



Housing for people, not profit

# Tenant

*Inquilino*

Vol 35, No. 1  
January 2005

Metropolitan Council on Housing  
339 Lafayette St.  
New York, NY 10012

PERIODICAL

## Losing Rent-Control Battle, Boston Tenants Organize

By Steven Wishnia

**B**oston's City Council defeated a plan to rein in rent increases on Dec. 8, the second time it has rejected new rent restrictions since a statewide referendum abolished rent control in 1994. Yet tenant activists in the city have developed a creative set of strategies to cope, including collective bargaining with landlords.

The Council voted 8-5 against the Boston Community Stabilization Act, a measure initiated by the Boston Tenant Coalition that would have allowed tenants to appeal excessive rent increases. As the Council defeated a similar measure in 2002, and the 1994 law says local governments in Massachusetts can't regulate rents without permission from the state legislature, the chances for restoring rent control in Boston are slim to anorexic.

"Despite the loss, there's still momentum," says Roxan McKinnon, assistant coordinator of the Boston Tenant Coalition, an alliance of 70 housing and community groups. "The response has been a lot more activity."

The most overwhelming reason the Council rejected limiting rent increases, McKinnon says—in a city where rents have roughly doubled in the last decade—was that large landowners have the city in a "hostage situation." Four developers threatened to pull out of the city if it restricted rents in any way, she explains, and Councilmembers feared a return to the disinvestment of the 1970s.

"Politicians are unwilling to question what it means long-term when the city is dependent on private investment," says McKinnon. "The corporate investors are killing the city, and no one's fighting it except the tenants."

Two Councilmembers who opposed the bill denied

that campaign contributions from landlords had anything to do with their votes.

Foes of rent control also argued that it was unnecessary because rents are no longer rising in

Boston. That's wrong, tenant organizers say; rents for

*continued on page 6*

### MARCH & RALLY FOR AFFORDABLE HOUSING

## FEBRUARY 2, 2005

### 4:30 p.m., City Hall

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

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

**Now is the time to take action.**

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

- ✦ The inclusion of affordable housing in the rezonings happening around New York City, including the far West Side of Manhattan and Greenpoint-Williamsburg.
- ✦ The use of Battery Park City profits for the preservation and construction of affordable housing for New Yorkers at every income level, as promised more than 30 years ago.
- ✦ The restoration of home rule for New York City over rents and regulations.

Help make this a city where all New Yorkers can afford to live! With housing advocates, community groups, and labor teaming up, we can ensure that the Bloomberg administration gets the message that *all* New Yorkers need a decent, affordable place to call home. For info: 212-979-6238 - ext 3.

## Home Rule Message

By Kenny Schaeffer

Tenants and affordable-housing advocates joined Met Council's December 15 rally at City Hall demanding that the state restore home rule for New York City over rent and eviction protections.

State Sen. Liz Krueger (D-WFP-Manhattan), the ranking Democrat on the Senate Housing Committee, has drafted a bill to repeal the 1971 Urstadt law, which bans the city from enacting rent controls stronger than the state's. The bill, which will be introduced this month, would also repeal the provision of the Rent Regulation Reform Act of 2003 that extends the Urstadt law. The office of Assembly Housing Committee chair Vito Lopez (D-Brooklyn) confirms that the measure will also be introduced in the Legislature's lower house.



Tenants rally for home rule.

Once those bills are formally introduced, the sponsors will invite the mayor and City Council to enact a "home rule message" to the Legislature describing the measure as vital to the city's interests. Tenants will demand that Council Speaker Gifford Miller

act rapidly once this request is made.

Home rule is increasingly being seen as the most effective—and perhaps the only—way to preserve the city's 1 million rent-controlled and stabilized apartments, home to more than 2 million mostly working-class and middle-class New Yorkers. It will be one of the main demands of the February 2 March for Affordable Housing, along with requiring all major development projects to contain substantial amounts of permanently affordable housing and dedicating the hundreds of millions of dollars in Battery Park City funds to affordable housing.

On Dec. 28, *New York Newsday* published a letter from landlord lobbyist Joseph Strasburg, president of the Rent Stabiliza-

tion Association, claiming that Met Council is "wrong" to call for home rule, because the City Council could do many things with its remaining powers—such as create new housing—if it weren't obsessed with the "tired old rent laws." But as readers of these pages know, it would take billions of dollars to create

enough new housing to replace even any significant fraction of the affordable housing that gets lost every year because the Council's hands are tied.

*For more information about the home rule fight or the Feb. 2 march, including upcoming planning meetings, contact Met Council at (212) 979-6238.*

### INSIDE THIS ISSUE !

- Philadelphia "Bushville" ..... pg. 2
- Melvin Small ..... pg. 2
- El Inquilino Hispano ..... pg. 3
- Bronx Gardens ..... pg. 5
- Lead-Law Anniversary ..... pg. 5
- Briefs ..... pg. 7
- Homeless Policy ..... pg. 8

## Homeless Philadelphia Families Occupy Army Office



Carrying signs reading “Billions for the War, Still Nothing for the Poor,” dozens of homeless families staged a sit-in at the Army recruiting center in downtown Philadelphia on Nov. 30. The protesters, residents of the “Bushville” tent city organized by the Kensington Welfare Rights Union in North Philadelphia, occupied the Army office after officials at the federal Department of Housing and Urban Development’s local office refused to meet with them.

“The Bush administration continues to put billions of dollars towards a needless, brutal war while families across America suffer without the basic necessities of life,” KWRU head Cheri Honkala said in a statement. “This is not a fight for a bed in a homeless shelter; it is a fight for decent, affordable housing for everyone in this wealthy nation.” HUD officials met with KWRU representatives on Dec. 8.

