



# New Orleans: A People's Reconstruction Needed

By Naomi Klein

**O**n September 4, six days after Hurricane Katrina hit, I saw the first glimmer of hope. "The people of New Orleans will not go quietly into the night, scattering across this country to become homeless in countless other cities while federal relief funds are funneled into rebuilding casinos, hotels, chemical plants.... We will not stand idly by while this disaster is used as an opportunity to replace our homes with newly built mansions and condos in a gentrified New Orleans."

The statement came from Community Labor United, a coalition of low-income groups in New Orleans. It went on to demand that a committee made up of evacuees "oversee FEMA, the Red Cross and other organizations collecting resources on behalf of our people.... We are calling for evacuees from our community to actively participate in the rebuilding of New Orleans."

It's a radical concept: The \$10.5 billion released by Congress and the \$500 million raised by private charities doesn't actually belong to the relief agencies or the government; it belongs to the victims. The agencies entrusted with the money should be accountable to them.

Except relief and reconstruction never seem to work like that. When I was in Sri Lanka six months after the tsunami, many survivors told me that the reconstruction was victimizing them all over again. A council of the country's most prominent businesspeople had been put in charge of the process, and they were handing the coast over to tourist developers at a frantic pace. Meanwhile, hundreds of thousands of poor fishing people were still stuck in sweltering inland camps, patrolled by soldiers with machine guns and entirely dependent on relief agencies for food and water. They called reconstruction "the second tsunami."

There are already signs that New Orleans evacuees could face a similarly brutal second storm. Jimmy Reiss, chairman of the New Orleans Business Council, told *Newsweek* that he has been brainstorming about how



People sitting on a roof waiting to be rescued as flood water surrounds their New Orleans home.

JOCELYN AUGUSTINO/FEMA

"to use this catastrophe as a once-in-an-eon opportunity to change the dynamic." The Business Council's wish list is well-known: low wages, low taxes, more luxury condos and hotels. Before the flood, this highly profitable vision was already displacing thousands of poor African-Americans: While their music and culture was for sale in an increasingly corporatized French

Quarter (where only 4.3 percent of residents are black), their housing developments were being torn down. "For white tourists and businesspeople, New Orleans' reputation is 'a great place to have a vacation but don't leave the French Quarter or you'll get shot,'" Jordan Flaherty, a New Orleans-based labor organizer told me the day after he left the city by

boat. "Now the developers have their big chance to disperse the obstacle to poor people."

Here's a better idea: New Orleans could be reconstructed by and for the very people most victimized by the flood. Schools and hospitals that were falling apart before could finally have adequate re-

*continued on page 7*

## SRO Tenants Block Dorm Scheme

By Bennett Baumer

Tenants at the West 86<sup>th</sup> Street SRO have been fighting Wartski's illegal conversion of the building to transient housing and are currently embroiled with him in court. However, stopping Wartski's plan to contract 50 rooms to Mannes College of Music, a division of the New School University, was

done through old-fashioned politicking.

With the help of the West Side SRO Law Project, Dexter House residents garnered support from City Council member Gale Brewer and other politicians.

"We owe it to Gale Brewer," said Dexter House Tenant Association mem-

ber Vivian Riffelmacher. "Gale Brewer was talking to [the New School] and they were receptive."

Tenants claim that Dexter management was clearing out different wings of the building for renovations and aggressively pursuing evictions in order to create space for the ill-fated 50-room deal with Mannes. "It's easier to work with a block of rooms so it's like dormitory space," said Riffelmacher.

Because of the tight housing market, many colleges and universities have been looking to SROs to house their students. Apart from hostel guests, the tenant association says there are students from different schools that are living in the building.

The Dexter House tenants opposed the dormitory scheme because they want to protect affordable SRO housing. Landlords often find it more profitable to rent rooms to tourists illegally than to give leases to rent-stabilized SRO tenants. A survey by tenants

found Dexter House has around 25 vacant apartments and over 30 rooms being used for transient guests, mostly hostel-style accommodations.

"I think the owner [Wartski] knows he is under the gun and being scrutinized," said Brewer.

**Please join us in celebrating the life and work of Jane Benedict**

Saturday, October 22, 2005 at the 92<sup>nd</sup> Street Y (Lexington Avenue at East 92<sup>nd</sup> Street in Manhattan) in the Warburg Lounge starting at 11:30 a.m.

For more information, call Met Council at 212-979-6238

### INSIDE THIS ISSUE !

- Tenant Empowerment Act Passed .... pg. 2*
- El Inquilino Hispano ..... pg. 3*
- Rents Force Out Chelsea Shops ..... pg. 5*
- Preferential-Rent Battle ..... pg. 5*
- IPN Update ..... pg. 6*
- Council Expands SCRIE..... pg. 6*

**LETTERS**

**Walter's Ramp**

In February, my husband, Walter, broke his ankle very badly, and required two serious operations. In June, he was discharged from the nursing home and had to use a wheelchair. He could not be taken out of the front entrance to the building because there are three steps. We had to use the basement entrance, and it was difficult to get him up and down the five-inch step, as he is bigger than I am.

The building employees were nice enough to put up boards as a makeshift ramp, but people were always stealing them. I then wrote a note to the building superintendent asking for a ramp. He called me and said I would have to call the property manager. The manager said the co-op board would have to vote on it.

As time went by, I called Jenny Laurie, who put me in touch with

the Bronx office of the New York City Commission on Human Rights. They sent someone to my building who determined that the five-inch curb was unacceptable, and that a ramp was needed, because the Americans with Disabilities Act requires a ramp when anybody requests it.

