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# Tenant Inquilino

Housing for people, not profit

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Metropolitan Council on Housing  
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PERIODICAL

## Lead Poisoning Bill Veto Faces Jan. 21 Override After Mayor Chooses Landlords Over Children

By Kenny Schaeffer

Capping a passionate two-year campaign, the New York City Council is poised to cast a historic vote on January 21 to enact the Childhood Lead Poisoning Prevention Act (Intro 101A). The vote would override Mayor Michael Bloomberg's Dec. 19 veto, which came four days after the Council passed the measure by an overwhelming 44-5 margin, incorporating dozens of minor changes the mayor had requested.

Cordell Cleare, chairwoman of the New York City Coalition to End Lead-Paint Poisoning (NYCCELP), and the mother of a lead poisoned child, called the veto "sad and misguided." Intro 101A's prime sponsor, Bill Perkins (D-WFP, Harlem) was equally direct: "I am forced to question both the mayor's good faith and his motives," Perkins declared at a Dec. 23 press conference called to expose Bloomberg's pretext for vetoing the bill—the claim that it will cause a "deterioration in the city's housing stock" and an increase in homelessness. The Coalition for the Homeless and the Partnership for the Homeless joined in refuting the mayor's claim, noting that homelessness has risen to record levels under Bloomberg. Affordable-housing advocates such as Met Council director Jenny Laurie called the mayor's housing-stock excuse "cynical and insulting."

"Lead poisoning is child abuse and a crime which our city must stop perpetuating," declared Maya Bachinsky, whose child was poisoned during shoddy renovations

by her landlord.

The passage of the bill brought a fitting end to the first two years of the expanded, post-term limits Council that took office in January 2002. When NYCCELP first proposed Intro 101A in early 2002, the new Speaker, Gifford Miller, signaled his intention to stonewall it by refusing to assign it to the Health Committee; instead, he sent it to the Housing and Buildings Committee, chaired by Bronx machine loyalist Madeline Provenzano. Miller and Provenzano then worked together to make sure the bill did not even get a hearing for over a year, while thousands of additional children were poisoned, primarily in communities of color.

### 17.2%? Outrageous!



Facing the largest Maximum Base Rent increase in almost 30 years, rent-controlled tenants protested outside a state housing agency hearing on Jan. 6. Story on page 7.

But, over the course of time, the more independent Councilmembers and the more open rules the body adopted in 2002 let Intro 101A make its way

to passage. The turning point occurred last summer, when NYCCELP and the Rent

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## Five Hidden Facts About Housing

(An Analysis of Data From the Housing and Vacancy Survey)

By Andrew Beveridge

The New York Housing and Vacancy Survey (known to those interested in housing as HVS) is conducted every three years (unless it is a census year) on commission from New York City's Department of Housing and Preservation. The point of the survey is to determine the rental vacancy rate in New York City. If the vacancy rate should go above five percent, it would be the end of rent regulation in the city, because of a provision in the 1974 Emergency Tenant Protection Act. After the survey is completed, those interested wait for the first release of information, which includes the vacancy rate.

The US Census Bureau recently released the raw data from the 2002 Housing and Vacancy Survey. My analysis of these data revealed some hidden and surprising facts about housing in New York. Here are five such findings:

1. Rent regulation

seems to be vanishing in New York faster than many thought. In just three short years, according to an estimate I made, some 90,000 apartments in the city were deregulated, or about 8 percent of the total number of 970,000 stabilized apartments in New York. This estimate takes into account some of the changes in the survey sample between 1999 and 2002. It also only considers those apartments subject to the 1974 ETPA. It excludes those that have been "controlled," as well as apartments in other categories, e.g., public housing, loft conversions, etc.

2. Two-thirds of all non-regulated apartments in Manhattan now rent at \$2,000 or more. In 1999 this figure was slightly below half. Manhattan also is the borough with the largest drop in stabilized units. The Lower East Side/Chinatown and Greenwich Village were the two neighborhoods in the city with the highest percent-

age increases for stabilized apartments. (I only included neighborhoods with enough units in the sample to make comparisons meaningful.) As these trends continue, more and more Manhattan apartments will be removed from stabilization.

3. In every neighborhood in Manhattan, except for Washington Heights the median rent for those in stabilized apartments is less than three-fifths of those in non-stabilized apartments. For all apartments in Manhattan, the stabilized median is 38 percent of the market-rate median. On the Upper West Side, for example, the median rent for those in market-rate apartments is \$2,500; for those in stabilized apartments, it's \$924.

4. The largest increase in rents in market-rate apartments occurred in the outer boroughs. Specifically, Bay Ridge, Park Slope, and Bedford-

Stuyvesant in Brooklyn, and Astoria and Woodside/Sunnyside in Queens all saw market-rate rents increase by 30 percent or more. These areas are undergoing new construction and renovation of existing structures.

5. In general, stabilized and market rental housing was slightly more affordable in 2002 than in 1999. In 1999 exactly half of such renters paid more than 30 percent of their income for housing, and 26 percent paid more than half. By 2002, the number pay-

ing more than 30 percent of their income dropped by one percentage point, to 49 percent of such renters, while the number paying more than half went up one percentage point, to 27 percent. Mostly, however, this reflects income gains. New York continues to be one of the most unaffordable housing markets in the United States.

The implications of these findings, of course, can and will be debated by advo-

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## Irene Kohn

We were all saddened this month to learn of the death of one of Met Council's founders in September. Irene Kohn, who with Esther Rand, Jane Benedict and others, formed Met Council in the late

1950s, died on September 24 after a long battle with Guillain-Barre disease.

