



Senate Stalemate's End Leaves Uncertain Future for Tenant Bills

By Mario Mazzone

profoundly apologize." These were the words of State Senator Pedro Espada on July 9, as he announced his return to the Democratic conference after a month of caucusing with the Republicans.

Espada's move may have ended a bizarre month-long stalemate in Albany. How it will affect efforts to pass important tenant legislation this year, including the repeal of vacancy decontrol for rent-stabilized apartments, is unclear. Espada has conspired to undermine the tenant agenda throughout this legislative session, but as the news that he had rejoined the Democrats was reaching the news wires and blogs, Democratic senators were already calling the leaders of housing organizations to assure them that they had held out for commitments that the leadership would bring the key tenant bills to a vote this session as a condition of accepting his return.

Espada's elusive allegiances and changing alliances have been at the center of an unpredictable and tumultuous legislative session in Albany. The Bronx Senator (who actually lives in Westchester) first threatened to defect to the Republicans the day after the November 2008 election, when Democrats won a 32-30 majority in the Senate, giving them control for the first time in 40 years. He was joined by Hiram Monserrate of Queens, Ruben Diaz Sr. of the Bronx, and Carl Kruger of Brooklyn. Monserrate bowed out quickly, but Espada and the other two held out until they had secured key committee posts and other agreements about the conference's platform.

Espada got to chair the Senate housing committee. He used the post to bottle up key tenant legislation. After relentless pressure from tenant groups, he promised to move the bill to repeal vacancy decontrol out of the committee in its last meeting. At the last minute, he postponed that meeting from June 8 to June 9.

The timing was key, as Espada and the Republicans had plotted a coup for June 8. He and Monserrate joined the 30 Republican senators in a surprise vote to change in the Senate's leadership. They named Republican Dean Skelos of Nassau County majority leader, with Espada as president pro tem.

Monserrate soon returned to caucusing with the Democrats under tremendous pressure, including from tenant groups. That left the Senate evenly divided between Democratic and Republican conferences, each with 31 members.

Complicating matters further, the state has no lieutenant governor, who would normally cast the tie-breaking vote on procedural issues such as leadership posts in the Senate. The job has been vacant since Gov. Eliot Spitzer resigned and Lt. Gov. David Paterson succeeded him.



Tenants protest on June 12 outside of the still-unopened district office of Pedro Espada, four days after the state Senate coup.

The courts declined to weigh in on the matters of dispute, many of which would have required interpreting aspects of the state constitution that are inconclusive and have never been tested. When the Democrats challenged the legality of the Republican coup, the presiding judge punted, refusing to rule on issues that are highly po-

litically charged and have no clear precedent.

In the absence of a ruling from the courts, both the Democratic and Republican conferences separately attempted to hold sessions, with the leadership posts filled by the senators that each party asserted have rightful

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Bloomberg's RGB Slams Long-Term Tenants Again

By Steven Wishnia

While tenants around New York were hoping that the state Senate standoff wouldn't kill the repeal of vacancy decontrol, the city Rent Guidelines Board went after long-term tenants.

Minutes after about 200 protesters—many with tape over their mouths to symbolize their lack of a voice in the process—marched out of the RGB's June 23 meeting at Cooper Union, the board voted a minimum increase for long-term tenants who pay less than \$1,000 a month.

The board voted 5-4 to allow rent increases of 3 percent for a one-year lease renewal and 6 percent for two years. Tenants who have lived in their apartment for six years or

more will face minimum increases of \$30 for one year or \$60 for two.

"I do not view this policy as a punishment for long-term tenants," said RGB chair Marvin Markus, who proposed it. Tenants who have occupied rent-stabilized apartments that cost less than \$1,000 for more than six years, he contended, pay a median rent of \$730, significantly less than the \$932 median for all rent-stabilized apartments.

Public member Risa Levine, who voted for the minimum increase, said that it would help reduce "the imposition that long-term tenancies put on landlords."

Levine had earlier proposed a slightly smaller increase, of 2.5 and 4.5

percent. Tenant representatives Adriene Holder and Ronald Languedoc reluctantly voted for it, saying they hoped to avert the minimum increase. But it was not high enough for the board's three male public members, who joined the landlord representatives to defeat it.

"This board guarantees owners a very high rate of return while everyone else in the city is suffering," a disappointed Holder said after the vote.

Tenant advocates are waiting for State Supreme Court Judge Emily Jane Goodman to rule on a challenge to last year's minimum increase for tenants of six years or more. They argued that the RGB does not have the legal authority to impose increases

based on the type of tenant, said Legal Aid Society lawyer Robert Desir.

"I hope this brings Bloomberg down," said Lower East Side tenant Michael Jasz, 58. "The landlords have been making an extraordinary for-

tune for the last fifteen years."

Many other protesters also blamed Bloomberg for high rents. "The mayor already gave out the order," said Hector Rodri-

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EDITORIAL

Albany Mess Makes Urstadt Repeal More Urgent

By Steven Wishnia

The 1971 Urstadt law was an undemocratic recipe for corruption long before the state Senate left Earth for Planet Chutzpah. It put power over New York City's rent controls and tenant protections in the hands of politicians from far outside the city. We couldn't vote them out, but the real-estate lobby could—and did—give them tons of money.

The current mess in Albany makes repealing Urstadt all the more imperative. Tenants spent years organizing to win Democratic control of the state Senate, campaigning in districts deliberately designed to under-represent the city and protect Republican incumbents. We finally accomplished that last fall—only to see our agenda, from repealing vacancy decontrol to protecting Mitchell-Lama residents, tied up by a handful of the Legislature's most petty and venal members.

Even to those of us resigned to the idea that New York has the most dysfunctional state legislature in the nation—a distinction akin to that of Illinois for entrenched corruption, Louisiana for shameless corruption, and Texas for far-right stupidity—the events of the last month have been extraordinary.