In August, the ramp was completed, which made getting the wheelchair in and out a breeze. A lady who uses a four-footed cane thanked me for my efforts. Although Walter is almost ready to give up the wheelchair, having started to use a walker, the population in my building is getting older, so more people will be using wheelchairs.

I am thankful to Met Council and the Commission on Human Rights for their efforts.

*Anita Romm  
The Bronx*

**Council Overrides Bloomberg Veto; Enacts Mitchell-Lama Bill**

On August 17, the City Council overrode Mayor Bloomberg's veto of the Tenant Empowerment Act by a 44-3 vote, with Republicans James Oddo, Andrew Lanza, and Dennis Gallagher the only opponents.

The Tenant Empowerment Act is intended to protect more than 108,000 residents of government-subsidized affordable housing from losing their homes if their landlords choose to pull out of the subsidy programs. It gives tenants in post-1974 Mitchell-Lama buildings and those in residences with a significant number of Section 8 tenants the ability to purchase their buildings if a landlord decides to withdraw. Under the bill, landlords must give tenants a year's notice that they intend to sell the building, and tenants have the right of first refusal.

The mayor and other Republicans opposed the bill because they felt it placed an unfair burden on building owners.

"If we do not pass this, we will evict tens of thousands of New Yorkers," Councilmember Alan Gerson, who drafted the bill, told the *Gotham Gazette*. "We will never be able to make up for the

affordable housing that is lost."

Owners can solicit bids from other buyers on the free market, but if tenants match those bids, the landlord is obliged to sell to them. Tenants and advocates, including Met Council, hailed the passage of the bill, though community-based nonprofits will need to help finance any package subsidized tenants offer.

—Bennett Baumer

**City Limits**  
New York's Urban Affairs News Magazine

Organizing □ Development □ Housing □ Community Action

Insight into the politics of poverty, race and urban economics

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



**BECOME A WRITING TENANT**

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

For more information call  
Met Council  
212-979-6238

**Watch Rent Wars News**

the weekly tenants show that covers the news, people, and events that affect New York's tenants.

**Brooklyn**  
Every Monday at 7 p.m.:  
Time Warner Channel 34 or  
Cablevision Channel 67

**Manhattan**  
Every Sunday at 12 p.m.:  
Time Warner Ch. 57 or RCN  
Ch. 112. Digital 110.  
Without converter: Time  
Warner Ch. 69

Also check out  
[www.rentwars.com](http://www.rentwars.com)  
Participate in the RWN Forum,  
post events, listen to inter-  
views and specials online,  
and read show supplements  
that go deeper into the  
stories covered on the show.

Scott Sommer hosts Met Council's  
**HOUSING NOTEBOOK**  
Mondays at 8:00 p.m. on  
**WBAI 99.5 FM**

Listen on the Internet  
[www.wbai.org](http://www.wbai.org)

**SUPPORT LISTENER SUPPORTED WBAI PUBLIC RADIO**

**TenantNet™** Online Resource for Residential Tenants

New York Tenants  
on the World Wide Web  
<http://tenant.net>  
email: [tenant@tenant.net](mailto:tenant@tenant.net)

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

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

Tenant/Inquilino is distributed to members and to affiliated organizations of Met Council as part of their membership. Subscriptions are \$5 per year for individuals, \$10 for institutions per year.

**EDITOR**  
Steven Wishnia

**PRODUCTION/DESIGN**  
John M. Miller

**STAFF**  
Florence Daniels, Don Gilliland,  
Esther Joselson, Vajra Kilgour,  
Rosel Lehman, Marie Maher,  
Anne Moy, John Mueller,  
Anita Romm, Shirley Small,  
Ann Towle, Leah Wolin

Articles, letters, artwork and photographs are welcome.

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

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

ISSN-1536-1322 ©2005

# EL INQUILINO HISPANO

## Necesaria: una reconstrucción del pueblo

Por Naomi Klein

Traducido por Lightning Translations

El 4 de septiembre, seis días después de que golpeó Katrina, vislumbré el primer rayo de esperanza. “El pueblo de Nueva Orleans no desaparecerá calladamente en la noche, dispersándose por todo el país para volverse sin techo en innumerables ciudades, mientras los fondos federales de socorro se canalizan en la reconstrucción de casinos, hoteles, plantas químicas.... No nos quedaremos con los brazos cruzados mientras este desastre se emplee como una oportunidad para reemplazar nuestros hogares con nuevas mansiones y condominios construidos

en una Nueva Orleans burguesificada.”

La declaración fue emitida por Community Labor United (Trabajadores Unidos de la Comunidad, CLU), una coalición de grupos de bajos ingresos en Nueva Orleans. A continuación exigió que un comité compuesto por evacuados “supervise FEMA (la Agencia Federal para Manejar Emergencias), la Cruz Roja y otras organizaciones que están recaudando recursos en nombre de nuestra gente. . . . Llamamos a que los evacuados de nuestra comunidad participen activamente en la reconstrucción

de Nueva Orleans.”

Este es un concepto radical: los \$10.5 mil millones liberados por el Congreso y los \$500 millones recaudados por organizaciones caritativas no pertenecen en realidad a las agencias de socorro ni al gobierno; pertenecen a las víctimas. Las agencias a que se ha encomendado el dinero deberán responderles a ellas. Dicho de otra manera, la gente que Barbara Bush acaba de describir discretamente como “de todos modos desfavorecidos” acaban de volverse muy ricos.