Irene had been part of the Yorkville Save Our Homes group, which fought against the city's

plans to demolish apartment buildings on the East Side in the early '50s as part of an urban-renewal plan. Joining with other activists from neighborhoods on the West Side, Lower East Side and other areas, Irene led a movement that resulted in the sparing of some of the neighborhoods targeted by Robert Moses for what they called "poor people removal." The movement resulted in the building of new public housing and buildings in the then new Mitchell-Lama program on the cleared sites they weren't able to save. She later became a leader in the movement to expand

and improve the Mitchell-Lama program after moving into Gouverneur Gardens on the Lower East Side.

Most of us now at Met Council knew Irene best from the many years that she volunteered in the office, after retiring from a career in early-childhood education. She worked on the Met Council hotline answering tenant calls for help, and was always available to give wise and supportive advice both to tenants and to young organizers new to the tenant movement.

—Jenny Laurie



**Do you have a preferential rent?\***

**Have you been offered a buy-out from your landlord?**

**Has your rent increased dramatically due to MCIs, rent overcharges, etc.?**

\*call us if you are not sure

The Cooper Square Committee is conducting a survey of tenants facing displacement pressure in Lower Manhattan in a effort to stop illegal deregulation of rent stabilized housing.

### PLEASE PARTICIPATE!

To obtain a survey please call, come to our office or download from our website at

<http://www.coopersquare.org/prefsurvey.pdf>

Surveys can be mailed in, hand-delivered or faxed to our office below.

The Cooper Square Committee has worked since 1959 to prevent evictions, preserve affordable housing and improve the quality of life on our community! Please help us continue the fight...

Please call us with questions, ask for Steve or Geoff.

#### Cooper Square Committee

61 East 4th Street  
New York, NY 10003  
212-228-8210  
Fax: 212-473-2837

Email: [coopersquarecomm@aol.com](mailto:coopersquarecomm@aol.com)  
[www.coopersquare.org](http://www.coopersquare.org)

### 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, Wednesdays and Fridays from 1:30-5 p.m. If you can give one afternoon a week for this crucial service to the tenant community, call Jenny at (212) 979-6238 x3.



### Watch Rent Wars News

the weekly tenants show that covers the news, people, and events that affect New York's tenants.

#### Brooklyn

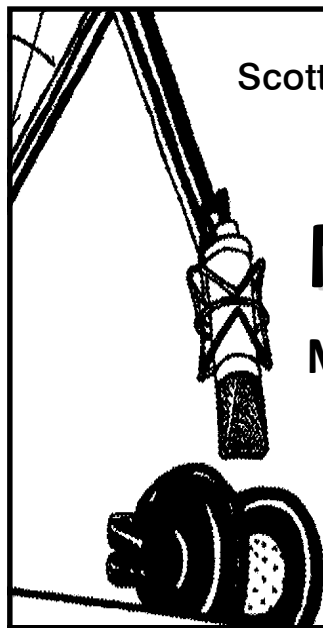
Every Monday at 7 p.m.:  
Time Warner Channel 34 or  
Cablevision Channel 67

#### Manhattan

Every Sunday at 6 p.m.:  
Time Warner Ch. 67 or RCN  
Ch. 110. Without converter:  
Time Warner Ch. 16  
or RCN Ch. 110

Also check out  
[www.rentwars.com](http://www.rentwars.com)

Participate in the RWN Forum, post events, listen to interviews and specials online, and read show supplements that go deeper into the stories covered on the show.



Scott Sommer hosts Met Council's

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- News from other NY tenant groups
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- Rent Control/Rent Stabilization/DHCR information
- Weekly Housing Court Decision summaries



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# EL INQUILINO HISPANO

## Lo que usted debe saber sobre el moho

Por Ari Silverman y Jenny Laurie  
Traducido por Lightning Translations

Aunque la mayoría del moho común que crece en cantidades pequeñas es inocua para personas que gozan de buena salud, el crecimiento evidente de moho en hogares o lugares de trabajo debe limpiarse inmediatamente. El moho captó la atención de todo el mundo hace un par de años cuando una tejana ganó una demanda de varios millones de dólares después de enfermarse por moho en su mansión de 22 cuartos porque la compañía de seguros no cumplió con pagar las medidas de limpieza adecuadas después de una inundación. Desde entonces, las agencias gubernamentales y los agentes de

la industria de seguros han puesto sobre aviso al público del peligro del crecimiento desenfrenado de moho, específicamente la variedad *Stachybotrys chartarum* (también conocido como *Stachybotrys atra*).

### ¿Qué es el moho y dónde crece?

El moho produce esporas minúsculas que flotan por el aire hasta encontrar un buen sitio para crecer. Existen más de 100,000 variedades de moho, más de 1,000 de ellas comunes en este país. El moho puede crecer en papel, madera, lámina de yeso (sheetrock), alfombras, yeso o cualquier otra

superficie que se mantenga mojada o húmeda. Cuando las esporas caen en una superficie constantemente mojada, crecen en una masa asquerosa naranja, verde o negra que huele mohoso o a humedad. Son de mayor frecuencia en baños, cocinas, sótanos, cerca de áreas de goteras crónicas (como tubería y radiadores agujereados o goteras en el techo) y en los conductos de aire en edificios nuevos. El crecimiento de moho suele ser un problema después de las inundaciones.

Hay muchos tipos de moho que son útiles (como son la penicilina y el queso tipo Roquefort) y otros

muchos inocuos, pero hay unos que son peligrosos para los seres humanos, especialmente niños, ancianos y aquellos con sistemas de inmunidad en riesgo. Incluso las personas sanas pueden padecer alergias y enfermedades serias al ser expuestos a grandes crecimientos de moho. Las enfermedades que están relacionadas con el crecimiento de moho incluyen reacciones alérgicas (fiebre, picazón, sarpullido, problemas de la vista, dificultades respiratorias, etc.), asma y serios problemas respiratorios. Hace años que inquilinos en

*pasa a la página 4*

## Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 35)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2003 hasta el 30 de septiembre de 2004, 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 2003. 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 2003. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha. No se permite el recargo también conocido como el «impuesto de pobres.»

