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Tenant Inquilino

Housing for people, not profit

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Metropolitan Council on Housing

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PERIODICAL

Renewed Lead Battle Brews Will Council Pass Strong Bill or Repeat 1999?

By Steven Wishnia

With the city's weakened lead-paint law thrown out by the state's top court in July, controversy over how to replace it is beginning to come to a head.

Intro 101A, a bill backed by the environmental, health, and tenant groups involved with the issue, has been cosponsored by about two-thirds of the City Council. However, Mayor Bloomberg is against it and Council Speaker Gifford Miller has not endorsed it. This leads many advocates to fear a repeat of 1999, when then-speaker Peter Vallone bottled up a strong lead-paint bill and then rammed through Local Law 38, the measure eventually rejected by the Court of Appeals on the grounds that the Council had ignored its environmental impact.

"Will history repeat itself?" Common Cause/NY asked in March, in a report entitled "Lead Poisoning Legislation and the Political Power of Real Estate in New York City." "Will the Council Speaker, with an eye toward a future mayoral run, subvert the will of the Council and kill a popular proposal to make real-estate interests happy?"

Miller has endorsed the basic principles of Intro 101-A, says his spokesperson Lupe Todd. He supports requiring landlords to clean up lead-paint dust—the main source of lead poisoning, but one that was pointedly not included in Local Law 38—as well as shortening the time frames for cleaning it up and mandating that cleanup workers be certified by the federal Environmental Protection Agency. The speaker, says Todd, "is

concerned about the issue" and "would like to put forward tough legislation that protects all New Yorkers."

However, Miller has not endorsed 101A. The speaker, says Pete Sikora of the New York Public Interest Research Group, has been "positive rhetorically," but "has done everything possible to stop this bill." The measure was introduced by Councilmember Bill Perkins in March 2002, but Miller delayed holding a public hearing on it for more than a year. Advocates on the issue deride the hearing, held last June 23, as a farce. Bloomberg administration officials spent four hours denouncing the bill, and then Council housing committee chair Madeline Provenzano recessed the hearing before

health experts and parents of lead-poisoned children, many of whom had taken the day off from work to attend, had a chance to testify. "It was outrageous," says Sikora.

The reasons Miller has not endorsed 101A, according to Todd, are that he's still listening to testimony and meeting with advocates.

The Bloomberg administration is rumored to be preparing its own legislation too. On Sept. 4, says Matt Chachere, a lawyer with the New York City Coalition to End Lead Poisoning, Miller met with advocates and told them that there was a draft version of a bill, but it was confidential. The next day, officials from the city housing and health departments told NYCCELP that they didn't know if the mayor had a bill, which

Chachere finds "hard to believe."

"Things are getting curioser and curioser," Chachere adds. "We want to know what the administration's goals are, and they're not willing to share them."

Bloomberg's press office did not return phone calls from *Tenant*.

The battle over how to deal with lead paint has been going on for more than 20 years. In 1982, the city enacted a law requiring owners of buildings built before 1960 to remove all paint from apartments occupied by a child under 7 years old, presuming that the paint contained lead. That law was never enforced, despite lawsuits by NYCCELP that stretched for over a decade and court orders against

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Housing Rights = Immigrant Rights

By RFM

In New York City, the right to decent and affordable housing is an immigrant-rights issue. As the city's housing crisis worsens, the most dilapidated and overcrowded housing units are concentrated in neighborhoods where new immigrants live.

"It is the low wages that drive new immigrants into the worst housing conditions," says Enrique, an immigrant from Mexico.



Enrique's son. On the wall are papers from HPD. who lives in Bedford-Stuyvesant with his wife and two children. "You come from Mexico, and with your first job as a dishwasher you bring \$1,000 a month if you are lucky.

The low wages then force us to live in overcrowded apartments. When I came to Brooklyn, I lived with 10 other people in a one-bedroom apartment in Borough Park. One day the landlord decided to kick everybody out. The land-

housing judge. You are afraid your immigration status might be an issue."

