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Tenant Inquilino

Housing for people, not profit

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Metropolitan Council on Housing
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PERIODICAL

Tenants Rally for Fair Rent April 30

By Kenny Schaeffer

On April 30, as the city Rent Guidelines Board discusses rent increases for 2 million New Yorkers, tenants will rally outside the Metrotech Center in downtown Brooklyn from 5 to 7 p.m., to demand a rent freeze for the 2001-2002 period and the abolition of the RGB's discriminatory "poor tax." (See box on p. 4.)

Met Council is demanding a rent freeze for the coming year, meaning that stabilized tenants would be able to renew their leases at the same rent they are currently paying. The case for a rent freeze is obvious: Owners' profits are at an all-time high, and tenants are paying more for rent than ever before.

Previous RGB guidelines have overcompensated owners year after year by setting renewal increases at levels higher than the board's own studies have warranted, as shown in a study conducted by Public Advocate Mark Green. Freezing rents for one year would not undo all the damage that has been done in the past, but it will keep things from getting worse. The alternative is another round of unaffordable rent increases.

Owners' profits have risen 24.5% in the past two years, following continued RGB increases and the weakening of rent and eviction protections by the state legislature in 1997. The further weakening of rent regulations by Gov. Pataki's state Division of Housing and Community Renewal this past December will only add to tenant hardship. As of last year, about half of New York City households paid more than the federal hardship level, 30% of their income, for rent. One-third paid more than 40% and one-fourth paid more than 50%. As the Coalition for the Homeless has noted, unwarranted rent

increases have contributed to the rise in homelessness, now officially above 25,000 (including more than 10,000 children). Food lines have also grown.

Met Council demands that the RGB do the job it was created to do under the Rent Stabilization Law of 1969: namely, "to prevent unreasonable rent increases."

There are currently two vacancies on the nine-member RGB, representing two of the five "public member" positions, following the departure of Edward Weinstein in January and Justin Macedonia in March. Under existing law, Mayor Giuliani has the ability to fill these vacancies. Weinstein and Macedonia betrayed the public they were supposed to represent by voting for unreasonable rent increases throughout their years on the RGB, includ-

ing the low-rent supplement, the "poor tax" monthly increase charged only to people living in apartments renting for below \$500 a month. RGB chair Edward Hochman, another public member appointed by Giuliani, has also consistently voted for the poor tax.

Since Rudolph Giuliani was elected in 1993, the number of apartments renting for under \$500 has been cut in half, from about 400,000 to under 200,000, while the number of low-income families in the city has remained constant. In 1996, about 40% of rent-stabilized households had annual incomes below \$20,000, meaning that they would need apartments below \$500 to avoid hardship, but only 28.7% of rent-stabilized units rented for below \$500. In 1999, 38% of rent-stabilized households still made less than

\$20,000, but the number of affordable rent-stabilized apartments had fallen to 20.4% of the supply.

Last year, the RGB approved another poor tax by a 5-4 vote, with Weinstein, Macedonia, and Hochman joining the two landlord representatives in the majority. Public members Augie Rivera and Bartholomew Carmody joined tenant representatives David Pagan and Jeffrey Coleman in voting no.

This year, the fate of the poor tax, as well as the amount of increases (if any) imposed on the city's 1 million rent-stabilized apartments, will depend on whether Mayor Giuliani fills the RGB's vacant public-member positions with people who represent the public or the real-estate industry. In the past, he's picked rubber

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Tenants Begin Battle For Brooklyn Loft Law

By Joshua Breitbart

Mery Lynn McCorkle has been living in Williamsburg, Brooklyn for four and a half years. She has spent close to \$10,000 to convert a dormant commercial lot into a livable space for her and her business partner. But now her landlord wants her out. "We've had no electricity or hot water for over five months. And we have no legal recourse."

Her landlord cut electrical service, claiming the commercial lease gives him the right to do so. Because she is living at the location, the courts have not afforded her the same protection as businesses in her building. And Con Edison will not deal with her directly without the landlord's cooperation.

McCorkle is one of an estimated 10,000 Brooklyn residents who have converted commercial property into mixed live-

work spaces—illegally, but usually with their landlord's tacit consent. And



Brooklyn loft tenant at Feb. 15 hearing.

like many others, she now finds herself caught in the cracks in New York City's housing code.

Landlords who once eagerly rented disused warehouses and factory spaces to residential tenants now want to clear the buildings to cash in on soaring rents in newly chic neighborhoods and their tenants' capital improvements. Simultaneously, the city's

Buildings Department is waking up to the widespread reality of illegal and

some-times unsafe loft dwellings. McCorkle was one of over 400 people in Williamsburg at a Feb. 15 public hearing address-

ing the need for legislation to protect Brooklyn tenants who live in commercial buildings. Lawyers, small-business owners, local politicians—including City Councilmembers Stephen DiBrienza and Kenneth K. Fisher—and, most of all, tenants showed up at the Swinging Sixties Senior Center to lobby members of the state Assembly.

The Brooklyn Live/Work Coalition (BLWC), a network of over 2,000 people representing 69 buildings, was formed in December when the Fire Department suddenly cleared tenants from 247 Water St., in the waterfront area known as "Dumbo" (Down Under the Manhattan Bridge Overpass). The *Daily News* then published a list of 98 buildings supposedly slated for evictions, which was

dubbed the "List of Doom."