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

**Exceso de Cobro** Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos del historial de renta de sus 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 exceso de cobro de renta con la oficina de la División de Vivienda y Renovación Comunal (DHCR), o disputar la cantidad de la renta en la corte de vivienda de la ciudad para que se determine cuál es el alquiler legal.

Si un posible inquilino da muestras de conocer sus derechos, lo más probable es que el casero no firmará ningún contrato con tal inquilino. Los caseros evitan contratar con inquilinos que les pueden dar problemas. El exceso de cobro de alquiler es muy común. Todos los inquilinos deben luchar contra posibles excesos de cobro. Obtenga y llene un formulario *Form RA-89* con la oficina de DHCR para determinar el alquiler correcto en los archivos oficiales. Llame a la DHCR a (718) 739-6400 para obtener un formulario, o búsquelo en el sitio [www.dhcr.state.ny.us](http://www.dhcr.state.ny.us).

**La Apelación de la Renta de Mercado Justa** Otro tipo de exceso de cobro sucede frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a renta controlada y se alquila con renta estabilizada. La Junta de Regulación de Renta (RGB) establece anualmente lo que ellos llaman el

"Tope Especial de la Renta de Mercado Justa," el cual es empleado por la DHCR para bajar las rentas de mercado injustas de los inquilinos que llenan el formulario llamado "Apelación a la Renta Justa de Mercado" (FMRA). Según la Orden 35, es la Renta de Mercado Justa de HUD o un 50% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de abril de 1984 o después debe dejar de poner a prueba la llamada "Renta Legal Inicial Regulada" (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de "Apelación a la Renta Justa de Mercado" como de "exceso de cobro." La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

**Exención de Incrementos para las Personas de Mayor Edad:** Las personas de 62 años o más que viven en apartamen-

tos estabilizados y cuyos ingresos familiares anuales son de \$24,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

**Unidades de Desván (Lofts)** Los incrementos legales sobre la renta base para las unidades de desván son de un 4 por ciento por un contrato de un año y un 7 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** La pauta es un 3.5% para hoteles de clase A, casas de huéspedes,

hoteles de clase B (de 30 habitaciones o más), hoteles de habitaciones solas (SROs) y casas de habitaciones (clase B, de 6 a 29 cuartos), por encima de la renta legal que se pagó el 30 de septiembre de 2003. No se permite ningún incremento de vacancia. No se puede cobrar el incremento estipulado por la pauta a menos que un 75% o más de las unidades en el edificio sean ocupados por inquilinos permanentes de renta estabilizada o controlada pagando las rentas reguladas legales. Además, no se permite ningún aumento cuando el dueño deje de dar al nuevo inquilino de aquella unidad una copia de los Derechos y Obligaciones de los Dueños e Inquilinos de Hoteles, según la Sección 2522.5 del Código de Estabilización de Rentas.

**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.

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



Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años
<b>Renovación del Contrato</b>	Todas	4.5%	7.5%
<b>Contratos para Apartamentos Vacíos</b>	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	17%
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 17%
	Menos de \$300	Incrementos por desocupación cobrados en los últimos 8 años	17% + \$100
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 17% + \$100
Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	17% o \$100, lo que sea mayor	20% o \$100, lo que sea mayor
	Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 17%, o \$100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o \$100, lo que sea mayor

## Moho

viene de la página 3

la ciudad de Nueva York y en todo el país se han quejado de serias enfermedades, incluyendo hemorragias pulmonares a causa de micotoxinas (mycotoxins), químicos producidos por algunos mohos nocivos.

El moho *Stachybotrys chartarum* es especialmente peligroso. No ocurre frecuentemente, pero se adapta perfectamente a los edificios de apartamentos o casas con goteras crónicas o inundaciones. Este moho verde negro crece en las sustancias con un contenido alto en celulosa (madera laminada para pared, lámina de yeso y otros materiales de construcción comunes). Según algunos expertos médicos, sus micotoxinas pueden causar problemas pulmonares muy serios.

En la ciudad de Nueva York, los inquilinos han encontrado dificultades en hacer que los caseros disminuyan los problemas de moho. Sin embargo, gracias a la amenaza de demandas por responsabilidad,

los propietarios de mayor importancia y con buenos seguros responden más rápidamente que antes a las quejas por moho. El Departamento de Preservación y Desarrollo de Vivienda (Housing Preservation and Development, HPD) clasifica el crecimiento de moho como una violación de clase C, o sea de peligro inmediato. Sin embargo, los inquilinos se han quejado de que el HPD y el Departamento de Salud no son muy eficaces en forzar a los caseros a limpiar y prevenir el crecimiento de moho.

Los inquilinos en unos edificios nuevos han tenido serios problemas de moho a causa de goteras no reparadas o conductos de aire acondicionado o de calefacción que no se han mantenido cuidadosamente. Inquilinos de Phipps Plaza South y Park West Village se han quejado y han demandado por condiciones de moho.

### ¿Qué debe usted hacer en torno al moho?

Según el Departamento de Salud, el moho debe limpiarse con

una solución ligera de lejía y agua, por una persona que no tenga alergias o sensibilidad al moho. Los niños y especialmente los bebés, los ancianos, mujeres embarazadas y cualquier persona que padezca asma u otras condiciones pulmonares o de alergias no deben participar y deben alejarse de la limpieza de moho. Se deben desecher los trapos de limpieza, así como cualquier cosa en que el moho estuviera creciendo, como alfombras, cortinas, muebles, papeles, papel tapiz, yeso o lámina de yeso. El departamento tiene pautas claras para la limpieza del crecimiento de moho. Por supuesto, se deben tratar los crecimientos grandes por un contratista entrenado, contratado por el casero.

