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# Tenant Inquilino

Housing for people, not profit

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PERIODICAL

## UNLEADED CITY

### Council to Consider Much Stronger Lead-Paint Bill

By Steven Wishnia

Three years after the City Council gutted the city's lead-paint law, it's about to revisit the issue—and this time, the proposed legislation is much stronger than 1999's Local Law 38, which was overturned by the courts in October 2000.

The Childhood Lead-Poisoning Prevention Act, to be introduced March 13, contains protections against lead dust—the primary source of lead poisoning—and much stronger worker-safety standards. It is cosponsored by 31 of the Council's 51 members.

"We're pushing very hard to get this bill passed," says Dave Palmer, head of the New York Public Interest Research Group's anti-lead poisoning campaign. "It's an excellent bill," concurs Matthew Chachere, attorney for the New York City Coalition to End Lead Poisoning.

The proposed law would require landlords to inspect every apartment with a child under 7 for conditions that may expose them to lead at least once a year, and repair them. (These include peeling paint, "friction surfaces"—such as doors and windows—that produce lead dust, and water leaks that cause paint to flake.) It would adopt federal standards for lead-dust contamination—40 micrograms per square foot on the floor, and less than half a milligram per square foot on windowsills and in window wells. Landlords would also be required to inform tenants in writing about their obligation to do those inspections and repairs. Owners of low-income housing would be able to get J-51 tax breaks for lead-poisoning prevention activities.

It also requires the city Department of Housing Preservation and Development to establish an inspection

program for lead paint, instead of just responding to tenant complaints. HPD would also be required to check for lead paint any time it inspects an apartment where there is a child under 7. If it is found, a class C "immediately hazardous" violation would be issued, and the landlord would have 21 to 45 days to repair it. If the landlord doesn't make the repairs, HPD would have to do them, and would bill the landlord.

The bill also contains much stricter worker-safety standards than the 1999 law. Lead-abatement workers would have to have training equivalent to federally certified inspectors or supervisors. It would ban "dry scraping" or sanding of lead paint or suspected lead paint. And at the end of the job, the apartment would have to be tested to make sure there was no lead-dust

residue left. Landlords would also have to do more thorough lead abatement in vacant apartments.

Those provisions contrast sharply with Local Law 38, which was rammed through the Council in 1999 by then-Speaker Peter Vallone, backed by the Giuliani administration and major landlord groups. That law did not define lead-paint dust as a health hazard, only peeling or flaking lead paint. Instead of requiring landlords to remove lead paint immediately, they only had to inspect for peeling or flaking paint once a year, if the tenant informed them that they had a child under 6. Owners were allowed to use lower safety standards if they removed lead paint quickly enough, and could "self-certify" that the work was done properly. It also barred lead-poisoned children and their parents from suing landlords for

negligence unless they could prove that they notified the landlord of a lead hazard.

In 2000, the city Department of Health found over 4,800 children with lead poisoning, and over 500 severely affected—despite testing less than half of the city's children. NYCCELP estimates that citywide, 30,000 children have lead poisoning, which can badly impair children's intellectual development. A NYPIRG map based on 1997 department figures found it most common in Bushwick, the middle of a "lead belt" stretching through Brooklyn and Queens, from Red Hook through Bedford-Stuyvesant and Flatbush to Jamaica, with other clusters in the western Bronx, Washington Heights, and the industrial neighborhoods of western Queens.

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## State Senate Outlook

### Liz Krueger Win, Redistricting Will Affect Rent-Law Renewal

By Kenny Schaeffer

As families in a million regulated apartments prepare for the expiration of rent and eviction laws in 2003, two events will change the political landscape that the renewal battle will fought on in Albany: the surprisingly strong victory by activist Democrat Liz Krueger in the Feb. 12 special election for the State Senate seat vacated after more than 30 years by Roy Goodman, and the redrawing of all state legislative districts this year in response to the 2000 census.

Krueger's victory over personable Republican Assemblymember John Ravitz by a margin even her supporters did not expect—59% to 41%—sends a powerful message that voters are responsive to a clearly articulated progres-

sive agenda. With Bronx State Sen. Pedro Espada's recent switch to the Republicans, the GOP retains a 36-25 majority in the Legislature's upper house.

Challenged during a debate on NY1 to point to differences between himself and Krueger, Ravitz pointed to welfare policy. Krueger agreed, but pointed out that while Republicans espouse platitudes about the dignity of work, they promote policies of privatization and downsizing, leading to job losses and minimum wage jobs, whereas progressives truly believe in the importance of jobs at living wages, with adequate health coverage and child care.

If Democrats are able to mount credible challenges to Republican State Sen-

ate incumbents in city and suburban districts, as they did in 2000 under the leadership of Sen. Eric Schneiderman, then Liz Krueger's huge victory will certainly put a scare into Senate Majority Leader Joseph Bruno. This makes it likely that, just as they did in 2000, the State Senate may try to co-opt Democratic issues like health, the environment, and criminal-justice reform, and might even take up the issue of renewal of the rent and eviction laws this session, even though they do not expire until next year.

#### Bipartisan Gerrymandering

The outcome of rent and eviction protections between now and June 2003 will be influenced by the

current battle over redistricting. Bruno and Assembly speaker Sheldon Silver have announced tentative district lines which will enhance Republican chances in Senate districts and Democratic prospects in Assembly districts. As New York City's proportion of the state population has

increased, the Assembly lines would create four additional districts in the city, and force upstate Republican incumbents to compete for the same seat in nine different districts. The Senate's proposed lines would see it expand

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## EDITORIAL

# Bloomberg's Budget: Penny-Wise and Pound-Foolish

By Kenny Schaeffer

The preliminary budget submitted to the City Council by new Mayor Michael Bloomberg repeats many of the mistakes of his predecessor.