Susan Woods had lived at 247 Water Street for nearly six years. After her eviction, she joined BLWC to help protect others. "If an upper-middle-class white woman can be thrown out of my house in the middle of the night, then this system won't protect anyone," she said after the forum.

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Harlem Tenants Left In The Dark

By Matt Pacenza

It was one of the last promises he made before changing gigs from federal housing secretary to gubernatorial candidate. In mid-January, Andrew Cuomo told tenants who live in about 125 Harlem buildings included in the biggest housing scam there in memory that his agency would make sure their buildings were safe and habitable.

Now, nearly two months later, hundreds of tenants still suffer with the legacy of the scandal, in which real estate speculators defrauded the Department of Housing Preservation and Development's 203(k) program. About 40 inhabited buildings still require emergency repairs, for everything from major leaks to collapsing ceilings. Many still do not have heat and hot water. And last month, the lights went out at 258 West 132nd St., after \$9,000 in electric bills went unpaid.

Under the agreement forged between the Feds and M&T Bank and Firststar, the financial institutions foreclosing on tens of millions in unpaid mortgages on the buildings, the banks are supposed to fund emergency repairs and pay bills. HUD, in turn, is required to reimburse them.

M&T has a staffer assigned to building maintenance. But while the banks have attended to problems in some buildings, in others help is nowhere to be found. "This situation is a crisis, and HUD isn't responding as if it's a crisis," said Craig Willse of Goddard Riverside's SRO Law Project, which is advocating on behalf of the tenants. His organization maintains that HUD should be putting more pressure on the banks.

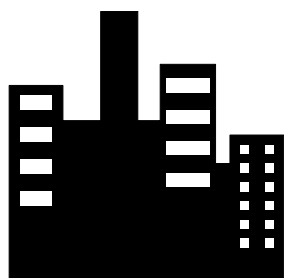
But Amy Stewart, who is managing the foreclosure on a number of the Firststar mortgages, maintains her bank is doing everything it can and should be to make repairs. Tenants at 258 West 132nd St. "don't pay rent, they don't pay utilities," she snapped. "They're living there scot-free and now they're arguing with us about

heat and hot water. They've been without it for years. Can't they wait a little longer?"

She claims HUD bears responsibility for delays in fixing the building's long-defunct boiler system, since the Feds demand bids from multiple contractors for each repair job. HUD, however, insists that it authorizes funds immediately for emergency repairs. Standing behind his agency's commitment to assure emergency repairs at the nearly 500 brownstones around the city affected by the scandal, HUD housing specialist Manny Alvarado told *City Limits*, "We remain fully committed that all these tenants will receive essential services."

Right now, tenants want action from whoever will take it. The cold has inflamed arthritic knees and intensified diabetic episodes, and pushed some residents to keep portable gas stoves burning all day and night for warmth. "All I know is that somebody, somewhere doesn't give a damn about how we live," said resident Eddie Ilich. "I just don't know who."

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Political Notes

On March 12, President-elect George W. Bush returned to the state of Florida for the first time since November, where he called for increased spending for military housing. "I do think we need for a troop to be able to house his family," Bush stated. "That's an important part of building morale in the military." What about the rest of us, George? Bush's proposed budget, as submitted to Congress, contains sharp reductions in spending for housing.

Blue-Green Alliances
The Nation (March 26) reports that in California, Santa

Monicans for Renters Rights (described as "one of the nation's savviest local political groups") helped elect Mike Feinstein, a key player in the California Green Party, as mayor. Feinstein also had support from major unions. Across the ocean, in a sharp setback for rightist French President Jacques Chirac, Paris has just elected its first socialist mayor in more than 100 years, also with support from the Greens (les Verts). New York City elected a socialist mayor in 1989: David Dinkins is a member of the Democratic Socialists of America.

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EL INQUILINO HISPANO

¿Va a “dejar caer la piedra” el Estado de Nueva York?

Por Steven Wishnia
Traducido por Vajra Kilgour

En enero pasado, el gobernador George Pataki propuso, a bombo y platillos, reformar las leyes de drogas Rockefeller del estado de Nueva York, las cuales incluyen unos de los castigos por drogas más severos del país, con una sentencia mínima de 15 años hasta cadena perpetua por posesión de cuatro onzas de cocaína o heroína.

Las protestas en contra de las leyes han crecido en los últimos años. La mayoría de las 21,000 personas en prisión por drogas no son los grandes jefes del

narcotráfico a quienes las leyes fueron dirigidas, sino adictos o vendedores menores, encarcelados por cantidades de drogas que valen menos de unos pocos cientos de dólares. Y un 94 por ciento de los condenados por drogas son negros o latinos.

El proyecto de ley de Pataki reduciría el castigo de 15 años a 10 años hasta cadena perpetua. También permitiría que los jueces decidan mandar a un programa de tratamiento en vez de a la cárcel a los arrestados por

primera vez por posesión de hasta una media onza de cocaína o heroína. “Es un gobernador Republicano que está proponiendo la primera reforma verdadera a las leyes de drogas Rockefeller,” dice Caroline Quattararo, la vocera de Pataki en asuntos del sistema de justicia penal.