### ¿Cuál es la responsabilidad del casero?

Antes de que se haga la limpieza, hay que tapar la gotera. Eso es responsabilidad del casero. Si va a mojarse otra vez la superficie a limpiar, la limpieza no va a solucionar el problema. Una vez que el área se mantenga seca constantemente, el problema de moho desaparecerá rápidamente. Llame al casero y pídale resolver el problema. Si no hay una respuesta inmediata, siga los pasos que seguiría en caso de cualquier problema serio de reparaciones.

Para denunciar un problema de moho en su apartamento o en las áreas comunes del edificio, llame al Departamento de Salud al 311 o a su Oficina de Investigaciones Ambientales (Office of Environmental Investigations) al (212) 442-3372. Debe también denunciar todas las goteras crónicas en la tubería, desagües defectuosos y goteras en el techo a la línea Central de Quejas del HPD, al 311.

Escriba una carta al casero describiendo el problema y los pasos que ya ha tomado para que se resuelva. (En otras palabras, si habló con el *super* y le mostró el moho, incluya eso en la carta.) Asegúrese de fechar la carta, guardar una copia y enviar el original al casero por correo certificado o con un recibo de envío. Puede incluir la carta con su pago de renta. Déle al casero toda la información que tiene sobre el moho (ver a continuación) para que la limpieza se haga de una forma adecuada.

Si el casero no responde inmediatamente, le puede demandar en la corte de vivienda vía una acción HP, continuar presentando sus quejas por teléfono tanto con el HPD como con el Departamento de Salud y/o pedir a la división estatal de vivienda que baje su renta por una reducción de servicios. Obtenga los formularios llamando al (718) 739-6400 o en [www.dher.state.ny.us](http://www.dher.state.ny.us). Pida consejo a Met Council u otra organización de vivienda si quiere demandar al casero en los tribunales o si está pensando en rehusar pagar la renta.

Saque fotos del moho y de la


condición creada por la gotera. Si el crecimiento de moho fue a causa de la negligencia del casero y ha hecho inservible alguna parte de su apartamento o ha destruido su propiedad personal, es posible que pueda conseguir una reducción de renta o dinero en el tribunal que atiende casos de escasa cantidad (small claims court). Si contrata a un especialista en moho para revisar su apartamento o hacer el trabajo de disminución, guarde todos los recibos. Si usted u otros miembros de su familia cree que el moho está afectando su salud, busque ayuda profesional, tome nota de lo que dice el médico y guarde las cuentas médicas que tiene que pagar. Es posible que se le pueda compensar por sus gastos al negociar con el casero (o al hacer una demanda si eso no funciona).

Si cree que el problema existe en todo el edificio, debe ponerse en contacto con los otros inquilinos en el edificio y convencerles a unirse para ejercer presión sobre el casero. La compañía de seguros del casero también va a querer enterarse sobre estos problemas. Emplee los medios de información si el casero no se hace responsable de la limpieza. Si el problema es serio, póngase en contacto con los funcionarios electos locales y consiga ayuda de ellos para obtener ayuda eficaz de las agencias de la ciudad. Póngase en contacto con Met Council o una organización de vivienda local para conseguir ayuda en organizarse contra un casero que rehusa limpiar.

El Departamento de Salud puede darle información tanto sobre los efectos en la salud que tiene la exposición a moho como sobre la eliminación segura de moho. Llame a su Oficina de Investigaciones Ambientales al (212) 442-3372 o a la Unidad de Epidemiología de Enfermedades de Medio Ambiente y Trabajo (Environmental and Occupational Disease Epidemiology Unit) al (212) 788-4290. En su sitio Web hay información sobre moho, cómo eliminarlo y cómo tratar unos de los efectos en la salud: [www.ci.nyc.ny.us/html/doh/html/epi/epimold.html](http://www.ci.nyc.ny.us/html/doh/html/epi/epimold.html)

La Agencia de Protección del Medio Ambiente de los EE.UU. (US Environmental Protection Agency) tiene información en su sitio Web sobre moho y los procedimientos de limpieza, así como vínculos a información sobre moho y asma, además de otras cuestiones del medio ambiente: [www.epa.gov/iaq/molds/](http://www.epa.gov/iaq/molds/)

El Centro Nacional para la Salud Ambiental de los Centros Federales para Control y Prevención de Enfermedades (Centers for Disease Control and Prevention's National Center for Environmental Health) tiene información sobre moho y la salud en los hogares y lugares de trabajo: [www.edc.gov/nceh/airpollution/mold/default.htm](http://www.edc.gov/nceh/airpollution/mold/default.htm)



## No se quede helado: ¡ORGANÍZSE!

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

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

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

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

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

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

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

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

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

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

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

Missed an issue of TENANT?

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

# Luxury Development Threatens Meat-District Jobs

By Andrew Berman

Why is the city government encouraging luxury residential development in the places where it poses the greatest danger of forcing out good manufacturing jobs, while at the same time refusing to take necessary steps to create and preserve affordable housing? We see this phenomenon up and down the West Side of Manhattan, where I live and work. Unfortunately, its implications are not limited to any one area of the city.

This fall, it was exposed that the Department of Buildings had made an internal ruling that developments that include as much as 49% residential units could be considered a "hotel." Why should this concern us? Because the ruling is being used by a developer who has been seeking to build multimillion-dollar condos in the meatpacking district in Greenwich Village, an area that is zoned for manufacturing uses. The developer originally sought an outright variance to allow a purely residential tower, a 450-foot tall building, but opposition by a broad coalition of residents, preservationists, meatpackers, local businesses, and unions stopped his efforts.

We knew that residential development, particularly the kind of luxury housing proposed here, would force out the meatpacking and other businesses which have called this area, the far western end of 14<sup>th</sup> Street and several blocks to the south, home for generations. After paying \$2 million for their condos, new residents would undoubtedly complain about the noise, smell, traffic, and early-morning deliveries that come from being located in a manufacturing zone, and these businesses and their jobs, would be forced out. In no time, Manhattan's last remaining working market neighborhood would become just another luxury high-rise area. This is exactly what is happening to the flower market on Sixth Avenue and West 28<sup>th</sup> Street, and we hope not to see it happen here.

