections were steadily weakened in recent years, freezing rents in place would be the only reasonable course. In the interests of preserving affordable housing without displacing existing tenants, the City Council or state legislature should establish a modest program to subsidize any landlord who opens his books and can demonstrate that he cannot make a reasonable return while complying with housing codes and rent regulations.

To volunteer on Met Council's Rent Guidelines Board and other campaigns, call (212) 979-6238.



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EL INQUILINO HISPANO

El estado cierra un agujero en la red de seguridad

Por Larry Schwartztol
Traducido por Lightning Translations

Mientras miles de familias de ingresos bajos alcanzan su límite de tiempo de cinco años recibiendo pagos de beneficencia pública, el estado de Nueva York se ha adelantado para proteger a Jiggetts, un subsidio para renta que ha prevenido el desalojo de decenas de miles de familias. Los defensores legales de las familias que reciben beneficencia pública están contentos con la acción del estado, pero afirman que

el nuevo tope colocado en los pagos de estas rentas es demasiado bajo y podría desembocar en un aumento de desalojos.

La "ayuda Jiggetts" surgió de una demanda legal en 1987, en la cual los abogados de Legal Aid convencieron a un juez de que los subsidios para la vivienda del estado incluidos en la subvención básica de beneficencia pública no eran suficientes para pagar las rentas en la ciudad de

Nueva York. Bajo Jiggetts, las familias que reciben beneficencia pública y que no pueden pagar su renta pueden solicitar un suplemento mensual que cubre la diferencia. Actualmente, cerca de 16,000 familias en la ciudad reciben la ayuda Jiggetts.

Pero bajo los términos de Jiggetts, sólo quienes reciben "Asistencia Para Familias," el programa de beneficencia pública con fondos federales, son elegi-

bles para recibir ese dinero. Así mientras miles de esas familias se acercaban al final de sus beneficios federales el 1 de diciembre, para después trasladarse al nuevo programa estatal Red de Seguridad (SafetyNet), los abogados de los inquilinos comenzaron a preocuparse, porque la ayuda Jiggetts se podría evaporar.

Eso no sucederá. "La buena noticia es que el estado no está luchando para eliminar a Jiggetts

con límites de tiempo," explicó Susan Bahn, una abogada de la Sociedad de Ayuda Legal (Legal Aid Society), que ha trabajado ampliamente en los casos Jiggetts.

El presupuesto estatal incluye fondos para cubrir a las familias que pierden su elegibilidad para la ayuda Jiggetts, y el 30 de noviembre el Departamento Estatal de Ayuda Temporal y Para Incapacitados

pasa a la página 4

Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 33)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2001 hasta el 30 de septiembre de 2002, 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 2001. 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. No se permite el cargo adicional 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 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) 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 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 con-

dominios 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 incrementos 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 2001. 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 el 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%	6%	
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

Jiggetts

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(Office of Temporary and Disability Assistance, OTDA por sus siglas en inglés) emitió normas a último minuto sobre el nuevo subsidio para familias en la Red de Seguridad, el programa llamado Refugio Suplementario Temporal (Temporary Supplemental Shelter, TSS por sus siglas en inglés).

Aun cuando algunos defensores legales estaban complacidos con el compromiso para ampliar Jiggetts, expresaron preocupación en enero ya que el TSS podría crear un aumento repentino de desalojos. Las directivas del programa ponen un límite a los pagos de renta atrasada en \$3,000 por familia. Si un casero espera hasta que un inquilino esté varios meses atrasado en su renta para entablar una demanda, para cuando una familia busque la ayuda Jiggetts, sus pagos atrasados pueden fácilmente ser mayores a \$3,000.

Los pagos de renta TSS no aumentan en el caso de que aumente la renta. "Y esto significa que

cualquiera que reciba ayuda Jiggetts y sufra un aumento de renta sea desalojado," afirmó Bob Bacigalupi, un abogado de servicios legales de la ciudad de Nueva York. El estado defiende el congelamiento, argumentando que este le recuerde a las familias que los pagos de beneficencia pública no durarán para siempre. "La restricción sobre la modificación de renta está diseñada para subrayar la naturaleza temporal de la asistencia pública," afirmó el vocero de OTDA, Jack Madden por correo electrónico.