Juana, Enrique's wife and also an immigrant from Mexico, has a similar story. "I came 18 years ago, and things were different back then. The rents were very high and I lived with three other families in a two-bedroom apartment, but back then there were factory jobs everywhere. I remem-

shortly after the 9/11 attacks. "We had a union, but we didn't get paid by the hour. We got paid by the dozen, and if I worked hard enough I could make more than \$1,200 a month." She has not been able to find stable work in the two years since the factory shut down.

That story is common among immigrants, who have suffered badly from the economic slowdown. Most of the over 100,000 jobs lost in the city since 9/11 were in the service

sector, where immigrants play a significant role.

However, low wages and poor housing conditions have not stopped Juana and Enrique from being active in the tenant movement. As members of the Pratt Area Community Council, they have been fighting against the 1999 lead-paint law that puts children in their neighborhood at risk of irreversible brain damage. They have also been fighting their

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Concerns Persist at Homeless-Intake Unit

By Cassi Feldman

When the city and the Legal Aid Society settled a decades-long lawsuit last January over how the city treats and serves its homeless families, many heralded the decision as a breakthrough. Rather than hacking through every issue in court, the two sides agreed to work with a special panel to investigate and address problems within the homeless services system.

But as summer draws to a close, advocates say the changes have been all but invisible at the Emergency Assistance Unit, the city's notorious intake point for homeless families, located in the Bronx. More than 100 people protested outside the center on August 14, describing conditions reminiscent of months and years past.

"They try to place as many families in overnight [shelter] as possible, but there are too many families and not enough overnights," said José Salamanca, who has spent three months shuffling between the EAU and various temporary placements with his pregnant girlfriend, Melissa, and 2-year-old son.

He and other clients said they had slept at the EAU or been sent to overnight shelters at 4 a.m., having to return to the assistance unit three hours later just to start the process again. They told stories of mice scurrying around at night, broken water fountains, poor air conditioning, and inedible food.

Anna Lou Dehavenon, a medical and urban anthropologist who has monitored the EAU since 1986, backed up their claims. "I haven't seen any improvement at all in physical conditions for families at the EAU," she said. "It's a disaster."

The Department of Homeless Services said it is working hard to keep the center clean and move families into permanent housing as quickly as possible, given that it has approximately 9,000 homeless families to serve. "We've met our legal obligation and, in most cases, exceeded it," said agency spokesperson Jim Anderson. He noted that DHS placed a record 5,539 families in long-term housing during the last fiscal year, a 57 percent jump over the year before. He said families only spend the night at the EAU if they arrive very late.

While Legal Aid attorney Steve Banks admits the settlement, which he helped broker, is not a cure-all, he remains hopeful. "Certainly there are problems," he said, pointing to the situation late arrivals find themselves in, and unresolved issues regarding who is considered "eligible" for shelter. But, he adds, "There are ongoing discussions with the master panel and the city on how to address them." Panel member Daniel Kronenfeld agreed: "It's hard to be disappointed in six months' work when you know

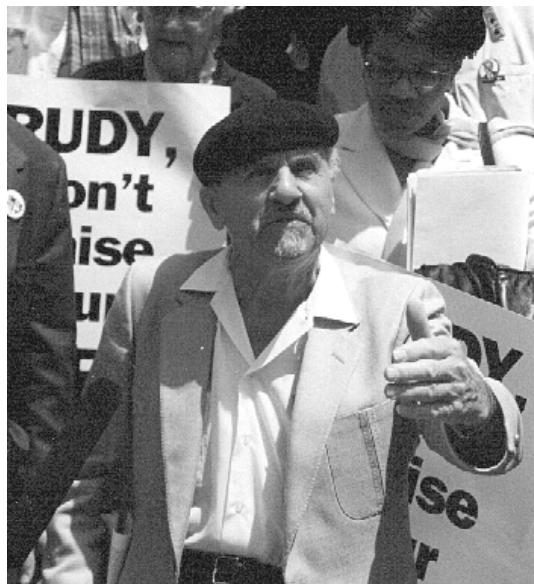
something's been going on for 20 years."

Still, some system watchdogs say the city could do more. John Talbott, assistant to the president of Local 371, which represents caseworkers stationed at the EAU, thinks the only way to fix the assistance unit is to decentralize it.