## Met Council Volunteer Melvin Small

Melvin Small, a longtime Met Council member and volunteer in our office, died last month after a very brave struggle with amyotrophic lateral sclerosis (also known as Lou Gehrig’s disease). Mel was an active member of Met Council through the struggles to renew the rent laws—anyone who attended any of the many rallies over the rent law renewal fight in 1997 will remember seeing him and his wife, Shirley—and the fights for affordable housing. Mel could always be counted on to help with the unglamorous but essential work



of making phone calls and helping put out mailings. He was also active in environmental and labor issues. Mel will be greatly missed by all of us at Met Council.

Readers who wish to make a donation in memory of Mel Small have been asked to make them to Part of the Solution (POTS), which provides food, legal help, and support for the homeless and needy in the Bronx, or to another charity that helps people in need. Donations to POTS should be sent to: 2763 Webster Ave., Bronx, NY 10458-3708; phone: (718) 562-3527.

*Missed an issue of TENANT?*

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

# City Limits

New York's Urban Affairs News Magazine

Organizing  Development  Housing  Community Action

Insight into the politics of poverty, race and urban economics

10 issues a year \$25  
Two years for \$35

(212)479-3344

120 Wall Street, 20<sup>th</sup> fl.  
New York, NY 10005



### Watch Rent Wars News

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

#### Brooklyn

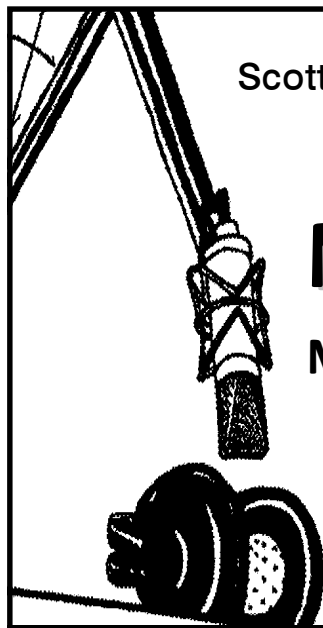
Every Monday at 7 p.m.:  
Time Warner Channel 34 or  
Cablevision Channel 67

#### Manhattan

Every Sunday at 12 p.m.:  
Time Warner Ch. 57 or RCN  
Ch. 112. Digital 110.  
Without converter: Time  
Warner Ch. 69

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

## HOUSING NOTEBOOK

Mondays at 8:00 p.m. on  
WBAI 99.5 FM

Listen on the Internet  
[www.wbai.org](http://www.wbai.org)

SUPPORT LISTENER SUPPORTED WBAI PUBLIC RADIO

## TenantNet™ Online Resource for Residential Tenants

New York Tenants  
on the World Wide Web

<http://tenant.net>  
email: [tenant@tenant.net](mailto:tenant@tenant.net)

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



is published monthly except August by Metropolitan Council on Housing (Met Council, Inc.), 339 Lafayette St., NY, NY 10012 (212) 979-6238

Tenant/Inquilino is distributed to members and to affiliated organizations of Met Council as part of their membership. Subscriptions are \$5 per year for individuals, \$10 for institutions per year.

EDITOR  
Steven Wishnia

PRODUCTION/DESIGN  
John M. Miller

STAFF  
Florence Daniels, Don Gilliland,  
Esther Joselson, Vajra Kilgour,  
Rosel Lehman, Maria Maher,  
Anne Moy, John Mueller,  
Anita Romm, Mel and Shirley Small,  
Ann Towle, Leah Wolin

Articles, letters, artwork and photographs are welcome. Text furnished on Microsoft Word for Macintosh is preferred. 3.5" MACINTOSH OR IBM FORMATTED DISKETTES ARE PREFERRED.

Periodicals postage paid at New York, NY  
Postmaster: Send address changes to:  
TENANT/INQUILINO  
339 Lafayette St.  
New York, NY 10012

Metropolitan Council on Housing, founded in 1958, is incorporated as Met Council, Inc., a membership organization dedicated to decent, affordable, integrated housing.

ISSN-1536-1322 ©2005

# EL INQUILINO HISPANO

## Al perder una batalla por control de rentas, inquilinos de Boston se organizan

Por Steven Wishnia  
Traducido por Lightning Translations

El concejo municipal de Boston derrotó un plan para refrenar aumentos de renta el 8 de diciembre, la segunda vez que ha rechazado nuevas limitaciones desde que un referéndum de todo el estado abolió el control de rentas en 1994. Sin embargo, inquilinos activistas en la ciudad han desarrollado una serie de estrategias para abordar el problema, incluida la negociación colectiva con caseros.

El concejo votó 8-5 en contra de la Ley de Estabilización Comunitaria de Boston, una medida

promovida por la Coalición de Inquilinos de Boston que hubiera permitido a los inquilinos apelar aumentos de renta excesivos. Ya que el concejo derrotó una medida similar en 2002 y la ley de 1994 establece que los gobiernos locales en Massachusetts no pueden regular las rentas sin permiso de la legislatura estatal, las posibilidades de restablecer el control de renta en Boston son entre limitadas e inexistentes.

“Pese a la pérdida, todavía hay ímpetu,” afirma Roxan McKinnon, coordinadora ayudante de la

Coalición de Inquilinos de Boston, una alianza de 70 grupos de vivienda y comunidades. “La respuesta ha sido mucha más actividad.”

McKinnon dice que la razón más abrumadora por la que el concejo rechazó limitar aumentos de renta—en una ciudad donde las rentas más o menos se han duplicado durante los últimos diez años—fue que los grandes propietarios tienen a la ciudad en una “situación de rehén.” Cuatro especuladores amenazaron con salir de la ciudad si esta limitaba las

rentas en cualquier manera, explica ella, y los miembros del concejo tenían miedo de un regreso a la fuga de capital de los años 70.