Los abogados de Legal Aid están negociando actualmente con OTDA y pidiendo que el estado elimine los requisitos más problemáticos de TSS. Si el estado se rehusa a hacer los cambios, Bahn dice que Legal Aid entablará una nueva demanda legal. "Tengo un cauteloso optimismo de que podamos resolver muchos de estos problemas," dijo. "Pero si no es así, entonces haré mi trabajo."

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Otra pérdida de Mitchell-Lama: Phipps Houses se vuelven lucrativos

Por Alex Ginsberg

Traducido por Lightning Translations

Hace algunas décadas, no era raro que los constructores de viviendas sin fines de lucro se asociaran con inversionistas para financiar sus proyectos. Pero uno de los más viejos administradores de viviendas asequibles de la ciudad nunca esperó que ese tipo de arreglos pudiera finalmente expulsarlos del negocio de vivienda asequible.

Con apoyo financiero de 76 inversionistas particulares, hace 28 años Phipps Houses construyó Henry Phipps Plaza West como parte del programa estatal Mitchell-Lama, el cual brinda préstamos con bajo interés y beneficios fiscales a cambio de la construcción de viviendas para familias de ingresos bajos y medios. Desde entonces, el complejo de vivienda de 894 apartamentos en la Segunda Avenida entre las calles 26 y 29 de Manhattan ha sido hogar de una mezcla de familias de clase trabajadora y ancianos.

Sin embargo, nada dura para siempre, y en el caso de los edificios Mitchell-Lama, el estado solo exigió que el constructor mantuviera las rentas bajas durante 20 años. En ese momento los caseros pueden optar por "comprar su parte," saliendo del programa y recuperando la mayoría de sus ganancias cada año — el estado solo permite a los inversionistas cobrar 6 por ciento de las ganancias de las rentas mientras se encuentren en Mitchell-Lama, poniendo el resto en cuentas de garantía — y elevar la renta a la tasa del mercado. Se ha informado que más de 30 constructores han elegido hacer eso en los últimos 15 años, y parece que Phipps Houses será el próximo, mucho a su pesar.

En 1989, siete años antes de que el contrato de Phipps Plaza West tuviera que renovarse, los inversionistas de Phipps comunicaron al constructor sin fines de lucro que querían los edificios fuera de Mitchell-Lama. Phipps se resistió. Diez años más tarde, el grupo se encontró en los tribunales, demandado por sus inversionistas.

En ese momento, el futuro no se veía bien. "Yo sabía que nunca nos haríamos cambiar de opinión," afirmó Adam Weinstein, presidente de Phipps Houses. Pero el mes pasado, después de tres años de negociaciones, se alcanzó un arreglo: para este verano, el edificio se encontrará fuera de Mitchell-Lama, pero los inquilinos que califican para los vales de sección 8 pueden comenzar inmediatamente a usarlos para pagar sus rentas. Esos subsidios requieren que el inquilino pague su renta

con el 30 por ciento de sus ingresos, mientras que el gobierno federal le paga al casero el resto. Y, ya que el edificio cuenta con un subsidio para hipoteca del Departamento de Vivienda y Desarrollo Urbano (HUD, por sus siglas en inglés), una agencia federal, para recibir un vale los inquilinos de Phipps no tendrán que inscribirse en la lista de espera de 100,000 cabezas de familia en la ciudad.

"La administración ayudará a los jefes de familia para que encuentren maneras de calificar," explicó Weinstein en enero. "Nosotros somos muy capaces para administrar subsidios de renta." Él calcula que entre el 70 por ciento y el 80 por ciento de los inquilinos en Phipps Plaza serán elegibles.