Unable to get the permission for residential development he was seeking, the developer went a much more pernicious route. Manufacturing zones like the meatpacking district allow transient hotel development, but not residential development (or even residential hotels). So the developer got the Department of Buildings to apply the aforementioned ruling—that transient hotels could actually contain as much as 49% residential units—to his plan. Now, suddenly, every light manufacturing district in New York City is vulnerable to as-of-right residential development, the kind which

will undoubtedly lean towards luxury high-rises, and which will push out what is left of the city's manufacturing job base. The Greenwich Village Society for Historic Preservation and Save Gansevoort Market are fighting to



Luxury housing development is threatening to force out jobs in Lower Manhattan's meat district.

see this dangerous ruling reversed, not only to preserve the character of the meatpacking district, but also to prevent the destruction of working manufacturing districts throughout the city.

At the same time, mechanisms for preserving affordable housing are increasingly weakened, and potential ways to create it continue to be ignored. In the far West Village, one of the last remnants of affordable housing, the West Village Houses Mitchell-Lama development, faces the possibility of a buyout that would eliminate hundreds of affordable units. In Chelsea, through a community rezoning plan passed in 1999, the community and its leaders asked that a mechanism be created to restrict new development in some areas of the neighborhood to affordable housing. However, after promising to consider it, the city ultimately decided that there was no way to institute such a requirement, and the opportunity to create affordable housing here was lost.

In Hell's Kitchen, where I live, a community that for generations defined working-class New York, we face incredible development pressure from all sides. In the early 1970s, as the city embarked upon plans to develop a West Side convention center, a special zoning district, intended to protect the neighborhood's affordable housing and low-rise character, was put in place. The terms of this district were some of the toughest in the city, requiring that any new development maintain the same five-story scale as the rest of the neighborhood, and requiring owners seeking to develop a property to prove that no tenant harassment has taken place. This was meant to ensure that no developer would ever profit from tenant harassment (and require the permanent creation of new affordable housing to "cure" the violation), and that new development would maintain

the existing character of the neighborhood, rather than letting it become a high-rise extension of neighboring Midtown. The special district's provisions had a profound effect upon maintaining a low-rise, largely affordable neighborhood for many years, in spite of its proximity to Times Square and the Javits Center.

However, the city increasingly ignores the requirements of the special district, chipping away at its affordable housing and neighborhood character protections. Construction applications are granted without requiring proof of lack of tenant harassment. New high-rise towers have, for the first time, been permitted within the special

district's boundaries.

Thus the future of affordable housing, and blue-collar jobs and businesses, on the West Side of Manhattan hangs in the balance, as it does throughout the city. As the Bloomberg administration pursues a rezoning and redevelopment of far west Chelsea, and development of the West Side railyards and west Midtown, the question becomes more pressing than ever. The danger we face is the same danger facing all New Yorkers—the further loss of decent affordable housing and decent blue-collar jobs from our neighborhoods and our city.

*Andrew Berman is executive director of the Greenwich Village Society for Historic Preservation and Save Gansevoort Market. A native New Yorker, he has lived in Hell's Kitchen all his adult life.*

## Don't Freeze—Organize!



**The law requires your landlord provide heat and hot water at the following levels from October 1 through May 31:**

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.

Hot water at a minimum 120 degrees at the tap must be provided 24 hours a day, year round.

**If your landlord does not maintain those minimum temperatures, you should:**

- \* Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.
- \* Call the New York City Central Complaints Bureau at 311 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- \* Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- \* Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- \* Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat

and Hot Water complaint form. Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

You'll need a strong tenant association to force the landlord to provide heat and hot water. Write and call the landlord and demand repairs or fuel.

Prepare to go on rent strike — but get legal advice first.

**The heat laws also provide for:**

- \* The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- \* A \$250 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)
- \* A \$1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

If your boiler's fuel tank is empty, tenants have the right to buy their own fuel after 24 hours of no heat and no response from the landlord. But this provision does not apply if the boiler is broken and needs both repairs and fuel.

**Caution!** Protect your money! If you decide to buy fuel, you must follow special lawful procedures very carefully. You should get help and advice from a tenant organizer.

Because the heat and hot water laws are in the law books does not mean they are enforced by government. Don't freeze to death waiting for the city or state to act. Organize!

# Harlem Scandal-Building Auction Postponed

By Steven Wishnia

The auctioning off of seven Harlem buildings involved in the massive 203k mortgage-loan scandal, scheduled for last month, has been postponed, but tenants still fear they will be forced out if their buildings are sold to private owners.

"It's still a threat," says Terry Poe of the West Side SRO Law Project, a cosponsor of protests planned for the Dec. 16 auction.

About 500 buildings, primarily in Upper Manhattan and Brooklyn, were part of the scandal, which broke in 1999. Dishonest realtors would sell the properties at several times their value to nonprofit groups, many of which were in on the scam. Those nonprofits would then take out mortgage loans based on the inflated prices and get grants from the federal Department of Housing and Urban Development to rehabilitate the

buildings. They were usually unable to pay off the mortgages or maintain the property, costing HUD and the banks that made the loans over \$100 million.

HUD eventually agreed to work with the city Department of Housing Preservation and Development to salvage the affected buildings, and promised that no tenants would be displaced as they were foreclosed upon. According to Harlem Operation Take Back, a group organized by 203(k) tenants, residents were told that they would be able to choose being redeveloped as either a limited-equity co-op, a mutual housing association, or a non-profit private rental.

