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# Tenant Inquilino

Housing for people, not profit

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PERIODICAL

## RGB Votes Yet Another Rent Increase

By Steven Wishnia

**D**espite about 200 angry protesters who chanted “We Say No” loud enough to stop the proceedings, the city Rent Guidelines Board on June 17 slapped rent-stabilized tenants with a 6.5 percent increase.

The new guidelines, which could affect about 1 million apartments, will allow increases of 3.5 percent for a one-year lease renewal and 6.5 percent for two years, with half a percentage point less for tenants who pay for their own heat. The board’s vote was 6-3, with the two landlord representatives joining four of the five public members.

Earlier, the RGB voted 7-2 to reject a rent freeze proposed by the two tenant representatives. But in what tenant representative Adriene Holder called “a huge victory,” it voted 6-3 to freeze rents on single-room occupancy hotels, with each “yes” drawing cheers from the crowd.

Tenants first picketed outside the meeting, in the Great Hall at Cooper Union, and then moved inside. The crowd was big enough to occupy part of what’s traditionally been the landlords’ side of the hall, chanting “Roll Back the Rents” in English and “Renta Abajo” in Spanish, clapping in an up-tempo gospel beat to “Housing Is a Human Right.” They booed RGB chair Marvin Markus fiercely when he entered the room and shouted “NO!” when he proposed the 6.5 percent increase.

“Facing this crowd, I can appreciate more and more how Custer must have felt,” landlord representative Harold Lubell announced. “Custer was trying to deprive the Indians of their land,” one man wisecracked.



Tenants protest before the RGB meeting.

“You’re a greedy, nasty man,” screamed a woman. Lubell was soon shouted down, and a red-faced Markus called a 15-minute recess. Lubell was booed more when he said,

“We can’t build more affordable housing with this skewed Mickey Mouse rent system” and called for a 9 percent increase, which was rejected. He also dismissed tenants’

testimony at the RGB’s public hearing as “government by anecdote.”

What enraged many people in the crowd is that

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## Ronald Reagan’s Disastrous Housing Legacy

By Steven Wishnia

In the week between Ronald Reagan’s death on June 5 and his funeral, the late president was practically canonized by the media. Reagan made America proud again, said the official theology. He restored prosperity and optimism to a nation battered by malaise and recession.

Those who were trying to find affordable housing in the 1980s or any time since then might wonder what planet Reagan’s admirers were on. “The part of the Reagan legacy we remember is modern homelessness,” says



Patrick Markee of the Coalition for the Homeless. “We were outraged by the completely distorted news media coverage of his record.”

Before 1980, there were very few homeless people in New York. By 1984, there were 15,000 people a night staying in city shelters; by 1988, this number had topped 28,000. Another 10,000 a night were sleeping in the streets, according to the 1990 census. “The numbers were just incredible,” says Markee, “particularly among families with children, which we had not

seen since the Great Depression.”

Today’s housing crisis was born out of the economic trends of the ’70s and ’80s and the policies and attitudes Reagan set in motion. When Reagan took office in 1981, the nation’s cities were reeling from massive housing abandonment. New York City lost more than 300,000 units in the 1970s, about one-eighth of its total housing supply. Most of the apartments that were abandoned came from the lowest end of the housing market: The Bronx alone lost 115,000 units between 1970 and 1984, and neighborhoods like Harlem, Bushwick, and the Lower East Side were also devastated. In the ’80s, gentrification and immigration piled more market pressure onto the shrunken supply, and

rents leaped to unprecedented highs.

Reagan’s response was to cut federal spending on housing by more than two-thirds. He slashed the Department of Housing and Urban Development’s budget from \$74 billion in 1980 to \$19 billion in 1989. (HUD was also notoriously corrupt under Reagan, with former New York Sen. Alfonse D’Amato steering construction contracts to

his campaign contributors and housing developments to his hometown.) From 1976 to 1979, according to Markee, federal rent-subsidy programs like Section 8 added an average of 361,000 new people a year. Reagan reduced that number to 98,000, and it fell even further under his successor, George Bush I. He cut construction of new feder-

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# Loft Tenants in Jeopardy

By Abby Aguirre

Thousands of loft dwellers across New York City are in danger of displacement under a state Court of Appeals ruling that neither the 1974 Emergency Tenant Protection Act (ETPA) nor the 1982 Loft Law provides rent protection for tenants occupying loft apartments illegally converted after 1981.

Sarah Wolinsky, one of several plaintiff-tenants involved in the case, leased her Manhattan unit in 1997 and then—with her landlord's blessing—converted the space for residential use. Her building on Grand Street is situated in a M1-5B zoning district, which permits use of the property for manufacturing and joint living-work space for artists. Wolinsky is not an artist, but says her landlord assured her this wouldn't be a problem. Three years and \$30,000 worth of investments later, she was informed that her rent would soon double. Her landlord, Pao Chung Lee, did not return calls by press time.