Sin embargo, los inquilinos no tienen tanta confianza. Cuando hizo este mismo arreglo los propietarios de Waterside, un edificio cerca del Río Este que anteriormente se encontraba en Mitchell-Lama, sólo el 20 por ciento de los residentes calificaron para los vales. (Por ley federal, los solicitantes elegibles deben ganar 50 por ciento del ingreso medio del área.) Para el resto, las alzas a la renta se limitaron al 9 por ciento al año. Por lo tanto, los inquilinos están buscando ayuda por otros lados.

"Es algo terrible," afirmó Pamela Gould, residente durante 15 años que organiza las campañas de donación de sangre para el Centro de Sangre de Nueva York. Si el estudio de \$594 al mes donde ella vive se vuelve inasequible para ella, dijo, buscará un lugar más barato en las afueras de la ciudad.

Algunos legisladores estatales también están tratando de hacer lo que pueden, ya que hay 260 edificios Mitchell-Lama en la ciudad y 422 en todo el estado. Los asambleístas Steve Sanders, Edward Sullivan y Scott Stringer han presentado proyectos de ley para extender el periodo límite para comprar su parte o para extender las leyes de estabilización de rentas a edificios dentro de Mitchell-Lama ocupados después de 1973.

Pero ni siquiera eso se ve promisorio, dada la oposición del liderazgo republicano en el Senado del estado. Sanders comentó, "No veo ningún programa en el futuro que reemplace a Mitchell-Lama."

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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 (idisculpe 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, idisculpe!—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!



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 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) 979-6238 x6.

Tenants (Finally!) Get Their Day in Court Supporters Pack the House at DHCR Lawsuit Hearing

By Dave Powell

On Jan. 25, over 70 tenants and their allies packed a Brooklyn courtroom to support a lawsuit challenging recent DHCR changes to the state's Rent Stabilization Code. Despite two courthouse changes in less than 24 hours, it was standing room only when the crowd finally landed at 360 Adams St., to witness the first and only hearing in this tenant-initiated lawsuit.



DAVE POWELL

The hearing was a "one shot"; all briefs and arguments were submitted by that day, so tenants are not expected to return to court in the immediate future. Judge Richard Rivera told both parties he would rule by the end of the year, although a decision is expected sooner. The court shuffling aside, tenants and tenant attorneys alike were generally positive about the hearing; Judge Rivera seemed not only visibly attentive, but very knowledgeable on the issues as well.

The hearing came after two last-minute courtroom changes. The previous afternoon, tenant lawyers alerted Met Council that the venue would be moved from 120 Schermerhorn St. in downtown Brooklyn to 15 Willoughby St., four blocks away. A pre-court picket, sched-

uled for 9-9:30 a.m., morphed into a redirection effort, with a sandwich board and several Met Council members informing the supporters of the new address.

The small Willoughby Street courtroom quickly filled up, and court officers refused to let the mounting crowd enter. Upon seeing this, Judge Rivera decided to move the hearing to a larger courtroom

changes must be thrown out, because the DHCR violated state procedures in the way it implemented them.

2) The judge rules that DHCR violated state procedures in the way it implemented the changes — but deems that throwing out the whole code because of this is too drastic a remedy. Therefore, the changes will be either entirely or partially kept.

3) The judge rules that although DHCR did not violate state procedures in the way it implemented the changes, it did act beyond its authority with certain provisions. Therefore some of the changes will be thrown out, others kept.

4) The judge finds that DHCR neither violated state law in how it implemented the code, nor did it go beyond its authority, so all the changes will be kept.

at 360 Adams St. where opening arguments finally began. Despite the "obstacle course," the tenant legal team saw the moves as a combination of scheduling snafus and a genuine effort on the part of Judge Rivera to accommodate the crowd, not an anti-tenant conspiracy.

The premise of the lawsuit is that the Division of Housing Community Renewal (DHCR) overstepped its authority by making drastic code changes without the approval of the state Legislature, and that it provided insufficient public notice about, and insufficient opportunity for the public to comment on, these changes.

There are essentially four possible outcomes for the lawsuit.