"When you have upwards of a thousand people using that building, you could have 2,000 people cleaning it and it would still not be healthy," he said. "They need to open another EAU."

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In Memoriam: Alex Staber, 1919-2003



Met Council mourns the passing of Alex Staber earlier this year. Over many decades, Alex was a tireless fighter for tenants' rights, seniors, and public education. He is shown speaking at a rally for affordable housing at City Hall in May 2000.



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EDITOR
Steven Wishnia

PRODUCTION/DESIGN
John M. Miller

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

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EL INQUILINO HISPANO

Derechos de vivienda = derechos de inmigrantes

Por RFM

Traducido por Lightning Translations

En la Ciudad de Nueva York, el derecho a una vivienda decente y asequible es una cuestión de los derechos de inmigrantes. Mientras la crisis de vivienda en la ciudad empeora, las unidades de vivienda más ruinosas y sobre pobladas se concentran en vecindarios donde viven inmigrantes recién llegados.

“Son los sueldos bajos los que llevan a los inmigrantes a las peores condiciones de vivienda,”

dice Enrique, un inmigrante de México que vive en Bedford-Stuyvesant con su esposa y sus dos hijos. “Vienes de México, y con el primer trabajo como lavador de platos ganas \$1,000 al mes, con suerte. Los bajos sueldos nos fuerzan a vivir en apartamentos atestados. Al llegar a Brooklyn, vivía con otras 10 personas en un apartamento de un dormitorio en Borough Park. Un día el casero decidió botar a todos. El casero

nos dijo que llamaría a la policía si no nos mudábamos; por eso nos mudamos sin tramitar ningún proceso legal. Los inmigrantes tienen miedo de acudir ante un juez de vivienda. Tienen miedo de que su condición de inmigrante puede traerles problemas.”

Juana, la esposa de Enrique y también inmigrante de México, tiene una historia similar. “Llegué hace 18 años, y las cosas eran distintas en ese entonces. Las

rentas eran muy altas y yo vivía con otras tres familias en un apartamento de dos dormitorios, pero en esa época había trabajo en fábricas en todos lados. Recuerdo que al regresar a la casa, veía avisos en todas partes donde se buscaba mano de obra.”

Juana es costurera; trabajó en la misma fábrica durante casi 10 años, hasta que cerró poco

pasa a la página 4

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

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

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

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

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

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

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

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.

| Tipo de Contrato | Renta Legal Actual | Contrato de 1 Año | Contrato de 2 Años |
|---|------------------------|--|--|
| Renovación del Contrato | Todas | 4.5% | 7.5% |
| Contratos para Apartamentos Vacíos | Más de \$500 | Incrementos por desocupación cobrados en los últimos 8 años | 17% 20% |
| | Menos de \$300 | 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% |
| | | Incrementos por desocupación cobrados en los últimos 8 años | 17% + \$100 20% + \$100 |
| | Renta de \$300 a \$500 | 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 |
| | | 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, más 17%, o \$100, lo que sea mayor 0.6% por el número de años desde el último incremento por estar vacío, más 20%, o \$100, lo que sea mayor |



Inmigrantes

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después de los ataques de 9/11. "Teníamos un sindicato, pero no nos pagaban por hora. Nos pagaban por la docena, y si trabajaba bastante duro, podía ganar más de \$1,200 al mes." Ella no ha podido encontrar trabajo estable durante los dos años desde que la fábrica cerró.

Esa historia es común entre inmigrantes, quienes han sufrido mucho por el retraso económico. La mayoría de los más de 100,000 trabajos perdidos en la ciudad desde 9/11 eran en el sector de servicios, donde los inmigrantes juegan un papel importante.

Sin embargo, los sueldos bajos y las malas condiciones de vivienda no han impedido que Juana y Enrique continúen activos en el movimiento de inquilinos. Como miembros del Concejo Comunitario del Área Pratt (Pratt Area Community Council), ellos han estado luchando en contra de la

ley de pintura con plomo de 1999, que pone en riesgo de sufrir daños cerebrales irreversibles a los niños de su vecindario. También han luchado en contra de su propio casero, que durante el invierno pasado los dejó sin calefacción, agua caliente y electricidad.



qué vale darnos una sola oportunidad para legalizarnos? Los problemas continuarán para otros inmigrantes recién llegados. Lo que necesitamos es un cambio completo y legalización continua para todos los inmigrantes."

