



# Tenant Inquilino

Housing for people, not profit

Vol 31, No. 9  
November 2001

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

PERIODICAL

25¢

## Harlem Tenants Protest 'House of Horrors'

by Craig Willse

Calling their building a "House of Horrors," tenants of 351 St. Nicholas Ave. in Harlem rallied on Halloween evening to protest their landlord's negligence and building conditions straight out of a fright film. Despite frequent attempts to meet with the landlord, Bill Andrews, and repeated pleas to the city Department of Housing Preservation and Development for help, for years residents have endured terrifying conditions: giant rats, fires, cascading leaks, and long winters with no heat or hot water.

Waving signs proclaiming "Bill Andrews: You don't scare us" and "No more horror stories," tenants were joined by concerned members of the community and media. Younger residents, dressed in costumes, chanted, "Trick or treat, we want heat."

"We're making a joke about our situation tonight, but these conditions are very serious," tenant leader Laticia White told the crowd.

"Nobody cleans the building, we have no hot water, no heat, no lock on the front door. I have no super. If something is broken in my home, no one comes to fix it. We want someone in the building to keep it up, to make sure it's safe," stated tenant Saradis Diaz. During the rally, Diaz also addressed the crowd. Urging tenants and neighbors to stick together through the long battle, she stressed that the horrible conditions their apartments share should serve to bond them together in struggle.

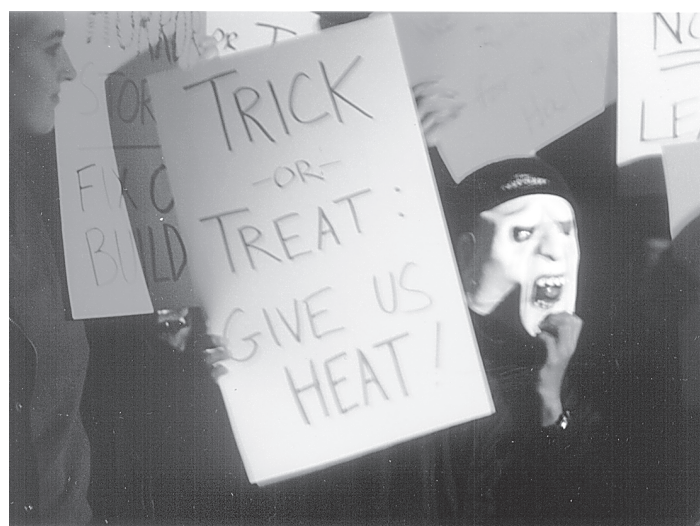
Another resident, Eufracia Mancebo, expressed concern about the safety of tenants. He cited the lack of lights in hallways and the broken elevator as two particularly alarming code violations.

One tenant activist conspicuously absent from the Halloween rally was Elizabeth Hilson. Her daughter, Sheila Echols, explained, "My mother's been here 28 years. In the last five years, it's become a building that

makes you want to leave the neighborhood. Due to the conditions in the building, my mother has developed TB and is on heavy medications. She is unable to leave the building because we live on the fifth floor and the elevator is broken. After 28 years, she's trapped in her own apartment."

In recent years, the forces of gentrification have exerted incredible pressure on the low-income families and communities of color that have called Harlem home for decades. While the surrounding blocks feature renovated brownstones renting to wealthy new arrivals, the past decade has witnessed the rapid decline of the once-beautiful building.

"I was born and raised in this building, and I've seen this place go from an excellent building to almost abandoned. Over the last few years, it's gotten to the point where it's really unlivable. The children can't play outside because



A tenant's son at the Halloween protest.

dead rats are being thrown out the window," said White.

Longtime Harlem resident and community organizer Marcella Elfe echoed White's sentiment. "I've seen the change, I've seen it go from a neighborhood to a rathole."

The history of 351 St. Nicholas Ave. is riddled with greed and deception. For years, the superintendent, Confessor Sanchez, claimed to be the owner, collecting rent in the building and doing little

else. During this time, the actual owner, Usha Persaud, was tucked away safely in Florida while her property fell to shambles. This past summer, a fire deemed suspicious by the Fire Department tore through several apartments, displacing a number of families. Shortly after the fire, Sanchez sold the building—which was not his to sell—to another management company, and then mysteriously dis-

*continued on page 8*

## Loft Law Renewed to Next March 31 Housing Issue Remains Tied to Other Issues

By Bill Hall

In late October, the state Legislature passed a 100-plus-page bill that not only expanded gambling in New York State, authorizing the governor to negotiate up to six casinos with New York native American tribes, but also renewed the Loft Law until next March 31.

This past March, as loft tenants and others began to lobby for the renewal of the Loft Law, it was assumed that yet again, the state Senate and Governor George Pataki would hold the loft tenants hostage as a bargaining chip to use against the Assembly. As it turned out, the loft law was given five short extensions through the summer and early fall, and the legislature battled Pataki over a host of bud-

get issues. Ultimately, the Loft Law and a number of other contentious issues were all extended to March 31, 2002.

The fight is far from over.

### New Loft Tenants Not Protected

The Loft Law, originally enacted in 1982, requires that landlords bring rented lofts into compliance with building-code standards. After getting the correct certificate of occupancy, the landlord can pass the code costs along to the tenants, and the lofts become rent-stabilized. The law protects about 10,000 tenants.

This year's renewal battle was further complicated by two added factors. First, and most important,

over the past 20 years many tenants have created additional lofts from vacant manufacturing space. These tenants were blindsided just prior to Christmas last year, when the Giuliani administration started to enforce fire and building-code requirements against them. Some tenants were forced out of their lofts for a time, and many incurred heavy legal costs defending their tenancies in court and at the Environmental Control Board.