Excepto que el socorro y la reconstrucción nunca parecen fun-

cionar así. Cuando yo estaba en Sri Lanka seis meses después del tsunami, muchos sobrevivientes me dijeron que la reconstrucción les hacía víctimas una vez más. Un concejo de las personas de negocios más destacadas del país se había puesto a cargo del proceso, y estas estaban entregando la costa a los especuladores de turismo a paso frenético. Mientras tanto, cientos de miles de pescadores pobres seguían atrapados en sofocantes campos tierra adentro, patrullados por soldados con ame-

*pasa a la página 4*

### Los Ajustes de la “Junta de Regulación de Renta” de la Ciudad de Nueva York (Orden No. 37)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2005 hasta el 30 de septiembre de 2006.

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 2004. 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 2004. 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 aparta-

mentos, 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 fre-

cientemente 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 36, es la Renta de Mercado Justa de HUD o un 50% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de abril de 1984 o después debe dejar de poner a prueba la llamada “Renta Legal Inicial Regulada” (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de “Apelación a la Renta Justa de Mercado” como de “exceso de cobro.” La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos

que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

**Exención de Incrementos para las Personas de Mayor Edad:** Las personas de 62 años o más que viven en apartamentos 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 2.25 por ciento por un contrato de un año y un 4.5 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

**Hoteles y Apartamentos de una Sola Habitación**

No habrá ningún aumento de la renta este año para los apartamentos de hotel de Clase A, casas de habitaciones, hoteles de clase B (de 30 habitaciones o más), hoteles de una sola habitación, y las casas de habitaciones (Clase B, 6-29 cuartos). No se permiten incrementos para apartamentos vacíos.

**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>	Si el dueño paga la calefacción	2.75%	5.5%	
	Si el inquilino paga la calefacción	2.5%	4.5%	
<b>Contratos para Apartamentos Vacíos</b>	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	17.25%	
		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 17.25%	
	Menos de \$300	Incrementos por desocupación cobrados en los últimos 8 años	17.25% + \$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, + 17.25% + \$100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + \$100
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	17.25% 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 17.25%, 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

## Nueva Orleans

viene de la página 3

tralladoras y totalmente dependientes de las agencias de socorro para su comida y agua. Llamaron a la reconstrucción “el segundo tsunami.”

Ya existen señales de que los evacuados de Nueva Orleans podrían enfrentar una segunda tormenta igual de brutal. Jimmy Reiss, presidente del Consejo de Negocios de Nueva Orleans, dijo a *Newsweek* que está evaluando ideas sobre como “usar esta catástrofe como una oportunidad única para cambiar la dinámica.” La lista de deseos del Consejo de Negocios es bien conocida: salarios bajos, impuestos bajos, más condominios y hoteles de lujo. Antes de la inundación, esta visión muy rentable ya estaba desplazando a miles de afro-americanos pobres: mientras se vendía su música y cultura en un Barrio Francés cada vez más corporativizado (donde sólo un 4.3 por ciento de los residentes son negros), se derribaban sus urbanizaciones populares. “Para los turistas y gente de negocios blancos, la reputación de Nueva Orleans es de ‘un gran lugar para tomar unas vacaciones, pero no salgas del Barrio Francés porque te pegan un tiro,’” me dijo Jordan Flaherty, un organizador de trabajadores basado en Nueva Orleans, un día después de que saliera de la ciudad en bote. “Ahora los especuladores tienen su gran oportunidad para dispersar el

obstáculo a la burguesificación: la gente pobre.”

He aquí una mejor idea: New Orleans podría reconstruirse por y para la misma gente que han sido las peores víctimas de las inundaciones. Las escuelas y hospitales que anteriormente se deshacían podrían finalmente tener recursos adecuados; la reconstrucción podría crear miles de trabajos locales y suministrar entrenamiento técnico masivo para las industrias que pagan decentemente. En vez de entregar la reconstrucción a la misma élite corrupta que falló a la ciudad tan espectacularmente, el esfuerzo podría ser encabezado por grupos como Douglass Community Coalition. Antes del huracán, esta asamblea extraordinaria de padres, maestros, estudiantes y artistas estaba tratando de recuperar la ciudad de los estragos de la pobreza al transformar la Escuela Superior Frederick



La vista del aire de la inundación que continua de los efectos del huracán Katrina.

LIZ ROUL

Douglass en un modelo de aprendizaje comunitario. Ya han hecho el trabajo esmerado de desarrollar el consenso en torno a reformas de educación. Ahora que fluyen los fondos, ¿no deberían tener las herramientas para reconstruir todas las achacosas escuelas públicas en la ciudad?

Para que un proceso de reconstrucción del pueblo se vuelva realidad (y para impedir que más contratos sean otorgados a Halliburton), los evacuados tienen que estar al centro de la toma de decisiones. Según Curtis Muhammad de Community Labor United, la lección más severa del desastre es que los afro-americanos no pueden confiar en ningún nivel del gobierno para protegerlos. “No tuvimos quien nos cuidara,” dice. Esto quiere decir que los grupos comunitarios que representan afro-americanos en Louisiana y Mississippi, muchos de los cuales perdieron personal, espacio de oficina y equipo en las inundaciones, necesitan nuestro apoyo ahora. Sólo una inyección masiva de dinero y voluntarios les permitirá hacer el trabajo decisivo de organizar a los evacuados, actualmente dispersados a través de 41 estados, en un grupo político poderoso. La cuestión más urgente es dónde los evacuados van a vivir durante los próximos meses. Crece un consenso peligroso de que deben cobrar un poquito de caridad, pedir un trabajo en el Walmart de Houston y seguir adelante. Sin embargo, Muhammad y CLU están llamando por el derecho de regresar: saben que si los evacuados van a tener casas y escuelas a las cuales puedan regresar, muchos de ellos van a tener que volver a sus estados natales y luchar por ellas.