Sin embargo, la verdad es más compleja. Sólo alrededor de 600 personas están cumpliendo la sentencia máxima de 15 años hasta cadena perpetua. La mayoría de los encarcelados por drogas son vendedores

menores con condenas previas por delitos graves; las leyes Rockefeller incluyen un castigo mínimo de 4½ años por la venta de cualquier cantidad de cocaína o heroína como segunda infracción. Randy Credico, del Fondo Kunstler por Justicia Racial (Kunstler Fund for Racial Justice), señala el caso de Darius King, del condado de Queens: con una condena previa por armas, fue condenado a 11 a 22 años por haber vendido cocaína con un valor de \$5.

La propuesta de Pataki

reduciría a cuatro años la pena por ventas como segunda infracción. “No afectaría realmente a la gran mayoría” de los acusados, dice Deborah Peterson-Small del Centro Lindesmith-Fundación de Política de Drogas (Lindesmith Center-Drug Policy Foundation). También aumentaría las sentencias por infracciones en torno a marihuana.

Un grupo de demócratas, negros en su mayoría

pasa a la página 4

Los Ajustes de la “Junta de Regulación de Renta” de la Ciudad de Nueva York (Orden No. 32)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2000 hasta el 30 de septiembre de 2001, 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 2000. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 2000. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha.

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

Sobrecargos de Renta Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar un

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

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

La Apelación de la Renta de Mercado Justa Otro tipo de sobrecargo ocurre frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a renta controlada y se alquila con renta estabilizada. La Junta de Regulación de Renta (RGB) es-

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

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

Unidades de Desván (Lofts) Los incrementos legales sobre la renta base para las unidades de desván son de un 3 por ciento por un contrato de un año y un 5 por ciento por un contrato de dos años. No se permiten in-

crementos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación Lo establecido es un 2% para los apartamentos de hotel de Clase A, casas de habitaciones, hoteles de clase B (de 30 habitaciones o más), hoteles de una sola habitación, y las casas de habitaciones (Clase B, 6-29 cuartos), sobre la renta legal que se pagaba el 30 de septiembre de 2000. No se permiten incrementos para apartamentos vacíos. Lo incremento estipulado no se puede cobrar a menos que un 70 por ciento de las unidades en el edificio sean ocupadas por inquilinos permanentes de renta estabilizada o controlada, pagando rentas reguladas legales. Además, no se permiten incrementos si el casero ha omitido de darle al nuevo ocupante una copia de los Derechos y Responsabilidades de los Dueños e Inquilinos de Hoteles.

La Desregulación de Rentas Altas y Altos Ingresos (1) Los apartamentos que legalmente se alquilan por \$2,000 o más por mes y que se desocuparon entre el 7 de julio de 1993 y el 1ro. de octubre de 1993, o en o desde 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.

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años	
Renovación del Contrato	Más de \$500	4%	6%	
	\$500 o menos (Alquileres de \$215 o menos se alzan a \$215 después de aplicarse los aumentos)	4% + \$15	6% + \$15	
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	18%	20%
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 18%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
	Menos de \$300	Incrementos por desocupación cobrados en los últimos 8 años	18% + \$100	20% + \$100
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 18% + \$100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + \$100
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	18% o \$100, lo que sea mayor	20% o \$100, lo que sea mayor
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 18%, o \$100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o \$100, lo que sea mayor



La piedra

viene de la página 3

y liderado por el miembro de la asamblea Jeffrion Aubry, de Queens, y por el senador estatal Velmanette Montgomery, de Brooklyn, ha propuesto un proyecto de ley que permitiría tratamiento a los condenados por segunda vez. El proyecto de ley (S00840 en el Senado, A02823 en la asamblea) también ampliaría la discreción de los jueces para dar sentencias menores si creen que las mínimas previstas por la legislación son “indebidamente severas,” daría más oportunidad a los acusados para negociar declaraciones de culpabilidad por infracciones menores y dejaría a los reos pedir reducciones en sus sentencias retroactivamente.

A pesar del apoyo bipartidario para cambios a las leyes, no está asegurada ninguna acción este año. Propuestas parecidas a las de Pataki y Aubry perdieron en 1999, porque el gobernador quería abolir la libertad condicional y el voce-

ro de la asamblea, Sheldon Silver, un demócrata, temía ser calificado como “blando frente al crimen.”

Un tema difícil es el deseo de Pataki de eliminar la libertad condicional para los condenados por drogas, sustituyendo penas indeterminadas como de cinco a 15 años con un requisito que los condenados cumplan al menos un 85 por ciento de sus sentencias. “Hasta que se dé carpetazo a esta demanda, no hará ningún progreso,” dice Joseph Haslip, jefe de personal del senador estatal David Paterson (D-Manhattan).

La resistencia más fuerte a cualquier cambio viene de los fiscales del estado. “Ya llevamos la ventaja al crimen violento,” dice Mary de Bourbon, vocera del fiscal del distrito de Queens Richard Brown. “Debilitar las leyes sería un error muy grave.”

De Bourbon también sustenta que la ley no está llenando las cárceles con vendedores menores. Cuatro onzas de cocaína, según ella, valen casi \$100,000 en la calle. (La realidad es que el precio de

cocaína ha bajado drásticamente desde que se aprobó la ley.)