As the existing Loft Law requires a tenant to have been in possession of the unit in 1981 in order to be protected, none of these newer lofts are covered by it. The tenants in these lofts did a great job organizing and made a major

push for coverage, but Senate Republicans rebuffed their arguments. They were not successful this year. With the Loft Law up for consideration again in less than five months, this is an issue that will not go away.

The second factor, not

unrelated to the first, was a very antitenant bill put forward by the Giuliani administration that would have drastically weakened the existing Loft Law, and denied legal protection to future loft settlers. The

*continued on page 8*

### INSIDE THIS ISSUE !

- Elections* ..... pg. 2
- El Inquilino Hispano* ..... pg. 3
- Lead-Law Appeal* ..... pg. 4
- A New New Deal* ..... pg. 6
- Charas Faces Eviction* ..... pg. 6
- Census Says NYC Segregated* ..... pg. 7

# City Council Must Challenge Bloomberg

By Kenny Schaeffer

The surprising victory of Republican billionaire Michael Bloomberg as the next mayor of New York City has enormously magnified the importance of the incoming City Council, which will face a momentous decision in picking the next speaker.

The expected continuation of Rudolph Giuliani's policies by Bloomberg 'will force the Council to confront its power and ability to impose a far different agenda, one based on economic justice—living wages, affordable housing, effective public schools and mass transit, parks and libraries. The prior speaker, Peter Vallone, resisted Giuliani only on some issues and ruled with an iron fist, punishing councilmembers who wished to go further.

Due to term limits, the newly elected Council contains 38 new members. Some come with a long history of activism, and have already formed 'the Fresh Council Caucus, demanding democratization of the way the Council operates. Among them are Robert Jackson, elected to succeed Stanley Michels in Washington Heights, and Gale Brewer, who succeeds Ronnie Eldridge on Manhattan's Upper West Side. Jackson, a Met Council member and tenant leader, was the lead plaintiff on the Campaign for Fiscal Equity's successful lawsuit against underfunding of city public schools by the state, and Brewer worked on staff for former Mayor David Dinkins and Councilmember Ruth Messenger. Along with returning members such as Christine Quinn, Margarita Lopez, Bill Perkins and Eva Moskowitz, they could provide an effective check on the policies expected from Bloomberg. Perkins, a leading candidate for speaker, welcomes the new members' commitment to open up the Council.

The new councilmembers are not all grass-roots activists, however. They include former state legislators Al Vann and Melinda Katz, former state attorney general G. Oliver Koppell, and the children of several term-limited incumbents, including Peter Vallone, Jr.

### It's Not Easy Being Green

Bloomberg's surprise victory was made possible by several factors. The Rev. Al Sharpton's endorsement of Bronx Borough President Fernando Ferrer in the Democratic primary turned Ferrer's campaign into a faux progressive coalition. Ferrer espoused concern about "the other New York" which he had never acted upon in his 20-year career as a part of the Bronx Democratic machine under county leader Roberto Ramirez, an ally of Joe Bruno in the state Senate and of the Rent Stabilization Association in the Council (where the Bronx delegation voted to gut rent and eviction protections in 1994 and lead-poisoning protections in 1999).

Following Green's willingness to

grant Giuliani a term extension after the World Trade Center attacks, the Ferrer campaign began a barrage of attacks on his competence to be mayor. Combined with the strange-bedfellow coalition of Ed Koch, Sharpton, and Vallone, this created a surge in momentum for Ferrer. Green narrowly won the delayed Oct. 11 runoff, but the racial and political divisions of the primaries continued to haunt him.

Once Green had secured the nomination, Bloomberg and his team intensified the attacks, calling him a "Stalinist" and "anti-cop," despite Green's support from former police commissioner Bill Bratton and the Patrolmen's Benevolent Association. Bloomberg's attacks were given credence by the media. NY 1, a subsidiary of Time Warner, gave free weekly television airtime to Bloomberg supporters Alfonse D'Amato and Ed Koch, without giving equal time to Green.

Bloomberg outspent Green by \$45 million, including continuous TV and radio ads, slick mailings, and prerecorded telephone calls. And between Ramirez's posturing, Ferrer's silence, and Sharpton's suggestion of an election boycott, Green's support among African-American and Latino voters, normally heavily Democratic, was fatally compromised, allowing Bloomberg to win narrowly with 51% of the vote.

Given the barrage of unfair criticism Mark Green has already endured, we are reluctant to point out any errors on his part. However, it must be noted that he was largely silent on the issue of affordable housing in the campaign, even though 2.3 million rent-stabilized tenants, many of them registered voters politicized by the traumatic battle in 1997, were listening.

What Bloomberg does on housing remains to be seen, but on his Website he endorsed retaining rent regulations, strengthening code enforcement, and expand the Senior Citizen Rent Increase Exemption program for both seniors and "other tenants in need of assistance." He also calls for a substantial commitment to

building affordable housing.

For tenants and others concerned with the housing crisis, the Bloomberg victory leaves us at a historic crossroads. As Pat Paulsen once observed, one path leads to difficulty, uncertainty and great risk; the other to certain destruction. We can either give up, or fight back in the new year by focusing our efforts on mobilizing the Council around a progressive and effective speaker and by elevating into a human-rights campaign the struggles to renew and strengthen rent and eviction laws, repeal the Urstadt law, preserve existing public and private housing and create massive amounts of new affordable housing. The choice is easy, the work will be hard.