Bloomberg's budget announcement was initially praised in the press as a welcome departure from Rudolph Giuliani, whose budgets always included substantial cuts to necessary and popular programs—which the mayor knew the Council would restore. Bloomberg criticized this practice both because it is illusory, and because it distracts community organizations from the programs they run and the services they provide, and forces them to play the "budget game."

One aspect of Bloomberg's proposal—to borrow upwards of \$1.5 billion to ensure that the city's essential functions continue as the economy rebuilds—was endorsed both by city Comptroller William Thompson and state Comptroller H. Carl McCall. However, both suggested that \$1.5 billion is not a magic number, and if more is necessary to ensure the continuation of needed city services, the Council should consider it.

The problem with the rosy tint initially given to Bloomberg's budget is that, as the fine print is digested, it is becoming apparent that the mayor and his advisors, such as Mark Shaw and John Dyson, are engaging in exactly the same machinations Giuliani engaged in. Cutting libraries, schools, health clinics and the city's 340 senior centers—which *Newsday's* Robert Polner called "the heretofore untouchable constellation"—are four examples which the Council is certain to move to restore.

Among the planned cuts, Lisa Colangelo reported in the *Daily News* on Feb. 25, are a weekend meal program for homebound elderly, four new centers targeted for Hispanic, Chinese and Haitian seniors, and a plan to place social workers in centers across the city. "We're talking about eliminating centers and services for very elderly people," Councilmember David Weprin (D-Queens), chair of the Finance Committee, told Polner Feb. 18. "To ask them to do without services or start going to a new facility could be traumatic."

In similar fashion, the *New York Times* editorial board took Bloomberg to task Feb. 25 for his proposals to slash library funding: "Because libraries perform a core educational function that is more important than ever, we urge the mayor and the City Council to rescind at least half of the proposed cuts, bringing the library cuts in line with those for the educational system."

One of the most glaring examples

of how the mayor's preliminary budget is penny-wise and pound-foolish is the proposed cut of \$2 million in anti-eviction spending to fund civil legal services, including the Legal Aid Society, Legal Services for New York, the East Side SRO Project of MFY Legal Services, and the West Side SRO Law Project at Goddard Riverside.

These programs, already drastically underfunded, provide vital representation to poor families and individuals facing eviction. Last year, over 26,000 city families were evicted, most of whom had no legal representation in Housing Court. It will be impossible to address New York City's housing crisis—as Bloomberg promised to do during his campaign, and, alone among the candidates, reiterated after of Sept. 11—without stanching the loss of tens of thousands of affordable units through eviction followed by steep vacancy increases or decontrol.

In the mayor's budget address, he defied those who disagree with his cuts to find something else to cut instead. But this invitation is a zero-sum game for New York's communities. It is based on two false assumptions. First, that bor-

rowing must be capped at exactly \$1.5 billion, as opposed to, say, \$1.6 billion, if that's what it takes to preserve a healthy city that will be poised to rebound. Second, that the possibility of raising taxes in this city of the very rich and the very poor is off the table, and that there is no possibility of identifying additional savings by reducing bloated corporate subsidies and abatements.

Many in the Council realize this, and 22 members participated in a press conference Feb. 27 to call for new revenue streams such as an income-tax surcharge, a new tax bracket for wealthy New Yorkers, and reimposition of the stock transfer tax and commuter tax.

According to David Jones of the Community Service Society, "the truth is, the wealthiest among us probably need to pay a bit more in

taxes" for the city to balance its budget. Newly elected Councilmember James Sanders of Queens says a tax surcharge of 1% to 2% on incomes above \$250,000 would raise \$1 billion.

"[Speaker] Gifford Miller and the Council have the chance to set the template for their whole administration with this first battle," says Working Families Party state director Danny Cantor.

Met Council will work closely with other New Yorkers committed to social and economic justice over the coming months, to ensure that the budget finally enacted by the City Council in June reflects the needs and wishes of all New Yorkers.

*Kenny Schaeffer is a tenant attorney with the Legal Aid Society.*



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# EL INQUILINO HISPANO

## El presupuesto de Bloomberg: Sabio con las monedas, tonto con los billetes

Por Kenny Schaeffer  
Traducido por Lightning Translations

El presupuesto preliminar presentado al Concejo Municipal por el nuevo alcalde Michael Bloomberg repite muchos de los errores de su predecesor.

El anuncio de presupuesto de Bloomberg fue halagado inicialmente en la prensa como una grata despedida de Rudolph Giuliani, cuyos presupuestos siempre incluyeron importantes cortes a programas necesarios y populares—los cuales sa-

bía el alcalde que el Concejo restauraría. Bloomberg criticó esta práctica por ser tanto ilusorio como una distracción de los programas que administran y los servicios que proporcionan para las organizaciones comunitarias, y las fuerza a perder tiempo en el “juego del presupuesto.”

Un aspecto de la propuesta de Bloomberg—pedir prestado más de \$1,500 millones para ase-

gurar que las funciones esenciales de la ciudad continúen mientras la economía se reconstruye—fue endosado por el Contralor de la ciudad William Thompson y el Contralor del estado H. Carl McCall. Sin embargo, ambos sugirieron que \$1,500 millones no es un número mágico, y que si se necesita más para asegurar la continuidad de los servicios esenciales de la ciudad, el Concejo debe

tomarlo en consideración.

