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# Tenant Inquilino

Housing for people, not profit

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Metropolitan Council on Housing  
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New York, NY 10012

PERIODICAL

## Pet-Law Loophole Causes Evictions

By Elinor Molbegott

**T**he fate of Waldo, a 10-pound Cairn terrier, and countless other pets is in the hands of the City Council.

Waldo and numerous other animals have been displaced because of no-pet lease clauses, even when their guardians have kept pets in their apartments for years. Although New York City law protects tenants from being evicted for keeping pets once their landlord has failed to enforce the no-pet clause in their lease, recent court decisions have held that the law doesn't cover people—such as Waldo's human guardian, Larry Ostrow—who get new pets when their old one dies.

Intro 380, introduced by Councilmember Melinda Katz (D-Queens), would allow Waldo and other similarly situated animals to return home. It would amend the city's pet law (section 27-2009.1 of the Administrative Code), so that landlords cannot continuously use no-pet clauses against tenants each time a tenant gets a pet. Intro 380 also states that people aged 62 or older cannot be denied occupancy in or be subject to eviction from a multiple-dwelling apartment on the sole ground that they keep companion animals. (Neither this bill nor the current law protects animals who create a nuisance.)

The city's pet law, enacted in 1983, provides that where a tenant in a multiple dwelling openly keeps a pet for three months or more with the knowledge of the owner or his agent, any no-pet provisions in the lease are considered waived if the landlord doesn't take action to enforce them within those three months. Until the last few years, the courts interpreted this to mean that once the no-pet clause was waived, it was waived for the duration of the person's tenancy in the

apartment. Thus, a tenant could get another pet, without fear of eviction, once the three-month period lapsed for the first pet without action by the landlord.

But starting in 1996 with the case of *Park Holding Company v. Emicke*, the pet law has been interpreted to allow owners the right to enforce no-pet clauses against tenants when they get a new pet. This applies even if the tenant has or had previously kept another animal in the same apartment for more than three months. This means that tenants who have had pets for years in the same apartment with the landlords' knowledge are not protected when they get a new pet.

That interpretation has caused widespread hardship and confusion, as tenants who have had pets for long periods of time naturally assume that they can



SANDRA DEFEQ

Waldo, evicted from his home because of a loophole in the law protecting tenants who keep pets.

get another pet after one dies. This was the case with Waldo's human guardian, Larry Ostrow, who had a dog in his Upper East Side apartment for the more than 20 years he lived there. In fact, when Ostrow moved into his apartment, his landlord verbally gave him permission to have a dog. How-

ever, since Waldo was with Ostrow for less than three months when the landlord started eviction proceedings two years ago, the court found in favor of the landlord and ordered Ostrow to either move or remove Waldo. Ostrow felt that he had no place else

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## Lead Law: Still Waiting

### Miller Backs Principles of Intro 101A, But Not Actual Bill

By Steven Wishnia

City Council Speaker Gifford Miller has endorsed the basic principles of a strong lead-paint law, but his failure to support the bill actually before the Council has left many advocates suspicious.

On Sept. 12, during long-awaited hearings on the Intro 101A lead-paint bill, Miller issued a statement saying that lead poisoning was a "terrible scourge" and the "most pressing" issue before the Council. He said it was "absolutely necessary" that the law regulate lead-paint dust, and also urged shortening the time frames for cleaning it up and mandating that cleanup workers be certified by the federal Environmental Protection Agency. However, he cautioned, any law affecting landlords' legal liability for lead-poisoned children has to be "carefully crafted."

The speaker did not en-

dorse Intro 101A, which has been backed by the main environmental, health, and tenant groups involved with the issue. He told reporters outside the Council chambers that it could be "better focused on primary prevention" and that "many would like to see improvements."

"The speaker did not say the magic words," Pete Sikora of the New York Public Interest Research Group told about 50 protesters outside City Hall after the hearing. "While he flirts, our children hurt," said Councilmember Bill Perkins (D-Manhattan). Miller's ambivalence about Intro 101A, Perkins added, leads one to "suspect the most negative possibilities."

Miller is still negotiating with advocates for 101A, and has held several meetings with them. "Certainly the speaker is saying a lot more encouraging

things than he was a few months ago," says Matt Chachere of the New York City Coalition to End Lead Poisoning. "He's realized we're not going away." State Comptroller Alan Hevesi endorsed the bill on Sept. 25.

The key sticking point may be whether or not the law will expose landlords to lawsuits from parents of lead-poisoned children in their buildings. Local Law 38, the 1999 city lead law thrown out by the courts last summer, protected landlords from suits by putting the main burden of warning them about lead-paint contamination on tenants, while 101A requires landlords to inspect apartments and warn tenants about lead. Miller said landlords' liability for lead poisoning should be connected to their responsibility for it; he argued that owners

shouldn't be blamed if lead dust "blows in through the window."

The speaker, who is considered likely to run for mayor in 2005, must walk a fine line between passing a bill that offends the real-estate contributors to his campaign, and appearing callous about poisoned children by passing a weak one, or by not passing any measure at all. "The concern is that he'll produce

a bill that looks nice, pays lip service to cleanup standards, but does not hold landlords accountable," says Suzanne Mattei of the Sierra Club.