Robert Gangi, de la Asociación de Corrección de Nueva York (Correctional Association of New York)—la cual encabeza una campaña en contra de las leyes llamada “Dejar Caer la Piedra” (“Drop the Rock,” lema derivado de la primera sílaba del nombre “Rockefeller,” que quiere decir “piedra” en castellano)—fue optimista al principio, al decir que la declaración de Pataki en enero “representa una salida política que va más allá de los detalles.” Pero él sospecha que las críticas de los fiscales han influido a Pataki, y llama las disposiciones en torno a marihuana y la libertad condicional “sorpresas importunas.”

‘Nunca vi a un pez gordo en la cárcel’

Las leyes Rockefeller se aprobaron en 1973, cuando el gobernador Nelson Rockefeller, meditando otra postulación al nombramiento presidencial republicano, intentaba situarse entre los “duros frente al crimen.” Casi 30 años después, las leyes están entre las más severas del país. Michigan y Texas dan penas comparables por posesión de alrededor de una libra de heroína o cocaína.

Irónicamente, cuatro onzas de cocaína o heroína fueron una cantidad significativa de drogas en 1973. Se vendió cocaína a \$100 por un gramo, en una época cuando el salario mínimo fue de \$70 a \$80 a la semana y los apartamentos en los vecindarios más pobres de Nueva York se alquilaron por \$100 al mes. (Los lectores de *Tenant/Inquilino* no necesitan ser recordados del intento desastroso de Rockefeller a eliminar los controles de renta.) Y con la heroína siendo hasta sólo un 3 por ciento pura en la calle, cuatro onzas de heroína podía valer miles de dólares.

Las leyes hicieron poco para frenar el mercado de drogas. La heroína resurgió al fin de los años '70, y un década más tarde la cocaína “crack” inundó la ciudad. Actualmente, el precio al por menor de cocaína es alrededor de \$40 por un gramo, y la heroína en la calle es hasta un 70 por ciento pura.


Lo que hicieron las leyes fue llenar las prisiones del estado; un 31 por ciento de los prisioneros del es-

tado son condenados por drogas. El aumento en los gastos anuales en prisiones del estado entre 1988 y 1998—de hecho, el costo aproximado de \$700 millones por encarcelar a los condenados por drogas—igual a casi exactamente los cortes en los fondos destinados al sistema de la Universidad Estatal de Nueva York (State University of New York, SUNY). Ahora, como dijo Deborah Small-Peterson a un foro comunal en Harlem en febrero pasado, más hombres negros van a los 71 prisiones del estado que se bachilleran en los 34 colegios de cuatro años de SUNY.

Funcionarios gubernamentales se ponen incómodos al tratar de explicar porqué casi todos los condenados por drogas es gente de color; los negros y latinos usan y venden drogas a niveles iguales a los de los blancos. “En nuestro despacho, no conocemos el color de piel del acusado,” dice de Bourbon. “Sólo encarcelamos a las personas condenadas,” dice Quartararo.

Los que están cumpliendo sentencias de 15 años hasta cadena perpetua han acaparado la publicidad, y los fiscales argumentan que las leyes están atrapando a los mayores vendedores, pero la mayoría de los condenados por drogas son los usuarios o vendedores intrasigentes de menor importancia. “Nunca vi a un pez gordo en la cárcel,” dice Anthony Papa, quien cumplió 12 años de una pena de 15 años por cocaína antes de que Pataki le otorgara clemencia. Elaine Bartlett, quien cumplió 16 años de una sentencia de 20 años hasta condena perpetua por entregar cocaína, dice que la mayoría de las mujeres encarceladas con ella fueron usuarias de drogas o mulas—transportadoras de drogas. Terrence Stevens, confinado a una silla de ruedas por distrofia muscular, dice que los encarcelados con él en Green Haven vinieron en su mayoría de un puñado de vecindades pobres de la ciudad de Nueva York: Jamaica, Nueva York Este, Bedford-Stuyvesant y Harlem.

“No es que estemos diciendo que no hicimos nada malo,” dijo Bartlett a manifestantes fuera de la carte de justicia del condado de Queens el 28 de febrero. “Lo que estamos diciendo es que el castigo no corresponde al delito.”



No se quede helado: ¡ORGANÍZSE!

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

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

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

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

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

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

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

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

Las leyes sobre la calefacción establecen también:

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

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

Picket the Rent Guidelines Board

Monday, April 30, 5 p.m.-7 p.m.

In front of the RGB Public Meeting
9 Metrotech Center in Brooklyn
(M, N, R trains to Lawrence St., or A, C, F to Jay St.)

DEMAND 0% RENT INCREASES!

History shows that the RGB often sticks with the increases chosen in the preliminary vote (May 3).
Let's make a strong showing against unfair rent increases before the fix is in. See you April 30!

For more information call (212) 693-0553 or 979-6238

HPD Pledges Buildings to Tenant Co-ops

by Matt Pacenza

After suffering a near-death experience under the Giuliani administration, tenant ownership is once again a reality for buildings the city is unloading into private hands.