El problema con el matiz color de rosa que Bloomberg había dado a su presupuesto es que, mientras se comprende lo que dice la letra pequeña, se vuelve aparente que el alcalde y sus asesores, como Mark Shaw y John Dyson, están participando en maquinaciones exactamente iguales a las en que Giuliani participó. Los cortes en las bibliotecas, las escuelas,

las clínicas de salud y los 340 centros para ancianos de la ciudad—lo que Robert Polner del diario *Newsday* llamó “la constelación anteriormente intocable”—son cuatro ejemplos seguros que el Concejo restaurará.

Entre los cortes planeados, reportó Lisa Colangelo en el *Daily News* del 25 de febrero, se encuentran un programa de

*pasa a la página 4*

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

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2001 hasta el 30 de septiembre de 2002, incluyendo las concesiones de Pataki adoptadas por la Legislatura Estatal el 19 de junio de 1997

Los topes de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 2001. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 2000. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha. No se permite el cargo adicional también conocido como el «impuesto de pobres.»

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

**Sobrecargos de Renta** Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos

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

Si un posible inquilino da muestras de conocer sus derechos, lo más probable es que el casero no firmará ningún contrato con tal inquilino. Los caseros evitan contratar con inquilinos que les pueden dar problemas. El sobrecargo de alquiler es muy común. Todos los inquilinos deben luchar contra posibles sobrecargos. Obtenga y llene un formulario *Form RA-89* con la oficina de DHCR para determinar el alquiler correcto en los archivos oficiales. Llame a la DHCR a (718) 739-6400 para obtener un formulario.

**La Apelación de la Renta de Mercado Justa** Otro tipo de sobrecargo ocurre frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a

renta controlada y se alquila con renta estabilizada. La Junta de Regulación de Renta (RGB) establece anualmente lo que ellos llaman el “Tope Especial de la Renta de Mercado Justa,” el cual es empleado por la DHCR para bajar las rentas de mercado injustas de los inquilinos que llenan el formulario llamado “Apelación a la Renta Justa de Mercado” (FMRA). Según la Orden 32, es la Renta de Mercado Justa de HUD o un 150% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de abril de 1984 o después debe dejar de poner a prueba la llamada “Renta Legal Inicial Regulada” (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de “Apelación a la Renta Justa de Mercado” como de “sobrecargo.” La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o con-

dominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

**Exención de Incrementos para las Personas de Mayor Edad:** Las personas de 62 años o más que viven en apartamentos estabilizados y cuyos ingresos familiares anuales son de \$20,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

**Unidades de Desván (Lofts)** Los incrementos legales sobre la renta base para las unidades

de desván son de un 3 por ciento por un contrato de un año y un 5 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

**Hoteles y Apartamentos de una Sola Habitación** Lo establecido es un 2% para los apartamentos de hotel de Clase A, casas de habitaciones, hoteles de clase B (de 30 habitaciones o más), hoteles de una sola habitación, y las casas de habitaciones (Clase B, 6-29 cuartos), sobre la renta legal que se pagaba el 30 de septiembre de 2001. No se permiten incrementos para apartamentos vacíos. Lo incremento estipulado no se puede cobrar a menos que un 70 por ciento de las unidades en el edificio sean ocupadas por inquilinos permanentes de renta estabilizada o controlada, pagando rentas reguladas legales. Además, no se permiten incrementos si el casero ha omitido de darle al nuevo ocupante una copia de los Derechos y Responsabilidades de los Dueños e Inquilinos de Hoteles.

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

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años	
Renovación del Contrato	Más de \$500	4%	6%	
	\$500 o menos (Alquileres de \$215 o menos se alzan a \$215 después de aplicarse los aumentos)	4%	6%	
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	18%	20%
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 18%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
	Menos de \$300	Incrementos por desocupación cobrados en los últimos 8 años	18% + \$100	20% + \$100
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 18% + \$100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + \$100
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	18% o \$100, lo que sea mayor	20% o \$100, lo que sea mayor
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 18%, o \$100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o \$100, lo que sea mayor

## El presupuesto

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alimentos de fin de semana para ancianos, cuatro nuevos centros para ancianos hispanos, chinos y haitianos, y un plan para colocar trabajadores sociales en centros para ancianos por toda la ciudad. “Estamos hablando de eliminar centros y servicios para gente muy anciana,” el concejal David Weprin (D-Queens), presidente del comité de finanzas, explicó a Polner el 18 de febrero. “Pedirles que vivan sin los servicios o comenzar a ir a un nuevo centro podría ser traumático.”

De manera similar, la junta editorial del *New York Times* le regaló a Bloomberg el 25 de febrero, por sus propuestas de recortar fondos para las bibliotecas: “Ya que las bibliotecas realizan una función educativa básica que es más importante que nunca, exhortamos al alcalde y al Concejo Municipal a anular al menos la mitad de los cortes propuestos, igualando los recortes para bibliotecas con aquellos para el sistema educativo.”

### Destruyendo la vivienda

Uno de los ejemplos más patentes de la manera en que el presupuesto preliminar del alcalde es para hacer economías de chicha y nabo, es el propuesto recorte de \$2 millones en gastos para evitar desalojos en los fondos de servicios legales civiles, incluyendo la Legal Aid Society, Legal Services for New York, el East Side SRO Project de MFY Legal Services, y el West Side SRO Law Project en Goddard Riverside.