"He's got to decide what's more important—protecting bad landlords or protecting tenants," says Chachere. Intro 101A, the NYCCELP attorney adds, is a compromise from the

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**LETTERS**

**Don't Bash Republicans**

To the Editor:

I'm a Republican and a member of the Met Council. This remark—"military spending to enable the Bush junta to pursue its empire"—from your newsletter ("Urstadt Must Go," Summer 2003) was very offensive to me. I was going to write an angry letter and withdraw my support—but I do believe rent regulation is a necessary evil in some places and I thought it might be more useful to let you know why I think Republicans can help the cause.

First and foremost, I see home rule as a very Republican idea. We like to keep government close to the people, and shame on those Republicans in Albany who don't support home rule in New York City.

Also, housing is not an optional item for the "consumer," so there is an imbalance in power between tenant and landlord. When a landlord buys a building he knows what rent that property will bring in, and the price he pays reflects that amount. In that respect, the free market can function under rent regulation.

I think Manhattan is in an unusual situation in that the only way it can grow is up—and that affects quality of life. I think most Republicans support zoning to protect quality of life. Also, we are a unique magnet for young artists and intellectuals, and it is to all our benefit to provide affordable hous-

ing for new residents.

Please try to refrain from insulting people who might support you. Many Republicans live in rent-regulated apartments and I bet I'm not the only one who contributes to you.

—A Member

Steven Wishnia replies:

*We appreciate your continued support, and your point that "housing is not an optional item, so there is an imbalance in power between tenant and landlord" is a cogent criticism of the usual free-market argument against rent controls.*

*Our frequent anti-Republican remarks stem from the fact that New York's Republican leaders are all working to destroy rent regulations, whether blatantly (State Senate Majority Leader Joseph Bruno), gradually (Gov. George Pataki), or stealthily (Mayor Mike Bloomberg). Even Republican legislators who have fairly consistently voted with tenants on the issue (State Sen. Frank Padavan of Queens, former Sen. Roy Goodman) have helped keep Bruno in power.*

*As for Bush, we can't separate local and national politics. He is seeking \$87 billion for the occupation of Iraq while slashing funds for Section 8 subsidies and construction of new housing, running up multibillion-dollar deficits while cutting taxes on the rich.*

**Cambridge Tries to Resurrect Rent Controls**

Cambridge, Massachusetts residents will vote next month on whether to try to revive the city's rent controls.

An initiative on the November ballot, if passed, would instruct the city council to submit a home-rule petition asking the state legislature to let the city re-enact rent regulations. The proposed regulations would freeze rents at September 2002 levels, and would then set them by a formula based on adjusting the rents in place in February 1999 for inflation. It would apply to all currently existing rental apartments in the city, except for owner-occupied two- and three-family homes. Owners of buildings of six units or less would also be exempt if they could prove financial hardship.

The initiative is unlikely to pass, as it needs the votes of at least one-third of Cambridge's total registered voters—rather im-

probable in an off-year election. If it does make it to the state legislature, State House Speaker Thomas Finneran is a strong opponent of rent controls.

Cambridge, home to 95,000 people, and the neighboring cities of Boston and Brookline had rent controls until 1994, when a real-estate-sponsored statewide initiative abolished them. Last November, the Boston City Council defeated a bill that would have let tenants challenge rent increases of more than 5 to 10 percent, after it drew massive landlord opposition.

Almost a quarter of Boston tenants now spend more than half their income on rent, *Dollars and Sense* reported last May. "The question of rent stabilization is not going away," a Boston Tenants Coalition organizer told the magazine.

—Steven Wishnia

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# EL INQUILINO HISPANO

## La ley sobre el plomo sigue en espera Miller respalda los principios de Intro 101A pero no el proyecto de ley

Por Steven Wishnia  
Traducido por Lightning Translations

El vocero del Concejo Municipal, Gifford Miller, ha endosado los principios básicos de una estricta ley sobre la pintura con plomo, pero su falta de apoyo al proyecto de ley que se considera actualmente en el Concejo ha dejado a muchos partidarios del proyecto dudando de él. El 12 de septiembre, durante las audiencias por tanto tiempo esperadas acerca del proyecto de

ley 101A sobre la pintura con plomo, Miller emitió una declaración afirmando que el envenenamiento por plomo era "un terrible azote y el tema de más importancia" ante el Concejo. Dijo que era "absolutamente necesario" que la ley haga eliminar el polvo de pintura con plomo, instando también tanto el acortamiento de los plazos de tiempo para limpiarlo como el

decreto que los trabajadores de limpieza sean certificados por la Agencia Federal de Protección al Medio Ambiente (Environmental Protection Agency). Sin embargo, advirtió que cualquier ley que afectara la responsabilidad de los caseros por los niños envenenados por plomo tiene que ser "elaborada cuidadosamente." El vocero no endosó el Intro 101A, la cual ha sido apoyada por los

principales grupos ambientales, de salud y de inquilinos que trabajan en el tema. Explicó a los reporteros fuera de la cámara concejal que podría estar "mejor concentrada en la prevención primaria" y que "a muchos les gustaría ver mejoras." "El vocero no dijo las palabras mágicas," afirmó Pete Sikora del

*pasa a la página 4*

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

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2003 hasta el 30 de septiembre de 2004, incluyendo las concesiones de Pataki adoptadas por la Legislatura Estatal el 19 de junio de 1997

Los toques de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 2003. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 2003. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha. No se permite el recargo también conocido como el «impuesto de pobres.»