United States Postal Service  
Statement of Ownership, Management, and Circulation

1. Publication Title: **Tenant/Inquilino**

2. Issue Frequency: **Monthly except August**

3. Issue Date: **11-7-01**

4. Annual Subscription Price: **\$2.50**

5. Number of Issues Published Annually: **11**

6. Annual Circulation: **474,628**

7. Complete Mailing Address of Known Office of Publication (Street, city, county, state, and ZIP+4):  
**339 Lafayette Street NYC 10012**

8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not for home address):  
**Met Council, Inc. 339 Lafayette St. NYC 10012**

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank):  
Publisher: **Steve Wishnia (address above)**  
Editor: **Steve Wishnia (address above)**  
Managing Editor: **Steve Wishnia (address above)**

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a sole proprietor, give his name and address.)

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box  None

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)  
 The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:  
 Has Not Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)  
 Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

13. Publication Title: **Tenant/Inquilino**

14. Issue Date for Circulation Data Below: **November 2001**

15. Publication of Statement of Ownership:  Publication required. See instructions to Publishers on page 10.  
 Publication not required.

16. Signature and Title of Editor, Publisher, Business Manager, or Owner: **Steve Wishnia**

17. Date: **11-7-01**

13. Publication Title	14. Issue Date for Circulation Data Below	15. Publication of Statement of Ownership
Tenant/Inquilino	11-7-01	Publication required
16. Signature and Title of Editor, Publisher, Business Manager, or Owner: Steve Wishnia		
17. Date: 11-7-01		
18. Total Number of Copies (Net press run)		
a. Total Number of Copies (Net press run)	4,500	4,500
b. Paid and/or Requested Circulation (Sum of 16i and 16j)	4,200	4,200
i. Paid in Advance	479	671
ii. Paid in Advance (Outside County as Based on Form 3541)	2168	1871
iii. Paid in Advance (County as Based on Form 3541)	0	0
iv. Paid in Advance (Other Class Mailed Through the USPS)	500	628
v. Requested Circulation (Sum of 16k and 16l)	3,721	3,529
k. Outside County as Based on Form 3541	215	213
l. County as Based on Form 3541	233	247
m. Other Class Mailed Through the USPS	25	32
c. Free Distribution Outside the Mail (Carriers or other means)	195	180
d. Free Distribution (Sum of 16c and 16d)	668	672
e. Total Distribution (Sum of 16b, 16c, and 16d)	4,868	4,801
f. Copies not Distributed	485	666
g. Total (Sum of 16e and 16f)	5,353	5,467
h. Paid and/or Requested Circulation (Sum of 16i and 16j)	4,200	4,200
i. Paid in Advance (Outside County as Based on Form 3541)	479	671
j. Paid in Advance (County as Based on Form 3541)	2168	1871
k. Paid in Advance (Other Class Mailed Through the USPS)	500	628
l. Requested Circulation (Sum of 16k and 16l)	3,721	3,529
m. Outside County as Based on Form 3541	215	213
n. County as Based on Form 3541	233	247
o. Other Class Mailed Through the USPS	25	32
p. Free Distribution Outside the Mail (Carriers or other means)	195	180
q. Free Distribution (Sum of 16c and 16d)	668	672
r. Total Distribution (Sum of 16b, 16c, and 16d)	4,868	4,801
s. Copies not Distributed	485	666
t. Total (Sum of 16r and 16s)	5,353	5,467

Scott Sommer hosts Met Council's  
**HOUSING NOTEBOOK**  
Mondays at 7:00 p.m. on  
**WBAI 99.5 FM**

Listen on the Internet  
[www.wbaifree.org/index.html](http://www.wbaifree.org/index.html)

**TenantNet**™ Online Resource for Residential Tenants

**New York Tenants on the World Wide Web**

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

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

Housing for people, not profit

**Tenant Inquilino**

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

Tenant/Inquilino is distributed to members and to affiliated organizations of Met Council as part of their membership. Subscriptions are \$2.50 per year for members, \$5 for institutions per year.

**EDITORIAL COMMITTEE**  
Ella Matthews, Seth Miller, William Rowen, Kenny Schaeffer

**EDITOR**  
Steven Wishnia

**PRODUCTION/DESIGN**  
John M. Miller

**PHOTOGRAPHERS**  
William Rowen, Marietta Hawkes

**STAFF**  
Florence Daniels, Vajra Kilgour, Maria Maher, Anne Moy, Joyce Rodewald, Gloria Sukenick

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

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

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

# EL INQUILINO HISPANO

## Inquilinos Protestan "Casa de Horrores" en Harlem

por Craig Willse  
Traducido por Vajra Kilgour

Llamando a su edificio una "Casa de Horrores," se manifestaron en la víspera de Todos los Santos los inquilinos de 351 Avenida St. Nicholas, en Harlem, en contra de la negligencia del casero y las condiciones del edificio, que parecen una película de horror. A pesar de haber tratado repetidas veces de reunirse con el casero, Bill Andrews, y de haber pedido frecuentemente que el Departamento de Preservación y

Desarrollo de la ciudad (HPD, por sus siglas en inglés) les ayude, hace años que los residentes han vivido en condiciones espantosas: ratas gigantescas, incendios, goteras cayendo en cascada y largos inviernos sin calefacción y agua caliente.

A los inquilinos, que enarbolaron pancartas que proclamaron "Bill Andrews: No te tenemos miedo" y "No más historias de horror," se sumaron los

vecinos partidarios de la comunidad y los medios de comunicación. Los jóvenes, disfrazados, corearon, "Travesura o regalo, queremos calefacción."