Only on Planet Chutzpah would it be “reform” to put campaign-finance scofflaw Pedro Espada (D-Bronx or Westchester?) in charge of the state Senate. We can't tell how much money the real-estate lobby has given Espada, because the only campaign-finance reports he's filed have been late and obviously dubious, but the Rent Stabilization Association and the Real Estate Board of New York have hired his own lawyer to lobby him.

Only on Planet Chutzpah would it be “reform” for billionaire Tom Golisano to plot a legislative coup because he was vexed that Democrats raised taxes on the rich after he gave them money.

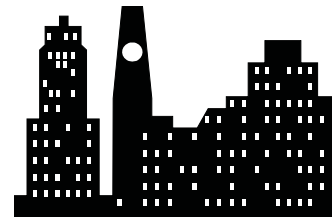
Only on Planet Chutzpah would Sen. Hiram Monserrate (D/R/D/R/D-Queens) claim that he had voted to turn the Senate leadership over to Espada and the Republicans because that would make repealing vacancy decontrol more likely.

More than one observer in Albany has noted that getting the Senate to repeal Urstadt will be politically difficult because state legislators don't want to eliminate the biggest reason for landlords to give them money. They don't want the pots of real-estate cash

going to the City Council instead of them, Thomas Waters of the Community Service Society told *City Limits Weekly*.

In other words, they don't want to give New York City power over the rent laws that affect its residents, because they don't want to give up the bribe money that landlords pay them to keep the laws unfair.

If that isn't a compelling reason to repeal Urstadt, we don't know what is.



Met Council Gains an Intern

A senior at Northwestern University in Illinois majoring in political science, Chris Gore has focused his research on the sociology of inequality, criminology, and law in the political arena. From canvassing for Democratic candidates in Kentucky to immersing himself in environmental and social justice at the University of Edinburgh in Scotland, Chris has increasingly addressed the issues near to his heart. Hoping to find his niche in law following graduation, he is thrilled to join the housing-justice movement this summer in New York.

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

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EL INQUILINO HISPANO

La RGB de Bloomberg golpea otra vez a inquilinos de muchos años

Por Steven Wishnia
Traducido por Lightning Translations

Mientras los inquilinos en toda Nueva York esperaban que el empate en el Senado estatal no abatiera la revocación del descontrol de viviendas disponibles, la Junta de Renta Regulada (Rent Guidelines Board, RGB) municipal persiguió a los inquilinos de muchos años.

Momentos después de que alrededor de 200 manifestantes, muchos con cinta tapando sus bocas para simbolizar la ausencia de sus voces en el proceso, se marcharon de la reunión de la RGB el 23 de junio en Cooper Union, la junta votó a favor de un aumento mínimo para inquilinos de muchos años que pagan menos de \$1,000 al mes.

La junta votó 5 a 4 a favor de permitir aumentos de alquiler de un 3 por ciento por un contrato de un año y 6 por ciento por dos años. Los inquilinos que han vivido en sus apartamentos por seis años o más enfrentarán incrementos mínimos de \$30 por un año o \$60 por dos.

“No veo esta política como un castigo para los inquilinos de muchos años”, dijo el presidente de la RGB Marvin Markus, quien la propuso. Los inquilinos que han vivido por más de seis años en apartamentos de alquiler estabilizado que se alquilan por menos de \$1,000, sostuvo, pagan un alquiler medio de \$730, significativamente menos del alquiler medio de \$932 para todos los apartamentos de alquiler estabilizado.

El miembro público Risa Levine, quien votó a favor del aumento mínimo, dijo que ayudaría a reducir “la imposición que los períodos de alquiler a largo plazo ponen sobre los caseros”.

Anteriormente, Levine había propuesto un aumento un poco menos grande, de un 2.5 y 4.5 por ciento. Los representantes de los inquilinos Adriene Holder y Ronald Languedoc votaron de mala gana a favor, a su decir para evitar el aumento mínimo. Sin embargo, este aumento no fue bastante grande para los tres mi-

embros públicos varones, quienes se unieron a los representantes de los caseros para derrotarlo.

“Esta junta garantiza a los caseros una tasa de rentabilidad muy alta mientras todos los demás en la ciudad están sufriendo”, dijo Holder decepcionada después de la votación.

Los defensores de inquilinos esperan una decisión de la Jueza de la Corte Suprema Estatal Emily Jane Goodman sobre la impugnación del aumento mínimo del año pasado para inquilinos de seis años o más. Arguyeron que la RGB no tiene la autoridad legal para imponer aumentos basados en el tipo de inquilino, dijo el abogado Robert Desir de la Sociedad de Ayuda Legal (Legal Aid Society).

“Espero que esto eche abajo a Bloomberg”, dijo el inquilino Michael Jasz, 58, del Loisaída. “Los caseros han hecho fortunas extraordinarias durante los últimos quince años”.

Muchos otros manifestantes también culparon a Bloomberg

de los altos alquileres. “El alcalde ya dio la orden”, dijo Hector Rodriguez, 69, de Park Slope. “Tengo una pensión, y casi no puedo sobrevivir. Siguen elevando los alquileres”.

“Los aumentos de alquileres fueron bastante malos, pero lo que me chocó fue el suplemental”, dijo Don Castigno, 53, un residente por muchos años de la East Village quien empezó a trabajar como voluntario con Inquilinos y Vecinos (Tenants and Neighbors) este año. “Básicamente es una purga planificada para expulsar a la gente mayor de la ciudad”.

Bloomberg y Markus han negado constantemente que colaboran en los aumentos de alquileres. Por otra parte, despidieron al único miembro público que votó a favor de una propuesta apoyada por los inquilinos durante los últimos ocho años.

Como siempre, la junta rechazó una congelación de alquileres por

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Los Ajustes de la “Junta de Regulación de Renta” de la Ciudad de Nueva York (Orden No. 40)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2007 hasta el 30 de septiembre de 2008.