Los ataques en las Torres Gemelas colocaron a la Ciudad de Nueva York en el epicentro de una ola de sentimientos contra los inmigrantes. Antes del 9/11, los más de 8.5 de millones de

"Si nos organizamos, podremos quitar los edificios a los caseros irresponsables. Nosotros hacemos todo aquí: reparaciones, trabajos de electricidad, hasta ponemos el combustible durante el invierno porque el casero nunca hace nada," dice Enrique enfáticamente.

El 4 de octubre, la Caravana de Libertad de los Trabajadores Inmigrantes (Immigrant Workers Freedom Ride) culminará en la Ciudad de Nueva York, cuando los trabajadores inmigrantes y sus aliados de todo el país se reunirán en el Flushing Meadow Park para un día de acción. Las cuatro demandas básicas de la movilización nacional son por la legalización de los inmigrantes indocumentados, la reunificación de familias, los derechos de los trabajadores y la protección de libertades civiles. Organizada por el AFL-CIO y algunas de las organizaciones de inmigrantes más importantes del país, la movilización ha ganado el apoyo de la NAACP, La Conferencia Nacional de Obispos y Unidos por Paz y Justicia de Nueva York.

Para participar en la movilización, llame a David Jimenez al 212-957-8000.

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Shell Games Surround West Side Plan

By John Fisher

While much has been reported about the Olympics and the West Side stadium, both the print and broadcast media have largely failed to report on—or scrutinize—the scope and city-wide impact of the larger plans that call for turning much of Manhattan's West Side into a new central business district. It would rival the multitude of skyscrapers of Midtown, and much of Chelsea and Clinton would be wiped off the map, replaced by a sea of 40-60 story office towers and luxury residential buildings. It could also stifle downtown development, kill the Second Avenue subway, and oblige city taxpayers to even higher taxes and debt load. While the media buy the sports angle completely, there are serious issues surrounding the plan that may come back to haunt the city for generations.

And this swindle is a huge moving target. Last year the "Hudson Yards" plan called for 20 million square feet of office space with a projected cost of \$3.1 billion. This year it's up to 45 million square feet and anywhere from \$4.7 to \$9.5 billion when all components are figured in: the stadium, a new subway, a platform over the rail yards, doubling the size of the Javits Center, new hotels, costs of condemnation and land acquisition, large subsidies to developers, and tax breaks (just to start).

No one, not even the closest observers, really knows the full scope of the project. It keeps changing, perhaps intentionally, as Deputy Mayor Dan Doctoroff (who has real-estate interests in several buildings in the area), keeps changing the plan and refuses to answer many questions.

But there are some things that

don't change:

Doctoroff has mastered the art of telling the Big Lie: With a straight face, he claims only 150 people live in the affected areas. The US Census reports closer to 20,000. He claims public tax dollars won't be used when his entire financial plan, whether "tax-increment financing" (TIF) or the later incarnation of "payment in lieu of taxes" (PILOT), is essentially

tell this writer they are "petrified" that the West Side plans could kill downtown revitalization.

Many also believe the inexplicable doubling of projected demand for office space, coupled with the doubling of the Hudson Yards projections, and the recent addition of Doctoroff's sister swindle (the West Chelsea rezoning that would bring skyscrapers as far south as 23rd Street in

Chelsea) is simply an algebraic exercise: more development with more real-estate tax revenue would eventually pay for the cost of the planned stadium, subway, Javits, etc. But this equation is more like lines that stay parallel rather than having an eventual intersection. Even Governor Pataki has avoided signing on to a plan

that would com-

mit the state to billions in bond obligations. None of this computes. One top city economist even called it "Enron financing."

With Doctoroff, it doesn't matter that there's no demand. The city is now planning to condemn the land, hand it over to developers, throw in huge tax breaks and other subsidies, float bonds without any realistic revenue stream, and then, because there are no tenants for these towers, create

and 40th Street, up to \$400 million in Liberty Bonds for no other reason than the fact that there are no projected tenants for the building other than the *Times* itself. (If you ever want to see a *Times* reporter change subjects fast, bring this issue up).