"Esta noche estamos bromeando sobre nuestra situación, pero las condiciones están muy graves," le declaró a la multitud el líder de los inquilinos, Laticia White.

"Nadie hace ninguna limpieza en el edificio, y no tenemos agua caliente, ni

calefacción, ni cerradura en la puerta principal. No tengo superintendente. Si algo en mi casa está roto, nadie viene para arreglarlo. Queremos que alguien esté en el edificio para mantenerlo, para asegurar que no hay peligros," dijo la inquilina Saradis Diaz. Diaz también se dirigió a la multitud en el curso de la manifestación. Instando a los inquilinos y vecinos que se mantengan unidos durante la larga

batalla, subrayó que las condiciones horribles que sus apartamentos tienen en común deben servir para fortalecer los vínculos entre ellos en la lucha.

Otro residente, Eufracia Mancebo, expresó su preocupación por la seguridad de los inquilinos. Señaló como dos violaciones del código de vivienda particularmente alarmantes la falta de iluminación en los

*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 2001 hasta el 30 de septiembre de 2002, incluyendo las concesiones de Pataki adoptadas por la Legislatura Estatal el 19 de junio de 1997

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Harlem

viene de la página 3

pasillos y el ascensor descompuesto.

Una inquilina activista, Elizabeth Hilson, brilló por su ausencia de la manifestación de la víspera de Todos los Santos. Su hija, Sheila Echols, lo explicó: “Hace 28 años que mi mamá vive aquí. Durante los últimos cinco años, este edificio se ha vuelto en un lugar que te hace querer huir de la vecindad. A causa de las condiciones en el edificio, mi mamá padece tuberculosis y tiene que tomar medicamentos muy fuertes. No puede salir del edificio porque vivimos en el quinto piso y el ascensor no funciona. Después de 28 años, está atrapada en su propio apartamento.”

En los últimos años, las fuerzas de transformar los vecindarios en lugares burgueses han ejercido una presión increíble sobre las familias de bajos ingresos y las comunidades de gente de color que durante las décadas se han establecido en Harlem. Mientras

las cuadras en su alrededor ostentan edificios renovados de tres o cuatro pisos, que se alquilan a los recién llegados caudalosos, en la última década se ha decaído el antiguamente hermoso edificio.

“Nací y me crié en este edificio, y he presenciado cómo se transformó de un edificio excelente a uno casi abandonado. Durante los últimos años, se ha vuelto realmente imposible vivir aquí. Los niños no pueden jugar afuera, porque se lanza ratas muertas por la ventana,” dijo White.

Marcella Elfe, organizadora de la comunidad y residente durante muchos años, hizo eco a las opiniones de White. “He visto el cambio, he visto cómo se ha transformado de un vecindario a un nido de ratas.”

La historia de 351 Avenida St. Nicholas está llena de codicia y engaño. Durante años, el superintendente, Confessor Sanchez, fingía ser el dueño, cobrando la renta en el edificio sin hacer nada más.

En ese entonces, la dueña real, Usha Persaud, se mantenía bien escondida en la Florida mientras su propiedad se cayó en el desastre. En el verano pasado, un incendio, considerado sospechoso por el Departamento de Bomberos, destruyó varios apartamentos, desalojando a las familias que vivían en ellos. Un poco después del incendio, Sanchez vendió el edificio—que no le pertenecía—a otra compañía de gerencia y desapareció misteriosamente. Al darse cuenta que no tenía derecho al instrumento, la compañía removió la caldera recientemente instalada, cortando el agua caliente en el edificio.

Cuando Bill Andrews reclamó posesión del 351 el verano pasado, los inquilinos expresaron sus esperanzas que se hubiera puesto fin a los años de abandono y falta de reparaciones. Resulta que el interés de Andrews en el edificio precede la compra de él, puesto que administró la propiedad por parte de la familia Persaud, que se lo vendió. Andrews rehusó a reunirse con los inquilinos para discutir cara a cara sus planes por el edificio; en cambio, puso notificaciones

de desalojo en casi todas las puertas de ellos. Si esto por sí solo no hace claro su propósito de ahuyentar a los inquilinos, el hecho de que cerró con ladrillos la entrada de uno de los apartamentos quemados lo hace perfectamente claro.

Un grupo bien organizado y dedicado, los inquilinos de 351 han jurado luchar por la seguridad y sustentabilidad de sus hogares y vecindario. Un día después de la manifestación, los inquilinos por fin conocieron al misterioso Bill Andrews—en la corte. La juez Margaret McGowan le ordenó a Andrews a arreglar inmediatamente las decenas de violaciones amenazadoras a la vida. Los inquilinos planean asegurarse que Andrews cumpla con su obligación legal.

La organizadora Marcella Elfe insistió que la lucha no es solamente por condiciones de vida decentes, sino también por una vida de calidad y dignidad. “Vivir en estas condiciones te hace sentirte un poquito inhumano, hace pedazos su orgullo y sus raíces. En estos días, con todo lo que estamos viendo, necesitamos ver avances.”

## City Appeals Decision Striking Down '99 Lead Law

Claiming that the City Council had given “massive consideration to all environmental factors” before enacting a new lead-paint law in 1999, lawyers for the Giuliani administration urged the Appellate Division to overturn a lower-court ruling striking down that law.

Local Law 38, which drastically weakened landlords’ responsibilities and tenants’ recourses to fight lead poisoning, was ramrodded through by Mayor Giuliani and Council Speaker Peter Vallone. It was struck down in October 2000 by Justice Louis B. York, on the grounds that the Council had failed to file an environmental-impact statement, as required by state law. Justice York called the Council’s environmental review “mostly perfunctory, only occasionally rising to the level of cursory, with the operative word being alacrity rather than analysis.”