“Los políticos no quieren cuestionar lo que se implica a largo plazo cuando la ciudad depende de la inversión privada,” dice McKinnon. “Los inversionistas corporativos están matando a la ciudad y nadie está combatiendo esto, salvo los inquilinos.”

Dos miembros del concejo que

*pasa a la página 4*

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

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

Los topes de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 2004. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 2004. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha. No se permite el recargo también conocido como el «impuesto de pobres.»

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

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

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

Si un posible inquilino da muestras de conocer sus derechos, lo más probable es que el casero no firmará ningún contrato con tal inquilino. Los caseros evitan contratar con inquilinos que les pueden dar problemas. El exceso de cobro de alquiler es muy común. Todos los inquilinos deben luchar contra posibles excesos de cobro. Obtenga y llene un formulario *Form RA-89* con la oficina de DHCR para determinar el alquiler correcto en los archivos oficiales. Llame a la DHCR a (718) 739-6400 para obtener un formulario, o búsquelo en el sitio [www.dhcr.state.ny.us](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 36, es la Renta de Mercado Justa de HUD o un 50% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de abril de 1984 o después debe dejar de poner a prueba la llamada “Renta Legal Inicial Regulada” (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de “Apelación a la Renta Justa de Mercado” como de “exceso de cobro.” La corte de vivienda no puede tomar decisión sobre una

Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

Exención de Incrementos para las Personas de Mayor Edad: Las personas de 62 años o más que viven en apartamentos estabilizados y cuyos ingresos familiares anuales son de \$24,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el

futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

Unidades de Desván (Lofts) Los incrementos legales sobre la renta base para las unidades de desván son de un 2.5 por ciento por un contrato de un año y un 5.5 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación

No habrá ningún aumento de la renta este año para los apartamentos de hotel de Clase A, casas de habitaciones, hoteles de clase B (de 30 habitaciones o más), hoteles de una sola habitación, y las casas de habitaciones (Clase B, 6-29 cuartos). No se permiten incrementos para apartamentos vacíos.

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

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

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años	
Renovación del Contrato	Si el dueño paga la calefacción	3.5%	6.5%	
	Si el inquilino paga la calefacción	3%	6%	
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	17%	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 17%	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	17% + \$100	20% + \$100
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 17% + \$100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + \$100
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	17% o \$100, lo que sea mayor	20% o \$100, lo que sea mayor
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 17%, o \$100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o \$100, lo que sea mayor

## Inquilinos de Boston

viene de la página 3

se opusieron al proyecto de ley negaron que las contribuciones a sus campañas electorales por parte de los caseros tuvieran algo que ver con sus votos.

Los enemigos del control de renta también sostuvieron que no hizo falta, porque las rentas ya no suben en Boston. Los organizadores de inquilinos dicen que eso no es cierto; las rentas por apartamentos de lujo han bajado ligeramente, pero se están asestando incrementos de hasta \$1,000 al mes a la gente en los vecindarios de clase obrera y media.

Hay una fuerte presión en las primeras líneas de la burguesificación en los vecindarios localizados en algunas paradas del metro al sur del centro de la ciudad: Roxbury, la comunidad históricamente negra de Boston, donde el adolescente Malcolm X vivía con su hermana mayor; Dorchester, donde casas de madera de tres pisos otrora ocupadas por irlandeses y judíos son actualmente los

hogares de inmigrantes haitianos y latinos; y Jamaica Plain, conocido como "J.P.," un área de diversas razas e ingresos con una fuerte historia de activismo. Mark Pedulla, un organizador de inquilinos con City Life/Vida Urbana en Jamaica Plain, cita sin vacilar una serie de aumentos de renta en edificios en el área de Eggleston Square, situada en Roxbury pero promovida por los corredores de bienes raíces como parte de Jamaica Plain: de \$600 a \$800, de \$700 a \$1,200, de \$850 a \$1,625. En un edificio, se les dijo a los inquilinos a largo plazo que estaban pagando menos de \$500 por apartamentos de tres dormitorios que pagaran \$1,800 o serían desalojados.

La ironía, señalan los organizadores, es que muchas de las personas a quienes se les ha asestado esos aumentos de renta han trabajado activamente para mejorar el vecindario, ofreciendo sus servicios en las escuelas o tratando de expulsar a los vendedores de drogas de la cuadra. Si tienen éxito, el valor de las

propiedades sube, invitando a la burguesificación. Por eso, "como resultado de sus actividades, están obligadas a marcharse," dice Steve Meacham, el coordinador de la organización de inquilinos de City Life/Vida Urbana.

Sin embargo, los inquilinos se defienden organizando asociaciones de inquilinos y forzando a los caseros a negociar colectivamente. "Los inquilinos forman asociaciones y realizan negociaciones colectivas por los mismos motivos que llevan a los trabajadores a formar un sindicato," dice el sitio Web de City Life/Vida Urbana. "Es la gente común la que debe organizarse cuando hay intereses de poder." Según Pedulla, el grupo ha organizado de 35 a 55 edificios con un total de más o menos 1,500 inquilinos durante los últimos cuatro años.

En el vecindario de Grove Hall, entre Roxbury y Dorchester, los inquilinos de un edificio de 27 unidades lograron negociar con el casero para bajar un incremento de \$500 a \$30 al año por cinco años. Otros dos edificios más grandes cercanos ganaron acuerdos para mantenerse asequibles por 99 años. Otros se han vendido a los inquilinos o a grupos sin fines de lucro. Más o menos la mitad, dice Pedulla, aún están "en la lucha."