Estas ideas no son sin precedente. Cuando la Ciudad de México fue golpeada por un terremoto devastador en 1985, el gobierno tam-

bién falló al pueblo: se derrumbó la vivienda pública mal construida y el ejército estuvo dispuesto a arrasar edificios con sobrevivientes todavía atrapados dentro. Un mes después del terremoto, 40,000 refugiados enfurecidos marcharon en contra del gobierno, rehusándose a ser reubicados fuera de sus vecindarios y exigiendo una “Reconstrucción Democrática.” No solamente se construyeron 50,000 nuevas viviendas para los sin techo en un año, sino los grupos que se levantaron de los escombros lanzaron un movimiento que sigue desafiando a las potencias tradicionales de México hasta hoy en día.

Además, la gente que conocí en Sri Lanka se ha cansado de esperar el socorro prometido. Algunos sobrevivientes están llamando por una Comisión de Planificación del Pueblo para la Recuperación después del Tsunami. Dicen que las agencias de socorro deben ser responsables ante ellos: después de todo, es su dinero.

La idea podría arraigarse en los Estados Unidos, y debe hacerlo. Porque sólo hay una cosa que puede indemnizar a las víctimas de este más humano de los desastres naturales, y esto es lo que se les ha negado siempre: el poder. Será una lucha larga y difícil, pero los evacuados de Nueva Orleans deben cobrar fuerzas al saber que ya no son gente pobre; son gente rica que temporalmente encuentran bloqueado el acceso a sus cuentas bancarias.

*Quienes deseen hacer donaciones para una reconstrucción por el pueblo pueden hacerla a la Vanguard Public Foundation, 383 Rhode Island St., Ste. 301, San Francisco, CA 94103. Se debe anotar en los cheques que están destinados al “People’s Hurricane Fund.”*

## Nueva Orleans: ¿Reconstrucción o limpieza económica?

En el corto plazo, la gente desplazada de Nueva Orleans necesita ayuda masiva con vivienda temporal, según la National Low Income Housing Coalition (Coalición Nacional de Vivienda de Bajos Ingresos). El 2 de septiembre, el grupo instó al Congreso a financiar vales de emergencia para todas las “familias necesitadas,” hacer transferibles las subvenciones federales para los inquilinos de vivienda pública y de la Sección 8 y flexibilizar los requisitos para recibir ayuda.

Las cuestiones de largo plazo son más complejas. Aun mientras las aguas todavía fluían tras los diques rotos de la ciudad, el Vocero de la Cámara de Representantes, Dennis Hastert, sugirió que quizás se debiera abandonar Nueva Orleans, mientras otros derechistas instaron a que se removiera a los pobres de la ciudad para dispersar a la “clase sumergida.”

Nueva Orleans era una ciudad sumamente pobre antes del huracán. Un 28 por ciento de los 470,000 residentes, incluidos casi la mitad de los niños, vivían con ingresos bajo el nivel de pobreza. Casi un tercio de las familias ganaron menos de \$15,000 al año, según las cifras del censo de 2000, y una quinta parte vivía con menos de \$10,000. Esta última cifra—la gente que vive con menos de \$200 a la semana—alcanzó un 30 por ciento en el Distrito Noveno Bajo, el primer vecindario que sufrió

inundaciones serias; un 44 por ciento en el barrio Tremé; y un 76 por ciento en las cercanas urbanizaciones populares Iberville. Sin embargo, los afro-americanos pobres de la ciudad han creado una de las culturas urbanas más distintivas en todo el país, regalando al mundo el jazz, el funk y el Mardi Gras. Silvester Francis, quien dirige el Backstreet Cultural Museum (Museo Cultural de los Calles de Atrás) en Tremé, lo llamó así porque “la cultura viene de las calles de atrás.”

Tremé puede convertirse en un punto de ebullición cuando el “derecho al regreso” de los residentes choque con la reurbanización. Uno de los primeros vecindarios poblados por gente negra libre a principios del siglo 19, es el término tradicional de los desfiles de los funerales jazz, además de ser un centro para el Zulu Social Aid and Pleasure Club (Club Zulu de Ayuda Social y Placer), que abolió la segregación del Mardi Gras en 1968 y dirige uno de los desfiles principales. Sin embargo, el Tremé ocupa terrenos de primera, entre el Barrio Francés y la autopista interestatal 10, y había empezado a burguesificarse antes del huracán. Cuando llegue la reconstrucción de Nueva Orleans, ¿se tratará de resucitar una comunidad o reubicarla?

— Steven Wishnia  
(traducido por  
Lightning Translations).

# Bon Appetit?

## Rents Force Out Chelsea's Cheap Restaurants

By Gloria Sukenick

Hungry? Well the way things are going in Chelsea, you may not find any place to eat that won't break the bank.

I've been going by a coffeeshop on 27<sup>th</sup> Street and Eighth Avenue that's been a fixture in the neighborhood for as long as I've been here, at least 12 years. A few years ago, new owners took over, and prices took a steep increase. But, I thought, the cost of *everything* keeps heading north. I didn't give it another thought until the metal shutters pulled down over the windows looked like they had become a permanent fixture.

A few weeks later, I had some friends drop in and we were planning to order our favorite yellow rice, shredded beef and black bean dinners from Mi Chinita Linda, the last of the famous (and affordable) Cuban/Chinese restaurants that Chelsea was home to for many years.

We got out the well-worn menu and dialed the number—but the phone had been disconnected

and there was no forwarding number. So as an alternative, I dashed down to the local taco takeout. There, I got the whole sad story.

Coffeeshop? Well, the lease of the original owners came to an end and the rent being asked for that modest corner store in a very modest building was... ready? TWENTY THOUSAND DOLLARS A MONTH!