Renovación de Contrato
Los caseros tienen que ofrecer a los inquilinos de renta estabilizada una renovación de contrato dentro de 90 a 120 días antes de que venza su contrato actual. La renovación de contrato tiene que mantener los mismos términos y condiciones que el contrato que vencerá, excepto cuando refleje un cambio en la ley. Una vez que se haya recibido el ofrecimiento de renovación, los inquilinos tienen 60 días para aceptarlo y escoger si van a renovar el contrato por uno o dos años. El propietario tiene que devolver la copia firmada y fechada al inquilino dentro de 30 días. La nueva renta no entrará en vigencia hasta que empiece el nuevo contrato, o cuando el propietario devuelva la copia firmada (lo que suceda después). Ofrecimientos retrasados: si el casero ofrece la renovación tarde (menos de 90 días antes de que venza el contrato actual), el contrato puede empezar, a la opción del inquilino, o en la fecha que hubiera empezado si se hubiera hecho un ofrecimiento a tiempo, o en el primer pago de renta fechada 90 días después de la fecha del ofrecimiento del contrato. Las pautas de renta usadas para la renovación no pueden ser mayores que los incrementos de la RGB vigentes en la fecha en que el contrato debía empezar (si se lo hubiera ofrecido a tiempo). El inquilino no tiene que pagar el nuevo aumento de renta hasta 90 días después de que se haya hecho el ofrecimiento.

Asignación de Subarriendo
Los caseros podrán cobrar un aumento de 10 por ciento durante el término de subarriendo que comience durante este

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años	
Renovación del Contrato	Todos	casero abastece la calefacción	4.5%	8.5%
		inquilino paga la calefacción	4%	8%
	Salvo donde el último contrato del apartamento vacío se firmó 6 o más años atrás y la renta es menos de \$1,000	casero abastece la calefacción	45	85
		inquilino paga la calefacción	40	80
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	16%	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 un 17.25%	0.6% por el número de años desde el último incremento por estar
	Menos de \$300	Incrementos por desocupación cobrados en los últimos 8 años	16% + \$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, +16% + \$100	0.6% por el número de años desde el último incremento
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	16% 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 16%, o \$100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%,

período de las pautas. Programa de Exención de Incrementos de Renta para las Personas de Mayor Edad Las personas de mayor edad con renta estabilizada (y los que viven en apartamentos de renta controlada, Mitchell-Lama y cooperativas de dividendos limitados), con 62 años o más, y cuyos ingresos familiares disponibles al año sean de \$27,000 o menos (para 2006) y que paguen (o enfrenten un aumento de renta que les haría pagar) un tercio o más de tal ingreso en renta pueden ser elegibles para una congelación de renta. Solicite a: NYC Dept of the Aging, SCRIE Unit, 2 Lafayette St., NY, NY 10007 o llame al 311 o visite su sitio Web, nyc.gov/

html/dfta/html/scrie_sp/scrie_sp.shtml. Programa de Exención de Incrementos de Renta para Minusválidos Inquilinos con renta regulada que reciben ayuda económica elegible relacionada con discapacidad, que tengan ingresos de \$17,580 o menos para individuales y \$25,212 o menos para una pareja y enfrenten rentas iguales o más de un tercio de sus ingresos pueden ser elegibles para un congelamiento de renta. Solicite a: NYC Dept. of Finance, DRIE Exemptions, 59 Maiden Lane - 20th floor, New York, NY 10038. Llame al 311 para una solicitud o vaya al sitio Web en www.nyc.gov/html/dof/html/property/

property_tax_reduc_drie.shtml

Las unidades desvanes
Los aumentos legalizados para unidades de desván son un 2.5 por ciento por un contrato de un año y 5.25 por ciento por dos años. No se permiten incrementos para las unidades de desván vacías.

Hoteles y SROs
4.5% para todas categorías, sin embargo, 0% cuando menos de un 85% de las unidades sean ocupadas por inquilinos permanentes de renta regulada.

Exceso de cobro
Los inquilinos deben estar al tanto de que muchos caseros se aprovecharán de las complejidades de estas pautas y concesiones adicionales, además del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar una renta ilegal. Los inquilinos pueden impugnar los aumentos de renta sin autorización en las cortes

o al presentar una impugnación con la agencia estatal de vivienda, la División de Vivienda y Renovación Comunitaria (Division of Housing and Community Renewal, DHCR). El primer paso en el proceso es ponerse en contacto con la DHCR para ver el registro oficial del historial de renta. Vaya a www.dhcr.state.ny.us o llame al 718-739-6400 y pida un historial de renta detallado. Luego, hable con un abogado o defensor experto antes de seguir.

Para las pautas previas, llame a la RGB al 212-385-2934 o vaya al www.housingnyc.com

Lío en Albany hace más urgente la revocación de Urstadt

Por Steven Wishnia
Traducido por Lightning Translations

La ley Urstadt de 1971 era una receta contra la democracia para la corrupción mucho antes de que el Senado estatal abandonara la Tierra hacia el Planeta Descaro. Puso el poder sobre el control de alquileres y las protecciones de inquilinos en las manos de políticos muy lejos de la ciudad. No podíamos votar para removerlos del cargo, pero los grupos de presión de bienes raíces podían (y lo hacían) darles montones de dinero.

El actual lío en Albany hace la revocación de Urstadt aun más urgente. Los inquilinos pasamos años organizándonos para ganar el control del Senado estatal por parte de los demócratas, haciendo campañas en distritos diseñados a propósito para dar menos representación a la ciudad y proteger a los titulares republicanos. Por fin lo conseguimos el otoño pasado, pero solamente para ver nuestro programa, desde la revocación del descontrol de viviendas disponibles hasta la protección de residentes Mitchell-Lama, inmovilizado por un puñado de los miembros más venales y mezquinos de la Legislatura.

Aun para aquellos de nosotros ya resignados a la idea de que Nueva York tiene la legislatura estatal más disfuncional en todo el país, un honor semejante a la de Illinois por su corrupción firme-

mente enraizada, Luisiana por su corrupción descarada y Texas por su estupidez de la derecha extremista, los eventos del último mes han sido extraordinarios.