Las tácticas de las asociaciones de inquilinos varían desde ejercer presión política y comunitaria sobre los caseros hasta demandas, inspecciones y acciones directas. En un edificio donde el nuevo casero intentó triplicar las rentas, este acordó negociar con los inquilinos después de que ellos ocuparon su despacho dos veces e hicieron piquete frente a sus otros negocios. Durante los dos últimos

años, los inquilinos en 16 edificios han rehusado pagar los aumentos de renta, una táctica que lleva menos riesgo de desalojo que la de iniciar una huelga total de rentas, dice Pedulla.

"Muchas de las estrategias de negociación colectiva giran alrededor de la introducción de decisiones del mercado en una esfera política y moral," dice Steve Meacham. Los intereses de bienes raíces hablan como si el mercado fuera tan natural y sin lugar a críticas como el estado del tiempo, añade, pero "es una institución creada por seres humanos. Hay que regularla. Nosotros creemos que justificar el desplazamiento en nombre del mercado es inmoral."

Los inquilinos están tratando también de aliarse a otros movimientos: sindicatos laborales trabajando por un salario suficiente para vivir, el movimiento contra la guerra y el movimiento de mujeres. La vivienda es una cuestión que incumbe a las mujeres, afirma McKinnon; las personas más perjudicadas por los cortes de Bush en los subsidios de vivienda de la Sección 8 son madres solteras y la mayoría de los líderes de inquilinos que ella conoce son mujeres.

"Necesitamos aquel proyecto de ley [de control de rentas] para decir que los inquilinos tienen el derecho de luchar para la revitalización del vecindario sin temer el desplazamiento," dice Pedulla. "Ahora tenemos que ir de puerta en puerta, de edificio en edificio en toda la ciudad para organizar asociaciones. No hay bastantes organizadores de inquilinos en la ciudad para proteger a todo el mundo."

## MARCHA Y PROTESTA POR UNA VIVIENDA ASEQUIBLE

2 DE FEBRERO DE 2005

A las 4:30 PM, frente al ayuntamiento de NYC

¡Únase a miles de neoyorquinos mientras marchamos por el Puente Brooklyn para reclamar vivienda asequible para todos!

La falta de vivienda asequible en la Ciudad de Nueva York es un problema general y bien documentado.

Una de cada cuatro familias que alquilan su hogar—500,000 familias—pagan más de la mitad de sus ingresos en renta. Demasiados neoyorquinos no tienen suficiente dinero para vivir aquí.

Llegó la hora de tomar medidas.

El 2 de febrero, neoyorquinos de todos los condados se juntarán en una marcha y protesta para luchar por:

↳ La inclusión de vivienda asequible en el nuevo planeamiento urbano que se lleva a cabo en toda la Ciudad de Nueva York, incluido en el lejano Lado Oeste de Manhattan y Greenpoint-Williamsburg.

↳ El uso de las ganancias de Battery Park City para la conservación y construcción de viviendas asequibles para neoyorquinos de todos niveles de ingresos, como se prometió hace más de 30 años.

↳ El restablecimiento de la autonomía de la Ciudad de Nueva York en torno a las rentas y regulaciones.

¡Ayude a hacer esta una ciudad donde vivir quede al alcance de todos los neoyorquinos! Con los defensores de vivienda, grupos comunitarios y trabajadores formando equipo, podemos asegurar que el gobierno de Bloomberg reciba el mensaje que *todos* los neoyorquinos necesitamos un lugar decente y asequible como hogar.

## No se quede helado: ¡ORGANÍZASE!

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

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

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

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

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

- \* Comenzar una "Acción HP" (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- \* Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al 311 inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.
- \* Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tengan problemas con la calefacción.
- \* Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- \* Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en inglés) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llame 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 to \$500 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!

# Bronx Gardens Get New Roots

By Meera Subramanian

Three Bronx community gardens scheduled to be demolished to make way for new housing have been given another lease on life—at new locations nearby.

On Dec. 1, South Bronx gardeners and the city Department of Housing Preservation and Development reached a court settlement that will relocate Latinos Unidos and Family Group Gardens to a city-owned lot down the street, and Sunshine Garden to the existing Courtlandt Avenue Association Garden. The gardens will be permanently protected and overseen by the Parks Department.

Under the Melrose Commons Urban Renewal Plan, the existing sites of the three gardens are reserved for affordable housing construction. The city intends to sell them to Atlantic Development Group, which will construct a 167-unit apartment building for low-income and formerly homeless occupants.

Three local gardeners and the group South Bronx Urban Gardeners (SBUG), represented by the Urban Justice Center, filed a lawsuit on Nov. 23 claiming that the city had failed to properly notify the public about a June Community Board 1 hearing on the proposed land sale. In settling the suit, the city acknowledges no wrongdoing.

On Nov. 24, State Supreme Court Judge Eileen Bransten granted a temporary restraining order preventing the city from selling or altering the sites. Judge Bransten acknowledged the “heartache” involved with moving the established gardens, which must be vacated by Dec. 5, but added, “The court is very, very happy indeed that a resolution was made.”

George Torres, chief of staff for City Councilmember Jose M. Serrano, who helped facilitate the settlement, called it a win for the community. Said Torres, “We can

save open space and at the same time build new housing. It’s fantastic.”

Some garden advocates are not so pleased. As part of the deal, HPD is considering developing an additional lot, known as Site 7, which under the Melrose Plan had been designated as open space. “Our plan from day one was a compromise plan,” says Marty Rogers of SBUG, but he calls the loss of Site 7 in the deal “totally unacceptable.”