One can only guess the kind of exorbitant rent that the landlord had in mind for Mi Chinita Linda's space, across the street from the Joyce Theater.

And then there's The Big Cup, the laid-back, popular, coffee-house/hangout/meeting place on Eighth Avenue, a landmark for the neighborhood's gay community... now about to be a fond memory. As one of the owners said, "How much can you charge for a cup of coffee?" Certainly not enough to meet the new rent, rumored to be anywhere from TWENTY FIVE THOUSAND TO FORTY THOUSAND DOLLARS A MONTH!

This does not bode well for those of us who are not the new millionaires currently moving into Chelsea and paying exorbitant rents. This soaring of commercial rents will extend to every shoe-repair store, cleaning establishment, drugstore, and, certainly, restaurants—and all of those high rents will be passed on to us. How long before we find the cost of living going to the moon?

I don't have a concrete solution to gentrification, but I do recall an article in the *New York Times* about a developer in Florida who was creating his own plans for towns and communities with, of course, one thing uppermost in his concerns: "How much money will I make?"

It is time to think seriously about a better way to shape our neighborhoods, our communities, and, indeed, our nation, rather than leaving it in the hands of those who are interested only in the dollar. That includes our federal government, who cut funding needed to

repair New Orleans' sinking levees and aging flood-control pumps, and used the money to pay for the war in Iraq and tax cuts for the rich. Developers were permitted to destroy wetlands and barrier islands that could have held back the hurricane's surge. New Orleans is now a disaster. It's time for other voices to be heard!

The rising cost of living in Chelsea and the destruction of neighborhood businesses may make our winning a promise of 27 percent affordable housing in the West Chelsea rezoning plan something of a hollow victory. We will, however, be putting a tracking procedure in place, to see that the housing promised will result and Chelsea residents will be notified as to availability.

So where does that leave us? You had better be very careful when you wish a Chelseaite "Bon appetit" now. Eating out in Chelsea is becoming a break-the-bank event.

## Give Me a Break

### Battle Over Preferential Rents Intensifies

By Kenny Schaeffer

For thousands of New York City households paying so-called "preferential rents," the battle intensified on August 9, when the state Division of Housing and Community Renewal held hearings on proposals to make it easier for landlords to cancel those rent discounts. Tenants and affordable-housing advocates argued that the changes would hasten the loss of affordable housing and open the way for fraudulent rent increases.

"Preferential rent" refers to a situation in which an owner claims that the rent a tenant is actually paying for a rent-stabilized apartment is lower than the maximum the landlord could legally charge. There are two circumstances where this occurs. One is in times and places where legal rents have risen faster than what the market will bear, so owners agree to rent an apartment for a lower "preferential" rent, while also registering the higher legally collectible rent with the DHCR. The other—increasingly common in gentrifying neighborhoods—is when landlords fraudulently claim that the legal maximum is more than what the tenant is paying.

In both situations, until recently, it was universally understood and accepted that the tenant would pay the preferential rent until they moved out, subject only to the legal increases when the lease was renewed. This was known as the Collingwood Rule, which provided that the preferential rent is a "term and condition" of the tenancy and therefore must

be included in each subsequent renewal lease.

In 2001, an appellate court created a narrow exception to the Collingwood Rule. In the *Missionary Sisters* case, the initial lease provided that the preferential rent was being granted solely because of the temporarily "economically depressed market." The court held that the parties did not intend that the discount would continue when the lease was renewed if the market were no longer depressed. This kind of lease provision is quite rare. For tenants without such a provision—more than 95 percent of those getting preferential rents, by some estimates—the law was commonly considered to be that the discount was good for the duration of their tenancy.

When the state Legislature renewed the rent and eviction laws in 2003, it enacted a provision that a preferential rent can be raised to the legal maximum "at the option of the owner" when a tenant's lease is renewed. This would seem to violate the Contract Clause of the US Constitution, which prohibits state legislatures from impairing existing contracts. At least one court, in the *Doig-Marx* case, has held that this means owners can only eliminate preferential rents in apartments where the initial lease was signed after June 15, 2003, when the law was changed, and in cases falling under the *Missionary Sisters* exception.

However, landlords have been acting as if this law gives them

carte blanche to opt out of any preferential rent agreement. The DHCR has supported in this interpretation. In October 2003, it adopted Fact Sheet 40, which states "Owners now have the option of charging the higher legal regulated rent upon renewal of the lease of a tenant who was paying a preferential rent," provided that the higher rent is "established" by being reflected, along with the lower rent actually paid, in all leases, renewals, and registrations within the previous four years.

The DHCR now proposes to go much further and eliminate that requirement that such a higher rent must be "established." Instead, it would let landlords simply register the higher rent. Moreover, DHCR's lax interpretation of registration requirements means that such registration can take place at

any time and with no notice to the tenant. The combined effect would be the virtual elimination of all preferential rents, and an opportunity for massive fraud as owners claim that the rents tenants have been paying for years were less than the "legal" rent.

If tenants have a preferential rent agreement that was signed before June 15, 2003, and the lease does not specify that the preferential rent expires at the end of the first lease term, they still have a strong legal claim that it is a "term and condition" of their tenancy which cannot be unilaterally revoked by the owner.