But Doctoroff hasn't come up with a workable plan. Perhaps he feels he can continue to dupe the City Council and community boards into buying the whole Olympics thing, making promises of shining 80-20 towers and other perks. This is not hard to do. Most have bought in. After all, they won't be in office when the bill comes due.

Perhaps this is why Council-member Christine Quinn, whose district covers much of the West Side, is now raking in the developer campaign contributions, and perhaps this explains why she's embracing much of the overdevelopment and bulldozing scams. While tacitly against the stadium, she's created, along with Community Board 4, developer Joe Restuccia, and the McManus graft machine, what is known as an "Astroturf" group (a fake grassroots group whose only purpose is to make deals and undermine legitimate community opposition).

While Quinn and other politicians are making deals, over 35 tenant, housing and community organizations have joined together to oppose these scams (not all development, but bad development).

Doctoroff is expected to keep everything in limbo until the very end, where he is expected to claim that everything must be approved immediately—all the zoning, transportation, bonds, etc. because they're on a deadline. With the manufactured threat of losing the Olympics over their heads, you will see rubber stamps flying out of the woodwork like never before. You can expect the newspapers and New York 1 News to stay focused on Doctoroff's plans for young gymnasts while failing to recognize that those teenage athletes will be paying

taxes on this folly for the better portions of their adult lives.

For more information, see www.tenant.net

John Fisher is the webmaster of Tenant.net and Hellskitchen.net and an activist with the Clinton Special District Coalition.



Tenth Avenue: This would be a high-rise corridor under the West Side plan.

STEVEN WISHNIA



The West Side rail yards, the proposed stadium site.

STEVEN WISHNIA

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.

the planned 10 million square feet of office space to replace that lost at the World Trade Center site. No wonder many publications have speculated that Doctoroff's obstructionist attitudes downtown are linked to his desire (read investments) on the West Side. No wonder downtown real-estate interests

programs to "incentify" (a Joe Rose word) major corporations to move from Fifth Avenue to Eleventh Avenue.

Think its not happening? Doctoroff is already considering giving Forest City Ratner, the developer of the new *New York Times* building on Eighth Avenue

Absentee-Landlord Tax Could Hurt Tenants

By John Tozzi

Absentee landlords may not be the only ones who suffer from a new tax on their one-, two- and three-family buildings.

According to a report released last month by the Independent Budget Office, the tenants in those apartments—particularly in the city's poorest neighborhoods—are likely to take a hit, too.

To encourage home ownership, state law taxes owners of one- to three-family homes at lower

rates than owners of larger buildings. But some of these property owners do not actually live in their buildings, so Mayor Michael Bloomberg and City Council Speaker Gifford Miller, with the blessing of the state, passed a bill raising the property taxes on absentee landlords' properties by 25 percent, or an average of \$570.

When he signed the law in July, the mayor estimated it would affect about

75,000 properties and would bring in \$44 million for the city next year.

The IBO says the effects of the tax will be much more widespread, however. After analyzing the 2000 Census data, the budget watchdog group concluded that the new tax could affect as many as 130,000 buildings. While this would boost the cash coming to the city—to \$76 million—the IBO predicts it will hit low-income tenants hard, particularly

those in East New York, Bed-Stuy and Bensonhurst.

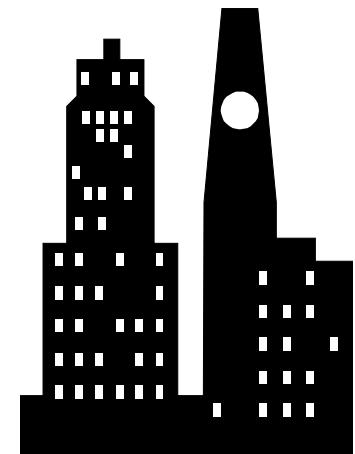
Those neighborhoods tend to have larger concentrations of properties owned by absentee landlords, the report found. And because most apartments in small buildings are not rent-regulated, the IBO adds, landlords are likely to raise rents as much as they can to make up for the tax increase.