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

**Exceso de Cobro** Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar un alquiler ilegal. Una vez que el inquilino haya tomado posesión del apartamento, puede escoger

entre llenar un formulario de queja de exceso de cobro de renta con la oficina de la División de Vivienda y Renovación Comunal (DHCR), o disputar la cantidad de la renta en la corte de vivienda de la ciudad para que se determine cuál es el alquiler legal.

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

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

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

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

tos estabilizados y cuyos ingresos familiares anuales son de \$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 4 por ciento por un contrato de un año y un 7 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

**Hoteles y Apartamentos de una Sola Habitación** La pauta es un 3.5% para hoteles de clase A, casas de huéspedes,

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

**La Desregulación de Rentas Altas y Altos Ingresos** (1) Los apartamentos que legalmente se alquilan por \$2,000 o más por mes y que se desocuparon entre el 7 de julio de 1993 y el 1ro. de octubre de 1993, o en o desde 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
<b>Renovación del Contrato</b>	Todas	4.5%	7.5%
<b>Contratos para Apartamentos Vacíos</b>	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años: 17%	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

## Plomo

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Grupo de Investigación del Interés Público de Nueva York (New York Public Interest Research Group) a unos cincuenta manifestantes fuera del ayuntamiento, después de la audiencia. “Mientras él coquetea, nuestros niños se enferman,” afirmó el concejal Bill Perkins (D-Manhattan). La ambivalencia de Miller acerca del Intro 101A, alegó Perkins, lleva a uno a “sospechar las posibilidades más negativas.”

Miller sigue negociando con partidarios del 101A y ha celebrado varias reuniones con ellos. “En verdad el vocero está diciendo cosas más alentadoras que hace algunos meses,” afirmó Matt Chachere de la Coalición de la Ciudad de Nueva York para Poner Fin al Envenenamiento por Plomo (New York City Coalition to End Lead Poisoning, NYCCELP). “Se ha dado cuenta que no nos vamos.” El contralor estatal Alan Hevesi endosó el proyecto de ley el 25 de septiembre.

El peor obstáculo puede ser si la ley expondrá a los caseros a demandas legales por parte de padres de niños envenenados por plomo en sus edificios. La ley local 38, la ley de la ciudad contra el plomo de 1999, anulada por los tribunales el verano pasado, protegía de demandas a los caseros, trasladando la carga principal de advertirles de contaminación por pintura con plomo sobre los inquilinos, mientras que el 101A obliga a los caseros a inspeccionar apartamentos y advierte a los inquilinos acerca de la presencia de plomo. Miller dijo que la responsabilidad legal de los caseros por envenenamiento por plomo debería relacionarse con su responsabilidad moral; argumentó que no se debe echar la culpa a los propietarios si polvo de plomo “entra por la ventana.”

El vocero, a quien se considera muy probable que se postule para las elecciones de alcalde en 2005, tiene que caminar una estrecha línea entre aprobar un proyecto de

ley que ofende a los contribuyentes de bienes raíces a su campaña y aparecer insensible ante los niños envenenados aprobando un proyecto de ley débil o no aprobando medida alguna. “La inquietud es que él presentará un proyecto de ley que se vea bueno, que sea puro jarabe de pico en torno a los estándares de limpieza, pero que no fije la responsabilidad de los caseros,” afirmó Suzanne Mattei del Sierra Club.

“El tiene que decidir qué es más importante: proteger a los malos caseros o proteger a los inquilinos,” explica Chachere. El Intro 101A, agregó el abogado de NYCCELP, es un compromiso entre la prohibición total sobre la pintura con plomo contenida en la Ley Local 1, la ley de la ciudad de 1982 ahora vigente de nuevo. Los partidarios han concedido que forzar a los caseros a eliminar plomo enterrado bajo varias capas de pintura bien mantenida no vale la pena, el costo y el peligro; por eso han elegido concentrar sus esfuerzos en la cuestión del polvo de plomo, causa principal de envenenamiento.