Aresh Javadi of the More Gardens! Coalition, which has been active in efforts to protect Bronx gardens, calculates that the deal will result in a loss of more than 11,000 square feet of garden space. “I feel like we’ve been swindled by the city,” said Courtlandt gardener Zack Schulman. “The loss of green space in Melrose is tragic.”

SBUG has offered its own alternative “Melrose Community Open Space Homes and Gardens

Plan,” which it asserts would preserve more garden space and create the same amount of housing. HPD spokesperson Carol Abrams maintains that the existing plan “balances the need for affordable housing and open space.”

Because the settlement modifies a 2002 deal between the city and state Attorney General Eliot Spitzer awarding permanent protection for hundreds of community gardens, it requires approval from Spitzer. A spokesman indicated that his approval will come shortly.

Urban Justice Center attorney Ray Brescia acknowledges the gardeners’ frustrations but says the new agreement was their best hope. “In the end, this was the only thing that was going to happen,” said Brescia. “The judge wasn’t going to save all these gardens.”

*Reprinted with permission from City Limits Weekly.*

## Lead-Paint Law to Mark First Anniversary

By Jenny Laurie

Next month, New York City’s children and tenants will celebrate the one-year anniversary of Local Law 1 of 2004, the new law to prevent lead-paint poisoning. With stricter time limits, work rules, and assignment of liability, the law should make it easier for the city to make childhood lead poisoning a thing of the past.

Landlords and bankers brought two lawsuits challenging the law after it was passed by the City Council last February, overriding Mayor Bloomberg’s veto. The lawsuits were dismissed in August, but the landlords have appealed both cases to the Appellate Division.

On Dec. 16, lawyers for the New York City Coalition to End Lead Poisoning (NYCCELP), Matt Chachere of the Northern Manhattan Improvement Corporation and Andrew Goldberg of MFY Legal Services, have filed answering briefs. Met Council, Tenants & Neighbors, NYPIRG, and several other organizations are also involved in the case, and the City Council, a codefendant, filed a response too. In addition, the Pratt Area Community Council, represented by the Puerto Rican Defense and Education Fund, has asked for permission to file a friend of the court brief in support of the new law for both appeals.

Chachere and Goldberg have discovered that two of the landlords challenging the law have a documented history of lead poisoning and lead hazards in dwellings they manage. One plaintiff, South Bronx Community Management Company, was an operator of a homeless family shelter that the city cited for lead contamination after a child living there was found to be lead poisoned. Phipps Houses’ for-profit subsidiary,

Phipps Houses Services, Inc., which manages over 13,000 apartments, was cited by the city for lead contamination several times after a child living in one of its buildings was diagnosed with lead poisoning.

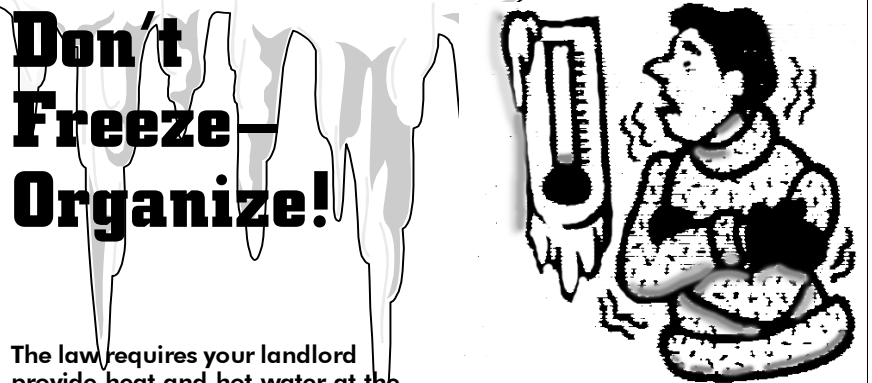
“We pointed out to the Court that these are obviously poor advocates for environmental protections for children,” Chachere said.

\*\*\*

In sadder news, one of the people who started the fight against lead poisoning died in December: Jack Newfield. A reporter working for the *Village Voice* in 1969, Newfield was the first to write heart-wrenching articles about children dying from severe lead poisoning in the Bronx. His attention to the issue is credited with sparking Mayor John V. Lindsay to start the city’s first lead-paint cleanup program, and starting the movement that produced the city’s first anti-lead law, in 1982, and the current one.

### No-Heat Penalties Increased

On Jan. 3, Mayor Michael Bloomberg signed Intro 114-A, increasing civil penalties for landlords who fail to provide adequate heat or hot water. The penalty for a first violation is now a fine of \$250 to \$500 per day. Landlords who commit more violations in the same calendar year or in the same heating season will get a fine of \$500 to \$1,000 per day. The bill was originally sponsored by Councilmember Eva Moskowitz (D-Manhattan).



**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 to \$500 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!

**Boston**

*continued from page 1*

luxury apartments have dropped slightly, but people in working- and middle-class neighborhoods are getting slammed with increases of up to \$1,000 a month.

The pressure is strong on the front lines of gentrification in the neighborhoods a few subway stops south of downtown: Roxbury, Boston's historically black community, where the teenage Malcolm X lived with his older sister; Dorchester, where wood "three-decker" houses once inhabited by Irish and Jews are now home to Haitian and Latino immigrants; and Jamaica Plain, known as "J.P.," a multiracial, mixed-income area with a strong history of activism. Mark Pedulla, a tenant organizer with City Life/Vida Urbana in Jamaica Plain, rattles off a series of rent increases in buildings in the Egleston Square area, in Roxbury but advertised by realtors as in Jamaica Plain: from \$600 to

\$800, from \$700 to \$1,200, from \$850 to \$1,625. In one building, longtime tenants paying under \$500 for three-bedroom apartments were told to pay \$1,800 or be evicted.