Accusing the IBO of fabricating its numbers "out of thin air," Miller called that theory nonsense. His spokesperson Chris Pollicano explained, "There is no reason to believe that rents will be any higher in these unregulated apartments because it's already what the market can bear."

The landlords, however, say they are both wrong. The tenants will not get hit with rent hikes, said

Roberta Bernstein, president of Small Properties Owners of New York. She said the market has forced some of her members to reduce rents. But their quality of life could suffer since the owners will have less money to invest in their buildings. Said Bernstein, "I think it's a gross error on the part of the city."

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HPD CODE VIOLATIONS ON LINE

Look up your building!

HPD violations are 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

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.

| Lease Type | Current Legal Rent | | One-year Lease | Two-year Lease |
|-----------------------|--|---|---|--|
| Renewal Leases | All | | 4.5% | 7.5% |
| Vacancy leases | 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 | |

vacancy 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.

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-

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 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.

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-

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

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 Guide-line" 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.

Lead

continued from page 1

three mayoral administrations. Advocates then developed more practical, narrowly targeted legislation, but that was superseded by the Vallone-spearheaded Local Law 38. One of the few Councilmembers who spoke out for the Vallone bill argued that parents could prevent lead poisoning by merely making sure that their kids weren't "eating paint off the windowsill."

NYPIRG's Sikora finds that argument offensive and borderline racist, given that over 90 percent of the city's lead-poisoned children are black, Latino, or Asian. Lead-dust particles are microscopic, he notes, so lead poisoning is not the fault of "lazy, uncaring parents who don't know how to clean apartments and take care of their kids."

Meanwhile, about 63,000 city children were identified as having lead poisoning—at least 10 micrograms of lead per deciliter of blood—between 1995 and 2000, according to Department of Health figures obtained by NYPIRG. The actual number may be twice that, NYPIRG says, as only about half the city's children are tested, and about 6,000 children had the more severe level of 20 $\mu\text{g}/\text{dl}$. The most extreme cases—60 $\mu\text{g}/\text{dl}$ —are down from over 2,600 in 1970, before leaded gasoline was banned, to eight last year, according to the Department of Housing Preservation and Development. Lead poisoning can cause permanent brain damage, leading to impaired intellectual functioning and behavior disorders. Recent studies indicate that lead, like radiation, may be a "no-threshold" toxin, in which any amount is potentially hazardous.

Intro 101A would require landlords to ascertain whether or not there are children under 7 in an apartment, in a manner similar to the city's window-guard law. It mandates that they repair any condition that exposes children to lead, including underlying defects

such as water leaks. Unlike Local Law 38, it also requires that workers doing the repairs must follow EPA rules. If the landlord fails to do the job, the Department of Housing Preservation and Development would have to do the repairs within 82 days; Local Law 38 allowed more than seven months.

Nearly half the city's cases of lead poisoning are in Brooklyn, with most of those in the "lead belt" of Bushwick, Crown Heights, Bedford-Stuyvesant, Brownsville, Flatbush, and East New York. Other concentrations are in southeastern Queens, Harlem and Washington Heights, and the South Bronx.

There is a peculiar nexus between the location of lead-poisoned children and the amount of real-estate money donated to Councilmembers' campaigns, according to the Common Cause report. Erik Dilan, whose Bushwick district had 3,152 cases of lead-poisoned children, more than any other in the city, has opposed Intro 101A. He received at least \$15,000 from landlords for his 2001 campaign. Leroy Comrie, whose district led Queens with

1,528 cases, got at least \$9,500 from leading landlord groups in 2001. He has also not sponsored Intro 101A. Another non-sponsor is Kendall Stewart, whose Flatbush district has more than 1,000 cases. He received \$2,200 from the Rent Stabilization Association landlord lobby in 2001, and last summer the *Daily News* reported that a building he owned had lead violations.

Miller, who is widely considered to be planning to challenge Bloomberg in 2005, has already received at least \$100,000 from real-estate interests, according to the report.

Landlords' main objections to 101A are that repairs would cost too much and that making them responsible for detecting lead hazards could expose them to lawsuits. The RSA did not return a call from *Tenant*, but in the past landlord advocates have claimed that cleaning up lead paint would cost \$17,000-\$20,000 per apartment. A June report by the city Independent Budget Office says the average cost of lead-abatement work by HPD is \$3,000.