Sikora añade que los comentarios de Miller de que el polvo de plomo entra por la ventana no corresponden a la realidad de Nueva York. Un estudio nacional realizado por la Agencia Federal de Protección al Medio Ambiente y del Departamento de Vivienda y Desarrollo Urbano estableció que cerca del 4% de los apartamentos con polvo de plomo no tenían una fuente externa de contaminación. En la ciudad de Nueva York, resalta, nunca ha habido un caso de envenenamiento por plomo en un apartamento sin pintura con plomo. La disputa sobre la ley de la ciudad para eliminar la pintura con plomo llega en un momento en que surgen pruebas de que los bajos niveles de plomo son tóxicos. El número de niños con niveles extremos de plomo en su sangre, más de 60 microgramos por decilitro, ha disminuido dramática-

mente desde que se restringió el uso de la pintura con plomo y desapareció la gasolina con plomo a fines de la década de los 70. El doctor Bruce Lanphear, especialista pediatra en salud ambiental en la universidad de Cincinnati, explicó al Concejo el 12 de septiembre que a fines de los 70, más de 80% de los niños examinados resultaron con niveles de plomo en la sangre de más de 10  $\mu\text{g}/\text{dl}$ .

Sin embargo, estudios recientes indican que los niveles entre 5 y 10  $\mu\text{g}/\text{dl}$  pueden causar una considerable deficiencia intelectual, posiblemente hasta una pérdida de 15 puntos de coeficiente intelectual, testificó Lanphear; los niveles más altos solamente intensifican el daño ya hecho.

Unos 4,000 niños en la ciudad de Nueva York resultan tener más de 10  $\mu\text{g}/\text{dl}$  de plomo. Los números reales son probablemente el doble, afirma Mattei, ya que solo un tercio de los niños de la ciudad son examinados. A nivel nacional, cerca de 430,000 niños tienen ese nivel, principalmente africanos-americanos e inmigrantes en los vecindarios más pobres de ciudades viejas como Nueva York, Rochester, Providence y St. Louis. “Este es un gran problema de justicia ambiental,” explicó Lanphear al Concejo, en el cual los niños son “indicadores biológicos de una vivienda que no cumple con las normas.”

“Lo que hacemos en ignorancia es un error,” dijo Cordell Cleare de la Coalición de la Ciudad de Nueva York para Poner Fin al Envenenamiento por Plomo en las protestas del 12 de septiembre. “Lo que hacemos a sabiendas es imperdonable.” El tema es “muy emocional” para ella, agregó, porque su hijo de 11 años sufre envenenamiento por plomo y asiste a clases de educación especial.

“Hubo un caso de SARS en la ciudad y nos volvimos locos,” explicó a Tenant/Inquilino. “Dejen de jugar con las vidas de nuestros hijos. Si nuestros hijos fueran blancos, no dejarían que esto suceda.”

## Inquilinos de Sección 8 se manifiestan para luchar contra los cortes de Bush

Traducido por Lightning Translations

Más de 200 personas de todo el estado se manifestaron en el patio de 210 de la calle Stanton en la Loisaida el 20 de septiembre para protestar por el intento de la administración Bush de cortar los fondos para el programa Sección 8. Los manifestantes escucharon discursos apasionados por los representantes Nydia Velazquez y Jerrold Nadler, quienes se convirtieron en héroes para los inquilinos de Sección 8 cuando lucharon y ganaron en el recinto del congreso una rara modificación que restauró 150 millones de dólares a la versión de

la cámara de representantes del proyecto de ley sobre gastos.

Los líderes de los inquilinos hicieron un llamado para la restauración inmediata del dinero y tuvieron ásperas palabras para un gobierno federal que en los últimos años ha disminuido dramáticamente su compromiso para una vivienda asequible. “Me sorprende que la administración vertiera dinero en viviendas para personas que ganan \$85,000, mientras que al mismo tiempo cortara fondos para inquilinos de

pasa a la página 5

### 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. 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 calefacción y agua caliente. Escriban y llamen al casero para demandar reparaciones y aceite. Prepárense para una huelga de renta (sobre todo con asesoría legal)—de relámpago si es necesario.

Las leyes sobre la calefacción establecen también:

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

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



# City Hall Rally Urges Stronger Code Enforcement

By Jon Furlong

The Association for Neighborhood and Housing Development and the Office of the Public Advocate cosponsored a press conference and rally on the steps of City Hall Sept. 29 to promote the release of an ANHD report on housing-code enforcement, and to support proposed legislation that would give tenants living in distressed buildings a greater role in seeking repairs. Over 100 people gathered to hear tenants, members of the City Council, and other housing advocates speak about the appalling housing conditions in many low-income neighborhoods, and the dire need for improved enforcement of the housing code.

The bill, Intro 400A, was introduced by Councilmember Gale Brewer (D-Manhattan) and has attracted 30 cosponsors to date. It would require the city department of Housing Preservation and Development to provide “roof to

cellar” inspections if petitioned by tenants in a building; mandate that HPD inspectors record all violations they see, not just the lack of heat and hot water; refer hazardous conditions that are not under HPD’s purview to the appropriate city agency; and ensure that tenants receive a copy of the violation report.

The Council’s Housing and Buildings Committee held hearings on the bill earlier in the morning, before the rally. A number of tenants from across the city testified about the steadily worsening conditions in their buildings and communities, and the need for comprehensive inspections.