1) The judge rules that the entire set of code

changes will be kept. In any scenario, both sides have the opportunity to appeal twice; first to the Appellate Division, 2nd Department, and finally to the state Court of Appeals. The results of the lawsuit would affect only rent-regulated tenants in New York City. A similar challenge is being brought by rent-regulated tenants in suburban districts.

The new code gives landlords new loopholes to evict and overcharge tenants, and remove apartments from rent stabilization; limits the amount a primary tenant can charge a roommate; allows landlords "surcharges" for appliances like washing machines or services such as cable hook-ups; makes it harder for tenants to challenge major capital improvement (MCI) rent increases or get reductions in rent for reductions in services; and creates a provision allowing tenants to be evicted for "harassing" their landlords.

Ed Josephson of South Brooklyn Legal Services made the argument for the tenants' side, along with Adam Aronson of LAMBDA Legal Defense and Education Fund, a lesbian/gay/bisexual and transgender advocacy organization. The tenant legal team also included Judith Goldiner, Elizabeth Newton, Oda Friedheim and Jaya Madhavan of the Legal Aid Society, plus David Robinson and Sandy

Russo of Legal Services for New York.

LAMBDA submitted an amicus brief arguing that the new code's roommate provision discriminated against same-sex partners and unmarried couples. Under the code changes, married couples or immediate family members would not be penalized if one paid more than 50% of the rent. However, long-time couples could be considered "roommates" and

be evicted, if found paying unequal shares of the rent. For that matter, all unmarried couples could face eviction under similar circumstances. (This argument parallels a similar struggle in the 1980s, when Gay Men's Health Crisis and Met Council's successful fight for succession rights for same-sex couples benefited all tenants in "untraditional" relationships.)



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 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!

Battery Park City Next?

Phipps Houses is not the only development in the city threatened with losing affordable rent. The landlords of Gateway Plaza, a 1,750-unit complex in Battery Park City, say they won't extend rent protections there after they expire in 2005.

"There's something called the free market," Lefrak Organization president Richard Lefrak told the neighborhood weekly *Downtown Express*. "Some people in New York are addicted to rent regulations."

Lefrak agreed to extend rent stabilization in 1995 to get lower interest rates on bonds he holds with the Battery Park City Authority. He is currently negotiating with the city to pay \$12 million in cash and more in taxes in exchange for refinancing his loans with private lenders. He told *Downtown Express* he'd "just walk away from the deal" if the city asked him to extend rent stabilization.

—Steven Wishnia

Miller Time

continued from page 1

the speakership, characterized by his obedience to Vallone, who promoted his protégé. "This represents a dream Gifford has had since he was a little boy, four years ago," quipped one insider.

More ominously, Miller's victory bears striking similarities to the process that led to Vallone's accession in 1986, when the incumbent speaker, Thomas Cuite of Brooklyn, lost his seat in the Council to the insurgent Stephen DiBrienza. Cuite had been the ally of the party bosses, but the Bronx and Queens machines found themselves one vote short of having a majority to name his successor as speaker. They reached out to Manhattan's East Side, where Councilmember Robert Dreyfoos gave them the decisive vote they needed to install Vallone.

Dreyfoos was rewarded

with a powerful committee chair, while Vallone proceeded to punish other Manhattan Councilmembers who resisted his anti-tenant agenda and autocratic ways. Dreyfoos was subsequently disgraced and left the Council to become a lobbyist. With no sense of shame or irony, he was observed shaking hands with Bronx boss Ramirez at City Hall on the day Miller handed out the committee chairs. Fifteen years after "the Dreyfoos affair," history repeated itself when the Bronx and Queens machine bosses, Ramirez and Manton, reached out to the East Side once again, to perpetuate their influence in the person of Gifford Miller.

Ironically, within weeks after engineering the selection of Vallone in 1986, Queens boss Donald Manes and Bronx boss Stanley Friedman were forced to resign after being caught

up in corruption scandals, whereas this year, days after helping to install Miller, Ramirez announced that he was stepping down, effective Feb. 1. Is Thomas Manton hearing footsteps?