The final decision issued by the state's highest court in *Wolinsky, et al. v. Kee Yip Realty Corporation* was fairly cut and dried. The ETPA, New York's rent-stabilization law, applies strictly to legal tenancies, Judge Victoria Graffeo wrote. Similarly, the 1982 Loft Law offers little hope for protection: Designed to stem the proliferation of illegal residential conversions of manufacturing premises in 1980s

SoHo, it allows only a fixed number of tenants who occupied their lofts between April 1, 1980 and December 1, 1981 to register for rent protection. The law thus fails to safeguard a whole new generation of artists, professionals, and working families that currently inhabit converted spaces. An anonymous survey conducted by the Live-Work Association puts the number of illicit loft tenants throughout New York City at upwards of 20,000.

While some argue that loft dwellers rented at their own risk and shouldn't be rewarded for illegal occupancy, Wolinsky says many loft tenants are low-income renters misled by their landlords. Some, like her, are already facing imminent eviction. "Our only hope is to get the legislature to pass another loft law," she said.

The Assembly recently passed new legislation, introduced by Assemblymember Vito Lopez, that would extend protections to tenants illegally inhabiting buildings zoned for manufacturing and amend the ETPA to give New York City the authority to impose rent regulations on landlords as a penalty for renting commercial units for residential use.

Lopez is lobbying hard to get the State Senate to consider the bill when it reconvenes. "The law is not yet reflective of the increase in loft tenants in other areas such as Brooklyn," Lopez said. "If we do not broaden the legislation and

offer these individuals coverage, they will be systematically removed from high-market neighborhoods."

*Reprinted with permission from City Limits Weekly.*

## West Side Stadium Short of a First Down?

The proposed West Side football stadium "would generate fewer jobs and less revenue for the city than claimed by the project's proponents," according to the city's Independent Budget Office.

The report, "West Side Stadium: Touchdown for the City?" estimates that building a combined Jets stadium and convention facility over the West Side railyards would create about 3,600 jobs under an "optimistic scenario," slightly more than half the 7,000 jobs touted by the project's supporters. The IBO also estimates that the \$1.4 billion facility would bring in \$28.4 million a year in new city tax revenue, significantly less than the \$35.1 million claimed by its supporters. If the facility attracts 10 conventions a year instead of 20, the report adds, city tax revenues would fall to \$22.9 million a year—barely enough to cover debt service on the city's share of construction costs.

The Jets say they would pay \$800 million of the cost of building the retractable-roof stadium, and they want the city and state to cover \$300 million each. The Bloomberg administration, which is using the stadium as the centerpiece of its plan to develop the far West Side with office and luxury-apartment high-rises, claims that football games, conventions, and other "mega" events at the facility would bring in enough revenue to justify the cost. The IBO suggests that may not be so, noting that "estimating the demand for convention center space is highly speculative."

Most of the jobs created would be in food services, recreation, and hotels, the report says.

The report does not discuss other costs associated with the West Side redevelopment plan, such as those of Bloomberg's plan to extend the number 7 subway line to the Javits Center.



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# EL INQUILINO HISPANO

## RGB aprueba aun más incrementos de renta

Por Steven Wishnia

Traducido por Lightning Translations

Pese a cerca de 200 manifestantes enfurecidos, que coreaban "Decimos No" suficientemente alto para detener el proceso, la Junta de Renta Regulada (RGB) de la ciudad castigó a los inquilinos de renta estabilizada el 17 de junio con un incremento de un 6.5 por ciento.

Las nuevas pautas, que pueden afectar hasta a un millón de apartamentos, permitirán incrementos de un 3.5 por ciento por una renovación de contrato de un año y 6.5 por ciento por dos

años, con medio punto porcentual menos para los inquilinos que pagan su propia calefacción. La votación de la junta fue de 6 a 3, con los representantes de caseros sumándose a cuatro de los cinco miembros públicos.

La RGB había votado antes 7 a 2 para rechazar una congelación de renta propuesta por los dos representantes de inquilinos. Sin embargo, en lo que la representante de inquilinos Adriene Holder llamó "una gran victoria," había votado 6 a 3 para

congelar las rentas en hoteles con apartamentos de una sola habitación, con cada "Sí" sacando vítores del público.

Los inquilinos primero hicieron piquete fuera de la reunión en la Sala Grande de Cooper Union y luego se instalaron adentro. La multitud fue bastante grande para ocupar una parte de lo que tradicionalmente ha sido el lado de la sala que los caseros ocupan, coreando "Roll Back the Rents" ("Que disminuyan las rentas") en inglés y "Renta abajo" en español,

además de batiendo las palmas al compás vivaz de una canción evangélica al cantar "La vivienda es un derecho humano." Abuchearon ferozmente al presidente de la RGB Marvin Markus cuando entró en la sala y gritaron "¡NO!" cuando éste propuso el incremento de un 6.5 por ciento.