*Tenants can contest attempts to end their preferential rent in either Housing Court or State Supreme Court; they are advised to consult an experienced attorney. Call Met Council's tenant hotline for more information.*

### Court: City Can Deny Families Shelter

The city's Department of Homeless Services won court approval Aug. 16 to deny shelter to families it doesn't consider homeless. Before now, all families requesting assistance were provided with temporary housing of some sort. In April, the city requested permission to change this policy, arguing that ineligible reapplicants were congesting its troubled intake center, now slated for reconstruction. Advocates filed a cross-motion, demanding that the city stop turning away families without first determining whether they have

other housing "actually available" to them. State Supreme Court Justice Helen Freedman granted both sides their motions, potentially setting the stage for further litigation. Steve Banks, attorney in chief at the Legal Aid Society of New York, said he hopes it won't come to that. "By nature, I'm an optimist," he said. "But it's important that the court will be there as a last resort."

—Cassie Feldman

Reprinted with permission from City Limits Weekly.

# Landlord's Tax Deal Complicates IPN Situation

Independence Plaza North tenants' discovery that their landlord is getting a city tax abatement has complicated the settlement that saved the tenants from eviction when their landlord pulled out of the Mitchell-Lama program.

Tenants learned that the complex has been receiving a break on city real-estate taxes for the past seven years, under the J-51 program. Buildings that get J-51 abatements are supposed to be rent-stabilized as long as the abatement lasts, IPN Tenant Association head Diane Lapson told *Downtown Express*. The landlord's lawyer sent Lapson a letter denying that, saying not all tenants were eligible for rent stabilization and that the rent limits would expire in 40 months anyway, the paper reported.

"The landlord's attorney basically told us we better back off or they have threatened to break

our original deal," Lapson told the paper. In March 2004, tenants worked out an agreement with owner Laurence Gluck that allowed him to remove the buildings from the Mitchell-Lama program but prevented mass evictions.

Gluck, who bought the Tribeca complex in 2003, never informed tenants that he was getting the tax break. Seth Miller, the tenant association's lawyer, told *Downtown Express* that because of that, the apartments would be rent-stabilized as long as the tenants or their successors stayed.

"Had we known about this before, we wouldn't have had to struggle so much to keep our apartments," IPN tenant Tara Ramroop told *Downtown Express*. Some tenants were evicted before the settlement, and others are still in court with Gluck.

Under the settlement, brokered by Mayor Mike Bloomberg and City Council

Speaker Gifford Miller, current tenants were allowed to stay. Those eligible for federal help would pay one-third of their income in rent and use "enhanced vouchers" (also called "sticky vouchers") to cover the rest; the others would go into the

city-regulated Landlord Assistance Program, with rent increases similar to those in rent stabilization.

If the buildings were put under rent stabilization, Miller told *Downtown Express*, it would mainly help new tenants, who have to pay full market rate. It

would also protect current tenants from federal cuts to the enhanced-vouchers program, he added.

—Steven Wishnia



## Council Extends SCRIE to Disabled

Disabled tenants won a major victory when the City Council joined the state legislature in the passage of the Disabled Rent Increase Exemption on July 27. The program, approved in Albany in June, will give disabled tenants living on fixed incomes rent freezes similar to seniors under the Senior Citizen Rent Increase Exemption (SCRIE) program.

The victory was the result of a hard-fought campaign by the Fair Housing Coalition for People with Disabilities, led by Coalition for the Homeless,

Tenants & Neighbors, and the Center for the Independence of the Disabled New York.

Expected to be implemented this fall, the DRIE (Disabled Rent Increase Exemption) program applies to tenants living in rent-controlled, rent-stabilized, and Mitchell-Lama apartments. The rules are similar to SCRIE's: To qualify, the tenant (or the head of the household) must be paying at least one-third of their income for rent, be disabled, and have a low income. The maximum income for eligible tenants is the level at

which a person collecting SSI no longer can receive cash; that changes according to household size, but it's about \$17,000 a year for a single person. Advocates wanted a higher income limit, and will be returning to Albany next year to continue the work.

The City Council also voted to increase the income limit for SCRIE by \$1,000 each year for the next four years. The limit is currently \$24,000. Mayor Bloomberg signed both bills in August.

—Jenny Laurie

## NYC Rent Guidelines Board Adjustments (Order No. 37)

for Rent Stabilized Leases commencing Oct. 1, 2005 through Sept. 30, 2006

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, 2004. 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, 2004. 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	
Renewal Leases	Landlord pays heat	2.75%	5.5%	
	Tenant pays heat	2.25%	4.5%	
Vacancy leases	More than \$500	Vacancy allowance charged within last 8 years	17.25%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17.25%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than \$300	Vacancy allowance charged within last 8 years	17.25% plus \$100	20% plus \$100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17.25% 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	17.25% 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 17.25%, 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 36, 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 2.25 percent for a one-year lease and 4.5 percent for two years. No va-

cancy allowance is permitted on vacant lofts.

### Hotels and SROs

The board voted to freeze rents for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms). No vacancy allowance is permitted. Landlords cannot collect an increase over the rent charged on September 30, 2004 between October 1, 2004 and September 30, 2005.

### 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).



## New Orleans

continued from page 1

sources; the rebuilding could create thousands of local jobs and provide massive skills training in decent paying industries. Rather than handing over the reconstruction to the same corrupt elite that failed the city so spectacularly, the effort could be led by groups like Douglass Community Coalition. Before the hurricane this remarkable assembly of parents, teachers, students and artists was trying to reconstruct the city from the ravages of poverty by transforming Frederick Douglass Senior High School into a model of community learning. They have already done the painstaking work of building consensus around education reform. Now that the funds are flowing, shouldn't they have the tools to rebuild every ailing public school in the city?