Sólo en el Planeta Descaro sería “reforma” encargar el Senado estatal a Pedro Espada (demócrata del Bronx o de Westchester?), quien se ha burlado de las leyes de fondos de campañas electorales. No podemos averiguar cuánto dinero el grupo de presión de bienes raíces le ha dado a Espada, porque los únicos informes de fondos de campañas electorales que él ha presentado han sido retrasados y obviamente sospechosos. Sin embargo, la Asociación de Estabilización de Rentas (Rent Stabilization Association) y la Junta de Bienes Raíces de Nueva York (Real Estate Board of New York) han contratado a su propio abogado para presionarlo.

Sólo en el Planeta Descaro sería “reforma” que el mil-millonario Tom Golisano urdiera un golpe legislativo porque le molestó que los demócratas elevaran los impuestos a los ricos después de que él les había dado dinero.

Sólo en el Planeta Descaro sostendría el Senador Hiram Monserrate (demócrata/republicano/demócrata/republicano/demócrata de Queens) que él había votado a favor de entregar el liderazgo del Senado a Espada y los re-



Manifestantes fuera de la todavía no abierta oficina de Pedro Espada en el Bronx.

publicanos porque esto haría más probable la revocación del descontrol de viviendas disponibles.

Más de un observador en Albany ha indicado que conseguir que el Senado revoque Urstadt será políticamente difícil, porque los legisladores estatales no quieren eliminar la razón más fuerte para que los caseros les den dinero. Como dijo Thomas Waters de la Sociedad de Servicio Comunitario (Community Service Society) al City Limits Weekly, no quieren que los montones de dinero vayan al Concejo Municipal en vez de a ellos.

En otras palabras, no quieren dar a la Ciudad de Nueva York el poder sobre las leyes de alquileres que afectan a sus residentes, porque no quieren renunciar a los sobornos que los caseros les pagan para mantener las leyes injustas.

Si esto no es una razón apremiante para revocar Urstadt, no sabemos qué lo sería.



la RGB

viene de la página 3

una votación de 7 a 2. La multitud de más de 200 inquilinos aplaudieron mientras Languedoc leyó la propuesta en voz alta: “Un contrato de un año: cero. Un contrato de dos años: cero. Ajuste especial: cero. Desvanes: cero”. Inquilinos entre la muchedumbre corearon “¡Cero! ¡Cero!”

Holder mantuvo que la junta hizo caso omiso de “las consecuencias en la vida real del peso del alquiler sobre los inquilinos” y que sólo tomó en cuenta los costos de los caseros y no sus ingresos ni los ingresos de los inquilinos. Las cifras de la junta mostraron que los ingresos de operación de los caseros se elevaron un 9.3 por ciento el año pasado, más del doble del aumento en sus costos de operación, añadió.

“Si los inquilinos no tienen trabajo, ¿cómo pueden pagar el alquiler? ¿Cómo pueden pagar los aumentos?” se preguntó Ella Gordon, una mujer jubilada de Flushing, antes de la votación. “La crisis está lastimando a todos. En absoluto deben imponer un aumento”.

Markus también está insatisfecho con el método de talla única para fijar los aumentos de alquileres.

Al sostener que los dos grupos que más le preocupan son los inquilinos de bajos ingresos y los caseros en apuros, él sugiere la gradual desaparición de los controles de renta y su sustitución con un “método basado en ingresos” semejante a los programas de subvenciones de alquileres SCRIE o DRIE.

Markus no ha dicho cuál sería el ingreso máximo para llenar los requisitos para alquileres debajo de la tasa de mercado en su proyecto. En la práctica, a lo mejor eliminaría las protecciones de los inquilinos de las clases obrera y media, ya que subvencionar sus alquileres sería enormemente costoso. Esto dejaría el programa con problemas semejantes a los del programa federal Sección 8. Ayudaría a los inquilinos a conservar sus hogares y apuntalaría los ingresos de caseros en los vecindarios más pobres, pero no protegería contra el desalojo a los inquilinos en las áreas de burguesificación. Además, el aumentado descontrol de viviendas disponibles que él ha endosado haría encontrar vivienda en la ciudad casi imposible para todos menos para los inquilinos más ricos.

La junta también votó a favor de congelar los alquileres de los inquilinos en apartamentos de una sola habitación (SRO). Los inquilinos de desvanes enfrentan aumentos de un 3 y 6 por ciento. Además, los inquilinos que pagan

su propia calefacción recibirán aumentos un poco menos grandes: un 2.5 por ciento por un año y 5 por ciento por dos años, con un mínimo de \$25 o \$50 para los inquilinos de muchos años.

Inquilinos de mayor edad y minusválidos

Las personas mayores de 62 años o más, en vivienda de renta regulada, Mitchell-Lama y algunos otros programas, con ingresos disponibles anuales de familia de \$28,000 o menos (el año pasado) y quienes pagan (o enfrentan un aumento de renta que les obligaría a pagar) un tercio o más de estos ingresos en renta pueden llenar los requisitos para una Exención de Incrementos de Renta para las Personas de Mayor Edad (Senior Citizen Rent Exemption, SCRIE). Solicítela a:

The NYC Dept. of the Aging, SCRIE Unit
2 Lafayette Street, NY, NY 10007

Los inquilinos minusválidos que reciben ayuda financiera relacionada con invalidez y tienen ingresos de \$18,396 o menos para individuos y \$26,460 o menos para una pareja y quienes enfrentan rentas iguales a o más de un tercio de sus ingresos pueden llenar los requisitos para la Exención de Incrementos de Renta para Minusválidos (Disability Rent Increase Exemption, DRIE). Solicítela a:

NYC Dept. of Finance, DRIE Exemptions
59 Maiden Lane – 20th Floor, New York, NY 10038

La información sobre DRIE y SCRIE está disponible en el sitio Web de la ciudad, www.nyc.gov, o llame a 311.

Albany

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claim to the titles. This produced some of the most surreal events of the month. As the 31 members of each conference boycotted sessions that were called by the opposing party, neither one could achieve a quorum of 32 Senators present in the chambers.