"Cara a cara con esta turba, puedo apreciar cada vez más lo que Custer debió haber sentido,"

*pasa a la página 4*

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

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

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

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

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

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

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

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

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

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

tos estabilizados y cuyos ingresos familiares anuales son de \$24,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

**Unidades de Desván (Lofts)** Los incrementos legales sobre la renta base para las unidades de desván son de un 4 por ciento por un contrato de un año y un 7 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

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

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

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

Para pautas previas, llame a la RGB al 212-385-2934 o busque el sitio [www.housingnyc.com](http://www.housingnyc.com).

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años
<b>Renovación del Contrato</b>	Todas	4.5%	7.5%
<b>Contratos para Apartamentos Vacíos</b>	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	17%
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 17%
	Menos de \$300	Incrementos por desocupación cobrados en los últimos 8 años	17% + \$100
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 17% + \$100
Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	17% o \$100, lo que sea mayor	20% o \$100, lo que sea mayor
	Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 17%, o \$100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o \$100, lo que sea mayor

## Incrementos de renta

viene de la página 3

declaró el representante de caseros Harold Lubell. “Custer estaba tratando de privarles de sus tierras a los indios,” bromeó un hombre. “Eres un hombre codicioso y asqueroso,” gritó una mujer. Luego se le calló a abucheos a Lubell; Markus, rojo de la cara, decretó un descanso de 15 minutos. Se le abucheó otra vez a Lubell cuando dijo, “No podemos construir más vivienda asequible con este sistema de renta torcido del Ratón Mickey” y reclamó un incremento de 9 por ciento, el cual fue rechazado. Lubell también descartó los testimonios de inquilinos en la audiencia pública de la RGB, caracterizándolos como “gobierno por anécdota.”

Lo que enfureció a muchas personas en la multitud fue el sentido que la RGB o está despistada o es insensible acerca de la precariedad de las finanzas de mucha gente. “Si suben la renta aun por \$50, la persona promedio no la podrá pagar. Por eso tenemos tanta falta de hogar y tantos desplazados,” dijo Anna Ri-

vera, una organizadora de inquilinos con Good Old Lower East Side (GOLES), que trajo cerca de 75 personas a la reunión.

“La gente que ya está en vías de salir de los albergues van a necesitar mucho más tiempo o terminar de nuevo en el sistema,” dijo Camila Fajardo, quien pasó ocho meses en un albergue de desamparados antes de conseguir un apartamento en Bedford-Stuyvesant. Ángela McLean, jubilada del Lado Este Superior, señaló en voz baja que la renta de su apartamento estudio está devorando paulatinamente sus ahorros de toda la vida.

Hubo una diferencia importante en comparación con años recientes: Todos los miembros públicos de la junta, generalmente un silencioso sello de goma para los incrementos de renta, hablaron para explicar su votación. De todos modos, los resultados fueron los mismos. Betty Phillips Adams, el único miembro aparte de Adriene Holder que vive en un apartamento de renta estabilizada, dijo que opuso la congelación de renta “con pesar,” señaló que la situación de vivienda asequible en la ciudad “va empeorando”—y votó por los incrementos. Elizabeth Lusskin preguntó si era posible impedir que los caseros con violaciones pendientes cobraran incrementos—y votó por los

incrementos. Gale Kaufman citó la necesidad de “establecer el equilibrio justo” entre las necesidades de los inquilinos y las de los caseros—y votó por los incrementos. El único miembro público que votó en contra fue Martin Zelnik, quien dijo que la junta tenía que considerar “la dimensión humana.”

“Esto no es un asunto matemático,” declaró. “Tenemos que pensar de otra manera. Hay una recesión importante.”

Al preguntarle a Markus después de la reunión qué diría a un inquilino hipotético con salario neto de \$400 a la semana,

que paga una renta de \$760 al mes y enfrenta un incremento de \$50, aquél **c o n t e s t ó** : “¿Qué le voy a decir a un casero que no puede pagar los gastos? Tenemos que establecer el equilibrio justo. No negociamos con inquilinos individualmente.”

“Al menos los miembros públicos están diciendo algo,” observó Holder después de la reunión. “Pensé que estaba hablando en vano.”

De todas maneras, ella llamó el cielo más reciente de incrementos “devastador.” Hace dos años, cuando las propias cifras de la RGB del “índice de precios de gastos de operación” (PIOC) mostraron que los gastos de los caseros habían realmente bajado, la junta votó por incrementos de 2 y 4 por ciento. El año pasado, cuando el PIOC subió sensiblemente mientras los inquilinos sufrieron a causa de la recesión, la junta subió las rentas por 4.5 y 7.5 por ciento, los incrementos más altos desde los años 80. Este año, el aumento del PIOC fue menos de la mitad del año pasado, pero los incrementos de renta proporcionados fueron sólo un poco menos.

Holder ve un par de programas de acción ocultos detrás de los incrementos más recientes. El primero, según ella, es fijar una diferencia más amplia entre las pautas para contratos de uno y dos años—ha sido de 3 puntos porcentuales en los dos años más recientes, en vez de los 2 usuales—para forzar a los inquilinos a aceptar contratos de un año, para que las rentas suban más rápidamente. El segundo, especula, es que los incrementos otorgados son más de lo que algunos caseros pueden cobrar en la realidad, pero hacen subir la renta autorizada más cerca del borde de \$2,000 para la eliminación de regulación de renta.