The influence of the Queens and Bronx machines, which are both closely allied with the real-estate industry and New York's "permanent government," does not bode well for the prospects for change in the post-Vallone era. On the other hand, the election of many new and independent Councilmembers—Robert Jackson and Gale Brewer in Manhattan, Charles Barron and Al Vann in Brooklyn, Oliver Koppell in the Bronx, and ACORN member James Saunders in Queens—ensures that there will be fresh voices heard. Some, but not all, of the rules changes advanced by the Fresh Democracy Council have already been adopted, and it may be possible to bring issues to the floor that

were not possible under Vallone.

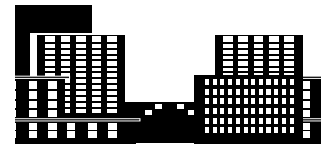
For tenants, the crucial committee is the Housing and Buildings committee. Brewer and Jackson, who sit on this committee, have indicated that they intend to reach out to tenants to work together in advancing legislation and oversight hearings to address New York's endemic housing crisis. It remains to be seen how much room they will have under the new Council leadership.

Despite the circumstances of his victory, many activists point out that Miller was also elected with substantial support from organized labor, and that he has not yet signaled his direction by choosing a chief of staff. "We've got to help him move in the right direction," states Bill Lipton of the Working Families Party. "Gifford Miller supported many progressive candidates around the city, who came back to support him. We have every reason to believe that he will be responsive on issues

important to working families."

Living Wage & Lead

New Yorkers will not have to wait long to find out how responsive the Council will be, because the Living Wage Coalition is planning to introduce legislation on Feb. 27 which would raise the pay of 75,000 low-wage workers who perform publicly subsidized services in New York City, according to Bertha Lewis, executive director of New York City ACORN (Action Community Organization for Reform Now). Bill Perkins and others, backed by the New York City Coalition to End Lead Paint Poisoning, are also planning to introduce the Childhood Lead Poisoning Prevention Act, which will address deficiencies in the current lead law—one of Vallone's most noxious legacies—at the same Council meeting.



NYC Rent Guidelines Board Adjustments (Order No. 33)

for Rent Stabilized Leases commencing Oct. 1, 2001 through Sept. 30, 2002, including the Pataki vacancy bonuses adopted by the State Legislature on June 19, 1997

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, 2001. 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, 2001. 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, aka 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 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

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%	6%	
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

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.

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 avoided. Obtain the SCRIE application form by calling (212) 442-1000.

Loft Units

Legalized loft unit increases above the base rent are 1 percent for a one-year lease and 2

percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

The guideline is 2 percent above the legal rent paid on September 30, 2001, 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. 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.

Another Mitchell-Lama Loss: Phipps Houses Go For-Profit

By Alex Ginsberg

A few decades ago, it was not uncommon for nonprofit housing developers to partner with investors to fund their projects. But one of the city's oldest affordable housing managers never expected that this kind of arrangement could ultimately push them out of the affordable-housing business.

With financial support from 66 individual investors, Phipps Houses built Henry Phipps Plaza West 28 years ago as part of the state's Mitchell-Lama program, which provide low-interest loans and tax breaks in exchange for developing low- and middle-income housing. Since then, the 894-apartment complex on Manhattan's Second Avenue between 26th and 29th streets has been home to a mix of working-class families and senior citizens.

Nothing lasts forever, though, and in the case of Mitchell-Lama buildings, the state only required the developer to keep the rents low for 20 years. At that point, landlords can opt to "buy out" of the program and get back the bulk of their profits annually—the state only allows investors to reap 6% of the profits from rents for as long as they are in Mitchell-Lama, putting the rest in escrow accounts—and raise the rents to market rate. More than 30 developers reportedly have chosen to do that over the last 15 years, and Phipps Houses seems to be next in line—much to its dismay.