For a people's reconstruction process to become a reality (and to keep more contracts from going to Halliburton), the evacuees must be at the center of all decision-making. According to Curtis Muhammad of Community Labor United, the disaster's starkest lesson is that African-Americans cannot count on any level of government to protect them. "We had no caretakers," he says. That means the community groups that do represent African-Americans in Louisiana and Mississippi—many of which lost staff, office space and equipment in the flood—need our support now. Only a massive injection of cash and volunteers will enable them to do the crucial work of organizing evacuees—currently scattered through 41 states—into a powerful political constituency.

The most pressing question is where evacuees will live over the

next few months. A dangerous consensus is building that they should collect a little charity, apply for a job at the Houston Wal-Mart and move on. Muhammad and CLU, however, are calling for the right to return: they know that if evacuees are going to have houses and schools to come back to, many will need to return to their home states and fight for them.

These ideas are not without precedent. When Mexico City was struck by a devastating earthquake in 1985, the state also failed the people: Poorly constructed public housing crumbled, and the army was ready to bulldoze buildings with survivors still trapped inside. A month after the quake 40,000 angry refugees marched on the government, refusing to be relocated out of their neighborhoods and demanding a "Democratic Reconstruction." Not only were 50,000 new dwellings for the homeless built in a year; the neighborhood groups that grew out of the rubble launched a movement that is challenging Mexico's traditional power holders to this day.

The people I met in Sri Lanka have grown tired of waiting for the



All but the wealthiest neighborhoods in New Orleans were flooded.

JOCELYN AUGUSTINO/FEMA

promised relief. Some survivors are now calling for a People's Planning Commission for Post-Tsunami Recovery. They say the relief agencies should answer to them; it's their money, after all.

The idea should take hold in the United States. Because there is only one thing that can compensate the victims of this most human of natural disasters, and that is what has been denied them throughout: power. It will be a long and difficult battle, but New Orleans' evacuees should draw strength from the knowledge

that they are no longer poor people; they are rich people who have been temporarily locked out of their bank accounts.

*Naomi Klein is author of No Logo. Reprinted with permission from Left Turn.*

*Those wanting to donate to a people's reconstruction can make it out to the Vanguard Public Foundation, 383 Rhode Island St., Ste. 301, San Francisco, CA 94103. Checks should be earmarked "People's Hurricane Fund."*

## New Orleans: Rebuilding or Economic Cleansing?

In the short run, New Orleans' displaced people need massive assistance with temporary housing, according to the National Low Income Housing Coalition. On Sept. 2, the group urged Congress to fund emergency vouchers for "all households in need," make federal subsidies transferable for public-housing and Section 8 tenants, and ease the requirements for receiving aid.

The longer-term issues are more complex. Even while water was still pouring through the city's broken levees, House Speaker Dennis Hastert was suggesting that maybe New Orleans should be abandoned, and other right-wingers were urging that the city's poor be removed in order to disperse the "underclass."

New Orleans was an intensely poor city before the hurricane. Twenty-eight percent of its 470,000 residents lived on incomes below the poverty line, including almost half its children. Almost one-third of its households made less than \$15,000 a year, according to 2000 Census figures, and one-fifth lived on less than \$10,000. That number—people living on under \$200 a week—was 30 percent in the Lower Ninth Ward, the first neighborhood to suffer serious flooding; 44 percent in the Tremé neighborhood;

and 76 percent in the nearby Iberville housing projects.

Yet the city's African-American poor have created one of the nation's most distinctive urban cultures, giving the world jazz, funk, and the Mardi Gras. Sylvester Francis, who runs the Backstreet Cultural Museum in Tremé, named it that because "the culture comes from the back streets."

Tremé is likely to be a flashpoint when the residents' "right of return" rasps against redevelopment. One of the first neighborhoods settled by free black people in the early 19<sup>th</sup> century, it's the traditional terminus for the city's jazz-funeral parades, and is a center for the Zulu Social Aid and Pleasure Club, which desegregated the Mardi Gras in 1968 and runs one of the main parades. Yet it occupies prime real estate between the French Quarter and the Interstate 10 freeway, and was beginning to gentrify before the hurricane.

When the reconstruction of New Orleans comes, is it going to be about resurrecting a community or removing it?

—Steven Wishnia

### Senior Citizen Rent Increase Exemption (SCRIE)

Are you 62 years or older? Do you pay 1/3 of your income or more for rent, and is your household income \$24,000 or less after taxes? Apply today for the Senior Citizen Rent Increase Exemption to see if you qualify for this benefit, which freezes your rent. (The income limit will be going up to \$29,000 phased in over the next five years.)

SCRIE exempts rent-controlled, rent-stabilized, Mitchell-Lama, and rent-regulated hotel tenants from most rent increases. (If you live in a Mitchell-Lama, see building management. Other limited-equity developments such as Penn South are covered as well.) There is no limit on assets, and in measuring household income, you need only report what roommates contribute for rent, not what they earn.

#### How to apply

You can apply for the rent-increase exemption with the New York City Department for the Aging by calling 311 (ask for the Department for the Aging, or a SCRIE application); by visiting the agency, writing them, or visiting a local senior center. You can also get a copy of the application off the agency's Web site, and use their "Benefit Quick Check" to see what benefits, including SCRIE, you qualify for. Go to [www.nyc.gov/html/dfta/html/16benefits.html](http://www.nyc.gov/html/dfta/html/16benefits.html) and scroll down to the SCRIE section.

NYC Department for the Aging  
SCRIE  
2 Lafayette Street, 6th Floor  
New York, NY 10007

# Help for Illegal-Space Tenants

Tenants forced to vacate illegally converted basements and boarding rooms just won some much-needed help. A July State Supreme Court decision compels the city's Department of Housing Preservation and Development to provide temporary stipends, meal allowances, storage, and emergency housing when asking a tenant to relocate.