In a development affordable-housing advocates have long been agitating for, last month the city Department of Housing Preservation and Development pledged at least one-quarter of the 2,000 apartments moving to private ownership this year in the agency's Third Party Transfer program will be awarded to nonprofits planning low-income tenant cooperatives.

It's a dramatic turnaround from the previous round of transfers two years ago, when the city faced heavy criticism, and a lawsuit, for awarding most of the 46 buildings it was disposing of to private landlords. "HPD seems genuine about involving tenants and giving them a

stake in their homes," said Carol Lamberg, executive director of Settlement Housing Fund, which along with the Urban Homesteading Assistance Board received eight buildings, with more than 350 apartments, in northern Manhattan. Several other nonprofits with tenant-ownership proposals also received some of the 90 buildings awarded in Manhattan, the Bronx and Brooklyn. The selections await final approval from the City Council.

The Council created Third Party Transfer in 1996 to take buildings burdened with high tax debts and repair bills off the auction block, and instead give them to private landlords or nonprofit or-

ganizations. With the transfer, the city forgives all debts, grants the new owners tax breaks and provides low-interest loans for rehabilitation.

Some housing advocates see this week's move by HPD as a signal that the city plans to shift tenant-ownership initiatives from the Tenant Interim Lease program to Third Party Transfer. TIL thrived when the city owned thousands of buildings repossessed from delinquent landlords, but the program has floundered as the city developed or sold off virtually all of its buildings that were suitable for conversion to TIL tenant coops.

The lawsuit didn't hurt, either. The city was hauled into court by South Brook-

lyn Legal Services and the Legal Aid Society, which sued the city for prohibiting tenant associations from applying for Third Party Transfer buildings. Under current HPD policy, tenant groups must have sponsorship from a non-profit organization.

The announcement could bode well for those who think tenant ownership should be part of New York's affordable-housing future. In his preliminary

budget proposal, Mayor Giuliani allotted \$233 million to move more than 5,900 apartments to Third Party Transfer. But at least one major hurdle remains: The mayor has insisted that the Council commit to major reforms at the Department of Buildings and elsewhere before much of this money is spent.

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Charas Faces Eviction —Again

After celebrating a recent court victory, Charas got word on March 26 that an appeals court had overturned a prior court ruling that had given the Lower East Side community-arts center the right to a jury trial.

Confused? Charas supporters certainly are. In February, a jury found that Gregg Singer, the landlord for the building at 605 East 9th St., could not evict the Charas/El Bohio Cultural and Community Center because he did not plan to comply with the deed's requirement that the building be used for community purposes.

While the trial was taking place, however, Singer, who bought the building from New York City in

1998, was appealing a March 2000 decision by Judge Lucy Billings, in which she ruled that he could not evict Charas unless he proved that he intended to use the building as a community facility. Only six weeks after the jury trial ended with a unanimous verdict in favor of Charas, a three-judge appeals panel overturned Judge Billings' decision, which had granted Charas the right to that very trial.

Now, Charas faces eviction once again. Lawyers for the center insist that the jury verdict renders moot the action of the appeals panel, and said they would move to reargue in court.

—Noel Prince

RGB

continued from page 1

stamps for landlords.

In addition to the April 30 demonstration, tenant turnout is needed at the preliminary-guidelines vote on May 3, also at Metrotech in Brooklyn; the all-day public hearing on June 13 at the Schomburg Center, West 135th St and Lenox Avenue in Manhattan; and the final vote on June 20 at Cooper Union, 7 East Seventh St. in Manhattan.

Call Met Council at (212) 979-6238 to volunteer for our RGB campaign.

2001 Meeting Schedule Rent Guidelines Board

Tuesday, April 10 Public Meeting **9:30 a.m.-12:30 p.m.**
Department of City Planning, Spector Hall, 22 Reade St., Manhattan

Tuesday, April 24 Public Meeting **10 a.m.-1 p.m.**
Department of City Planning, Spector Hall, 22 Reade St., Manhattan

Monday, April 30 Special invited testimony **9:30 a.m.-5:30 p.m.**
Metrotech Center, FDNY Auditorium, 9 Metrotech Center, Brooklyn
(Apartment Tenants 9:45-11:45 a.m.; Apartment Owners 1-3 p.m.; Hotel Tenants 3:15-4 p.m.; Hotel Owners 4-4:45 p.m.; Board Discussion 4:45-5:30 p.m.)

Thursday, May 3 **PRELIMINARY VOTE** **5:30 p.m.-9:30 p.m.**
Metrotech Center, FDNY Auditorium, 9 Metrotech Center, Brooklyn

Tuesday, June 5 Public Meeting **10 a.m.-1 p.m.**
Department of City Planning, Spector Hall, 22 Reade St., Manhattan

Wednesday, June 13 **PUBLIC HEARING** **10 a.m.-9:45 p.m.**
Langston Hughes Auditorium, Schomburg Center, 515 Malcolm X Blvd., Manhattan

Wednesday, June 20 **FINAL VOTE** **5:30-9:30 p.m.**
Cooper Union, 7 E. Seventh St., Manhattan

Call RGB to confirm dates and times: (212)385-2934



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

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

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

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

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

- * Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.

- * Call the New York City Central Complaints Bureau at (212) 824-4328 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.

- * Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.

- * Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.

- * Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat and Hot Water complaint form. Get as many other apartments as

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

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

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

The heat laws also provide for:

- * The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)

- * A \$250 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)

- * A \$1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

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

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

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

New NYCHA Head Picked

The next chair of the New York City Housing Authority may be a lame duck, but housing advocates plan to hold his feet to the fire when it comes to ongoing battles with the agency. Given the mixed reviews he's received in his current job, nobody knows how Tino Hernandez, the commissioner of the city's Department of Juvenile Justice will respond to their demands.

Current chair John Martinez announced last week he would resign on April 1 to return to work in the securities business, after two years NYCHA. While the mayor had made no official announcement as of March 23, Hernandez will likely leave his job as commissioner of the city's youth justice agency to take the vacant post.

No one is sure whether Hernandez has much housing experience. An employee of the Giuliani administration since 1993, he has traveled from the Health Department to the

Department of Homeless Services to chief of staff for Deputy Mayor Ninfa Segarra.

Advocates familiar with his work have mixed opinions. "Hernandez has been a real partner in trying to reshape juvenile justice services in the city," said Gail Nayowith, executive director of the Citizens' Committee for Children, praising his appointment of monitors at the department's three detention centers. Nayowith also credits him with enhancing mental health and drug rehabilitation services.

Other juvenile-justice observers criticized Hernandez for neglecting to reverse the growing numbers of incarcerated youth in the city despite a significant drop in the crime rate among kids. Some of these youngsters would be better off in a group home, advocates say. Legal Aid attorney Nancy Rosenblum, who has spent much of the last three years filing lawsuits against Her-

nandez's agency, said the commissioner "has not been innovative in his treatment of kids."

Some critics believe that Hernandez wasn't fully responsible for his agency's performance. "He's basically a puppet of the mayor," said Ramesh James, co-director of Youth Force, a Bronx-based advocacy group. "He

was put there because he was a person of color to deflect blame while the city locks up more and more young people."

With a cautious eye toward Hernandez' criminal-justice record, advocates hope he will go easy on tenants who've committed minor criminal offenses, and on the new federally mandated work

requirements for public-housing tenants. Rather than taking a strict interpretation of the law, says Legal Aid attorney Judith Goldiner, the Housing Authority could issue exemptions and "save a large numbers of residents from possible eviction."

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— Matt Pacenza

Who's Got the Power?

The New York State Independent System Operator (ISO), issued a report that warned of California-like rolling blackouts and steep price hikes unless new power plants boost supply by about 30% over four years.

What is needed, the report said, is up to 3,000 more megawatts of energy for NYC alone. One megawatt is enough power for 1,000 homes, according to the *Daily News*. "New York is headed toward a very serious situation unless it acts imme-

diately," said William Museler, president of ISO.

A light flickers in California and New York City public officials begin to line up in a row. Plans are afoot to expand the 14th Street/East River power plant, and build, "under the radar of public oversight," floating plants in working-class waterfront areas like Sunset Park, Long Island City and Hunts Point. When health and air pollution concerns are raised, the official response is that people must be ready to live with the consequences of their own

need for electricity. But in lit-up Midtown, where a Con Ed power plant is being sold for luxury housing, conservation steps are not even being spoken about, and no low-interest loan program is in place in New York State for demand-reducing, clean solar power.

Coalitions are forming to fight the latest assault. One is the Communities United for Responsible Energy (CURE), Call Eddie Bautista, (212) 244-4664.

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NYC Rent Guidelines Board Adjustments (Order No. 32)

for Rent Stabilized Leases commencing Oct. 1, 2000 through Sept. 30, 2001, including the Pataki vacancy bonuses adopted by the State Legislature on June 19, 1997

The above 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, 2000. 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, 2000. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date.

Sublease Allowance

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

Vacancy Leases

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

Rent Overcharges

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

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	more than \$500	4%	6%	
	\$500 or less (Rents that are \$215 or less brought up to \$215 after increases applied)	4% plus \$15	6% plus \$15	
Vacancy leases	More than \$500	Vacancy allowance charged within last 8 years	18%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than \$300	Vacancy allowance charged within last 8 years	18% plus \$100	20% plus \$100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18% plus \$100	0.6% times number of years since last vacancy allowance, plus 20% plus \$100
	Rent \$300 to \$500	Vacancy allowance charged within last 8 years	18% or \$100, whichever is greater	20% or \$100, whichever is greater
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18%, or \$100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, or \$100, whichever is greater

cent for a one-year lease and 5 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

The guideline is 2 percent 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, 2000. No vacancy allowance is permitted. The guideline is not collectible unless 70% or more of the units in the building are occupied by permanent rent stabilized or controlled tenants paying legal regulated rents. Further, no increase is allowed when the landlord has failed to provide the new occupant a copy of the Rights and Duties of Hotel Owners and Tenants.

High-rent, High-income Deregulation

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

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

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

Fair Market Rent Appeal

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

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

Senior Citizen Rent Increase Exemption

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

Loft Units

Legalized loft unit increases above the base rent are 3 per-

Will New York State 'Drop the Rock'?

by Steven Wishnia

Amid much hype last January, Gov. George Pataki proposed reforming New York State's Rockefeller drug laws, whose 15-to-life mandatory minimum for possession of four ounces of cocaine or heroin is among the harshest drug penalties in the nation.