The recently published ANHD report, *Inequitable Enforcement: The Crisis of Housing Code Enforcement in New York*, illustrates that in spite of the overall improvement of housing quality

citywide, conditions in some of the most disadvantaged neighborhoods—specifically in the South Bronx, central Brooklyn and Upper Manhattan—became worse between 1999 and 2002. Drawing on preliminary figures from the Furman Center for Real Estate and Urban Policy at NYU, *Inequitable Enforcement* emphasizes the need for tougher code enforcement. Currently, HPD

does not have a unified, comprehensive code-enforcement practice in place for communities that have substandard housing and are at risk for worsening housing conditions.

Jon Furlong is an intern at the Association for Neighborhood and Housing Development. For more information on the Intro 400A campaign, contact Adrian Di Lollo at ANHD, (212) 463-9600, ext. 2.

## 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.

Congratulations to Dave Powell and James Lewis for being named “best housing activists” in the city by the Village Voice. Powell, a former Met Council staffer, was named best citywide activist, while Lewis, currently on our board of directors, was named best local activist for his work with Harlem Operation Take Back.

## Sección 8

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bajos ingresos,” aseveró Marie Christopher, presidenta de la asociación de inquilinos de 210 de la calle Stanton. Ella se refería al anuncio hecho con bombo y platillo por el secretario de Vivienda y Desarrollo Urbano, Mel Martínez, con respecto a que el gobierno federal gastaría \$50 millones de dólares en viviendas al precio de mercado en el Bajo Manhattan.

El público, que incluía tanto a inquilinos de Syracuse y Mount Vernon como a de los cinco condados, vitorearon en cuatro idiomas. Reaccionó con particular entusiasmo a un anuncio de la concejal Margarita López que ella había auspiciado una resolución en el concejo haciendo un llamado al gobierno federal para que rectificara inmediatamente la situación.

Los cortes propuestos, que afectarían tanto a los que tienen vales como a los inquilinos de la Sección 8 basada en proyectos de vivienda, marcarían la primera vez en la historia que el gobierno federal no destinaba suficiente dinero para cumplir con su compromiso a quienes ahora tienen vales, menos aun a los miles y miles de personas en listas de espera en todo el país. La ciudad de Nueva York acaba de cerrar sus listas de espera, mientras que algunas personas han esperado más de diez años para ingresar al programa.

Tal como están las cosas ahora, la cámara de representantes ha

aprobado un proyecto de autorización de gastos y partidas presupuestarias que dejaría a más de 8,000 neoyorquinos en la calle. La versión del senado, que falta ser aprobada por todo el senado, deja a Nueva York con un déficit de más de 11,000 vales. La solicitud original de la administración Bush corta del programa a 184,000 personas en el país y a más de 17,000 personas en el estado de Nueva York.

Un peligro inmediato es que la falta de dinero impediría los esfuerzos para salvar las más de 30,000 unidades de vivienda Sección 8 basada en proyectos en la ciudad de Nueva York cuyos contratos expirarán en los próximos tres años. Sin incentivos federales, aumentan las probabilidades de que los caseros saquen estos edificios del programa y los conviertan en viviendas a precio de mercado, lo que sería otro golpe devastador a la provisión cada vez menor de vivienda asequible. La manifestación fue organizada por Inquilinos y Vecinos (Tenants and Neighbors), La Junta de Asistencia al Establecimiento de Hogares (Urban Homesteading Assistance Board), La Alianza Nacional de Inquilinos de HUD (National Alliance of HUD Tenants), Buena Vieja Loisaida (Good Old Lower East Side, GOLES) e Inquilinos Unidos de Mount Vernon, entre otros.

*¡Ayuda a luchar contra los cortes para el presupuesto de la Sección 8! Comunícate con Anne Lessy en Inquilinos y Vecinos al 212-608-4320, extensión 307.*

*Una versión de este artículo aparecerá en la próxima edición de Tenants & Neighbors.*

## Don't Freeze—Organize!



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

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

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

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

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

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

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

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

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

The heat laws also provide for:

- \* The city’s Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- \* A \$250 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone 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!

# Met Council Joins Oct. 20 Push for Bill of Rights Resolution

By Kenny Schaeffer

The Metropolitan Council on Housing has joined the growing coalition constituting the New York Bill of Rights Defense Committee to meet the threat posed by the Bush administration's restrictions on civil liberties.

The coalition is pushing the City Council to pass Resolution 909, a measure sponsored by Harlem Democrat Bill Perkins and 24 other Councilmembers. The resolution would prohibit the city police from engaging in surveillance based on religious observance or political advocacy, collecting information about anyone's political, religious or social views, engaging in racial, religious or ethnic profiling, or enforcing draconian federal immigration laws. It is scheduled for a hearing before the government operations com-

mittee on Oct. 20.

Spearheaded by the New York Civil Liberties Union, the Bill of Rights Defense Committee is rallying support to protect the constitutional rights to free association and due process of law in the face of the Bush "war on terrorism." The Bush regime has used the 9/11 attacks as an excuse to trample on rights that have been the foundation of American law since the ratification of the Constitution in 1789, most notoriously in the "USA Patriot" Act, rushed through Congress within weeks of the attacks. It has jailed people without charges, presuming their guilt and denying them the right to counsel, and authorized spying on libraries, personal computers, and religious and political groups.