Most reports in the mainstream media condemned the entire Senate and mocked the power struggle as petty bickering. These portrayals failed to note that the Republicans were holding substantive issues hostage. Governor Paterson reinforced the media's portrayal of senators from both parties deserving equal blame.

Many political insiders believe that Paterson's statements and interventions, such as calling extraordinary Senate sessions through the July 4th weekend, were primarily designed to humiliate senators and elevate his rock-bottom poll numbers. Paterson admitted that legislative action taken during the sessions he called would not be valid, and many senators argued that his moves hindered their negotiations.

The Democrats offered a power-sharing arrangement that would have involved alternating leadership positions between the two parties unless one conference won a clear majority. Paterson's refusal to support that proposal enraged many Senate Democrats.

The Republicans insisted that they should retain leadership posts until the end of the 2010 session. They also maintained for weeks that any power-sharing arrangement must keep Espada as the Senate president pro tem, which would put him next in line to be governor if Paterson were unable to fulfill his duties.

Distrust of Espada runs deep. He switched to the Republicans once before, during his term as senator from a different Bronx district. More significant, however, are his alleged legal and ethical violations. Members of a nonprofit

health clinic that Espada runs were charged with misappropriating funds by redirecting them from the clinic to his political campaigns. The senator himself is facing multiple investigations and inquiries, for residing outside the Bronx district that he represents,

are ineligible to vote.

Demographic changes and migration patterns over the past decade, however, have made the prospect of a Republican majority ever less viable. Many upstate communities have seen a steady decline in population, while New

York City's population has rapidly grown. The New York City suburbs, once heavily Republican, are now competitive or Democratic. If the Republicans can't control the way districts will be redrawn after the 2010 Census, Democrats are poised to become a sizable majority in the Senate. The Democrats already enjoy a comfortable majority in the state Assembly.

Under the 40-plus years of Republican control of the Senate, New York City suffered chronic underfunding of its public-school system and public transportation, along with the weakening of rent and eviction protections. The Urstadt law, enacted in 1971, prevents the city from enacting stronger tenant protections than the state's regulations. Since then, landlords have been able to block pro-tenant legislation and erode tenant protections by aligning with Senate Republicans.

Landlord lobbyists have long filled the campaign coffers of state legislators, primarily those of upstate Republicans who don't represent rent-regulated tenants and thus can take that money and vote against the interests of downstate tenants without facing political consequences. This dynamic has been the major obstacle to enacting stronger rent laws over the past generation. However, landlord money and influence certainly extends to Democrats as well, including those representing large numbers of rent-regulated tenants in New York City and the suburbs.

In 2011, the laws providing for rent and eviction protections through rent stabilization and rent control will expire, and when-

Tenant Action

A key part of the negotiations that have occurred since June 8, including those involving Espada's return to the Democrats, involved deciding what bills will be brought up to a vote. Tenant groups that spent the year rounding up support for a platform of rent reforms, including the repeal of vacancy decontrol, became concerned that those bills would be ignored. In response, organizations from across New York City and the suburban counties began sending 40, 50, and 60 tenants in vans to Albany every day.

Tenants crowded the hallways outside the Senate chambers, all wearing red T-shirts that read "Real Rent Reform," holding large signs calling for the end of vacancy decontrol, and filling the halls of the Capitol with loud chants. For weeks, the Senate echoed with "Hey hey, ho ho, decontrol has got to go!" as tenants surrounded senators and lined the perimeter of nearly every press conference.

Tenants were the only constituents to come to Albany in large numbers on a daily basis, and this was crucial in moving rent reform back to the top of the agenda for Democratic leaders. In the final days of these daily mobilizations, the new leader of the Democratic conference, John Sampson of Brooklyn, finally announced that the repeal of vacancy decontrol was an essential part of the party's platform. Sampson, a former real-estate lawyer, had been generally quiet on the tenant agenda.

Governor Paterson has also been largely silent on tenant issues, and he has yet to do much to help advance a progressive agenda. If the realigned Senate Democrats stay together, his role may be marginal.

Housing groups have planned creative protests for what may be the final days of this Senate session, with an eye on marking the end of this unprecedented year in Albany politics with a long-overdue victory for tenants.



Tenants fill the hallways outside the state Senate chambers, lobbying for stronger rent laws.

MARIO MAZZONI

for requesting \$2 million in grants for allegedly phony nonprofits set up by his associates, and for filing what seem to be clearly falsified campaign finance reports, in some cases years after the legal deadline.

A Desperate GOP Coup

Many Albany observers saw the Senate coup as a desperate attempt by the Republican leadership to realign the political landscape in the face of a changing electoral map that does not favor their party. GOP control over the Senate has increasingly relied on manipulating the state's electoral system.

Most obviously, the Republicans gerrymandered Senate districts to create the maximum number of seats that would favor their party. Also, inmates in state prisons, who come mostly from urban areas, are counted as residents of the upstate districts where they are incarcerated, even though they

Senior and Disabled Tenants

Seniors, 62 or older, in rent-regulated, Mitchell-Lama and some other housing programs whose disposable annual household income is \$28,000 or less (for the previous year) 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). Apply to:

The NYC Dept of the Aging
SCRIE Unit
2 Lafayette Street, NY, NY 10007.

Disabled tenants receiving eligible disability-related financial assistance with incomes of \$18,396 or less for individuals and \$26,460 or less for a couple facing rents equal to or more than one-third of their income may be eligible for the Disability Rent Increase Exemption (DRIE). Apply to:

NYC Dept. of Finance
DRIE Exemptions
59 Maiden Lane - 20th floor
New York, NY 10038

DRIE and SCRIE info is available on the city's website www.nyc.gov, or call 311.

GET ACTIVE!

Sign up for Met Council's e-mail alerts and get notices of rallies, hearings, and other important actions for tenants' rights and affordable housing.

www.metcouncil.net

Elected Officials' Outcry Against High Rents Goes Unheard

By Rachel Rachlin

Press swarmed the steps of City Hall on June 22, as Comptroller Bill Thompson, City Councilmembers Bill DeBlasio and John Liu, and various tenant advocates called on Mayor Michael Bloomberg to exert his influence on the Rent Guidelines Board to freeze rents and end the "poor tax" on low-rent tenants.