Protests against the laws have been growing for several years. Most of the state's 21,000 drug prisoners are not the big-time dealers the laws were aimed at, but low-level dealers or addicts, jailed for less than a few hundred dollars worth of drugs. And 94% of them are black or Latino.

Pataki's bill would reduce the 15-year penalty to 10 to life. It would also allow judges to sentence first offenders charged with possessing up to a half-ounce of cocaine or heroin to treatment instead of prison. "This is a Republican governor proposing the first real reform to the Rockefeller drug laws ever," says Caroline Quartararo, Pataki's spokesperson for criminal-justice issues.

Yet the real story is more complex. Only about 600 people are serving the 15-to-life maximum. Most of the state's drug prisoners are small-time dealers with prior felony convictions; the Rockefeller laws give a 4 1/2-year minimum for second-offense sale of any amount of cocaine or heroin. Randy Credico of the Kunstler Fund for Racial Justice points to the case of Darius King of Queens: With one prior weapons conviction, he got sentenced to 11-to-22 for selling \$5 worth of cocaine.

Pataki's proposal would reduce the penalty for second-offense sales to four years. "It wouldn't really affect the vast majority," says Deborah Peterson-Small of the Lindesmith Center-Drug Policy Foundation. It also would increase penalties for marijuana offenses.

A group of mostly black Democrats in the state legislature, led by Assemblymember Jeffrion Aubry of Queens and State Senator Velmanette Montgomery of Brooklyn, has introduced a bill that would allow second felons treatment. The bill (S00840 in the Senate, A02823 in the Assembly) would also increase judges' discretion to impose lesser sentences if they believe the statutory minimums are "unduly harsh," increase defendants' latitude for plea-bargaining to lesser offenses, and let prisoners apply for reduced sentences retroactively.

Despite bipartisan support for changing the laws, action this year is far from certain. Similar proposals by Pataki and Aubry failed in 1999, as the governor wanted to abolish parole and Assembly Speaker Sheldon Silver, a Democrat, feared being labeled "soft on crime."

One sticking point is that Pataki



Drug prisoners' relatives protest outside the Queens DA's office.

wants to eliminate parole for drug felons, replacing indeterminate sentences, such as five to 15 years, with a requirement that prisoners must serve at least 85% of their terms. "Until that demand is off the table, we're not going anywhere," says Joseph Haslip, chief of staff for State Sen. David Pateron (D-Manhattan).

The strongest opposition to any change has come from the state's prosecutors. "We have the jump on violent crime now," says Mary de Bourbon, spokesperson for Queens District Attorney Richard Brown. "To weaken the laws would be a terrible mistake."

De Bourbon also argues that the law is not packing the prisons with small-time dealers. Four ounces of cocaine, she claims, is worth almost \$100,000 on the street. (In reality, the price of cocaine has fallen drastically since the laws were enacted.)

Robert Gangi of the Correctional Association of New York—which is leading a "Drop the Rock" campaign against the laws—was at first optimistic, saying that Pataki's January announcement "represents a political breakthrough more important than the details." But he suspects the prosecutors' criticisms have gotten to Pataki, calling the marijuana and parole provisions "unwelcome surprises."

'I Never Saw a Kingpin in Prison'

The Rockefeller laws were born in 1973, when Gov. Nelson Rockefeller, pondering another run at the Republican presidential nomination, was trying to position himself as "tough on crime." Nearly 30 years later, they remain among the toughest in the na-

tion. Michigan and Texas give comparable prison terms for possession of around a pound of heroin or cocaine.

Ironically, four ounces of cocaine or heroin was a significant amount of drugs in 1973. Cocaine sold for \$100 a gram, at a time when the minimum wage was \$70 to \$80 a week and you could rent an apartment for \$100 a month in New York's poorer neighborhoods. (*Tenant/Inquilino* readers don't need to be reminded of Rockefeller's disastrous attempt to eliminate rent controls.) And with street heroin as little as 3% pure, four ounces of heroin could have been worth thousands of dollars.

The laws did little to stop the drug market. Heroin resurged in the late '70s, and crack flooded the city a decade later. Today, the retail price of cocaine is around \$40 a gram, and street heroin is as much as 70% pure.

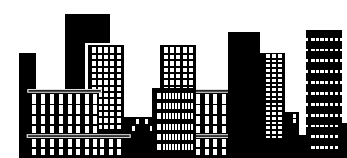
But they did pack the state's prisons; 31% of the state's prisoners are drug offenders. The increase in the state's annual prison spending between 1988 and 1998—in fact, the roughly \$700 million cost of locking up drug offenders—almost exactly

matches its cuts in funding the State University of New York system. Today, Deborah Small-Peterson told a Harlem community forum last February, more black men go to the state's 71 prisons than graduate from SUNY's 34 four-year colleges.

Government officials are uncomfortable trying to account for why drug prisoners are almost all of color; blacks and Latinos use and sell drugs at pretty much the same rate as whites. "In our office, we don't know what color the defendant is," says de Bourbon. "We only put in prison people who are convicted," says Quartararo.