The irony, organizers note, is that many of the people being hit with these rent increases have been active in working to improve the neighborhood, by volunteering in schools or trying to get drug dealers off their block. If they succeed, it raises property values and invites gentrification, so "as a result of their activity, they get driven out," says Steve Meacham, City Life/Vida Urbana's coordinator of tenant organizing.

Yet tenants are fighting back by organizing tenant associations and forcing landlords to bargain collectively. "Tenants form unions and bargain collectively for the same reason that workers do," it says City Life/Vida Urbana's Web site. "Ordinary

people need to be organized when dealing with powerful interests." The group has organized 35 to 55 buildings with a total of about 1,500 tenants in the last four years, according to Pedulla.

In the Grove Hall neighborhood, between Roxbury and Dorchester, tenants in a 27-unit building were able to bargain their landlord down from a \$500 increase to \$30 each year for five years. Two larger buildings nearby won agreements that they would be kept affordable for 99 years. Others have been sold to the tenants or to non-profit groups. About half, says Pedulla, are still "in struggle."

Tenant associations' tactics range from putting political and community pressure on landlords to lawsuits, inspections, and direct action. In one building where the new owner tried to triple rents, he agreed to negotiate after the tenants held two sit-

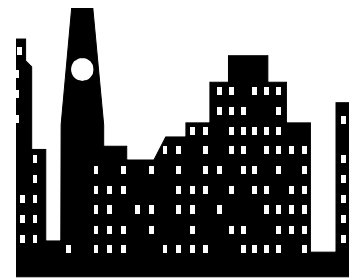
ins at his office and picketed his other businesses. In the past two years, tenants in 16 buildings have refused to pay rent increases—a tactic that leaves them at less risk of eviction than going on a full rent strike would, says Pedulla.

"A lot of the collective-bargaining strategies revolve around bringing market decisions into a political and moral sphere," says Steve Meacham. Real-estate interests talk as if the market were as natural and beyond criticism as the weather, he continues, but "it's a human-made institution. You have to regulate it. We think justifying displacement in the name of the market is immoral."

Tenants are also trying to ally with other movements, with labor unions working for a living wage, with the antiwar movement, and with the women's movement. Housing is a women's is-

sue, McKinnon avers; the people hit the hardest by President Bush's cuts in Section 8 housing subsidies are single mothers, and most of the tenant leaders she meets are women.

"We needed that [rent-control] bill to say that tenants have a right to fight for neighborhood revitalization without fearing displacement, says Pedulla. "Now we have to go door by door, building by building, across the city, to organize tenant associations. There aren't enough tenant organizers in the city to protect everyone."



**NYC Rent Guidelines Board Adjustments (Order No. 36)**

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

This rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 2004. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 2004. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, a.k.a. poor tax, allowed.

**Sublease Allowance**

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

**Vacancy Leases**

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

**Rent Overcharges**

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

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
<b>Renewal Leases</b>	Landlord pays heat	3.5%	6.5%	
	Tenant pays heat	3%	6%	
<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 36, it is HUD Fair Market Rent or 50% above the maximum base rent., whichever is higher. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR *Form RA-89*. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

**Senior Citizen Rent Increase Exemption**

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

**Loft Units**

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

cancy allowance is permitted on vacant lofts.

**Hotels and SROs**

The board voted to freeze rents for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms). No vacancy allowance is permitted. Landlords cannot collect an increase over the rent charged on September 30, 2004 between October 1, 2004 and September 30, 2005.

**High-rent, High-income Deregulation**

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

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



## Two Jobs at Minimum Wage Can't Cover Rent, Study Says

There are only four counties in the United States where someone making the minimum wage can afford a typical one-bedroom apartment—and all four are in states that raised their minimum wage on Jan. 1.

That's the assessment of a study entitled "Out of Reach," released in December by the National Low Income Housing Coalition, a Washington-based nonprofit group. The NLIHC took the federal "fair market rent" standards used to set Section 8 payments for every county and metropolitan area in the country, and extrapolated it to calculate the "housing wage" needed to afford rent in those areas without spending more than 30 percent of your income. The group estimated that the national

housing wage is \$15.37 an hour. The national median hourly wage for renters is \$14.

"The disparity between income and rent for people of modest means is so wide as to be unfathomable to the two-thirds of the U.S. population who are well-housed at costs that are well within their households' budgets," the study's introduction says. "For the other one-third of the nation... no community, no town or city or county or state, has enough housing for the low-income people who live there."

Local housing wages for a two-bedroom apartment ranged from a high of \$29.60 an hour in San Francisco and two adjacent counties to a low of \$6.21 in Starr County, Texas, an isolated rural

area along the Mexican border. California was the most expensive state, containing nine of the 10 counties with the highest housing costs, including six in the San Francisco Bay Area. West Virginia was the cheapest.

In New York City, the housing wage was \$19.58 an hour for a two-bedroom apartment at \$1,018 a month—about \$120 a month more than what someone making \$36,000 a year, the city median for renters, could afford. The city's housing costs are particularly disastrous for poorer people: To afford a studio at the city fair-market rent of \$846, someone making \$9 an hour, 50 percent above the state minimum wage, would have to work two full-time jobs or spend more than half their income on rent.

In the 990 counties that contain

four-fifths of the nation's renters, the study said, it would take two full-time minimum-wage jobs to afford a two-bedroom apartment. There was nowhere in the nation where someone working 40 hours a week, 52 weeks a year, at minimum wage could afford a two-bedroom apartment without paying more than 30 percent of their income. There were only four counties—three in rural southern Illinois and one in the Florida Panhandle—where the minimum wage could cover a typical one-bedroom home.