Mientras tanto, la principal estratagema política de los caseros es presentar a los propietarios pequeños de los condados fuera de Manhattan como gente de negocios trabajadora y en aprietos; unos 30 acudieron a la reunión, vitoreando y abucheando a favor de su partido. Pero en realidad, la mayoría de los apartamentos en la ciudad es propiedad de unas 2,000 grandes compañías de bienes raíces.

“Les va bien a muchos caseros,” dijo el representante de inquilinos David Pagan, al abogar por una congelación de rentas. “Hay personas dispuestas a pagar más de diez veces el registro de rentas [para comprar edificios] ... ¿Por qué debe esta junta o cualquier otra agencia gubernamental rescatarlas?”

Las nuevas pautas también

permiten aumentos de renta para desvanes de un 2.5 por ciento por un contrato de un año y 5.5 por ciento por dos años. Los caseros pueden cobrar un recargo de 10 por ciento por subarrendamientos y la pauta especial para los apartamentos que salen del programa de renta controlada fija la nueva renta en 50 por ciento más de la renta de base máxima o en la “asignación de mercado justo” federal para apartamentos comparables, lo que sea mayor.

### Complaint Numbers

To reach the Department of Housing, Preservation and Development's Central Complaints hotline, call 311.

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



“Último apartamento asequible disponible”

## Pasadena Push for Rent Control

Activists in Pasadena, California are campaigning to get a rent control initiative put on the city's ballot this November.

The measure would limit rents, depending on the apartment's size and its residents' income. It would also strengthen tenant protections. A coalition of black, Latino, liberal, and church groups is backing it, with the city's mayor, landlords, and most of the City Council opposed. A similar law failed last year.

Like much of Southern California, Pasadena is going through a housing-affordability crisis. A diminishing supply of non-luxury rental apartments and housing costs comparable to New York's or San Francisco's are forcing many people to the distant fringes of

the Los Angeles suburbs. But a city task force on affordable housing rejected enacting rent control, and in June the City Council voted to put strict limits on construction of “granny flats,” second units added to single-family houses.

“The people who are also affected by not having affordable housing are police officers, firefighters, teachers, people who are just starting out with their careers,” Michelle White, head of Affordable Housing Solutions, told the *Pasadena Star-News*. “We are losing a lot of valuable resources for our city... We have no expectations that this Council will do what we need to preserve the diversity of the city.”

—Steven Wishnia

## Housing Survey Sees Two Americas

One-eighth of American households spend more than half their income on housing, says a recent Harvard University study, “The State of the Nation's Housing: 2004.”

Most Americans are well housed, the study says, but “affordability pressures are unlikely to ease.” Among households in the bottom 20 percent of incomes, those making less than \$17,500 a year, half spend more than half their income on housing, as do a quarter of the nation's single mothers. These pressures are also affecting the middle class: 4.5 million people making \$32,000 to \$50,000 a year now spend more than 30 percent of their income on housing, up from 3.2 million in 1997. In addition, the report says, overcrowding is increasing, especially among immigrants, and between 2.5 and 3.5 million people are homeless at some time during the year.

Rents are dropping in some areas, primarily cities in the South and West—Austin, Texas, Portland, Oregon, and San Jose, Califor-

nia—that have seen lots of new construction and recent economic declines. But they are rising in the Northeast and Midwest, where few new apartments have been built in the last few years, and the ones that have been constructed are concentrated in the most expensive 20 percent of the market.

For people who can afford their own homes, the study says, the housing market is booming, but “the millions of low-wage jobs that the economy creates do not provide enough income to enable workers to afford even the most modest housing.” Housing assistance programs reach only a small fraction of the neediest households, the government is cutting them as rents outpace inflation, and “there is little hope of improvement on any of these fronts,” the report concludes bleakly. “Without fundamental changes, these challenges will continue to escalate, further dividing the two-thirds of Americans who are well housed and the remaining third who are not.”

# Homeless Sweeps Coming for GOP Convention?

By Cassi Feldman

You don't need an ID card to visit the Church of St. John the Baptist, and no one will search your bags. Just a block from Penn Station, it offers free food, clothing and a quiet place to pray—no questions asked. But that may not be true come late August, when the Republican National Convention rolls into town. "They're basically going to shut us down," said Mary Bivona, a case manager with Catholic Charities who has worked at the church for 14 years.

She and other service providers fear that the street closures and security checks planned for the convention will cut off their homeless and low-income clients from essential services such as food, shelter and medical care. Between West 31st Street and West 33rd, from 7th to 9th Avenues, pedestrians will need a "business-related purpose to enter," according to the mayor's June 25 press release.