However, HUD's willingness to turn buildings over to tenants depended on private landlords' unwillingness to buy them—and, with property values

in Harlem rising, developers are now outbidding the government for the buildings. In October, *City Limits Weekly* reported in December, a property owned by St. Stephen's Baptist Church was sold at auction for \$585,000, according to Rick Jachimiak, vice president of risk management and community investment at M&T Mortgage Company, one of the nation's largest 203(k) lenders. Developer Jerry Migdol of Migdol Realty is buying a four-unit building at 783 St. Nicholas Ave. and hopes to convert it into condominiums.

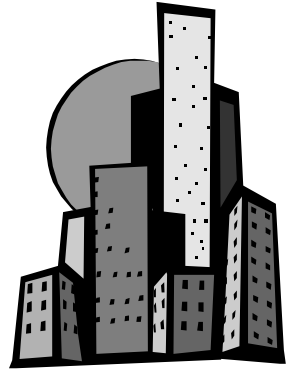
"There's no guarantee that protects the tenants," James Lewis of Harlem Operation Take Back told *City Limits Weekly*.

According to Poe, at least two other 203(k) buildings have also been auctioned off, and tenants in one, 267 West 138<sup>th</sup> St.,

have already been told they have to leave. Two crooked nonprofits have declared bankruptcy to avoid foreclosure, he adds.

"After all they have been through already, it would be a crime for HUD to let the tenants of the 203(k) buildings suffer any more by being displaced from the homes they have fought to preserve," Lewis said in a statement before the scheduled auction. "HUD promised to protect tenants from this, and we

are holding them to that promise."



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## NYC Rent Guidelines Board Adjustments (Order No. 35)

for Rent Stabilized Leases commencing Oct. 1, 2003 through Sept. 30, 2004, 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, 2003. 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, 2003. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, a.k.a. poor tax, allowed.

### Sublease Allowance

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

### Vacancy Leases

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

### Rent Overcharges

Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses, and the tenant's unfamiliarity with the apartment's rent history, to charge an illegal rent. The tenant can choose be-

Lease Type	Current Legal Rent		One-year Lease	Two-year Lease
<b>Renewal Leases</b>	All		4.5%	7.5%
<b>Vacancy leases</b>	More than \$500	Vacancy allowance charged within last 8 years	17%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than \$300	Vacancy allowance charged within last 8 years	17% plus \$100	20% plus \$100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17% plus \$100	0.6% times number of years since last vacancy allowance, plus 20% plus \$100
	Rent \$300 to \$500	Vacancy allowance charged within last 8 years	17% or \$100, whichever is greater	20% or \$100, whichever is greater
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17%, or \$100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, or \$100, whichever is greater

tween filing an overcharge complaint with the Division of Housing and Community Renewal or challenging the rent in Housing Court to get a determination of the legal rent.

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

### Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is re-rented as a stabilized unit. The Rent Guidelines Board an-

nually sets what they call the "Special Fair Market Rent Guideline" that is used by DHCR to lower unfair market rents for tenants who file the Fair Market Rent Appeal (FMRA). Under Order 35, it is HUD Fair Market Rent or 50% above the maximum base rent., whichever is higher. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR *Form RA-89*. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

### Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable annual household income is \$24,000 or less and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be avoided. Obtain the SCRIE application form by calling (212) 442-1000.

### Loft Units

Legalized loft unit increases above the base rent are 4 percent for a one-year lease and 7 percent for two years. No va-

cancy allowance is permitted on vacant lofts.

### Hotels and SROs

The guideline is 3.5% 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, 2003. No vacancy allowance is permitted. The guideline is not collectible unless 75% 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 owner has failed to provide to the new occupant of that unit a copy of the Rights and Duties of Hotel Owners and Tenants, pursuant to Section 2522.5 of the Rent Stabilization Code.

### High-rent, High-income Deregulation

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

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

# Rent-Controlled Tenants Protest Massive MBR Increase

By Jenny Laurie

On January 6, rent-controlled tenants picketed and testified before a state Division of Housing and Community Renewal hearing on the agency's proposal to raise the Maximum Base Rent standard adjustment factor by 17.24% for 2004 and 2005. That would be the largest increase since 1976.

The hearing started with heartfelt testimony from rent-controlled tenants explaining how, on fixed, retirement incomes, they were paying rents that equaled 50% of their income. It turned angry and accusatory when tenants demanded officials stop acting as rubber stamps. Tenants then filed outside, filling the sidewalk in front of the Reade Street meeting hall to talk about their situations in front of reporters. At the hearing, which was standing room only with an almost entirely senior audience, many asked questions similar to Stanley Sands, a man in his mid-70s who asked "Where do senior citizens go when they are in their seventies and eighties and can't pay the 7.5% each year? Is it part of some master plan to move whole groups of people out of their apartments?"

One tenant testifying was a former DHCR employee who

stated that he had lived in the same apartment for 62 years and that his rent, which had been \$250, was now over \$1,050. Looking at his former colleagues from the DHCR, he remarked that his salary from the agency had not gone up nearly as fast as his rent.

He and others drew attention to the fact that landlords today, unlike when the MBR system was instituted, earned substantial income from rents on unregulated, market-rate apartments. "It's not fair to balance the landlords' books on the backs of rent-controlled tenants."

Another tenant, a World War II veteran, said that after paying over 50% of his income for rent and paying his medical expenses, he had enough money left to "live like a dog." 90-year-old Margaret Maxwell, a retired college professor whose salary peaked at

\$15,000, was struggling to pay a rent that now took up most of her monthly retirement check.

Speakers at the rally made similar points, both criticizing the rent-increase formula and slamming the state officials and Governor Pataki for refusing to change the MBR system. A number of elected officials sent representatives, with Upper West Side Councilmember Gale Brewer testifying in person and speaking at the rally outside.