The Appellate Division’s First department heard oral arguments Oct. 26 in the case, *New York City Coalition to End Lead Poisoning v. Vallone*. State Attorney General Elliot Spitzer and a group of 24 lead-poisoning experts have filed amicus briefs supporting Justice York’s decision, while four leading real-estate lobbying groups have filed one supporting the city’s appeal.

“The City’s briefs failed to answer the legal issues before the court,” says Matthew Chachere of the Northern Manhattan Improvement Corporation, an attorney for the NYCCELP coalition. “1) Whether Local Law 38 may have adverse environmental im-

pacts (on which there is really no dispute), and 2) if so, did the City meet the requirements for environmental review as required by state law (the City didn’t really address this, either).”

The 1999 law repealed 1982’s Local Law 1, which presumed that all apartments built before 1960 had lead paint and required landlords to remove it in apartments where there was a child under 7. The city government never fully enforced Local Law 1, despite years of litigation. Lead poisoning, which can cause learning disabilities, affects 30,000 children in the city.

One advocate called Local Law 38 “the worst public-health bill the Council has passed in recent memory.” It strictly limited what lead-paint conditions were considered health hazards. It did not define lead-paint dust—the prime source of lead poisoning—as a health hazard, only peeling or flaking lead paint. Instead of requiring landlords to remove lead paint immediately, it only required them to inspect for peeling or flaking paint once a year, if the tenant informed them that they have a child under 6, and allowed them to “self-certify” that removal work was done properly. It also barred lead-poisoned children and their parents from suing landlords for negligence unless that could prove that they notified the landlord of a lead hazard.

Chachere says he’s hopeful that the appeals court will uphold the decision striking down the law. He

continued on page 8

### No se quede helado: ¡ORGANÍZASE!



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

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

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

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

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

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

participación de todos los inquilinos en su edificio que pueden firmarlo. Reclame una orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (idisculpe 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, idisculpe!—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!

# In the Aftermath: Why We Need a New New Deal

By George Locker

On September 11<sup>th</sup>, a handful of men on a small budget carried out the ultimate act of globalization, exporting urban mayhem and the mass murder of civilians to New York City.

As the horror engulfed us, working-class New Yorkers and their neighbors poured out to respond, to volunteer, to comfort, and to bear witness. Public servants died serving their public. It was the muscle and machinery of the real economy that matters, not the computer and microchip of the new.

In tragedy, we were magnificent. Everywhere, there was greatness in the acts of individuals. Meaning was to be found in real events. Everyone counted.

*Our monument to the widespread horror and destruction must be nothing less than rebuilding the city itself.*

As a first measure, we must immediately create 100,000 public-sector jobs, at public-sector wages, for any person who lost work or a business as a result of the attack. This will help to cushion individuals and families, boost public morale, and improve city services and amenities.

We should build 50,000 units of affordable residential housing a year for 15 years, to eliminate the housing shortage; construct enough schools to reduce class size to 20 stu-

dents; build the rail freight tunnel under the harbor, double the capacity of mass transit; and enhance the parks.

How do we begin to pay for this? Is it the right time?

Before the attack, the nation and the city were staring a recession in the face. As the buildings crumbled, so went any hope of a soft landing for Wall Street and a reprieve for New York. Cleanup costs and tax losses will be staggering.

History instructs us that the size and depth of the economic contraction before us calls for our government to institute bold programs and not brutal cutbacks. In response to the Great Depression, Mayor Fiorello LaGuardia and President Franklin D. Roosevelt transformed New York with public-works projects of all kinds.

The immediate key to resuscitating New York's economy lies in three sources of funds about which much is unknown even today: monies available under the Stafford Disaster Relief and Emergency Assistance Act, the \$20 billion appropriated by Congress after Sept. 11, and private insurance payouts to public and private entities. The total money that could be available to rebuild is considerable.

The Stafford Act is a source of federal funds to

reconstruct and rehabilitate areas devastated by disasters that "disrupt the normal functioning of governments and communities" and "adversely affect individuals and families with great severity." It enabled the Housing Act of 1937 for the provision of low-income housing, and the Public Works and Economic Development Act of 1965.

Of the \$20 billion appropriated in the aftermath of the attack, it is said that \$17.5 billion is earmarked for the needs of New York City. Because this amount is small in comparison to the total damage, and Congress will restrict its uses, it is crucial to spend this money wisely.

In this regard, the \$17.5 billion and the credit it could generate *should be used exclusively for public projects within the public sector*, and which in turn are not covered by insurance payments or by funds available under the Stafford Act.

The third source of funds, insurance payouts for damage to property, has received little public discussion. We do know that many public entities were affected: the City of New York, the State of New York, the Port Authority of New York and New Jersey, the Metropolitan Transportation Authority, the Battery Park Authority, and so on.

Each of these public parties should specify its own property losses and its own insurance coverage. This should apply as well to the telephone and utility companies. Until there is an overarching city/state authority to coordinate all of the rebuilding and to allocate all of the expenses in a fair and equitable way, each entity, public or private, should be financially responsible for its own costs.

Finally, the rights of private parties, notably the 99-year leaseholders of the Twin Towers, remain murky. The provisions of the lease agreement with the Port Authority have not been made public; one cannot guess whether and how they addressed what would happen if the buildings were totally destroyed. It is impossible to have an intelligent discussion of the possibilities for the downtown site until

these and other basic facts (or contentions) are made public.