In 1989, seven years before the Phipps Plaza West contract came up for renewal, Phipps' investors told the nonprofit developer they wanted the buildings out of Mitchell-Lama. Phipps resisted. A decade later, the group found itself in court, sued by its investors.

At that point, the future did not look good. "I knew we would never

change their minds," said Adam Weinstein, president of Phipps Houses. But, last month, after three years of negotiating, a settlement was reached: As early as this summer, the building will leave Mitchell-Lama, but tenants who qualify for Section 8 vouchers can start using them to pay their rent immediately. Those subsidies require the tenant to pay 30% of their income in rent, while the Feds pay the landlord the rest. And because the building has a mortgage subsidy from the federal Department of Housing and Urban Development, Phipps' tenants will not have to wait on the city's 100,000-household-long waitlist for a voucher.

"Management will assist households to find ways they can qualify," Weinstein said in January. "We're very capable at administering rent subsidies." He estimates between 70% and 80% of the tenants at Phipps Plaza will be found eligible.

The tenants are not as confident, however. When the owners of Waterside, an ex-Mitchell Lama building on the East River, made that same arrangement, only 20% of the residents qualified for the vouchers. (Under federal law, eligible applicants must make 50% of the area's median income.) For the rest, rent hikes were capped at 9% a year. Phipps tenants are therefore looking for help elsewhere.

"It's a terrible thing," said Pamela Gould, a 15-year resident who organizes donor drives for the New York Blood Center. Should her \$594-a-month studio home become unaffordable for her, she said, she will look for a cheaper place in the suburbs.

Some state legislators are also trying to do what they can, given that there are 260 Mitchell-Lama

buildings in the city and 422 statewide. Assemblymembers Steve Sanders, Edward Sullivan and Scott Stringer have drafted bills to extend the buyout limitation period or to extend rent-stabilization laws to Mitchell-Lamas occupied after 1973.

But even that does not look

good, given opposition from the Republican leadership in the State Senate. Said Sanders, "I don't see any program in the future to replace Mitchell-Lama."

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MBR Hearing: DHCR Wants 10.5% Increase

On Feb. 5, the New York State Division of Housing and Community Renewal held its biennial hearing on the Maximum Base Rent factor for rent controlled tenants. Hearing testimony in the room were Deputy Commissioner Paul Roldan, the head of rent administration, Assistant Commissioner David Cabrera, head of the rent-control unit, and Arthur Shulman, who does research for the agency. The DHCR is proposing an MBR factor of 10.5% for 2002/2003, the highest it has been since 1994.

In order to receive rent increases from rent-controlled tenants, landlords must apply for an MBR order of eligibility. Landlords must state that they are maintaining their buildings and must show that the buildings have no major violations (which tenants can and do challenge). Rents on the apartments rise by 7.5% per year until the Maximum Base Rent, which is a ceiling rent, is reached. According to DHCR officials at the hearing, over 80% of the apartments in the MBR system are at their maximum. Unfortunately for tenants, the current 10.5% proposal means that those apartments will get rent increases of 7.5% for this year, and 3% for next year. (For those apartments that are well below the MBR, the increases will

be 7.5% for both 2002 and 2003.)

Several rent-controlled tenants testified against the proposed 10.5% factor. Jesse Smith, from Park Terrace Gardens in Inwood, stated that at 87, she was one of the younger rent-controlled tenants in her complex. She voiced a concern common to those testifying at the hearing, that rent-control increases were much too high for those on fixed incomes, and that those increases were especially unfair compared to the much lower increases for rent-stabilized apartments. She complained that tenants in her complex, like others around the city, had to pay fuel surcharges on top of the 7.5% increases.

Others testifying were advocates from organizations for tenants, the elderly and representatives of elected officials. Most of the tenants testifying stated that the MBR system was out of date and should be abolished or substantially changed. The two landlord representatives, and one landlord, complained that the proposed factor was unfairly low.

If this year follows the usual, the final MBR factor will be the same as the proposal, and orders will be mailed out to landlords and tenants in a month.