The MBR system requires the state to use an archaic formula devised in the early '70s to in-

crease the ceiling rent for rent-controlled apartments once every two years. The system is based on the assumption, true in 1970, that a landlord's sole income came from the rents of rent-controlled apartments. Today, when a building might have one or two rent-controlled apartments with the remainder rent-stabilized or de-regulated, the rent increases produced by the system have no relation to landlords' expenses.

The DHCR will promulgate the final guideline in about a month, and will begin mailing orders of eligibility immediately afterwards. Rent-controlled tenants pay 7.5% increases in their Maximum Collectible Rent in each of the two years until they reach the MBR ceiling rent. With the proposed 17.2% increase, all tenants without the Senior Citizen Rent Increase Exemption will pay the 7.5% for both 2004 and 2005.



STEVEN WISHNIA

## Court Quashes Rent-Control Ban in L.A. Suburb

California courts have blocked the Los Angeles suburb of Glendale from putting a landlord-backed anti-rent-control initiative on the ballot for the March 2 municipal election. The measure would have banned the city from enacting rent controls.

A Los Angeles County Superior Court judge ruled Dec. 8 that Property Owners for Property Rights, the group promoting the initiative, had not turned in petitions to get it on the ballot on time. A city law shortening the period for gathering signatures from 200 to 180 days went into effect in January 2003, and the landlord group argued that they had begun petitioning early enough to be entitled to the 200 days. The landlords say they will appeal.

Meanwhile, tenants are planning a campaign to get a rent-control initiative on the ballot. "We've got some landlords [with offices outside of the city] trying to mine Glendale by pulling all the money out through tenants, and they don't care about what happens in our community," lawyer Ken Carlson, president of the Glendale Tenant Association, told

the Glendale *News-Press*. "The city ought to have rent control to stabilize our economy."

The proposal needs 15,000 signatures to get on the ballot. It would limit rent increases to 3 percent a year, or less if inflation is lower, and would strengthen the city's just-cause eviction law. That law, enacted in 2002, limits evictions to 11 reasons, such as creating a nuisance or not paying rent, and requires landlords to prove that it wasn't retaliation if they evict tenants within six months of them filing a complaint. However, it was amended in January 2003 to exempt apartments with leases of one year or more.

Glendale, a city of about 200,000 in between Burbank and Pasadena on Los Angeles' northeastern border, is about half immigrants, especially Armenian and Spanish-speaking. About two-thirds of the city's residents are renters. The city council rejected a rent-control law in 2001, in the face of fierce opposition from landlord groups, including one that called the measure's sponsors "extreme socialists" who were "not in tune with reality."

—Steven Wishnia

## Survey

continued from page 1

cates for tenants and landlords. It does seem plain however, that the main beneficiaries of rent stabilization are those living in such apartments in Manhattan and a few other "hot" neighborhoods. Yet, the trend towards freeing apartments from the ETPA means that more and more of these units will be lost to stabilization in Manhattan as rents are pushed above the \$2,000 cutoff. In most of the rest of New York City, few stabilized apartments fetch \$2,000. Indeed, outside of Manhattan, the median rent for stabilized apartments is about 84 percent of the rent of those that are "market rate." At the same time, as more and more Manhattan apartments leave stabilization, fewer and fewer households will be able to afford to live there.

### About the Survey

Because the Housing and Vacancy Survey has the very important purpose of determining whether the system of rent regulation should remain in place, it is carefully designed and carried out by the Census Bureau. The two federal and city agencies put a great deal of effort in constructing a sampling frame of housing units in New York City that matches the housing in the various categories of regulation. About 17,000 units are surveyed.

The survey also presents data on a large array of interesting things, including income, education, household structure, and immigration. In many ways it functions as an update to the decennial census. Unlike the census, though, it is conducted by personal inter-

view. Each unit that is initially judged vacant is subject to further screening, both to find out if it is truly vacant, and if it is vacant, whether or not it is truly available to be rented. The vacancy rate is based not upon total units, but rather upon the total number of units that are vacant and available to be rented. Eventually a comprehensive report will be issued by HPD, which is usually entitled "Housing New York City." Before that report is released, the data themselves are made available to researchers.

Because the 2002 HVS uses a sample based upon the 2000 Census and the 1999 HVS was based upon the 1990 Census, simple comparisons become more difficult. To make my estimate of the change in the number of stabilized units, I adjusted the 1999 figures based upon results from the 2000 Census compared to the 2002 HVS data. During the summer, the Census Bureau plans to provide data reweighted so that they are based upon the 2000 Census for all of the surveys conducted since 1993. At that point, we can assess how accurate my estimates were.

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*Andrew A. Beveridge has taught sociology at Queens College since 1981, done demographic analyses for the New York Times since 1993, and provides expert testimony on a range of cases, including housing discrimination. The opinions expressed are his alone.*

## Neighborhood Energy Forum

Saturday, January 31, 11 a.m. - 5 p.m.

Campos Plaza Community Center  
611 East 13 Street

(between Avenues B and C)

Better energy solutions for our neighborhoods

Expert NYC speakers on:  
energy efficiency and affordable green housing,  
energy and environmental context of solar installations,  
energy conservation, NYSERDA funding

with musical interludes provided by:  
Raging Grannies, Joel Landy; Heather Lev;  
Ray Korona Band; Three Card Monte

**Lead Bill**

*continued from page 1*

Stabilization Association real-estate lobby presented their contrasting arguments to the Council's Black, Latino and Asian caucus, which then voted unanimously, with two abstentions, to support 101A. That made it politically impossible for Miller to hold the bill back. Hearings followed in the fall, followed by Miller's announcement in November that he would back the bill, which already had a veto-proof majority of sponsors.

At the Council vote on Dec. 15,

Peter Vallone, Jr., of Queens abstained. Four years earlier, Vallone's father, Peter Vallone, then Speaker, had forced through Local Law 38, a measure that was so hasty and ill-conceived that the state's high court struck it down last July on the grounds that it did not include dust as a hazard and arbitrarily removed protections for 6-year olds, without even a pretense of the environmental study required by state law.