Let us hope that the events of September 11<sup>th</sup> become the point of departure for a thoughtful and forthright campaign to make the city more just, egalitarian, and inclusive. A new New Deal would be the humane and intelligent response of a

civilized people to the hateful and mad acts, the huge losses, the great sadness, and the perils ahead.

We owe this much to the victims, to ourselves, and to the fragile democracy we need to cherish and protect.

*George Locker is a tenants' attorney and a member of the Five Borough Institute.*



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

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

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

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

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

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

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

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

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

**The heat laws also provide for:**

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

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

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

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

## Post WTC Information

### HOUSING COURT/EVICTIONS

There is still a moratorium on evictions and notices of evictions for the following zip codes: 10006, 10007, 10008, 10048, 10249, 10280, 10281, 10282.

Court actions are proceeding in all other zip codes including 10013 which was previously on the above list. Remember that this information can change rapidly. For updates on the status of evictions and court actions in lower Manhattan, call Sandy Russo at (212) 431-7200 ext. 125.

### LEGAL AID/LEGAL SERVICES

The central phone for the Legal Aid Society at 90 Church Street is still out. For referral to the Legal Aid or Legal Services servicing your neighborhood, call the central phone number for Legal Services of New York (LSNY) at (212) 431-7200.

### HPD

Shortly after 9/11, HPD phone

numbers which started with "(212) 863" were given a temporary prefix. They have now switched back to "(212) 863".

### RENT GRANTS

(for anyone needing rental assistance due to the loss of a loved one who worked, or job loss related to 9/11.) FEMA: (800) 462-9029; American Red Cross: (212) 219-6200, (877) 746-4987; Safe Horizons (Sept. 11<sup>th</sup> Fund): (800) 621-4673; NY Times Neediest Case Fund via Community Service Society: (212) 614-5566

### BIAS ATTACKS/ANTI-WAR

U.S. Commission on Civil Rights: (800) 552-6843; Asian American Legal Defense and Education Fund: (212) 760-9110; Arab American Family Center: (718) 643-8000; War Resisters League: (212) 228-0450, www.warresisters.org; NYC Antiwar Activities Hotline: (212) 726-3272, www.nynotinourname.org.

## Charas Community Center Faces December Eviction

By Louise Gross

Barring an eleventh-hour intervention, Charas/El Bohio Cultural and Community Center is scheduled for eviction sometime after December 12.

The Lower East Side center appears to have finally run out of legal claims against both the city and new owner Gregg Singer, who bought the building that housed Charas from the city at a public auction in 1998 for \$3.1 million. Charas supporters maintain that it was sold in retaliation for their outspoken opposition to the Giuliani administration's policies. The city refused to discuss proposals or negotiate a deal for the building with Charas, but sold it to Singer for little more than \$40,000 down, and gave him a purchase money mortgage of \$2 million.

Last February, a jury held that Singer could not evict the 22-year-old cen-

ter because he did not plan to use it for community use, but the Appellate Term overturned that decision, ruling that Charas never had the right to a jury trial. The Appellate Division upheld that ruling, leaving Charas facing eviction.

Charas' lawyers, Catharine Grad of Grad & Weinraub and Alan Levine, special counsel for the Puerto Rican Legal Defense and Education Fund, then moved for more time for Charas, the artists and organizations that call the center home, to relocate. Judge Saralee Evans gave them six months, or until Dec. 12, to find new space.

Neither Mayor Giuliani nor the federal Department of Housing and Urban Development has heeded Charas' supporters. Several political representatives had met with HUD officials to urge them

to enforce federal regulations requiring both public notice and a public hearing before a change in the property's use, as over \$2 million in federal funds were used to help restore the building for use by Charas. HUD refused to enforce those regulations.

In the aftermath of the World Trade Center attack and the US war on Afghanistan, Charas also became an instant hub for relief and antiwar activity. It gave groups a place to meet, grieve or focus on ways in which to channel their rage, frustration and sorrow, in projects like the Gathering of Hope, taking place on November 11.

Supporters vow never to let Gregg Singer get away with turning a vital community center into a youth hostel or luxury condos. They continue to pursue legal strategies, plan direct actions and public demonstrations,

and also hold out hope that the next mayor, in the 11<sup>th</sup> hour, will intercede. Contact the Charas

Committee to learn more and get involved: Charas@erols.com; Website, www.Charas.org.

### PACK THE COURTROOM!

Tenants are needed for the first day in court in the lawsuit challenging Governor Pataki's recent changes to the Rent Stabilization Code. The judge must see that this issue is important to tenants. If we prevail, the anti-tenant changes could be stopped statewide.

**Monday, Dec. 10, 2001**

**10 a.m.—1 p.m.**

**Brooklyn Criminal Court Building  
120 Schermerhorn St., Room 308**

SUBWAY: A/C/G to Hoyt/Schermerhorn, 1/2/4/5 to Nevins St., or 1/2/4/5/N/R to Court St./Borough Hall

The Pataki Code Changes: Make it easier for landlords to evict and overcharge rent-stabilized tenants. \* Make it easier for landlords to increase rents for MCIs, appliances and services, and harder for tenants to fight unfair increases.

## NYC Rent Guidelines Board Adjustments (Order No. 32)

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

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

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

### Vacancy Leases

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

### Rent Overcharges

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

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

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

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

### Fair Market Rent Appeal

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

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

### Senior Citizen Rent Increase Exemption

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

### Loft Units

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

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

### Hotels and SROs

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

### High-rent, High-income Deregulation

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

# Census Says: New York Intensely Segregated

By Annette Fuentes

The 2000 Census showed the U.S. population was becoming more and more diverse as the numbers of Asians, Latinos and people of the African diaspora continued to climb. The Latino population alone increased by more than 50%. In New York City, the combined population of black, Latino and Asian residents swelled to majority status.