—Jenny Laurie

State Closes Hole in Safety Net

By Larry Schwartztol

As thousands of low-income families reach their five-year time limit on federal welfare benefits, the state of New York has stepped forward to protect Jiggetts, a rental subsidy that has prevented eviction for tens of thousands of families. Legal advocates for families on welfare are pleased with the state's action, but they say the new ceiling placed on these rent payments is too low and could quickly lead to a rise in evictions.

"Jiggetts relief" arose from a 1987 lawsuit, in which Legal Aid lawyers convinced a judge that the state's housing subsidies included in the basic welfare grant weren't enough to pay New York City rents. Under Jiggetts, families receiving welfare who are unable to pay their rent can petition to receive a monthly supplement that covers the difference. Currently, about 16,000 families in the city get Jiggetts relief.

But under Jiggetts' terms, only recipients of Family Assistance, the federally funded welfare program, are eligible to receive the

money. So as thousands of those families approached the end of their federal benefits on December 1 and then moved into the state's new Safety Net program, tenants' lawyers became concerned that their Jiggetts relief would evaporate.

It won't. "The good news is the state is not fighting to end Jiggetts with time limits," said Susan Bahn, a lawyer for the Legal Aid Society who has worked extensively on the Jiggetts cases. The state's budget includes funds to cover families who lose their Jiggetts eligibility, and on November 30, the state Office of Temporary and Disability Assistance issued last-minute regulations for the new subsidy for families on Safety Net, the Temporary Supplemental Shelter (TSS) program.

While pleased with the commitment to extend Jiggetts, some legal advocates in January expressed concern that TSS might create a jump in evictions. The program's guidelines cap back-rent payments at \$3,000 per fam-

ily. If a landlord waits until a tenant is several months behind in rent to sue, by the time a family seeks Jiggetts relief, its arrears can easily exceed \$3,000.

The TSS rent payments also do not rise if the rent increases. "And that means really that anyone who's on Jiggetts and receives a rent increase is evicted," said Bob Bacigalupi, an attorney with Legal Services of New York City. The state defends the freeze, arguing that it reminds families that welfare benefits aren't meant to last forever. "The restriction on modification of rent is designed to

stress the temporary nature of public assistance," OTDA spokesperson Jack Madden said via e-mail.

Legal Aid lawyers are currently negotiating with OTDA and asking the state to purge the more problematic requirements of TSS. If the state refuses to budge, Bahn says Legal Aid will bring a new lawsuit. "I'm cautiously optimistic we can get many of these problems ironed out," she said. "But if not, then I'll do my job."

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HPD CODE VIOLATIONS ON LINE

Look up your building!

At long last, the HPD violations terminal is available on-line. If you go to the HPD Website listed below and follow the instructions, you should be able to get an up-to-date list of violations on a building.

www.nyc.gov/html/hpd/html/data/hpd-online-portal.html

Edna

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tion. Her injuries left her with a severe case of reflexive sympathetic dystrophy, a degenerative condition that limits her mobility and causes her constant pain. She again contacted Hope Community and alerted them of the change in her income. Over the next year, she would repeatedly ask Hope Community to have her records changed. Her requests were all ignored.

In April 2000, Edna received a letter from NRP stating that her rent was about to be recalculated, based on Dean's income information and that two people "lived" there. Two months later, NRP registered the apartment with DHCR and raised the rent to \$375—which Hope Community knew she could not possibly afford.

Hope Community refused her money orders for \$223, and began nonpayment and then eviction proceedings. Like many tenants, Edna was unable to get legal representation. She pleaded her case to Judge Cavallo, who advised her to file an overcharge complaint with DHCR. But because DHCR accepts first registered rents from NRP on faith, the overcharge complaint was denied. Judge Cavallo ruled in favor of Hope Community.

Edna's problems finding a lawyer reflect the chronic underfunding of Legal Aid and Legal Services. For the number of hours it would take to fight the tangled complexities of a case like hers—and possibly lose—the same attorney can win on perhaps a half-dozen more generic eviction cases.