Estos programas, ya con falta dramática de fondos, proporcionan una representación vital para familias e individuos pobres que enfrentan un desalojo. El año pasado, más de 26,000 familias de la ciudad fueron desalojadas, la mayoría de las cuales no contaba con representación en la corte de vivienda. Será imposible tratar la crisis intolerable de vivienda de la ciudad de Nueva York—como Bloomberg prometió durante su campaña y, solo entre los candida-

tos, reiteró después del desastre del 11 de septiembre—sin restañar la pérdida de decenas de miles de viviendas asequibles a través de desalojos seguidos de fuertes incrementos de renta por apartamentos vacíos o descontrolados.

En la declaración del presupuesto del alcalde, desafió a aquellos que no estuvieron de acuerdo con sus recortes que encontraran algo más que recortar en su lugar. Pero esta invitación es un juego de suma-cero para las comunidades de Nueva York, porque se basa en dos falsas conjeturas. Primero, que el límite de dinero a pedir prestado debe ser exactamente \$1,500 millones, contrario a, digamos, \$1,600 millones, si eso es lo que se necesita para conservar una ciudad sana que será puesta en equilibrio para recuperarse. Segundo, que la posibilidad de elevar los impuestos en esta ciudad de los muy ricos y los muy pobres no se encuentra en consideración, y que no hay posibilidad de identificar ahorros adicionales reduciendo los hinchados subsidios y disminuciones de pagos de las corporaciones. Nosotros estamos confiados en que el Concejo sabe lo que hace.

Muchos miembros del Concejo ya son conscientes de esto, y 22 de ellos participaron en una rueda de prensa el 27 de febrero para llamar por nuevas fuentes de fondos como un sobreimpuesto en los impuestos sobre ingresos, una nueva categoría de impuestos para los neoyorquinos más ricos y la restauración de los impuestos sobre trans-

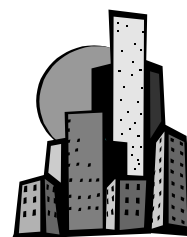
ferencias de acciones y de las personas que trabajan en la ciudad mientras viven en otros lugares.

Según David Jones de la Sociedad de Servicio Comunitario, “A decir verdad, los más ricos entre nosotros probablemente tienen que pagar un poquito más en impuestos” para que Nueva York equilibre su presupuesto. El recientemente elegido concejal de Queens James Sanders dice que un sobreimpuesto de 1 por ciento a 2 por ciento en los ingresos superiores a \$250,000 reunirá \$1,000 millones.

“Con esta primera batalla, [el Vocero del Concejo Municipal] Gifford Miller y el Concejo tienen una oportunidad para establecer el padrón de toda su administración,” dice Danny Cantor, director estatal del Partido de Familias Trabajadores (WFP).

Met Council trabajará junto con otros neoyorquinos comprometidos por la justicia social y económica en los próximos meses, para asegurar que el presupuesto finalmente promulgado por el Concejo Municipal en junio refleje las necesidades y deseos de todos los neoyorquinos.

*Kenny Schaeffer es abogado de inquilinos en la Legal Aid Society.*



## No se quede helado: ¡ORGANÍZASE!

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

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

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

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

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

- \* Comenzar una “Acción HP” (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- \* Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al (212) 824-4328 inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.
- \* Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tenga problemas con la calefacción.
- \* Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- \* Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en inglés) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consigne la



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

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

Las leyes sobre la calefacción establecen también:

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

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

## Escándalo por impuestos en edificios donde ocupantes ilegales fueron desalojados

Por Annia Ciezadlo

Traducido por Lightning Translations

En el verano de 1996, la ciudad desalojó por la fuerza a ocupantes ilegales de cinco edificios de apartamentos propiedad de la ciudad en East 13th Street, para que un responsable constructor de viviendas asequibles pudiera rehabilitarlos.

Pero casi seis años después del dramático desalojo matutino, llevado al cabo por cientos de policías con equipo antimotines, ambulancias, helicópteros y vehículos blindados, los cinco edificios se encuentran en la misma situación en que estaban cuando los ocupantes ilegales los penetraron por primera vez: en la lista de la ciudad de propiedades con pagos de impuestos atrasados.

De acuerdo con registros actuales del Departamento de Finanzas, la Coalición para el Desarrollo de Viviendas del Bajo Manhattan (LESCHD, por sus siglas en inglés), la organización sin fines de lucro que se apoderó de los edificios en 1996, se encuentra con \$1.03 millones de pagos atrasados.

En diciembre pasado, los inquilinos de Dora Collazo Plaza, en East 13th Street, recibieron el aviso del Departamento de Construcción y Preservación de la Vivienda (HPD) de que sus edificios se habían colocado en una transfe-

ncia por terceros, el proceso de HPD para transferir la propiedad de edificios seleccionados con pagos atrasados de impuestos a caseros responsables.

Como muchas residencias rehabilitadas, los edificios son elegibles para recibir oportunidades especiales para reducciones de impuestos de propiedad, llamadas J-51, para viviendas asequibles. El controlador de LESCHD Sam Cruz dijo que su grupo solicitó esas reducciones hace años, pero que su aplicación “la perdió el Departamento de Finanzas de la ciudad.” El Departamento de Finanzas no pudo comentar sobre esto.