In announcing his abstention "for now," Vallone Jr. acknowl-

edged the necessity of including lead dust as a hazard, but repeated the common myth that 101A was a "Christmas present" to personal-injury lawyers who were supposedly waiting to profit handsomely after children are poisoned. Dominic Recchia (D-Brooklyn), one of the bill's 39 sponsors, had stated that as a trial lawyer he knew that its purpose is to prevent children from suffering brain damage, not to allow poisoning so that damaged children can sue—to the appreciation of numerous families with lead-poisoned children present in the gallery. Vallone Jr. said that while he was no longer a trial lawyer, with the pending passage of 101A he "wished" he still was, although he did not reveal which side he would be on through the law practice he still shares with his father. The contributions of the

Council's more open process and the term-limits law, which forced out the elder Vallone and almost all the members who had voted for Local Law 38 in 1999, were apparent to Working Families Party executive director Danny Cantor. "Term limits was a right-wing idea," he noted. "But it has produced a much better and more progressive Council, which is one of those delicious ironies. There's a lot of talent in the room now, and it means that there is much more access for the non-wealthy to levers of power than in years past. Councilmembers Bill Perkins, Robert Jackson, Leticia James, Bill deBlasio, Hiram Monserrate, Chris Quinn, Yvette Clarke, Gale Brewer, and many of their colleagues are first-rate legislators and genuine progressives."

**Attention All On-line!**

If you have an e-mail address, join the **Met Council "ACTIVE! list."** We'll send you alerts about demonstrations, hearings and other activities. Simply send us a message, subject heading "subscribe", to: **active@metcouncil.net**

**TALLER DE DERECHOS DE INQUILINOS**

- ¿Es Ud. un inquilino de Renta Regulada? ¿Cuáles son los beneficios?
- ¿Tiene o quiere Ud. un contrato de renta (lease)?
- ¿Cómo hacer que el casero haga los arreglos necesarios en su apartamento o edificio?
- ¿Sabía Ud que no puede ser desalojado, sin una orden de la corte?
- ¿Cuáles son los derechos de un inquilino indocumentado?
- ¿Dónde se aplica para obtener vivienda pública subsidiada (a bajo precio)?

Mariano Muñoz del Consejo Metropolitano de Vivienda (Met Council on Housing) ofrecerá un taller gratuito para la comunidad; acerca de los Derechos de Inquilinos en la ciudad de Nueva York, y contestará inquietudes al respecto.

**FECHA: Jueves 29 de Enero**

**HORA: 5:30 p.m.**

**LUGAR: 49-06 Skillman Avenue, Woodside, Queens (Tren 7 Hasta La Parada 52)**

Cupo Limitado, por favor llamar inscribirse al 718-565-9241, 565-8500


**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](http://www.nyc.gov/html/hpd/html/data/hpd-online-portal.html)

**WHERE TO GO FOR HELP**

- |                                                                                                                                                                                                                                   |                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>LOWER EAST SIDE BRANCH at Cooper Square Committee</b><br/>61 E. 4th St. (btwn. 2<sup>nd</sup> Ave. &amp; Bowery)<br/><b>Tuesdays ..... 6:30 pm</b></p>                                                                      | <p><b>HOUSING COMMITTEE OF RENA</b><br/>Covers 135<sup>th</sup> St. to 165<sup>th</sup> St. from Riverside Dr. to St. Nicholas Ave.,<br/>544 W. 157<sup>th</sup> St. (basement entrance).<br/><b>Thursdays ..... 8 pm</b></p> |
| <p><b>CHELSEA COALITION ON HOUSING</b><br/>Covers 14<sup>th</sup> St. to 30<sup>th</sup> St., 5<sup>th</sup> Ave. to the Hudson River.<br/>322 W. 17<sup>th</sup> St. (basement), CH3-0544<br/><b>Thursdays ..... 7:30 pm</b></p> | <p><b>LOWER MANHATTAN LOFT TENANTS</b><br/>St. Margaret's House, Pearl &amp; Fulton Sts.,<br/>212-539-3538<br/><b>Wednesdays ..... 6 pm-7 pm</b></p>                                                                          |
| <p><b>GOLES (Good Old Lower East Side)</b><br/>525 E. 6<sup>th</sup> St. (btwn. Aves. A &amp; B) Lower East Side tenants only, 212-533-2541.</p>                                                                                  | <p><b>VILLAGE INDEPENDENT DEMOCRATS</b><br/>26 Perry St. (basement), 212-741-2994<br/><b>Wednesdays ..... 6 pm</b></p>                                                                                                        |
|                                                                                                                                              | <p><b>WEST SIDE TENANTS UNION</b><br/>200 W. 72nd St. Room 63; 212-595-1274<br/><b>Tuesday &amp; Thursday ..... 2-5 pm</b><br/><b>Tuesday &amp; Wednesday 6-7:45 pm</b></p>                                                   |

**METROPOLITAN COUNCIL ON HOUSING**

Met Council is a citywide tenant union.

Our phones are open to the public Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

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

**212-979-0611**

**Join Met Council**

Membership: Individual, \$25 per year; Low-income, \$15 per year; family (voluntary: 2 sharing an apartment), \$30 per year. Supporting, \$40 per year. Sustaining, min. of \$100 per year (indicate amount of pledge). For affiliation of community or tenant organizations, large buildings, trade unions, etc. call 212-979-6238.

- My apartment is  controlled  stabilized  unregulated  other \_\_\_\_\_
- I am interested in volunteering my time to Met Council. Please call me to schedule times and duties. I can  counsel tenants,  do office work,  lobby public officials,  attend rallies/protests.

Name \_\_\_\_\_

Address \_\_\_\_\_ Apt. No. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone Number \_\_\_\_\_ Email \_\_\_\_\_

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