That could be a problem for Carl, a 55-year-old former truck driver from New Jersey who has been living on the streets near Madison Square Garden since splitting with his wife a few months ago. Now he lugs around his possessions in a leather backpack, pan-handling until he has enough change for a hot dog. He expects to be kicked out to make way for the RNC. "It's going to look like pretend, make believe," he said. "Like, 'Oh, we don't have homeless people here, we take care of our own.' It's all bullshit."

While agencies in the "frozen zone" may be the hardest hit, the surrounding area encompasses several other providers, including the Olivieri women's shelter, Holy Apostles Soup Kitchen, and the HIV/AIDS Services Administration. It's also home to the James A. Farley post office, a block-long behemoth where welfare and dis-

ability checks are sent if their recipients have no other address. The convention falls at the beginning of the month, the same time that benefits arrive.

In recent interviews with the *Daily News*, the police, mayor, and Department of Homeless Services all insisted there would be no homeless sweeps. In fact, DHS is promising the convention will bring an increase in outreach. "DHS is working closely with the host committee and the NYPD to insure that vulnerable individuals continue to access critical services," said Jim Anderson, spokesperson for the department. "There's a real commitment to that."

But some advocates are skeptical. Before the 1992 Democratic National Convention, also held at the Garden, hundreds of homeless people reportedly "disappeared"

from the streets. Norman Siegel, then head of the New York Civil Liberties Union, thinks there was an unofficial crackdown. "I'm sure that's going to happen again," he said. "And the city will say they didn't have anything to do with it."

To help defuse the situation, providers have been meeting regularly to discuss possible solutions like distributing homeless ID cards, providing more shelter beds or opening up city parks for sleeping.

"We are primarily concerned about making sure that people's civil rights and liberties are not trampled on," explained Lynn Lewis, co-director of the advocacy group Picture the Homeless, which helped spearhead these efforts. "Let's have some common sense. There are a lot of homeless people here; they're not going to evaporate."

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## Attention All On-line!

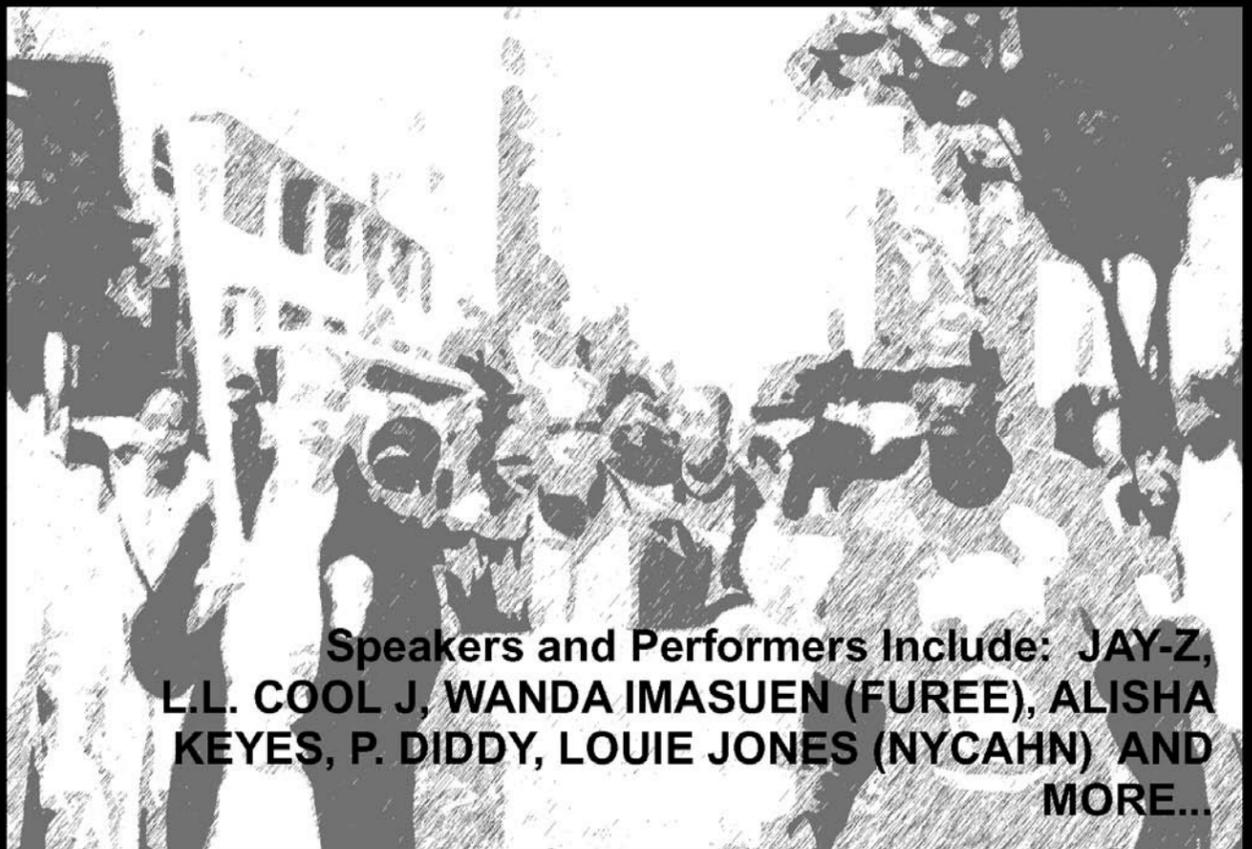
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## March on NY: Still We Rise

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Planning Meetings: Every 1st & 3rd Thursdays 5PM  
St. Marks Church - 131 E 10th St. 2nd Ave.