Pero Cruz también admitió que LESCHD esperó hasta hace unas pocas semanas para pagar los impuestos que debía desde 1997 a partir de la etapa de construcción del proyecto. Ahora que esta cantidad se ha pagado, él sostiene que se le dijo que los J-51 deben entrar en vigor pronto.

HPD confirmó esta historia, explicando que el constructor finalmente pagó los impuestos por el primer y segundo trimestre de 1997 el 16 de enero de este año. El resto, dijo un vocero de HPD,

*pasa a la página 5*

## Senate

continued from page 1

from 61 to 62 seats, with a new Republican-leaning district in southern Brooklyn.

Two city Senate districts are particularly illuminating. The 30<sup>th</sup>, represented by Upper West Side Democrat Eric Schneiderman, has been carved up to eliminate much of his West Side base—likely in retribution for Schneiderman's organizing challenges to half a dozen Republican senators in 2000.

Further north, the 34<sup>th</sup> district in the Bronx and Westchester County has been gerrymandered—the word comes from the salamander-shaped district drawn by Massachusetts Governor Elbridge Gerry in 1812—to protect Republican Guy Veleva of the Bronx. Two years ago, Veleva—one of the few city legislators to vote against renewing rent regulations in 1997—had to fend off a spirited challenge from Lynn Coyle Koppell, wife of Councilmember Oliver Koppell. The district has

been redrawn to put the Koppells' Riverdale home just across the street. The proposed boundaries cross into Westchester in Pelham, skirt around minority communities in Mt. Vernon while including white Republican neighborhoods, then south to East Yonkers, another segregated Republican community, then down through Riverdale, and finally down to Belmont, Veleva's base. Coop City, with its large minority population and heavy voting patterns, has been put in a different district.

The district has been called "lobster-shaped" by John DeSio of the *Riverdale Review* [2/21-27/02], but it looks more like a lobster shaking hands with a very surprised cat (see map at left).

The proposed district lines may be held invalid under a provision of the state constitution that prohibits a legislative district from crossing county lines more than once. A state Court of Appeals decision invalidating that provision to the extent that it violated the federal

Voting Rights Act may no longer apply, because the part of the Voting Rights Act involved was itself invalidated by the U.S. Supreme Court in a case called *Shaw v. Reno*.

Following a public comment period and statewide hearings, final lines will be drawn by the legislature and presented to the Governor for signature or veto.

Because of the diminution of minority vote rights, the proposed districts would face certain challenges in state and federal courts. However, the Supreme Court recently ruled in a case involving a congressional seat in North Carolina that bizarre and barely contiguous district lines are permissible, as long as the intent is to preserve a balance of power between the Democratic and Republican parties, rather than specifically to dilute minority voting—even if that is the inevitable and foreseeable effect.

Additionally, pressure will be put on Sheldon Silver to side with his allies in the Democratic Party, not with his Republican adversaries, and break from

the practice of allowing the Senate Republicans to draw their own seats in exchange for the Assembly drawing its own. That

practice has ensured that neither house has changed hands since 1974.



The map for the proposed new 34<sup>th</sup> State Senate district in the Bronx (Veleva-RC) has been compared to a lobster shaking hands with a very surprised cat.



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

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

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

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

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

- \* Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.
- \* Call the New York City Central Complaints Bureau at (212) 824-4328 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- \* Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- \* Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- \* Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat and Hot Water complaint form. Get as many other apartments as

possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

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

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

**The heat laws also provide for:**

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

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

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

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

## Thanks to Ed Sullivan and Stanley Michels

Met Council joins in expressing gratitude and appreciation to Assemblymember Ed Sullivan and Councilmember Stanley Michels, representing upper Manhattan for more than 50 years combined, who both announced their retirements.

Sullivan, chair of the Assembly's higher education committee, announced March 3 that he will not seek re-election after 26 years. His district office was one of two in the state which provide staff attorneys to represent constituents in court when facing eviction proceedings or seeking to correct hazardous conditions. So far at least 10 candidates have come forward seeking to win the seat.

Stanley Michels was prohibited from seeking re-election last year to the seat he has represented in the Council since 1978. A member of the Housing and Buildings Committee, he was a constant voice for rent and eviction protections, Rent Guidelines Board reform, enhanced code enforcement and responsible administration of city-owned buildings.

Tenant advocates in the new Council will include Housing and Buildings Committee members Robert Jackson and Gale Brewer of Manhattan, and Melinda Katz of Queens. Ironically, Leroy Comrie of Queens, who was former chair Archie Spigner's chief of staff but is said to be independently minded, may be the swing vote on the committee, which is chaired by Bronx machine Democrat and real-estate favorite Madeline Provenzano. —KS

## Escándalo

viene de la página 4

será cubierto por los J-51, "y el interés y recargos serán anulados." Pero HPD declinó decir cuándo solicitó el grupo en realidad estas reducciones.

Los residentes y miembros de la comunidad están furiosos ya que el constructor permitió que los impuestos se incrementaran hasta por cuatro años, y que se les dio a los inquilinos tal susto. "Nadie puede justificar esto por mí, desde el punto de vista de la organización,"

declaró con enojo la concejal de la ciudad por el Lower East Side, Margarita Lopez. "¡La única explicación para esto es que no están haciendo su trabajo! Si presentas una solicitud para los J-51—si presentas una solicitud para reducción de impuestos—¡la vas a recibir! ¡La única explicación es que ellos no la solicitaron!"