But in New York, the ostensible capital of diversity, the segregation of Asians, Latinos and black residents from white households is at virtually the same level today as it was in 1960.

Indeed, it's just about the worst in the country. Out of 331 metropolitan areas scrutinized by John Logan, a sociologist and director of the Lewis Mumford Center for Comparative Urban and Regional Research at the State University of New York at Albany, New York now ranks first for both Latino-white segregation—up from second place in 1990—and Asian-white segregation, up from seventh place 10 years ago. For black-white segregation, long the yardstick of racial integration in neighborhoods, New York City ranks third in the country, up from seventh place at the time of the 1990 Census. Detroit and Milwaukee rank first and second respectively.

If those statistics weren't troubling enough, Logan applied his methodology to census numbers on children and discovered that segregation is in fact growing. In metropolitan areas around the nation, black, Asian, and Latino children are growing up in neighborhoods increasingly separated from white children.

"I was startled that areas with high levels of segregation had even higher levels for children," he says.

Logan attributes the overall trend to concentrated growth of Latino and Asian populations in the Northeast, Sunbelt and West Coast. But it holds true in New York City, too—here, segregation among children has increased 6% since 1990. The Big Apple now ranks third nationwide for the level of segregation between black and white children.

"For people who think we've seen change, the news is that it's the same," says Angelo Falcon, director of the Institute for Puerto Rican Policy at the Puerto Rican Legal Defense and Education Fund. "There was some media coverage of the census analysis, but no sense of outrage or a need to do something about it. Look at the mayoral race. There is no discussion of segregation. You don't have the mayoral candidates saying, 'I want to integrate New York City.'"

Segregation is measured by several indices that assess residential patterns within census tracts, which contain from 4,000 to 6,000

people. Logan's analyses found sharp differences in the composition of neighborhoods where whites live as compared to blacks, Asians and Latinos. Nationally, on average, whites live in neighborhoods that are 83% white. Blacks live in neighborhoods that average 54% black and 33.2% white. Latinos' neighborhoods are 42.1% Latino, 40% white, and 13% black. Asians' neighborhoods are 19.3% Asian and 58% white, with the rest split between blacks and Latinos.

The numbers for New York City reflect that same pattern of segregation, but even more so. Latinos are an average of 46.3% of their neighborhoods' residents; Asians are 26.5% of theirs; and blacks make up 60.4% of their neighborhoods.

What it means, says Logan, is that in spite of the growing population diversity in New York City overall, blacks, Latinos, and Asians live in closer proximity to one another than they do to whites.

The reasons for New York's segregation—as for any city's racial and ethnic divides—boil down to several factors, which can vary for the different groups. Apologists for persistent segregation like to say that choice, not racial or economic barriers, determines where people live.

It's true that Latino and Asian immigrants are often drawn to neighborhoods populated by others from their nations of origin, just as waves of immigrants before them were. Other cultural and language similarities are also strong magnets. So, for example, Mexican immigrants have boosted the Latino population of Sunset Park and East Harlem, established Puerto Rican enclaves. For Latinos, limited income and newcomer status help perpetuate their segregated residential patterns, says Logan; for most Asian groups, segregation is driven by preference and their immigrant status.

For African-Americans, though, segregation is the direct consequence of racial discrimination, plain and simple. "The basic underlying grid is black-white segregation," says John Mollenkopf, co-director of the Center for Urban Research at CUNY Graduate Center. "But over that is being applied a spatial differentiation driven by immigrant groups who are not black or white. As these groups establish themselves in different areas, segregation will go

down. Exclusively white neighborhoods will be less so and more Asian or Latino. But not black."

The tenacity of segregation is a testament to decades of policies, both official and unwritten, that fostered white privilege in housing choice. Federal housing subsidies and loan programs, local zoning laws and racially restrictive covenants attached to home deeds laid the foundation for segregated cities before and after World War II. From the 1950s on, public housing projects, discriminatory mortgage practices and urban renewal projects all helped ghettoize African-Americans, building on that early legacy of residential segregation.

"Segregation is caused by racism, but it can't be interpreted as simple acts of racism by whites," says Nancy Denton, associate professor of sociology at SUNY Albany and co-author of *American Apartheid: The Making of the Underclass*. "It's the segregated pattern established years ago, and now it determines how people live. Segregation of a group over a long time becomes self-perpetuating."

For some African-Americans, integration is no longer a goal, Denton believes, because the personal price of confronting racism has been too steep. "We're seeing that with African-Americans in Harlem," Denton says. "It comes down to being sick and tired of dealing with discrimination. Integration has gotten a bad reputation. It's been equated with a one-way process: Blacks should live like whites. Whites love this because if we say that these groups prefer to live among themselves, it's very convenient."

Even as increased incomes for some African-Americans and Latinos should have provided wider access to housing choices in the city and suburbs, fair-housing laws have done little to attack segregation. Historically, federal enforcement of fair-housing laws has been anemic. In 1998, the Justice Department filed just 64 fair housing cases nationally, only about half for discrimination on the basis of race or national origin.