The bill, argues NYPIRG's

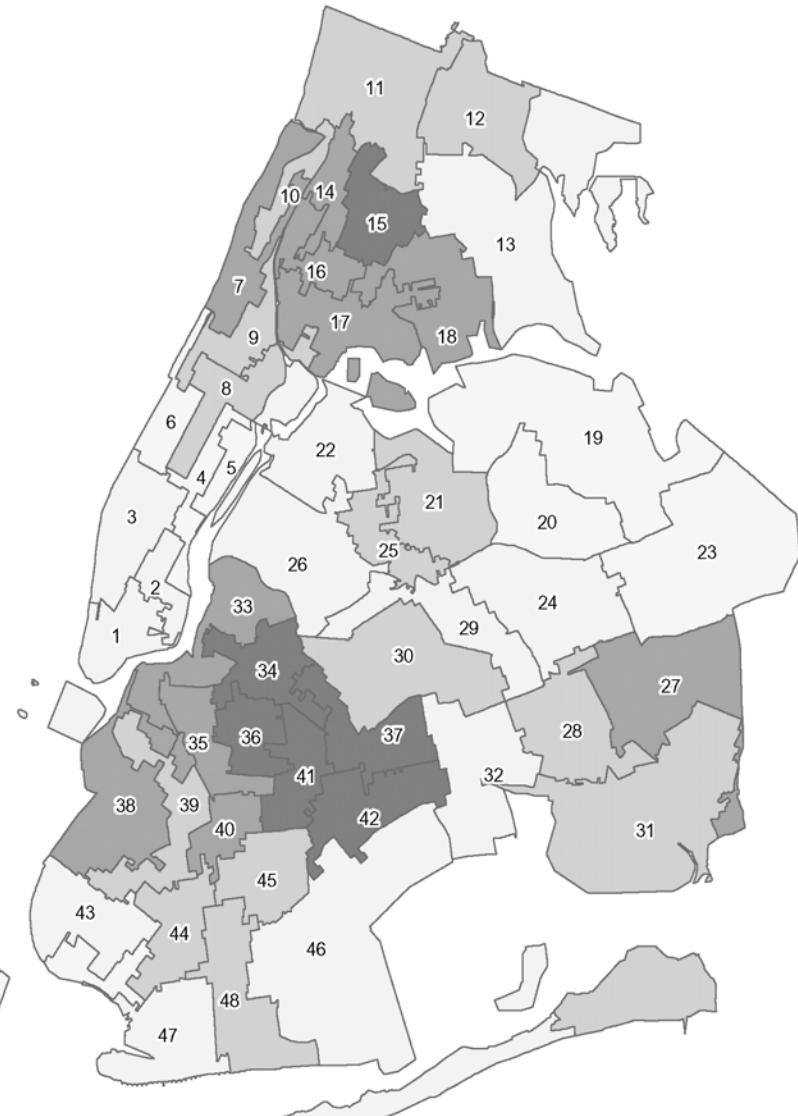
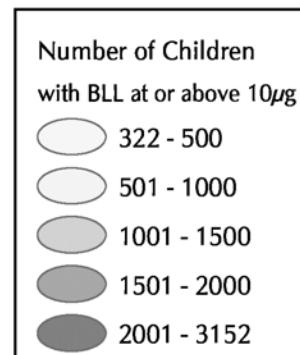
Sikora, would not hurt landlords who properly maintain their buildings, only slumlords. The bottom line, he says, is that "landlords should put a product on the market that doesn't brain-damage children."

The Bloomberg administration's main objection is cost. HPD Commissioner Jerilyn Perine told the June 23 hearing that Intro 101A would cost the city \$250 to \$265 million a year. The IBO report said it would cost \$8 million, based on hiring 60 new workers to do 24,000 inspections a year, though it could rise to \$150 million if the city hired 360 new inspectors and inspected every at-risk apartment once a year.

Whatever it costs, Sikora contends, is "infinitesimal" next to the "gargantuan" social costs of lead poisoning, from health care to special education.