None of those areas would have been affordable at the federal minimum wage of \$5.15 an hour, which has not been raised in eight years. Illinois increased its minimum wage to \$6.50 on Jan. 1, and Florida's went up to \$6.15.

— Steven Wishnia

## Schumer Seeks to Double Affordable Housing Tax Credit

By Alyssa Katz

Speaking Dec. 7 to the New York Housing Conference, Senator Chuck Schumer gave the crowd at the Sheraton music to go with their lunch: a proposal to double the Low Income Housing Tax Credit, the federal government's largest affordable-housing production effort.

The tax-credit program currently subsidizes the construction or preservation of 130,000 affordable housing units a year, including more than 4,300 in New York for 2003. Companies seeking to reduce their taxes can invest in the credit. The proceeds are then distributed by intermediary organizations to states and cities, which then pass them on to nonprofit and commercial housing developers. The Internal Revenue Service limits total investment in the tax credit to a maximum of \$1.85 per state resident. Under Schumer's proposal, Congress would double that, to \$3.70.

Senate Democratic leadership recently appointed Schumer to the Finance Committee, an influential seat with power over Social Security, Medicare and Medicaid, welfare and other domestic spending, as well as the IRS, which administers the tax-credit program. Schumer will remain on the Banking Committee, which

also deals with housing finance.

Schumer said he has identified potential Republican supporters of the proposal, although he declined to name any. Like any Democratic legislative proposal in the Republican-run Senate, the tax-credit expansion now faces an uphill climb. "Competition for resources from tax policymakers is very broad and intense. Every industry in the country wants tax credits," noted Buzz Roberts, director of policy for the Local Initiatives Support Corporation, which advised Schumer's staff on the proposal and is one of the nation's biggest Low Income Housing Tax Credit intermediaries. In October, President Bush signed off on \$143 billion in new corporate tax breaks.

In addition, Bush has indicated that he wants to form a commission to reform the tax code. Last year, Congress considered changes to corporate taxes that could greatly reduce companies' incentive to invest in the Low Income Housing Tax Credit, and affordable housing advocates remain concerned that such proposals could resurface.

*Reprinted with permission from City Limits Weekly.*

## Rental Assistance

*continued from page 8*

homeless families and domestic violence survivors.

All in all, it is clear that the city's new rental subsidy program threatens to increase homelessness among vulnerable families and individuals, and to foster housing instability among vulnerable rehoused households. Moreover, the Bloomberg administration's policy breaks with two decades of city homeless policy that ensured that the neediest households had the highest priority for scarce federal housing assistance.

What is perhaps most tragic is

that lurking within the "Housing StabilityPlus" program are the outlines of a truly effective rental assistance program. Indeed, if the city and state would revise it to develop a well-crafted rent subsidy without arbitrary time limits or punitive reductions in the subsidy value, many homeless New Yorkers could be moved successfully from shelters into stable, permanent housing.

*Patrick Markee is senior policy analyst at the Coalition for the Homeless.*

## 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.

## US, Russia, and Sudan Called Worst Housing-Rights Violators

By Steven Wishnia

The three worst housing-rights violators in the world are one Islamic fundamentalist regime, one far-right Christian-fundamentalist capitalist government, and one post-Communist kleptocracy, according to a Swiss-based nonprofit group that focuses on ensuring the human right to adequate housing and preventing forced evictions. The Centre on Housing Rights and Evictions said that in 2004, Sudan, the United States, and Russia stood out "for their appalling disregard for this basic human right."

The group cited the Sudanese government's support for the Janjaweed militia, which has burned villages in Darfur province and raped and slaughtered their inhabitants, leading to the displacement of more than 1.6 million people. In November, the Khartoum regime demolished refugee camps in Omdurman and squatter settlements in Khartoum, leaving more than 5,000 families homeless, and forcibly relocated more than 30,000 people from a refugee camp in Darfur.

The United States made the list for both its foreign and domestic policies: for destroying the homes of tens of thousands of Iraqis through "indiscriminate bombing" and the destruction of Fallujah, and for "criminalizing homelessness" and cutting social services as housing costs continue to escalate. COHRE estimates that 840,000 Americans are homeless on any given night.

Russia's main offenses were war

and homelessness too. Since November 2002, Russian authorities have closed six refugee camps in Ingushetia, home to 23,000 people who fled the conflict in nearby Chechnya, and forced thousands of Chechen refugees to return to the war-ravaged province. Homelessness has also become widespread in Russia since the fall of Communism in 1989: COHRE estimates that about 6.8 million people, almost 5 percent of the population, are homeless, including 2.8 million children living on the streets.

On a more positive note, the group gave the city of Sao Paulo, Brazil, its Housing Rights Protector Award. The city won for its Bairro Legal (Legal Neighborhood) program, which has helped 45,000 people in poor neighborhoods get legal title to their homes, provided clean drinking water and sanitation to 210,000, and suspended 24,000 evictions. Indian housing-rights activist Rajeev John George got the Housing Rights Defender Award, for his work organizing against evictions in the cities of Indore and Hyderabad and advocating that slum dwellers be given land.

Founded in 1994, COHRE is based in Geneva and has offices in Australia, Brazil, Ghana, the Netherlands, South Africa, Thailand, and Duluth, Minnesota. Globally, it notes, over one billion people live in inadequate housing, an average of 100 million are homeless, and millions more are forcibly evicted from their homes every year.