◆ ACT UP - NY ◆ ACT-UP Philadelphia ◆ AIDS Action Baltimore ◆ AIDS Foundation of Chicago ◆ CHAMP - Community HIV/AIDS Mobilization for Power ◆ CVH - Community Voices Heard ◆ El Centro de Hospitalidad ◆ FIERCE ◆ Fifth Avenue Committee ◆ FUREE - Families United for Racial & Economic Equality ◆ GOLES ◆ GMHC ◆ Harlem Operation take Back ◆ Health Gap ◆ Hepatitis C Movement for Awareness ◆ Housing Works ◆ Jews for Racial and Economic Justice ◆ Latin American Solidarity Coalition ◆ Latino Commission on AIDS ◆ LIFETIME ◆ Make the Road By Walking ◆ Met Council on Housing ◆ MOM - Mothers on the Move ◆ NYCAHN - NYC AIDS Housing Networks ◆ NYC Summer ◆ NY Immigration Coalition ◆ Picture the Homeless ◆ Partnership for the Homeless ◆ Pratt Area Community Council ◆ Project Hospitality ◆ School of the Americas ◆ Student Social Workers Alliance for a Progressive Society ◆ Racial Justice 9-11/SWR: People's Assembly ◆ ROC - Restaurant Opportunities Center ◆ Urban Justice Center - Human Rights Project ◆

[www.stillwerise.org](http://www.stillwerise.org) in conjunction with Hip Hop Summit Action Network

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# Mitchell-Lama Refinancing Plan

In an effort to slow the deregulation of Mitchell-Lama apartments, Mayor Bloomberg is offering \$123 million in mortgage refinancing and repair loans to 80 developments containing about 27,000 apartments.

The initiative, announced June 28 by Bloomberg and Emily Youssouf, president of the city Housing Development Corporation, covers the 80 Mitchell-Lama developments—53 rental and 27 co-op, most in Manhattan and the Bronx—that have mortgages with the HDC. Owners of those developments who agree to stay in the Mitchell-Lama program for the next 15 years will be eligible for two sources of aid: a \$73 million program to refinance their mortgages at a lower interest rate, and a \$50 million repair-loan program. Individual owners will be able to borrow \$1 million

to \$7 million per development for repairs.

The Mitchell-Lama middle-income housing program, begun in the 1950s, originally included 140,000 apartments. But owners who have paid off their mortgages are allowed to buy their way out of the program and charge market rates for apartments, and in the last few years many have. A February report by Comptroller William C. Thompson said about 21,000 apartments

have been taken out of the program.

The new programs won praise from both landlord and tenant groups, but some landlords will probably go ahead with buyouts anyway, seeking to take advantage of the city's skyrocketing rents. Of the 80 developments eligible for the two programs, Youssouf told the *Daily News*, the owners of at least four are pursuing buyouts.

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## Rally for Supportive Housing



On June 3, more than 300 people marched from Bryant Park to Governor Pataki's office on Third Avenue to urge a renewed "New York/New York Agreement" to provide 9,000 units of supportive housing for homeless individuals and families. Participants included residents of homeless shelters, formerly homeless tenants of supportive housing, representatives from supportive-housing and homeless-services organizations, tenants' groups (including Met Council), religious leaders, and mental-health consumers and advocates. Former mayor David Dinkins, who signed the original "NY/NY Agreement" in 1990, closed the rally.

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

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

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

### Sublease Allowance

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

### Vacancy Leases

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

### Rent Overcharges

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

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

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

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

### Fair Market Rent Appeal

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

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

### Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable annual household income is \$24,000 or less and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be avoided. Obtain the SCRIE application form by calling (212) 442-1000.

### Loft Units

Legalized loft unit increases above the base rent are 4 percent for a one-year lease and 7 percent for two years. No va-

cancy allowance is permitted on vacant lofts.

### Hotels and SROs

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

### High-rent, High-income Deregulation

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

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

COURTESY OF COALITION FOR THE HOMELESS

## Reagan

continued from page 1

ally subsidized units by almost 90 percent, from 175,000 a year to 20,000.

“Reagan opened the curtain for the two-decade withdrawal of the federal government from its role in producing low-income housing,” says Victor Bach of the Community Service Society. “I don’t think we’ve ever recovered from that.” Reagan can’t be blamed for the housing situation he inherited, Bach adds, but “as local low-income markets were shrinking, there was nothing new being built.” There was no new public housing, no commitment to keep housing affordable, and no direct federal capital funds, only whatever came in from the low-income housing tax credit enacted in 1986.