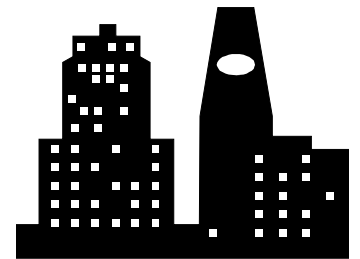
The Bill of Rights Defense Committee—the true patriots in this fight—includes the Center for Constitutional Rights (whose cofounder, Arthur Kinoy, died last month); the NAACP; the Puerto Rican Legal Defense Fund; the Asian American Legal Defense and Education Fund; New York Public Library Guild, Local 1930 of District Council 37, AFSCME; ACT UP; Disabled in Action; the Fifth Avenue Committee; Jews for Racial and Economic Justice; the Council on American-Islamic Relations; the National Lawyers Guild; the Association of Legal Aid Attorneys (UAW Local 2325); the NYC AIDS Housing Network, the Working Families Party South Brooklyn club; the Green Party USA; and the NY

Democratic Socialists of America.

Most of the Council's more progressive members have endorsed Res. 909, most recently Tracy Boyland (D-Brooklyn) and Jose Serrano Jr. (D-Bronx). Others with some liberal credentials who have not yet signed on include Bill DeBlasio of Brooklyn and Melinda Katz and Leroy Comrie of Queens. Speaker Gifford Miller has also failed to take a stand.

Turnout is needed for

the Oct. 20 hearing. For information about the exact place and time, call Yanilda Gonzales at the NYCLU, (212) 344-3005 ext. 268, or call Met Council.



## New Complaint Numbers

To reach the Department of Housing, Preservation and Development's Central Complaints hotline, call 311. This number replaces (212) 824-4328.

Also call 311 to reach the Department of Buildings and other city agencies.

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

for Rent Stabilized Leases commencing Oct. 1, 2003 through Sept. 30, 2004, including the Pataki vacancy bonuses adopted by the State Legislature on June 19, 1997

This rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 2003. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 2003. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, a.k.a. poor tax, allowed.

### Sublease Allowance

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

### Vacancy Leases

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

### Rent Overcharges

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

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

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

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

### Fair Market Rent Appeal

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

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

### Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable annual household income is \$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 4 percent for a one-year lease and 7 percent for two years. No va-

cancy allowance is permitted on vacant lofts.

### Hotels and SROs

The guideline is 3.5% for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms), above the legal rent paid on September 30, 2003. No vacancy allowance is permitted. The guideline is not collectible unless 75% or more of the units in the building are occupied by permanent rent stabilized or controlled tenants paying legal regulated rents. Further, no increase is allowed when the owner has failed to provide to the new occupant of that unit a copy of the Rights and Duties of Hotel Owners and Tenants, pursuant to Section 2522.5 of the Rent Stabilization Code.

### High-rent, High-income Deregulation

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

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

# Council to Consider Raising Income Limit for SCRIE Program

By Jenny Laurie

The City Council's Committee on Aging will be holding a hearing Oct. 20 on a bill to consider raising the income limit for the city's Senior Citizen Rent Increase Exemption Program to \$24,000. The current income limit for the program, which freezes the rent for low-income tenants in rent-regulated or Mitchell-Lama apartments who are heads of households, 62 or older, and pay 1/3 of their income in rent or more, is \$20,000 for the household. The landlord is permitted to take the difference between what the subsidized tenant pays and the legal rent off his or her property-tax bill.

Advocates for housing and for seniors have been asking the city to raise the income limit for years, but the process is a cumbersome one that starts in the state legislature. Since the city loses the property taxes it would normally collect from the landlord of the tenant in the program, it has to ask the state's permission. Historically, the city has been reluctant to give up

property-tax collections, one of its biggest sources of revenue. The process got its official start when the state legislature finally ruled last June that the city could raise the income limit.

The bill now in the Council is expected to pass. An analysis of it by the city's Independent Budget Office shows that the increase in the income limit will cost the city an additional \$1.7 million in lost property taxes and will add over 2,500 new households to the recipients of SCRIE. There are currently about 44,000 households benefiting from the program.

## Related Issues

Also on the calendar for the Oct. 20 hearing is Resolution 993, calling on the state legislature to lower the portion of their income tenants must pay in rent to be eligible for the program. The resolution asks the state legislature to pass Assembly Bill A.6198 and Senate Bill S.2677, which would authorize the expansion of the

SCRIE program to those paying only 1/4 of their income for rent. Currently, seniors must be paying 1/3 of their income in rent to qualify. Even with SCRIE, that places them in a hardship situation. As the program doesn't kick in until the three conditions are met (age, income and portion of income paid in rent), many participants end up paying more than 1/3 of their income in rent by the time they qualify.