"Our city has become unaffordable for a vast number of its residents," Thompson, who is running for the Democratic nomination for mayor, said. "It is long overdue for the board to abandon its bias toward landlords and address the severe hardships that confront our city's low- and moderate-income tenants as well as our city's

middle class."

"We are calling for a rent freeze because this is the worst recession in two generations. Unemployment in the city has reached 9 percent," said Wasim Lone, director of organizing at Good Old Lower East Side. "New Yorkers are losing jobs and income at an alarming rate, while landlord profits skyrocket due to rent laws weakened by the state legislature."

Affordable-housing advocates and elected officials were particularly incensed after the RGB's May 5 preliminary vote, which proposed a minimum increase for tenants who have lived in apartments renting for less than \$1,000 a month for six years or more. Housing activists have dubbed

those minimum increases the "poor tax."

The day after the rally, the RGB, whose members are all appointed by Bloomberg, voted to reject a rent freeze and impose minimum increases. (See story on page 1.)

"The supplemental surcharge is a calculated and orchestrated device to purge the city of its low-income residents, by ac-

celerating the rate of their rent increases to a level that will quickly become financially unsustainable by these longtime residents, thereby forcing them to leave the city," said Don Castigno, a member of Tenants & Neighbors who lives in the East Village.

Met Council on Housing, Tenants & Neighbors, GOLES, CASA/New Settlement, and the Queens

League of United Tenants (QLOUT) were among the tenant advocates present at the press conference.

"New York's most vulnerable tenants will be at risk of losing their homes if the rent increase or poor tax is approved," exclaimed one Met Council member. "Why has the mayor stayed silent on this important issue?"

NYC Rent Guidelines Board Adjustments (Order No. 40)

for Rent Stabilized Leases commencing Oct. 1, 2008 through Sept. 30, 2009

Order No. 39, covering leases commencing prior to October 1, 2008,

is available at <http://www.metcouncil.net/campaigns/RGB.htm>

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	All...	landlord supplies heat	4.5%	8.5%
		tenant pays for heat	4%	8%
	Except where last vacancy lease was 6 or more years ago and rent is below \$1000	landlord supplies heat	\$45	\$85
		tenant pays for heat	\$40	\$80
Vacancy leases	More than \$500	Vacancy allowance charged within last 8 years	16%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 16%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than \$300	Vacancy allowance charged within last 8 years	16% plus \$100	20% plus \$100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 16% 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	16% 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 16%, or \$100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, or \$100, whichever is greater

RGB

continued from 1

guez, 69, of Park Slope. "I'm on a pension, I can't hardly make it. They keep raising rents."

"The rent hikes were bad enough, but what got me was the supplemental," said Don Castigno, 53, a longtime East Village resident who started volunteering with Tenants and Neighbors this year. "It's basically an orchestrated purge to get older people out of the city."

Bloomberg and Markus have consistently denied collaborating on rent increases. On the other hand, they fired the only public member to vote for a tenant-backed proposal in the last eight years.

As usual, the board rejected a rent freeze by 7-2. The crowd of more than 200 tenants applauded as Languedoc read the proposal: "One-year lease: zero. Two-year lease: zero. Special adjustment: zero. Lofts: zero." Tenants in the crowd chanted "Zero! Zero!"

Holder argued that the board was ignoring "the real-life consequences of tenants' rent burdens," that it considered only owners' costs and not owners' incomes or tenants' incomes. Board figures showed that landlords' operating incomes went up 9.3 percent last year, more than twice the increase in their operating costs, she added.

"If the tenants don't have jobs, how can they pay rent? How can they pay the increases?" Ella Gordon, a retired woman from Flushing, wondered before the vote. "The crisis is hurting everyone. There

should not be any increase at all."

Markus is also dissatisfied with the one-size-fits-all approach to setting rent increases. Claiming that the two groups he's most concerned about are low-income tenants and distressed owners, he suggests gradually phasing out rent controls and replacing them with an "income-based approach" similar to the SCRIE or DRIE rent-subsidy programs.

Markus has not said what the maximum income would be to qualify for below-market rents in his scheme. In practice, it would most likely eliminate protections for working-class and middle-class tenants, as subsidizing their rents would be incredibly costly. That would leave the program with problems similar to the federal Section 8 program. It would help renters keep their homes and shore up landlords' incomes in poorer neighborhoods, but would not protect tenants in gentrifying areas from displacement. And the increased vacancy decontrol he has endorsed would make it next to impossible for all but the richest renters to find housing in the city.

The board also voted to freeze rents for SRO tenants. Loft tenants face increases of 3 and 6 percent. And tenants who pay for their own heat will get slightly smaller increases: 2.5 percent for one year and 5 percent for two years, with a \$25 or \$50 minimum for long-term tenants.

Renewal Leases

Landlords must offer a rent-stabilized tenant a renewal lease 90 to 120 days before the expiration of the current lease. The renewal lease must keep the same terms and conditions as the expiring lease, except when reflecting a change in the law. Once the renewal offer is received, the tenant has 60 days to accept it and choose whether to renew the lease for one or two years. The owner must return the signed and dated copy to the tenant in 30 days. The new rent does not go into effect until the start of the new lease term, or when the owner returns the signed copy (whichever is later).

Late offers: If the owner offers the renewal late (fewer than 90 days before the expiration of the current lease), the lease term can begin, at the tenant's option, either on the date it would have begun had a timely offer been made, or on the first rent payment date 90 days after the date of the lease offer. The rent guidelines used for the renewal can be no greater than the RGB increases in effect on the date the lease should have begun (if timely offered). The tenant does not have to pay the new rent increase until 90 days after the offer was made.

Sublease Allowance

Landlords can charge a 10 per-

cent increase during the term of a sublease that commences during this guideline period.