The net effect of such policies on New York’s housing situation was like withholding medical treatment during an epidemic. (Ironically, that rather neatly parallels Reagan’s response to the emergence of AIDS: He didn’t mention the disease in public until 1987, after 21,000 people had died and tens of thousands more had become fatally infected). With housing costs outstripping wages and welfare housing subsidies frozen, homelessness grew, and there was little new housing built to ease the situation. The one loophole available was for “emergency housing” for homeless families—which led to the scandal of the city paying \$3,000 a month for rooms in squalid hotels like the notorious Martinique on West 32<sup>nd</sup> Street.

It is impossible, however, to separate Reagan’s legacy in housing from his other economic policies. As Wall Street boomed and housing costs exploded, he kept the minimum wage frozen at \$3.35 an hour for his entire two terms. He cut taxes on millionaires by almost half—and made unemployment-compensation payments taxable. And when he fired 11,000 air-traffic controllers after they went on strike in 1981, he sent a signal to corporate America that union-busting was now acceptable behavior, shredding another element of the New Deal social contract.

Perhaps more important in the long run, Reagan led what Patrick Markee calls “an enormous cultural shift” in American politics, replacing the ethos of the New Deal and the civil-rights movement with a “blame-the-poor mentality.” One of his favorite campaign tales was the welfare-queen urban legend, in which he inflated a minor Chicago welfare-fraud case into the story of a non-existent woman with 80 aliases, 30 addresses, and “four non-existing deceased husbands” who was

scamming more than \$150,000 a year. He denounced the Taino Towers project in East Harlem for giving slum dwellers apartments with a swimming pool for \$113.20 a month—in reality, rents there were more like \$450, and the pool was for the whole neighborhood. The 1982 recession caused the highest unemployment levels since the Depression; Reagan’s response was that there were plenty of jobs listed in the want ads.

“What we have found in this country, and maybe we’re more aware of it now,” Reagan said in 1984 when asked about the growing number of homeless people, “is one problem that we’ve had, even in the best of times, and that is the people who are sleeping on the grates, the homeless who are homeless, you might say, by choice.”

That mentality, in which any help for the poor is condemned

for encouraging “dependency,” has infested American politics ever since. In 1998, congressional Republicans and President Clinton enacted the Quality Housing and Work Responsibility Act, which requires public-housing tenants to do community service to demonstrate their “personal responsibility”—a duty not required of more affluent people receiving federal housing benefits like the mortgage-interest tax deduction. That law also specifically prohibits local housing authorities from using federal funds to build new units “if it would result in a net increase” in the number of public-housing apartments available. More recently, President Bush an-

nounced plans to cut Section 8 funding by 40 percent.

Reagan “set the model for the next twenty to twenty-five years,” says Bach. In the last 20 years, says Patrick Markee, rents have more than doubled after adjusting for inflation, renters’ average income hasn’t increased and the poorest fifth have actually lost ground, and “now you have a government that does very little.”

The most fitting memorial for Ronald Reagan, urban-policy professor Peter Dreier wrote in *New York Newsday* on June 10, “would be for each American city to name a park bench—where at least one homeless person sleeps every night—in honor of our 40<sup>th</sup> president.”



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## Toxic-Site Tax Break Sought for New Times Building

By Elizabeth Cady Brown

Times Square isn’t the first place most people think of when they hear the word “brownfield,” but developer Bruce Ratner and his partner, the New York Times Company, are trying hard to convince the state’s Department of Environmental Conservation that it is one. They have applied to have the *Times*’ new headquarters building, a 52-story office tower on Eighth Avenue and 40th Street, deemed an environmental cleanup site under the state’s brand new Brownfield Cleanup Program.

If that is accepted, Ratner’s company, Forest City Ratner Companies, and the Times Company would be entitled to an estimated \$170 million in state income-tax credits and a permanent local property-tax exemption potentially worth tens of millions of dollars.

But environmental advocates who pushed for the law say this isn’t the type of project the law was intended to assist.

“Why should an already viable Manhattan property get millions of dollars in tax credits?” demanded Mathy Stanislaus, board member of the NYC Environmental Justice Alliance and codirector of New Partners for Community Revitalization. “It’s ludicrous.”

The state’s new law, which passed in 2003 after seven years of bitter partisan battles, is intended to make it financially feasible for developers to reclaim polluted, abandoned land. Under the law, a

brownfield is any property where development “may be complicated by the presence or potential presence of a hazardous waste.”

According to an analysis performed by an environmental consultant hired by Times and Ratner, their site contained a 7,500-gallon aboveground fuel-oil storage tank and two 550-gallon underground tanks, which have since been removed, as well as elevators that may have used fluids with PCBs. Initial soil tests by the consultants show the fill is typical of urban sites and does contain elevated lead levels in some areas.

Yet the site has been in active use since at least 1899, housing a public school and rowhouses, and more recently, a garage and a parking lot on its west side. “Historical information sources,” the consultants concluded, “gave no indications of industrial use, vacant land that could have been used for dumping, or other significant environmental hazards at the Site.”