# The Bloomberg Administration's Flawed Homeless Rental Assistance Plan: A Misguided Plan with Opportunities for Effective Change

By Patrick Markee

Breaking with two decades of city homeless policy, the Bloomberg administration has announced dramatic changes in housing assistance for homeless New Yorkers. Under a new plan unveiled in October, the city has sharply curtailed access to federal housing assistance—including Section 8 vouchers and public-housing apartments—for homeless families and survivors of domestic violence. In addition, the state has approved a city proposal for a new, flawed rental subsidy program for homeless families (and some homeless individuals) that includes arbitrary time limits and a substantial annual reduction in rental assistance.

The new policies are dangerously misguided and threaten to increase the number of homeless families bedding down in municipal shelters. They restrict access to vital federal housing assistance for thousands of homeless families, and—if the proposed new rental assistance plan is implemented—will ultimately threaten the housing stability of many vulnerable families, particularly those with disabled and unemployed parents. Moreover, the new policies are based on flawed, ideological assumptions about low-income families and housing assistance, and fail to take into account more than two decades of experience with homelessness.

Nevertheless, if revised substantially, the new rental subsidy program could form the foundation for a genuinely effective approach to reducing homelessness. The Bloomberg administration should work with the state to revise the program to ensure that families in need of housing assistance are not arbitrarily denied adequate levels of rental assistance. An improved rental subsidy program that draws on city, state, and federal resources would dramatically reduce the homeless population in New York City and provide stable, affordable housing for rehoused families and individuals.

## Flawed Rent Subsidy Program

Pursuant to a recently promulgated state regulation, in October the city proposed a new “rent supplement plan”—called “Housing StabilityPlus”—that would draw on city, state and federal funding (including federal “Temporary Assistance to Needy Families” welfare funds) to provide rental assistance for homeless families and some homeless individuals. The Pataki administration approved the plan in December, making very few changes, despite numerous criticisms by homeless-shelter providers, advocates, homeless families, and housing organizations.

The “Housing StabilityPlus” program is restricted to only five years per family, regardless of the family’s circumstances. In addition, the amount of the rent supplement above the basic welfare shelter allowance would decline by 20 percent annually. Thus, a family of three, which could receive a total rent subsidy of up to \$925 per month in the first year, would lose \$105 in assistance in the second year. By the fifth and final year of the subsidy, they could receive a maximum of only \$615.04 per month. The declining value of the rent supplement does not account for any annual rent increases authorized by the New York City Rent Guidelines Board (for rent-stabilized apartments) or required by property owners for nonregulated private apartments; under the program, the value of rent supplements would only be adjusted every two years.

The rent supplement program is flawed in many ways, including the following:

1. The five-year time limit is arbitrary and impractical. There is no possibility for additional aid regardless of a household’s circumstances. The time limits do not reflect the reality that many households will require rental assistance over the longer term. In fact, research has found that as

many as two in five households remain poor five years after leaving welfare, and the vast majority of families still have very low incomes.

2. The declining value of the rent subsidy threatens housing stability. Many households, especially those with employment barriers, will be unable to make enough money to offset the annual 20 percent reduction in the program’s rent supplement. Those households will be at risk of returning to the homeless-shelter system, at additional cost to taxpayers.

3. Landlords will be reluctant to rent to recipients of the new subsidy. In the highly competitive New York City housing market, most owners require prospective tenants to demonstrate their ability to pay the rent. Landlords concerned about minimizing costs incurred by nonpayment and eviction proceedings are unlikely to rent to homeless families and chronically homeless single adults leaving shelters with a time-limited and declining rent supplement. A subsidy program that is unattractive to landlords will result in longer shelter stays, fewer housing placements, and, ultimately,

increased shelter costs.

## An Effective Program

Despite the many flaws in the “Housing StabilityPlus” program, the city and state still have the opportunity to revise it to craft an improved program that draws on city, state, and federal resources to provide stable housing assistance. An effective rent subsidy program would have to ensure that rehoused families and individuals receive assistance that is secure and sufficient to maintain stable homes. It could not include arbitrary time limits and reductions in subsidy value. Finally, such a subsidy ought to be available also to homeless individuals and childless couples. Indeed, similar rent subsidies, provided as emergency relief pursuant to court orders in the *Jiggettts v. Dowling* litigation or as rent enhancements to homeless individuals living with AIDS, have proved enormously successful in preventing homelessness for tens of thousands of households. Finally, the city ought to move immediately to restore emergency priority for federal housing assistance to

*continued on page 7*

## WHERE TO GO FOR HELP

**LOWER EAST SIDE BRANCH** at Cooper Square Committee  
61 E. 4th St. (btwn. 2<sup>nd</sup> Ave. & Bowery)  
Tuesdays ..... 6:30 pm

**CHELSEA COALITION ON HOUSING**  
Covers 14<sup>th</sup> St. to 30<sup>th</sup> St., 5<sup>th</sup> Ave. to the Hudson River.  
322 W. 17<sup>th</sup> St. (basement), CH3-0544  
Thursdays ..... 7:30 pm

**GOLES (Good Old Lower East Side)**  
525 E. 6<sup>th</sup> St. (btwn. Aves. A & B) Lower East Side tenants only, 212-533-2541.

**HOUSING COMMITTEE OF RENA**  
Covers 135<sup>th</sup> St. to 165<sup>th</sup> St. from Riverside Dr. to St. Nicholas Ave.,  
544 W. 157<sup>th</sup> 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

**WEST SIDE TENANTS UNION**  
200 W. 72nd St. Room 63; 212-595-1274  
Tuesday & Thursday ..... 2-5 pm  
Tuesday & Wednesday 6-7:45 pm



## METROPOLITAN COUNCIL ON HOUSING

Met Council is a citywide tenant union.

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

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

**212-979-0611**

## Join Met Council

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

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

Name \_\_\_\_\_  
Address \_\_\_\_\_ Apt. No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Home Phone Number \_\_\_\_\_ Email \_\_\_\_\_

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