Senior Citizen Rent Increase Exemption Program Rent-stabilized seniors (and those living in rent-controlled, Mitchell-Lama, and limited equity coop apartments), 62 or older, whose disposable annual household income is \$28,000 or less (for 2007 tax year) 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 rent freeze. Apply to: NYC Dept. for the Aging, SCRIE Unit, 2 Lafayette St., NY, NY 10007 or call 311 or visit their Web site, www.nyc.gov/html/dfta/html/scr/scr.htm.

Disability Rent Increase Exemption Program Rent-regulated tenants receiving eligible disability-related financial assistance who have incomes of \$18,396 or less for individuals and \$26,460 or less for a couple and are facing rents equal to more than one-third of their income may be eligible for a rent freeze. Apply to: NYC Dept. of Finance, DRIE Exemptions, 59 Maiden Lane, 20th floor, New York, NY 10038. Call 311 for an application or go to the Web site at www.nyc.gov/html/dof/html/property/property_tax_reduc_drie.htm.

Loft Units

Legalized loft-unit increases are 2.5 percent for a one-year lease and 5.25 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

4.5% for all categories, however, 0% when fewer than 85% of units are occupied by permanent, rent-regulated tenants.

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. Tenants can challenge unauthorized rent increases through the courts or by filing a challenge with the state housing agency, the Division of Housing and Community Renewal (DHCR). The first step in the process is to contact the DHCR to see the official record of the rent history. Go to www.dhcr.state.ny.us or call (718) 739-6400 and ask for a detailed rent history. Then speak to a knowledgeable advocate or a lawyer before proceeding.

For previous guidelines, call the RGB at (212) 385-2934 or go to www.housingnyc.com.

Thompson: NYC Can't Afford 4 More Years of Bloomberg

By Kenny Schaeffer

New York can't afford four more years of Michael Bloomberg," city Comptroller Bill Thompson declared at a rally to kick off his mayoral campaign, at Brooklyn Borough Hall on July 11. He said the billionaire mayor has been concerned only with rich people, real-estate developers, and Wall Street, while New York has become unaffordable for low, moderate, and middle-income New Yorkers.

Thompson won the Working Families Party's endorsement July 9 and will face City Councilmember Tony Avella of Queens in the Sept. 15 Democratic primary. The winner will take on Bloomberg in the general election on Nov. 3.

Polls have showed that a majority of New Yorkers want a different mayor next year. Bloomberg, who has already spent more \$36 million on his campaign and may top \$100 million by November, was only able to seek a third term by getting the Council to repeal term limits, which city voters had approved twice by referendum.

Thompson won the WFP endorsement by garnering just over the 2/3-majority vote needed from party affiliates, such as most of the city's major labor unions, ACORN, Citizen Action, and local clubs and chapters. Bloomberg fought a determined but unsuccessful battle to keep Thompson from winning the endorsement, something he had succeeded in doing when challenged in 2005 by Fernando Ferrer.

The vote came a week after the three candidates appeared at the WFP's mayoral forum. Before a union hall audience of over 300, they answered questions from

members of the party's city coordinating council about economic justice, housing and homelessness, progressive taxation, green jobs, paid sick days, and campaign-finance reform. (The forum can be seen online at www.workingfamiliesparty.org/2009/07/mayoral-forum-2/)

Bloomberg failed to impress the WFP members. *New York Times* reporter David Chen pointed out that the mayor "refused to [take] liberal positions on issues like higher income taxes on the wealthy or stronger laws to protect tenants... He drew some jeers, too, on the subject of housing, when he said that he thought 'it's pretty hard getting evicted'."

Bloomberg told the forum that anyone facing eviction should just "call 311... and we'll get them a public defender." In reality, about 90 percent of people who ask for help at the Legal Aid Society and other providers are turned away due to inadequate funding. He also said the reason people are evicted is "they don't understand how to run their own budgets."

Thompson later responded that the reason so many working families have trouble managing their budgets and paying their rents is that wages have stagnated or declined and unemployment is at record levels, while rents have risen steadily. He had unsuccessfully urged Bloomberg's Rent Guidelines Board to freeze rents. (See story on page 6.)

The comptroller has made stronger rent and eviction protections a centerpiece of his campaign. He endorsed repealing the Urstadt law, declaring "We need to have control of New York City in New



Mayor Michael Bloomberg (above) faced off with Comptroller William Thompson at a Working Families forum July 2.



COURTESY OF WFP

York City. Not in Albany."

Bloomberg, on the other hand, has failed to speak up for strengthening rent regulations or for returning home rule over them to the city.

Bankrupt Housing Policies

Thompson called the increase in homelessness during Bloomberg's administration "a huge indictment of the mayor's failed policies on homelessness." The mayor had promised to reduce homelessness by two-thirds. In addition to stronger rent and eviction protections, Thompson called for restoring priority for federal Section 8 vouchers to homeless families, and also for increased funding for civil legal services and emergency rent-arrears grants to avoid evictions.

Bloomberg, on the other hand, said that the reason there are now more homeless families in city shelters was that his administration had made shelters "a lot more attractive."

When Bloomberg announced recently that the city had received federal stimulus money and he

was using it on homeless programs, Thompson quipped that Washington was "bailing out the mayor's bankrupt housing policies" as it had bailed out failing banks and businesses across the country.

Councilmember Avella impressed the audience at the WFP forum with his clear and direct answers. However, he has attracted far less support than Thompson has, and particularly with the WFP's endorsement, Thompson seems to be the only candidate with a realistic chance to defeat Bloomberg.

Thompson has announced that he will focus his campaign on "Five Issues in Five Weeks," with the week of August 3 devoted to housing.

"The one million working families living in rent stabilized apartments in NYC have no reason to support Michael Bloomberg in November, and every reason to support Bill Thompson", said Jeff Gold of the WFP Manhattan chapter.

Vacancy Decontrol's Ripple Effect: Rising Rents in Harlem, Brooklyn, Queens

Vacancy decontrol is accelerating the loss of affordable housing in New York City, according to a new study by the Community Service Society, and its effects are spreading well beyond central Manhattan.