The worsening segregation of children is easily detected in a public-school system that offers wildly differing quality and resources depending on neighborhood. Gary Orfield, co-director of the Civil Rights Project at Harvard, authored a report released this July called "Schools More Sepa-

rate: Consequences of a Decade of Resegregation." Orfield paints an alarming picture of worsening segregation among students, especially Latinos, whose enrollment in public schools has ballooned in several key states. "New York is the most segregated for black and Latino students," Orfield says. "For Latinos, it's been the most segregated since the 1970s." Residential segregation is the simple cause of this skewed system, he says. "Just pick any random black or Latino classroom. Then look at a white suburban school. The difference hits you like a ton of bricks," Orfield says.

In New York City, the economics of segregation is the most formidable challenge, according to Orfield. "Residential segregation is a huge economic threat to communities. When housing is moved out of white control to blacks and Latinos, there is disinvestment in jobs and infrastructure."

The census analyses and their alarming portrait of a city segregated could ignite political activism among new groups coming to political maturity as well as long-time progressives, says Angelo Falcon. "During the civil rights movement, the idea of integration was a pained kind of ameliorist approach," he says. "Now it strikes me that it is one of the most revolutionary demands. The persistence of segregation raises the issue of how changing demographics mean people of color should be challenging white privilege. Integration could be a much more radical and powerful tool than how people saw it back then. It's the basis of a new civil-rights issue."

*A longer version of this article appeared in the November issue of City Limits. Reprinted with permission.*

## Complaint Numbers

The Department of Housing, Preservation and Development (HPD) has changed its Central Complaints hotline.  
The new number is:  
(212) 824-4328

The Department of Buildings has also condensed its borough phone numbers into one complaints line.  
The new number is:  
(212) 227-7000

### Hotline Volunteers Needed!

Our phones are ringing off the hook! Met Council is looking for people to counsel tenants on our hotline. We will train you! The hotline runs on Mondays and Wednesdays from 1:30-5 PM. If you can give one afternoon a week for this crucial service to the tenant community, call Dave at (212) 979-6238 x6.

# Harlem

*continued from page 1*

appeared. When that company realized that they had no legal claim to the deed, they removed the boiler they'd recently installed, cutting off all hot water to the building.

When Bill Andrews claimed ownership of 351 last summer, tenants expressed hope that the years of abandonment and disrepair had come to an end. As it turns out, his involvement in the building predated his actual purchase, as he managed the property for the Persaud family, who sold it to him. Andrews rebuked tenant leaders' request to meet face-to-face to discuss his plans for the building, instead posting notices of termination on almost every single household door. If that alone does not make clear his intention to drive tenants out,



Picket signs in two languages.

the fact that he bricked over the door of one of the burned-out

apartments certainly does.

An organized and dedicated bunch, the tenants of 351 have vowed to fight for the safety and sustainability of their homes and neighborhood. The day after the rally, tenants finally met the mysterious Bill Andrews—in court. Housing Court Judge Margaret McGowan ordered Andrews to fix the scores of life-threatening code violations immediately, and tenants plan to make certain he follows through on his legal obligation.

Organizer Marcella Elfe emphasized that the struggle was not only for decent living conditions, but for a life of quality and dignity. "Living in these conditions makes you feel a little inhuman, it tears your pride and roots down. In this day and age, with all we're going through, we need to see progress."

# Lead

*continued from page 4*

notes that Justice Peter Tom, who headed the five-judge panel that heard the oral arguments, wrote the Appellate Division's "seminal 1996 decision in *Williamsburg Around the Bridge Block Association v. Giuliani*, which declared that lead dust is a hazard and that the enactment of laws and policies concerning the regulation of lead paint and lead dust must comply with state environmental review laws, and which rejected the City's arguments that it could evade those laws by asserting they did something 'just as good.'"

The *Williamsburg* case, he adds, was key to Justice York's decision striking down the 1999 law, "and the City really didn't have any arguments as to why this case shouldn't be followed."

Steven Wishnia

# Loft Law

*continued from page 1*

city's proposal was very complicated, very anti-tenant, and seemingly the product of the Loft Board's then-executive director, Jeanette Koster. It was the last of a series of anti-tenant moves by her. She resigned from the board in late August when it became clear her "screw the tenants" bill wasn't going anywhere.

Prior to the events of September 11, the battle between the Legislature and the governor over the state's budget and social issues had already taken twists and turns never before seen. In the wake of the attack on the World

Trade Center, the differing fiscal assumptions and the issues of budget allocation became more difficult overnight.

The battle is far from over. In fact, given the short renewal period after a spate of extension, the battle continues. With luck, a new Mayor who will fight for tenant rights, and continued lobbying in Albany by all loft tenants—those currently covered and those seeking coverage—hopefully next year will produce different results.

*Bill Hall is on the Lower Manhattan Loft Tenants executive committee.*



**E-mail Met Council**  
[active@metcouncil.net](mailto:active@metcouncil.net)

## WHERE TO GO FOR HELP

**LOWER EAST SIDE BRANCH at Cooper Square Committee**  
61 E. 4th St. (btwn. 2<sup>nd</sup> Ave. & Bowery)  
**Tuesdays ..... 6:30 pm**  
**Note:** This office closes for the month of August. It reopens Sept. 4, the first Tuesday of the month.

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

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

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

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

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

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

# City Limits

New York's Urban Affairs News Magazine

.....

**Organizing  Development  Housing  Community Action**  
**Insight into the politics of poverty, race and urban economics**

10 issues a year \$25      (212)479-3344      120 Wall Street, 20<sup>th</sup> flr.  
Two years for \$35           New York, NY 10005

# METROPOLITAN COUNCIL ON HOUSING

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

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

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

# 212-979-0611

## Join Met Council

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

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

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

**Name** \_\_\_\_\_

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

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

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

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