Two issues that should be on the table are not: increasing the number of households participating in SCRIE, and expanding the program to the disabled. According to the Independent Budget Office, only 40% of those eligible participate in the program, which means that over 60,000 senior-headed households in the city are living on \$20,000 or less and paying over 1/3 of their income for rent. Presumably, many of these households are close to losing their rent-regulated apartments (or Mitchell-Lama apartments) because they are paying a dangerously high share of their income for rent. As most seniors are on fixed incomes, they face a greater danger every year, as increases from the Rent Guidelines Board or from the MBR system outpace their cost-of-living increases and eat deeper into their incomes.

The IBO analysis reveals that the

new recipients of SCRIE under the income limit increase would be getting a benefit of \$637 per year. The cost of that to the city is well worth it compared to the monthly cost of housing low-income seniors who have been evicted. The city of New York should be pressured to spend some money to get more qualified seniors to sign up for the program.

An issue that has been lobbied hard in Albany and at City Hall is the proposal to expand the SCRIE program to the disabled. Since many disabled people live on fixed, low incomes, it makes sense for the city to keep them in their rent-stabilized or rent-controlled apartments. This proposal was under serious consideration during the Giuliani administration, but died when it became clear that the mayor did not support it. This expansion is supported by advocates for affordable housing, for the disabled, and for good-government policies. It deserves another serious push.

*The City Council's hearing is scheduled for Monday, Oct. 20, at 10 a.m. in the Council Chamber at City Hall. Those who wish to testify can sign in that morning. Call the City Council Committee Meetings information office at (212) 788-7100 to confirm the schedule.*

## Section 8 Tenants Rally to Fight Bush Cuts

Over 200 people from around the state rallied in the courtyard of 210 Stanton St. on the Lower East Side Sept. 20 to protest the Bush administration's attempt to cut funding for the Section 8 program. Protesters listened to fiery speeches by Representatives Nydia Velazquez and Jerrold Nadler, who became heroes to Section 8 tenants when they fought for and won a rare floor amendment that restored \$150 million to the House version of the spending bill.

Tenant leaders called for an immediate restoration of the monies, and had harsh words for a federal government that has dramatically scaled back its commitment to affordable housing in recent years. "It is amazing to me that the administration would pour money into housing for people making \$85,000, while at the same time cutting funding for low-income tenants," said Marie Christopher, president of the 210 Stanton St. Tenant Association. She was referring to the much-ballyhooed announcement by Housing and Urban Development Secretary Mel Martinez that the federal government would spend \$50 million on market-rate housing in lower Manhattan.

The crowd, which included tenants from Syracuse and Mount Vernon as well as the five boroughs, cheered in four languages. It reacted with particular enthusiasm to an announcement from City Councilmember Margarita Lopez that she had sponsored a resolution in the Council calling on the federal government to immediately rectify the situation.

The proposed cuts, which would affect both voucher-holders and

project-based Section 8 tenants, would mark the first time in history that the federal government failed to appropriate enough money to meet its commitment to existing voucher-holders, let alone the tens of thousands of people on waiting lists nationwide. In fact, New York City just closed its waiting list, as some people have waited more than a decade to enter the program.

As it stands right now, the House has passed a bill that would leave over 8,000 New Yorkers out in the cold. The Senate version, which has yet to be approved, leaves New York more than 11,000 vouchers short. The Bush administration's original request cut off 184,000 people nationally, more than 17,000 in New York State.

One immediate danger is that the lack of money would impede efforts to save the more than 30,000 units of project-based Section 8 housing in New York City that face expiring contracts over the next three years. Without federal incentives, landlords are increasingly likely to pull these buildings out of the program and turn them into market-rate housing, which would be yet another devastating blow to New York's dwindling affordable housing stock.

The rally was organized by Tenants & Neighbors, the Urban Homesteading Assistance Board, the National Alliance of HUD Tenants, Good Old Lower East Side, and Mt. Vernon United Tenants, among others. *Help fight the Section 8 budget cuts! Contact Anne Lessy at Tenants & Neighbors, (212) 608-4320, ext. 307.*

*A version of this story will appear in the upcoming issue of Tenants and Neighbors.*

## Pets

*continued from page 1*

to go, as his neighbors had become his family and his rent was affordable. Waldo is now residing with one of his friends. Ostrow visits and walks Waldo each day.

Ostrow and other rent-stabilized tenants who have lived in their apartments for many years usually pay considerably less rent than their new neighbors. This makes it profitable for landlords to get these tenants out. The no-pet clause is a vehicle to attempt to do that.

Numerous studies indicate that pets can be beneficial to the physical and emotional well-being of their human guardians. According to a 2001 report from the Mayo Clinic, people with pets are more active and less likely to be depressed than their peers without pets, and pets have been shown to lower cholesterol and blood pressure, thus reducing the risk of heart disease. Congress recognized the importance of the human-animal bond when it enacted a law allowing public-housing residents to have pets. Yet, tenants in private apartments who can derive the same benefits are frequently denied this opportunity, and are often targets of subjective enforcement of no-pet clauses.

"Denying older adults the right to own a pet is part of the whole pattern of injustice foisted on them," says Purdue University professor Alan Beck, an authority

on the human-animal bond. "We owe it to the elderly to develop laws and guidelines that will prolong their days and improve the quality of their daily lives."