The city may have lost more than 90,000 rent-regulated apartments between 2005 and 2008, says the report, "Destabilized Rents: The Impact of Vacancy Decontrol on Low-Income Communities," released last month.

The exact number of apartments lost is difficult to estimate, as landlords often don't report

deregulating apartments when they raise rents beyond \$2,000 a month. But the CSS avers that the state Division of Housing and Community Renewal's figure of 30,000 apartments decontrolled represents the minimum.

"It is safe to say that vacancy decontrol has generated substantial losses in the regulated stock," the report states. "This represents a rapid shift in a market that is meant to be 'stabilized.'"

The loss of regulated apartments is greatest in Manhattan below Harlem, where 15 percent were decontrolled between 2005

and 2008, the study says. But rents for vacant apartments are rising much faster in the rest of the city.

In Upper Manhattan, the median rent paid by people moving to a new apartment rose by 51 percent from 2002 to 2008, from \$780 to \$1,179. Inner Brooklyn and Queens, the neighborhoods from Red Hook and Park Slope to Astoria and Corona, saw a 39 percent increase, to \$1,390. The traditionally lower-rent parts of the outer boroughs (including most of the Bronx, central and northeast Brooklyn, and the Jamaica area in Queens) saw a 37 percent increase, to \$995. "Core Manhattan," where new tenants paid a median of \$2,200, actually had the lowest rate of increase, at 29 percent.

"This suggests that vacancy decontrol, along with other factors, is having an impact far beyond the high-income areas where its

proponents claimed its effects would be concentrated," the report concludes.

To ameliorate this, the CSS recommends that the state repeal vacancy decontrol and reduce the rent increases allowed on rent-stabilized apartments. It advocates lowering the 20 percent vacancy surcharge, calculating increases for apartment renovations over seven years instead of 40 months, and cracking down on fraudulent renovation increases.

The Assembly passed bills to do all that earlier this year, but they have become mired in the swamp of the state Senate.

—Steven Wishnia

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Atlantic Yards Foes Win Round in Court; Construction Delays May Jeopardize Project

By Steven Wishnia

The state's highest court will hear a challenge to the Atlantic Yards development in Brooklyn.

The Court of Appeals announced June 29 that it would accept an appeal of a lower-court decision upholding the state's use of eminent domain to seize property for Atlantic Yards. The development, to be built by Forest City Ratner, is supposed to include a basketball arena for the New Jersey Nets and 16 office and residential buildings.

The plaintiffs, a combination of the group Develop Don't Destroy and property owners whose buildings are on the Atlantic Yards site, are contending that it is illegal for the state to seize property and turn it over to a private developer. The state Appellate Division ruled against them, holding that the seizure was justified because the affordable housing included in the planned development qualified as a public good.

The Court of Appeals will hear arguments in October. The eminent-domain question has generated much litigation since a controversial Supreme Court decision on it in 2005.

Meanwhile, the development has been plagued by delays as Forest City Ratner tries to line up financing. The Empire State Development Corporation has tentatively approved a revised plan scaling the project down and putting off completion from 2014 to 2019. Last month, the Metropolitan Transportation Authority agreed to reschedule payments for the right to build over its railyards along Atlantic Avenue. Instead of paying \$100 million all at once, Forest City Ratner will pay \$20 million down and the rest over 21 years.

Construction has not yet started on the arena, which was originally scheduled to open this year, and Forest City Ratner has switched from a design by architect Frank

Gehry to a more conventional arena. Construction has also not started on the first three residential buildings, which were supposed to open next year and include more than 600 units of affordable housing.

The delays could be critical for Forest City Ratner, which has to break ground by the end of the year in order to qualify for tax-exempt bonds. "We intend to be in construction before the end of the year," a Ratner spokesperson told the *New York Times*.

Arena opponents, who already questioned how much of the proposed housing would be genuinely affordable, now suspect that much of it will never be built. "The way in which the project was sold is dramatically different than the one in which the developer appears prepared to deliver," Assemblymember Hakeem Jeffries (D-Brooklyn) told the *Daily News*. "The promises made by this developer have disappeared like a house of cards."



Irv Fierstein, a longtime member of Met Council who died this summer, used his artistic talents to protest social injustice. Above is one of the beautiful banners he designed in support of an end to evictions.

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

CHELSEA COALITION ON HOUSING
Covers 14th St. to 30th St., 5th Ave. to the Hudson River.
322 W. 17th St. (basement), 212-CH3-0544
Thursdays 7:30 pm

GOLES (Good Old Lower East Side)
171 Avenue B (between 10 and 11 St.)
by appointments only except for emergencies. 212-533-2541.

HOUSING COMMITTEE OF RENA
Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.
537 W. 156th St.
Thursdays 8 pm

MIRABAL SISTERS
618 W. 142nd St., 212-234-3002
Saturdays 1 - 4 pm

PRATT AREA COMMUNITY COUNCIL
201 DeKalb Ave., Brooklyn,
718-522-2613 ext. 24
3rd Wednesday 6 pm

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

WEST SIDE TENANTS UNION
4 W. 76 St.; 212-595-1274
Tuesday & Wednesday 6-7 pm

HOUSING CONSERVATION COORDINATORS
777 10 Ave.; 212-541-5996
Mondays 7-9 pm

NEIGHBORS HELPING NEIGHBORS
Covers Sunset Park and surrounding neighborhoods
443 39 St., Ste. 202, Brooklyn
By appointment only. 718-686-7946, ext. 10

NYC TENANTS RIGHTS CLINIC
305 Broadway (Corner of Duane), Suite 201, 212-571-4080
Tuesdays 4:30-7:30pm

QUEENS COMMUNITY HOUSE
Forest Hills Community Center,
10825 62nd Dr., Forest Hills
(718) 592-5757, ext. 280
Mondays and Wednesdays ... 9:30-11 am

QUEENS COMMUNITY HOUSE
Pomonok Community Center,
6709 Kissena Blvd., Flushing
(718) 591-6060
Fridays 10 am-12 pm



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My apartment 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.

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