Chachere calls the claims that 101A would cost \$250 million "entirely political" and says they have "nothing to do with the reality of the approach." The city, he says, is essentially arguing "that it costs too much to prevent children from being poisoned."

Total Number of Children Testing at or Above 10 μg from 1995 - 2000 by City Council District



BECOME A WRITING TENANT

Met Council wants to profile you and your neighbors' struggle to obtain affordable quality housing. We want you to write for *Tenant/Inquilino*.

For more information call
Met Council
212-979-6238

Blood level testing data obtained from the NYC Department of Health preliminary data, as of July, 2001 at the ZIP Code level. NYPIRG converted this data to the City Council District level. This might lead to some discrepancies between the numbers shown by the Dept. of Health, and those shown on this map.



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Immigration

continued from page 5

own landlord who left them without heat, hot water, and electricity last winter.

"If we get organized we should be able to take buildings away from negligent landlords. We do everything around here: repairs, electrical work, we even put oil in the wintertime because the landlord never does anything," Enrique says emphatically. "But I don't see how the city will change if tenants don't unite. If tenants come together we can force the city to change old laws that only favor landlords. I know a lot of tenants that are more qualified to run a building, but the city is never

going to listen to us unless we unite."

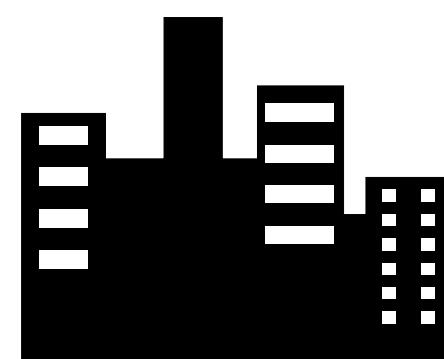
Juana says that it is the same for immigrant rights. "What good is it if they give us just one shot at legalization? The problems will continue for other new immigrants. What we need is a complete change and ongoing legalization for all immigrants."

The World Trade Center attacks placed New York City at the epicenter of a wave of anti-immigrant sentiment. Before 9/11, the country's more than 8.5 million undocumented immigrants had cherished hopes for ending a life of invisibility and vulnerability. Afterwards, the

prospect for a new program of legalization was derailed, as the Bush junta drove the nation in a rapid descent into a new era of McCarthyism, and immigrants became seen as the number-one threat to national security.

But new immigrants like Juana and Enrique are also becoming a force that will shape the future of our city and our movements for economic justice. Enrique puts it this way: "I think ultimately our children will be the ones that will bring change. And I don't mean this just for Mexican immigrants, but for all immigrants in this city. I want my children to be involved in city politics at every level, in

city hall, in the unions, and in our community organizations. The children of immigrants understand better than anyone else where we immigrants come from."



You are Invited to attend a Green Building Expo

Sponsored by
Assemblymember Scott Stringer and
the Co-Op Board of 205 West End Avenue

New York Historical Society
2 West 77th Street (Central Park West)
Wednesday, October 1st
5:00 PM – 8:00 PM

Please join Assemblymember Stringer at an informative event created especially for co-op and condo boards, small building owners and developers. Come learn about how to incorporate energy saving and other environmentally friendly systems into New York's residential buildings.

Highly efficient green buildings, construction techniques and energy options have a proven economic benefit including reduced heating and cooling costs and increased property values.

Environmental benefits include reduced reliance on costly and polluting energy sources and enhanced indoor air quality.

Hear how you and your building can benefit financially while at the same time help the environment.

To register or for more information, please contact Susannah Vickers by e-mail at strings@assembly.state.ny.us or by phone at 212-873-6368.

On October 4, the Immigrant Workers Freedom Ride will culminate in New York City, as immigrant workers and their allies from all over the country will come together at Flushing Meadow Park for a day of action. The national mobilization's four basic demands are for legalization of undocumented immigrants, family reunification, workers' rights, and protection of civil liberties. Organized by the AFL-CIO and some of the country's largest immigrant groups, it has gained support from the NAACP, the National Conference of Bishops, and New York's United for Peace and Justice.

To get involved, call David Jimenez at (212) 957-8000.

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