Hasta que se autoricen las reducciones de impuestos, los residentes dicen que siguen temiendo que la ciudad podría apoderarse de los edificios. "Estoy preocupada ya que ellos

quieren que la renta por estos apartamentos sea de una tasa de mercado más alta, y la gente de la Sección 8 ya no podrán vivir aquí," afirmó la inquilina Leticia Hernandez. "No es mi culpa que ellos estén atrasados, así que ¿porqué debería yo pagar por sus errores?"

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# Tax Scandal in Evicted-Squat Buildings

by Annia Ciezadlo

In the summer of 1996, the city forcibly evicted squatters from five city-owned abandoned tenements on East 13th Street so they could be rehabilitated by a responsible affordable-housing developer.

But barely six years after the dramatic predawn eviction, featuring hundreds of police officers in riot gear, ambulances, helicopters and an armored vehicle, the five buildings are right back where they were when the squatters first moved in: on the city's list of tax-delinquent properties.

According to current records from the city's Department of Finance, Lower East Side Coalition Housing Development, Inc. (LESCHD), the nonprofit that took over the buildings in 1996, is \$1.03 million behind in taxes.

Last December, ten-

ants of Dora Collazo Plaza on East 13th Street received notice from the city's Department of Housing Preservation and Development that their buildings had been placed in third-party transfer, HPD's process for transferring ownership of selected tax-delinquent buildings to responsible landlords.

Like many rehabilitated residences, the buildings are eligible for special affordable-housing tax breaks, called J-51s, that would exempt the developer from having to pay most property taxes. LESCHD comptroller Sam Cruz said his group applied for those abatements years ago, but that their application "was lost by the city Department of Finance." The Department of Finance could not comment on this.

But Cruz also admitted that LESCHD waited until

just a few weeks ago to pay taxes it had owed since 1997 from the construction phase of the project. Now that that's paid, he claimed he was told the J-51s should kick in soon.

HPD confirmed his story, explaining that the developer finally paid its first and second quarter 1997 taxes on January 16 of this year. The rest, said an HPD spokesperson, will be covered by the J-51s, "and the interest and penalties are to be dropped." But HPD declined to say when the group actually applied for the exemptions.

Residents and community members are furious that the developer let the taxes mount up for four years, and let the tenants in for such a scare. "Nobody can justify this for me, from the point of view of the organization," railed Lower East Side City Council-

member Margarita Lopez. "The only explanation for this is that they are not doing their job! If you file for the J-51—if you file for the tax abatements—you will get it! The only explanation is that they didn't apply for it!"

Until the tax abatements come through, residents say they're still afraid that the city could take the buildings away. "I'm worried that they want to put these apartments in a higher market rate, and people on Sec-

tion 8 won't be able to live here anymore," said tenant Leticia Hernandez. "It's not my fault that they're backed up, so why should I have to pay for their mistake?"

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## NYC Rent Guidelines Board Adjustments (Order No. 33)

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

This rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 2001. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 2001. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, aka poor tax, allowed.

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

### Vacancy Leases

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

### Rent Overcharges

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

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	more than \$500	4%	6%	
	\$500 or less (Rents that are \$215 or less brought up to \$215 after increases applied)	4%	6%	
Vacancy leases	More than \$500	Vacancy allowance charged within last 8 years	18%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than \$300	Vacancy allowance charged within last 8 years	18% plus \$100	20% plus \$100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18% plus \$100	0.6% times number of years since last vacancy allowance, plus 20% plus \$100
	Rent \$300 to \$500	Vacancy allowance charged within last 8 years	18% or \$100, whichever is greater	20% or \$100, whichever is greater
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18%, or \$100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, or \$100, whichever is greater

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

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

### Fair Market Rent Appeal

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

"Special Fair Market Rent Guideline" that is used by DHCR to lower unfair market rents for tenants who file the Fair Market Rent Appeal (FMRA). Under Order 32, it is HUD Fair Market Rent or 150% above the maximum base rent. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR *Form RA-89*. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

### Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable annual household income is \$20,000 or less and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be avoided. Obtain the SCRIE application form by calling (212) 442-1000.

### Loft Units

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

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

### Hotels and SROs

The guideline is 2 percent above the legal rent paid on September 30, 2001, for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms). No vacancy allowance is permitted. The guideline is not collectible unless 70% or more of the units in the building are occupied by permanent rent stabilized or controlled tenants paying legal regulated rents. Further, no increase is allowed when the landlord has failed to provide the new occupant a copy of the Rights and Duties of Hotel Owners and Tenants.

### High-rent, High-income Deregulation

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

# Bloomberg's Budget Cuts: Federal Funds Won't Make Up Losses—But Fines Could

In Mayor Bloomberg's Feb. 13 budget proposal, the Department of Housing Preservation and Development takes a 26% cut in its operating budget, well ahead of the next worst-hit agency, Administrative Services which was cut by 21%.

In a meeting with Association for Neighborhood and Housing Development leadership later that day, HPD Commissioner Jerilyn Perrine stated that the impact of these cuts on HPD will be minimal. She underlined the fact that most HPD programs are funded predominantly or entirely through the federal CDBG and HOME programs. CDBG funds such vital programs as code enforcement, housing litigation, Third Party Transfer, 7A assistance, the Neighborhood Redevelopment Program and many others.

Unfortunately, however, New York City's allocation of CDBG funds will be reduced by approximately \$10 million in fiscal year 2003. And there is a strong possibility that the Bloomberg admin-

istration will apply for a waiver to enable them to use up to 25% of that allocation for services in other departments. Cuts to the HPD capital budget will further decimate new construction programs and vacant buildings programs. Further endangering federal funds that provide for the most basic protection of our low-income housing stock is utterly unacceptable.