In fact, neither of the two sites in New York City that have been accepted into the Brownfield Cleanup Program nor the two with applications pending are abandoned or fallow properties. And all had redevelopments slated before the law was ever drafted.

Environmentalists wonder whether the developers are really concerned about contamination or just want the income-tax credit, which is the most generous of any brownfield program in the

nation, and among the largest tax credits available in New York State. The tax credits are given as-of-right to any development accepted into the Brownfield Cleanup Program, regardless of whether financing is needed to make the project happen or whether contamination is ultimately uncovered. Forest City Ratner and the *New York Times* would not comment by press time.

Given the criteria laid out by the DEC, it seems likely that the Times-Ratner application will be approved. “If there is contamination or likely to be contamination, it’ll probably be eligible,” said Dale Desnoyers, head of the department’s environmental remediation division overseeing the brownfield program. “The purpose is to get sites investigated.”

Supporters of the law are concerned that approving projects such as the Times-Ratner building would set a bad precedent for other developers wanting to exploit the new tax breaks.

“The fear is that incentives are going to go to projects in primo areas where the cost of real estate is high instead of encouraging redevelopment in communities that really need help,” said Laura Haight, senior environmental associate at NYPIRG. “We are worried about the cherry picking.”

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**RGB**

*continued from page 1*

they feel the RGB is either clueless about or insensitive to how marginal many people's finances are. "If they raise the rent even \$50, the average person can't afford it. That's why we have so much homelessness and displacement," said Anna Rivera, a tenant organizer with Good Old Lower East Side, which brought about 75 people to the meeting.

"The people who are already in the process of trying to get out of the shelters are going to take a lot longer, or end up back in the system," said Camila Fajardo, who spent eight months in a city homeless shelter before finding an apartment in Bedford-Stuyvesant. Angela McLean, a retired Upper East Side woman, quietly noted that the rent on her studio apartment is slowly eating up her life's savings.

There was one major difference compared with recent years: The board's public members, generally a silent rubber stamp for rent increases, all spoke to explain their votes. Still, the results were the same. Betty Phillips Adams, the only RGB member other than Holder who lives in a rent-stabilized apartment, said she "regretfully" opposed the rent freeze, noted that the city's housing-affordability situation "is getting worse"—and voted for the increases. Elizabeth Lusskin asked if it was possible to stop landlords with outstanding violations from collecting rent increases—and voted for the increases. Gale Kaufman cited the need to "strike a balance" between the needs of tenants and landlords—and voted for the increases. The only public member to vote no was Martin Zelnik, who said the board needed to consider "the human dimension."



Many blame Bloomberg for rent increases.

"This is not a mathematical issue," he declared. "We need to think different. There is a major recession."

Markus, asked after the meeting what he would say to a hypothetical tenant taking home \$400 a week, paying \$760 a month rent, and facing a \$50 increase, responded, "What do I say to an owner who's not meeting expenses? We have to strike a balance. We don't make deals with individual tenants."

"At least the public members are saying something," Holder observed after the meeting. "I thought I was banging my head against the wall."

Still, she called the latest round of increases "devastating." Two years ago, when the RGB's in-house price index of operating costs figures showed that landlords' expenses had actually dropped, the board voted increases of 2 and 4 percent. Last year, when the price index rose significantly while tenants were suffering from

the recession, they raised rents by 4.5 and 7.5 percent, the highest increases since the 1980s. This year, the rise in the price index was less than half as much as last year's, but the rent increases given were only slightly smaller.

Holder sees a couple of hidden agendas in the latest increases. The first, she says, is to set the spread between the guidelines for one-year and two-year leases wider—it's been 3 percentage points for the last two years, instead of the usual 2—to force tenants into one-year leases so rents will go up faster. The second,

she speculates, is that the increases granted are more than what some landlords can actually collect, but they still push the official rent up closer to the deregulatory threshold of \$2,000.

Meanwhile, the landlords' main political ploy is to put the smaller, outer-borough owners forward as struggling, hardworking businesspeople; about 30 showed up at the meeting, cheering and booing for their side. But in reality, most apartments in the city are owned by about 2,000 large real-estate operations.

"There are plenty of owners who are doing well," tenant representative David Pagan said while arguing for a rent freeze. "People are willing to pay more than ten times the rent roll [to buy buildings]... Why should this board or any other government agency bail them out?"

The new guidelines also allow rent increases for lofts of 2.5 percent for a one-year lease and 5.5 percent for two years. Landlords can charge an extra 10 percent on sublets, and the special guideline for apartments coming out of rent control sets the new rent at either 50 percent more than the maximum base rent or at the federal "fair market rent" for comparable apartments, whichever is more.

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

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Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.,  
544 W. 157th St. (basement entrance).  
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212-539-3538  
**Wednesdays ..... 6 pm-7 pm**

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

**WEST SIDE TENANTS UNION**  
200 W. 72nd St. Room 63; 212-595-1274  
**Tuesday & Thursday ..... 2-5 pm**  
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