Also worth considering is the fact that more than 40,000 dogs and cats are killed at New York City funded animal shelters each year, many simply because there is a shortage of available homes. No-pet clauses play a part in this tragedy. Fewer people can keep pets in the city, and many people threatened with eviction relinquish their pets to animal shelters.

*Elinor Molbegott is legal counsel for the Humane Society of New York. For more information, contact the HSNY, 306 East 59th Street, New York, NY 10022; phone, (212) 752-4842; or e-mail her at elinorm328@aol.com*

*Please contact the legislators listed below and urge them to support Intro 380 and to set a hearing date for this bill.*

- Council Speaker Gifford Miller: phone, (212) 788-7210; fax, (212) 788-7207; e-mail, miller@council.nyc.ny.us
- Councilmember Madeline Provenzano (Chair of Housing Committee): phone, (212) 788-7375; fax, (718) 518-8443; e-mail, provenzano@council.nyc.ny.us
- Your own Councilmember (if you do not know the name, go to [www.council.nyc.ny.us](http://www.council.nyc.ny.us)). You may write to all Councilmembers at City Hall, New York, NY 10007.

# Lead

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total ban on lead paint contained in Local Law 1, the 1982 city law now back in effect. Advocates have conceded that forcing landlords to remove lead buried under several coats of well-maintained paint is not worth the cost and danger, and have chosen to focus on lead dust, the main cause of poisoning.

Sikora says Miller's comments about lead dust blowing in the window don't apply to New York. A nationwide survey by the federal Environmental Protection Agency and the Department of Housing and Urban Development found that about 4 percent of apartments with lead dust had no source of lead inside, he explains, but that was probably because they were near a lead smelter or another external source of pollution. In New York City, he asserts, there has never been a case of lead poisoning in an apartment with no lead paint.

The dispute over the city's lead-paint law comes at a time when there is rising evidence that low levels of lead are toxic. The number of children with extreme levels of lead in their blood—more than 60 micrograms per deciliter—has dropped dramatically since lead paint was banned and leaded

gasoline phased out in the late 1970s. Dr. Bruce Lanphear, a pediatric environmental-health specialist at the University of Cincinnati, told the Council Sept. 12 that in the late 1970s, more than 80 percent of children tested had blood-lead levels of more than 10  $\mu\text{g}/\text{dl}$ .

However, recent studies indicate that levels between 5 and 10  $\mu\text{g}/\text{dl}$  can cause significant intellectual impairment—possibly as much as a 15-point IQ loss, Lanphear testified—and that higher levels merely intensify the damage already done.

About 4,000 New York City children a year are tested with more than 10  $\mu\text{g}/\text{dl}$  of lead. The real number is likely twice that, says Mattei, as only about one-third of the city's children are tested. Nationally, about 430,000 children have that level, primarily African-Americans and immigrants in poorer neighborhoods of older cities like New York, Rochester, Providence, and St. Louis. "It's a major environmental-justice problem," Lanphear told the Council, in which children are "biological indicators of substandard housing."

"What we do in ignorance is a mistake," Cordell Cleare of the New York City Coalition to End Lead Poisoning said at the Sept. 12 pro-

test. "What we do in knowledge is unforgivable." The issue is "very emotional" for her, she added, because her 11-year-old son has lead poisoning and is in special education.

"There was one case of SARS and we went nuts in this city," she told *Tenant*. "Stop playing games with the lives of our children... If it were Caucasian children, they wouldn't be letting it happen."

## Trailer-Park Owner Trashes Rent Laws

Santa Cruz, California mobile-home residents are gathering signatures for a petition to restore the city's rent-control laws, which the city council agreed to phase out last month in order to settle a lawsuit by their landlord.

Manufactured Home Communities, a Chicago-based company that bought two trailer parks in Santa Cruz in 1994, challenged the rent laws—which only apply to mobile homes—in federal court. The laws limited the rent the company could charge for the lot space occupied by the homes. Rather than spend \$100,000 a month on legal fees—and risk paying \$15 million if it lost—the city council voted Sept. 23 to phase out rent controls over the next 34 years in order to settle the suit.

The vote means that the overwhelmingly elderly residents of the two trailer parks won't have to face immediate increases of \$1,000 a

month or more on their lots—which now rent for \$500 to \$900—but as future residents will have to pay market rates for the lots, they will lose most of the equity in their mobile homes, which they own. At the Council hearings before the vote, the *San Jose Mercury-News* reported, tenants called MHC corporate thugs, vultures, and pirates.

MHC, a real estate investment trust, has more than tripled in size since it went public in 1993, and owns or controls 51,000 mobile-home sites in over 20 states. It is challenging rent-control laws in several other California cities, claiming that they are an unconstitutional "taking" of private property, and increase the value of mobile homes without increasing the value of the land they're located on. Mobile-home industry lobbyists brag that they've blocked recent attempts to pass rent-control legislation in Illinois and Ohio. —*Steven Wishnia*



Protesters at City Hall Sept. 12 demand that the City Council pass Intro 101A, a strong lead-paint law.

## 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

**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

**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

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

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

**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