The question asked time and time again of housing advocates (and indeed all advocates seeking budget restorations) is: "Where do you propose the money for your programs will come from?" In the last fiscal year, HPD collected a mere \$1.8 million in civil court-levied code enforcement judgments. Compare this to the mid-1980s, when HPD collected up to \$6 million per year from the same source.

Bloomberg has proposed saving \$4.5 million by eliminating five key anti-eviction and anti-abandonment programs (see box). Inflation-adjusted, HPD would

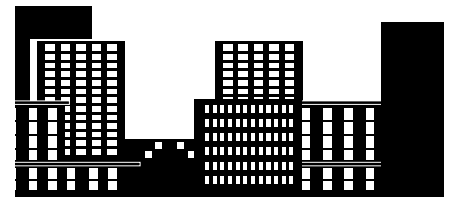
have collected enough to have paid for all five of those programs and more if it had simply maintained the collection rates of the mid-1980s. Revenues from judgment enforcement on code violations would, in fact, be a highly appropriate source of funds for these programs, which (at least in part) help to either prevent or ameliorate code violations.

The summary of the HPD financial plan, released on February 13, identifies several opportunities for HPD to increase its revenue-raising capacity. Unfortunately, increasing targets for collections for judgment enforcement is not among them. This is particularly surprising, given Mayor Bloomberg's strong rhetoric on the issue of code enforcement during the campaign. With all of its internal problems in recent years, the Department of Buildings has been quite innovative in improving its own revenue-raising capacity, which has included collection of fines.

It is now time for HPD to take a

more aggressive approach to judgment enforcement with the dual aim of improving its code-enforcement efforts and raising much needed revenue. There is simply no need to eliminate tax-funded programs of great importance to the preservation of low-income neighborhoods, when HPD could generate revenue that would more than cover their cost. While costing the city less than \$5 million, these programs prevent a level of homelessness and housing deterioration that would ultimately cost the city many times that amount.

*A longer version of this article appeared in the Association for Neighborhood and Housing Development's Weekly Reader. Reprinted with permission.*



## Budget Watch:

### What New Yorkers Stand To Lose, And Keep

By Matt Pacenza, Jill Grossman and Alyssa Katz

Mayor Bloomberg could not have been clearer: "You can't go and manage a budget without having everybody go up in good times and share the pain in bad times," he said at his budget presentation Feb. 13.

In his budget-cutting proposal, the pain, to the tune of a \$1.8 billion cut, is spread around to some degree. But while many budget watchdogs say the cuts made to each city agency could have been much worse, at least some agree that the brunt of the burden falls on the city's poorest residents.

The budget cuts "seem to be focused on a lot of vulnerable populations," said Glenn Pasanen, associate director of City Project, a budget watchdog group, after poring over the three-volume proposal. Under Bloomberg's plan, the Department of Housing Preservation and Development, which took the biggest proposed reduction—26%—would no longer fund legal services for tenants, and several tenant-assistance contracts would be trimmed. Other hard-hit programs include emergency food for seniors and services for homeless families and adults.

The Bloomberg administration did prove responsive to at least one request. After he questioned the Human Resources Administration's omission of the \$2.65 million Family Anti-Eviction Program from the mayor's financial plan, Steve Banks of the Legal Aid Society said the city promised it will keep the program alive. Noting that there are still two other pools of legal service funds in jeopardy, Banks said, "I'd say this is a good sign with respect to the other two programs."

Here is a sampling of Bloomberg's other cuts:

For dozens of nonprofit groups that depend on city contracts with HPD to fund tenant organizing, legal counseling and landlord training, budget time is déjà vu all over again. Included in the 26% cut to the agency's budget is the elimination of a \$2 million legal services contract, through which the Legal Aid Society, Legal Services for New York City, the East Side SRO Project of MFY Legal Services and the Goddard Riverside's West Side SRO Law Project help stop illegal evictions and protect tenants' rights.

Also cut completely was \$1.05 million in Community Consultant contracts, which funds tenant advocacy and organizing for 59 agencies citywide. Then there's a \$263,000 cut to the City-Wide Task Force on Housing Court and the elimination of a \$200,000 grant to the Community Training and Resource Center for a landlord training program that teaches building owners to maintain their buildings and manage their accounts.

While housing advocates are trying to convince the City Council to restore funding, they say this year they had hoped such negotiations wouldn't be necessary. "Bloomberg spoke aggressively when he was running for mayor about preserving and creating affordable housing, but now the city housing agency takes the biggest hit of any of them," said Irene Baldwin, executive director of the Association for Neighborhood and Housing Development. "It's very disappointing."

In the case of services for the city's homeless, Bloomberg's budget does more to create additional shelter space than it does to prevent homelessness. Funding for shelters for families and single adults will rise by \$5.1 million and \$3.3 million respectively for the fiscal year starting July 1. With additional increases in funding by 2004, the Department of Homeless Services will create 950 new beds for homeless families, and 460 new beds for adults, according to the Independent Budget Office.

Meanwhile, some preventive programs will be downsized. Bloomberg calls for making 5% across-the-board cuts on adult and

family service contracts with nonprofits, said the IBO. And the Family Rental Assistance Program, only for homeless parents who work, would be phased out over the next few years. Started in 2001, the rent-voucher program has only served eight families so far.

The city does hope to bring more federal cash to DHS by working with the Human Resources Administration to enroll more families staying in shelters in public assistance.