She was finally able to get a private tenant attorney, David Hershey-Webb of Himmelstein, McConnell, Gribben and Donahue to represent her. Met Council also filed a fraud complaint with the HPD inspector general.

In June 2001, Hershey-Webb filed an extensive order to show cause petition, both with Housing Court and State Supreme Court. They were both denied, under the rent-deposit provisions of the 1997 rent law. In order to have her case heard, Edna would have had to deposit the *disputed* amount of

rent—the difference between \$223 and \$375 a month—with the court. That came to nearly \$2,000, which she didn't have.

East Harlem Councilmember Phil Reed's staff was initially sympathetic, but eventually refused to get involved.

With no show-cause order and no political juice, the plan shifted to protest. In late May, after Edna was served with a six-day eviction notice, an ad hoc eviction watch was formed. We managed to put off Edna's eviction for the month of June.

On July 11, two days before yet another scheduled eviction date, Met Council held a picket and "phone in" of Hope Community's office at 174 East 104th St. Members of Citywide Tenant Coalition, West Harlem Coalition, Harlem Tenants Council, Harlem Fightback, Lower Manhattan Anti-Displacement Coalition, Coalition for the Human Rights of Immigrants and Chinese Staff and Workers Association all participated. By that Friday the marshal had been called off.

Negotiations began between Hope Community's lawyers and Hershey-Webb, and went on until August. It seemed as though Hope was going to roll back Edna's rent. Shortly afterwards, the six-day notice went stale, removing the immediate threat of eviction.

But after Sept. 11, we never heard from Hope again—until January, when a marshal hired by Hope slapped a fresh six-day notice on Edna's door. Hershey-Webb called Hope's attorney, who gave no real answers and referred us to NRP, who passed the buck back to Hope.

We couldn't figure out why Hope had chosen to reactivate Edna's eviction. Nothing had changed, except perhaps the intensity of publicity and grass-roots support for her case. Once again, dozens of tenants and advocates flooded Hope Community's offices with

phone calls. Many were told that "she should just pay her rent." Of course, this brought us right back to the question at the core of the dispute: *Which rent?*

Edna's case gives textbook examples of the designed inequities of the Pataki rent-deposit law and

the woefully inadequate funding of legal services. It also begs for examination of HPD programs such as NRP and its for-profit cousin, the Neighborhood Entrepreneur Program. Both programs leftover from Rudy Giuliani's housing policy, which redirected city-owned

buildings once eligible for tenant ownership into the hands of private developers. They also give landlords large loopholes to evict tenants and jack up rents, while limiting a tenant's recourse to an obsolete appeals process with narrow deadlines.

Rents are supposed to be set according to income, but HPD gets income information from landlords, and does not check its accuracy with tenants. HPD passes that information to DHCR, which makes the rent setting final. HPD simultaneously sends letters to

tenants instructing them to report rents of over 30% of their income to—guess who?—their landlords. By the time a tenant realizes that they are being overcharged, there is usually nothing they can do about it.

Whether Edna's experience is an isolated incident or part of a larger pattern of Hope Community's remains to be seen; many neighbors were eager to tell us stories while we loaded Edna's possessions into a borrowed car. Hope Community is a longtime low-income housing developer, and is poised to receive a substantial number of distressed buildings abandoned in the wake of the 203(k) scandal that rocked Harlem. Until recently, executive director Mark Alexander was the acting board chair of the Association of Neighborhood Housing Developers, one of the main organizations behind the Housing First! platform (*Tenant/Inquilino*, August 2001). One must wonder just what motivates a "community organization" that would rather put a disabled tenant out on the street than correct its own mistakes.

Edna Greenaway is now staying at a small, faith-based shelter. Met Council has filed fraud complaints against Hope Community with HPD, the state attorney general's office and the office of the city public advocate.



Edna Greenaway with supporters last July.

DAVE POWELL

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
Note: This office closes for the month of August.

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



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.

212-979-0611

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 _____

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