Though the specific number of illegal dwellings is not known, advocates believe there could be tens of thousands citywide, primarily in immigrant-heavy neighborhoods like the Sunset Park and Flatbush sections of Brooklyn.

The lawsuit, brought by South Brooklyn Legal Services, was based on the plight of a disabled tenant, Keith Cupidon, who lived in an illegal rooming unit in a two-family house in Flatbush. When

the landlord started eviction proceedings last November, Cupidon responded with a Housing Part action because, among other violations, he had no heat. Yet Kings County Civil Court found that, because the dwelling was illegal, they could not order the landlord to make repairs beyond simply turning on the heat. The court also ruled that Cupidon had to vacate the room.

According to Ron Languedoc, Cupidon's lawyer, landlords with illegal dwellings have traditionally called HPD to oust illegal tenants because the fines they got for the converted units were lower than the cost of pursuing an eviction in court. Some would continue to rent illegal units even after the HPD ordered the previous tenant to vacate. That practice could be less tempting

for landlords now that they'll have to pay back HPD for any relocation assistance provided. HPD has said they will abide by the decision and not appeal. The agency also provides relocation

assistance for legal tenants displaced by fires or vacate orders. — *Bennett Baumer*

*Reprinted with permission from City Limits Weekly.*

## Section 8 Gets a Break

Roughly 52,000 Section 8 tenants in rent-stabilized apartments gained a new protection in July, when the New York County Supreme Court ruled against city landlords seeking to leave the federal program. The longstanding conflict revolves around whether landlords are allowed to stop accepting Section 8 once a rent-stabilized tenant's lease expires. The case, *Rosario v. Diagonal Realty*, was filed last year by the Legal Aid Society after several landlords declined their tenants' subsidies.

In her decision, Judge Joan A. Madden ruled that the tenants

were entitled to renew their leases without any change to their terms and conditions. Jose Saladin, one of the attorneys representing landlords in the case, said it was too early to say if he would appeal. But, he added, there are similar suits still pending. "Even if we didn't appeal," he said, "I assume someone else would."

—*Cassie Feldman*

*Reprinted with permission from City Limits Weekly.*

### Hotline Volunteers Needed!

Our phones are ringing off the hook! Met Council is looking for people to counsel tenants on our hotline. We will train you! The hotline runs on Mondays, Wednesdays and Fridays from 1:30-5 p.m. If you can give one afternoon a week for this crucial service to the tenant community, call Jenny at (212) 979-6238 x3.

## METROPOLITAN COUNCIL ON HOUSING

Met Council is a citywide tenant union.

Our phones are open to the public Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

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

**212-979-0611**

*Tell Mike Bloomberg!*  
New Yorkers Need to Control Our Rent Laws

## RALLY! For Home Rule

Over Rent Control and Rent Stabilization

Saturday, October 1  
12 noon- 1:30pm

Mayor Bloomberg's Manhattan Residence  
17 E. 79<sup>th</sup> St. (at Fifth Ave.)

Rent regulated housing, currently the largest stock of affordable housing in New York City, will never be safe while under the control of Albany law makers. Home rule would allow New York City, not Albany, to control rents and evictions. **But Mayor Bloomberg has announced that he is against home rule.** If Bloomberg has his way, tens of thousands of units of affordable housing will be lost to decontrol each year and his Rent Guidelines Board will continue to hit tenants with huge increases.

Join us on Saturday October — the day Bloomberg's new rent guidelines take effect. Tell him we want him to fight for home rule over rent control and rent stabilization before its too late!

For more information, contact Bennett Baumer:  
active@metcouncil.net or 212-979-6238

## WHERE TO GO FOR HELP

- |   |  |
|---|--|
| <p><b>LOWER EAST SIDE BRANCH</b> at Cooper Square Committee<br/>61 E. 4th St. (btwn. 2<sup>nd</sup> Ave. &amp; Bowery)<br/><b>Tuesdays ..... 6:30 pm</b></p>  | <p><b>LOWER MANHATTAN LOFT TENANTS</b><br/>St. Margaret's House, Pearl &amp; Fulton Sts.,<br/>212-539-3538<br/><b>Wednesdays ..... 6 pm-7 pm</b></p> |
| <p><b>CHELSEA COALITION ON HOUSING</b><br/>Covers 14<sup>th</sup> St. to 30<sup>th</sup> St., 5<sup>th</sup> Ave. to the Hudson River.<br/>322 W. 17<sup>th</sup> St. (basement), CH3-0544<br/><b>Thursdays ..... 7:30 pm</b></p> | <p><b>VILLAGE INDEPENDENT DEMOCRATS</b><br/>26 Perry St. (basement), 212-741-2994<br/><b>Wednesdays ..... 6 pm</b></p>                               |
| <p><b>GOLES (Good Old Lower East Side)</b><br/>525 E. 6<sup>th</sup> St. (btwn. Aves. A &amp; B) Lower East Side tenants only, 212-533-2541.</p>  | <p><b>WEST SIDE TENANTS UNION</b><br/>4 W. 76 St.; 212-595-1274<br/><b>Tuesday &amp; Wednesday ..... 6-7 pm</b></p>                                  |
| <p><b>HOUSING COMMITTEE OF RENA</b><br/>Covers 135<sup>th</sup> St. to 165<sup>th</sup> St. from Riverside Dr. to St. Nicholas Ave.,<br/>544 W. 157<sup>th</sup> St. (basement entrance).<br/><b>Thursdays ..... 8 pm</b></p>     |  |

## Join Met Council

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

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

Name \_\_\_\_\_  
Address \_\_\_\_\_ Apt. No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Home Phone Number \_\_\_\_\_ Email \_\_\_\_\_

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