The 15-to-lifers get the most publicity, and the DAs argue that the laws are snaring big-time dealers, but most of New York's drug prisoners are hard-core small-timers. "I never saw a kingpin in prison," says Anthony Papa, who served 12 years of a 15-year sentence for cocaine before being granted clemency by Pataki. Elaine Bartlett, who served 16 years of a 20-to-life sentence for delivering cocaine, says most of the women she was in with were users or mules. Terrence Stevens, wheelchair-bound by muscular dystrophy, says that the prisoners he was in with at Green Haven came mainly from a handful of New York City's poor neighborhoods—Jamaica, East New York, Bedford-Stuyvesant and Harlem.

"We're not saying we didn't do anything wrong," Bartlett told protesters outside the Queens County courthouse Feb. 28. "What we're saying is that the time doesn't fit the crime."



Darius King's mother: Her son is doing 11 to 22.

STEVE WISHNIA

STEVE WISHNIA

Loft Law

continued from page 1

The first test of the group's strength came on Jan. 2, when the Buildings Department attempted to evict residents of a third building at 255 Water St. The city claimed the premises were unsafe after the landlord disconnected the building's sprinkler system. Supporters and tenants quickly gathered at the location to block the ouster and called in Councilmember Fisher, who negotiated a reprieve. Both Water Street buildings are owned by Joshua Guttman.

Ellen Harvey, an artist and activist with the BLWC, and a member of its legislative committee, is pleased with the group's accomplishments to date. "It's exciting to see it go from the Building Department kicking people out to someone willing to sponsor legislation in two months," she said.

Assemblymember Vito Lopez (D-Brooklyn), who chaired the hearing, is prepared to sponsor two bills. One would extend the 1982 Loft Law, which generally covers only certain zones in Manhattan and is set to expire June 15. It specified that any building that had been designated for commercial use but now had three residential units and no certificate of occupancy was a "multiple dwelling" and had to be brought up to code by the building owner. (Unlike standard multiple dwellings, however, the landlord can continue to collect rent while he or she makes improvements). The second bill would affect current residents of commercial lofts in Brooklyn, but would be similarly phrased.

Once the legislation is introduced, "Then people here need to come to Albany," Lopez stated, referring to the importance of lobbying the Republican-controlled State Senate for bipartisan support.

Assemblymember Joan L. Millman (D-Brooklyn) was optimistic about the bills' chances in Albany. "The major landlords are a very powerful lobby, but there is an economic incentive [to support the tenants] and the per-

sonal testimony is very moving," she said.

During the hearing, Lopez noted some resistance to the legislation might come from the mostly Hispanic portion of his constituency in Bushwick who fear gentrification will displace them from their neighborhoods.

Harvey was quick to respond on that issue. "It's unfair to characterize us as gentrifiers because we are interested in maintaining existing communities. We have not been displacing manufacturing. We have used mostly abandoned space to create something... We don't want to be the next Soho."

Historically, though, an influx of artists and bohemians was the initial step in the gentrification of Soho, the Lower East Side and Williamsburg. In Soho, the landlords' manipulation of the Loft Law was the last step.

Some coalition members say they have a positive influence on economically depressed neighborhoods. Eve Sussman, a founder of BLWC, testified: "We are modern-day homesteaders. [But] instead of being given something for free, we have signed leases and pay rent, and we pay millions of dollars in rent. The building I currently live and work in... was only attractive to artists—who could envision a future, were forming communities in blighted neighborhoods and, unlike many factory owners, still maintain ties to the art and cultural life in Manhattan. What has transpired is a Brooklyn Renaissance, an urban renewal enacted without city or state aid, incentive programs or tax cuts. There is one incentive that drives us to keep moving into these forgotten buildings—a place to do our work and make a home."

Others who support BLWC's goals take a different perspective. "If we are homesteaders, does that make the NYPD the cavalry?" asked Makis Antzoulatos of the North Brooklyn Gentrifiers Against Gentrification (GAG).

"It's not that living in commercial spaces is bad," added GAG member Liv Dillon, "but it's not affordable homes for low-income



Assemblymember Vito Lopez at the Feb. 15 hearing.

JOSHUA BREITBART

families."

Many people involved with BLWC recognize the complexity of their situation. Some express hope that the coalition's work may help to bridge gaps between communities and allow them to contribute to other neighborhood struggles. Peter Krebs, a BLWC tenant organizer, thinks the real value of the group goes beyond specific legislation. "That's the hope," he said, "that being better organized will make us better neighbors."

The BLWC is now working on a census of all live-work tenants through its Website: www.brooklynlivework.org. The Website says, "Now it's your turn to stand up, be counted, and let the city and

state know that you're a benefit to the community."

"We need to be able to refute the stereotype that we're all rich art students," BLWC member Ellen Harvey said of the census.

The BLWC is growing quickly. According to lawyer Arthur Rhine, the organizing process is crucial. Though Rhine has been able to use the civil courts to protect many of his live-work clients, he told the hearing, "What lawyers can do is negligible compared to what a unified group of tenants can do."

This article originally appeared in the New York City Independent Media Center's monthly newspaper, The Independent. For more information on the NYC IMC, visit www.nyc.indymedia.org.

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

BENSONHURST TENANT COUNCIL
1708 West 10th St., Brooklyn, 718-372-2413
Monday-Thursday 10 am-5 pm
Call for appointment.

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

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

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

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

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

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

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