At the Human Resources Administration, which is losing a little more than \$69 million of the agency's nearly \$4 billion budget, agency officials say most of those savings aren't actually service cuts but simply creative financing moves. For example, the agency proposes saving \$10.5 million in city tax dollars by using federal Housing Opportunities for Persons with HIV/AIDS (HOPWA) dollars to pay for case management services.

But AIDS advocates say that city's continued use of HOPWA money for basic services short-changes housing programs. "We're concerned because that money is supposed to be used to build AIDS housing," said Terri Smith-Caronia of Housing Works. HOPWA was originally intended to build new apartments and provide rent subsidies in scatter-site housing for people with AIDS. In 2000, however, the federal Department of Housing and Urban Development granted the city a waiver to use the funds for casework.

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### Bloomberg's Budget Cuts: Five Programs Eliminated

Housing Court Information Services:	\$350,000
Community Consultant Contracts:	\$1,055,000
Anti-Eviction and SRO Legal Services:	\$2,500,000
Neighborhood Preservation Consultants:	\$400,000
Landlord Training Program:	\$200,000

## Vouching For Section 8: Tenants To Transfer Faster

By Matt Pacenza

Tenants who lose their federally subsidized apartments when their leases expire won't have to wait up to nine months before they can start looking for a new apartment, thanks to a legal settlement reached in February.

The settlement between the New York City Housing Authority and tenants represented by South Brooklyn Legal Services guarantees that renters will receive new vouchers within six weeks of getting their eviction notices. South Brooklyn filed the suit in January 2001, after discovering that tenants who'd lost their Section 8 apartments were being forced to wait months for replacement vouchers. Without a voucher in hand, they could not find new apartments.

"Tenants couldn't even begin to look for a new place until after they had been evicted," said attorney Ed Josephson of South Brooklyn, who helped negotiate the

settlement. "Now they'll have a chance of having a new apartment even before the marshal comes."

The settlement affects up to 25,000 city residents who rely on Section 8 vouchers to pay the bulk of their rent on unregulated apartments—tenants pay 30% of their income, and the Feds pick up the rest, up to \$949 a month for a two-bedroom apartment. According to a 1996 law, once a lease expires, a landlord can opt not to renew. Last year, about 8,500 New Yorkers applied for transfer vouchers, according to NYCHA spokesperson Howard Marder.

Aurelia Frunzescu was one of those applicants. In late 2000, she lost her Midwood apartment when her landlord decided to sell the building. The mother of two waited nine months for a transfer voucher, and only received one last January, after South Brooklyn filed its lawsuit. Frunzescu was the lead plaintiff in the suit.

Under the *Frunzescu v. Martinez* settlement, NYCHA will begin processing requests for vouchers as soon as tenants receive their initial eviction notice. Within two weeks, the agency will give tenants an approval letter, which they can show to brokers and landlords during their search for a new apartment. NYCHA also committed to issuing the actual vouchers no later than six weeks after the tenant first requests a transfer.

While claiming a victory for low-income tenants, Josephson noted that finding a landlord who will accept a Section 8 voucher has not gotten any easier. "The housing market is still so tight," he said. "But at least with *Frunzescu*, we've eliminated one obstacle."

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## Lead

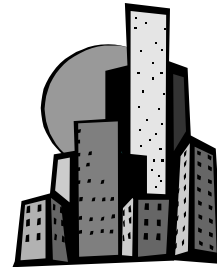
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Responding to a NYCCELP lawsuit, Manhattan Supreme Court Justice Louis York struck down Local Law 38 in October 2000, saying the Council had failed to consider its environmental impact before passing it. The city has appealed that decision, and the Appellate Division is expected to issue a ruling "any day now," according to Chachere and Palmer. Chachere believes it's "very unlikely" that the appeals court will overrule Justice York.

Palmer says the lawsuit-liability issue is less relevant now, following a November decision by the state's highest court. That ruling found landlords accountable for lead poisoning if they knew their building was constructed before 1960, were aware that paint was peeling, and knew their tenants had young children.

The political climate is also sharply different now. In 1999, Vallone made the lead bill a top priority, telling Councilmembers that a no vote would be defying his leadership. Only 15 dissented. In contrast, the current bill is being spearheaded by 1999's dissenters. It has also been endorsed by the Central Labor Council.

"We have a much broader base of support," says Chachere.



### Tenants' Rights

**Every Wednesday 6 to 7:30 p.m.**  
**Village Independent Democrats**  
 26 Perry Street (basement)  
 212-741-2994

### 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)

## METROPOLITAN COUNCIL ON HOUSING

**Met Council is a citywide tenant union.**

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

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

# 212-979-0611

### WHERE TO GO FOR HELP

**LOWER EAST SIDE BRANCH at Cooper Square Committee**  
 61 E. 4th St. (btwn. 2nd Ave. & Bowery)  
**Tuesdays ..... 6:30 pm**  
**Note:** This office closes for the month of August.

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

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

**HOUSING COMMITTEE OF RENA**  
 Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave., 544 W. 157th St. (basement entrance).  
**Thursdays ..... 8 pm**

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

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

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

## Join Met Council

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

My apartment is  controlled  stabilized  unregulated  other \_\_\_\_\_

I am interested in volunteering my time to Met Council. Please call me to schedule times and duties. I can  counsel tenants,  do office work,  lobby public officials,  attend rallies/protests.

Name \_\_\_\_\_

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

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

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

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