



City Renews Rent Laws; Will It Lead to Home Rule?

By Jenny Laurie

On March 29, Mayor Michael Bloomberg signed Intro 118 of 2006, which renewed the city's rent-stabilization law for three years, and capped the two-month legal process of renewing the rent laws on the city level.

Both the mayor's hearing before signing the bill and the City Council's hearing on it earlier in the month were more notable as amplifiers for the campaign to repeal the Urstadt law than for any uncertainty over the outcome of the renewal process. All signals from Council Speaker Christine Quinn were that there would be a solid vote to renew the laws, and the early word from the Bloomberg administration was that the mayor would support the renewal of both rent stabilization and rent control.

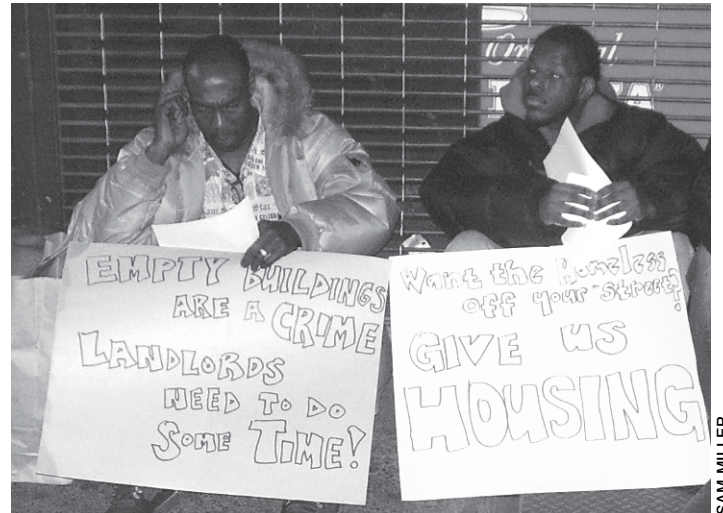
On March 22, the Council voted 48-2 to approve three measures: the bill to renew rent stabilization, the resolution to continue rent control, and a home-rule message urging the state Legislature to repeal the state Urstadt law. Only the rent-stabilization bill went to the mayor; neither resolution needed the mayor's signature. (The city's rent-control law simply requires that the Council reaffirm that a housing emergency, defined as a vacancy rate below 5%, still exists.)

The lack of drama in the renewal of the rent laws on the city level illustrated the reason for the big push behind the campaign to repeal the Urstadt law, which bars the city from enacting rent regulations stronger than the state's. As any tenant who has journeyed to Albany can testify, the outcome is never so assured in the state capital, and the drama during renewal years is excruciating. Accompanying her vote for the three measures, Councilmember Melinda Katz, who had formerly represented her Queens district in the Assembly, stated, "I used to be involved in Albany, and believe me,

it makes sense to bring this to New York City." (The state rent laws, which allow for the city's laws, expire in 2011.)

The campaign for home rule—returning the power over rent and eviction regulations to the city—was the most prominent issue in both the Council and mayoral hearings. In testimony before the Council, Tim Collins, former executive director of the city Rent Guidelines Board and now a lawyer in private practice, described the city's housing condition as a crisis, worse than an emergency, with a market that is "closed" for apartments renting for less than \$800 per month. He went on to highlight the \$3 million landlords sent to Albany senators with no rent regulations in their districts during the last two years the state's rent laws came up for renewal.

Also testifying were representatives from the major rent-regulated



Homeless people staged a "sleep-out" in Midtown on March 31. Story on page 5.

developments (such as Park West Village and Stuyvesant Town/Peter Cooper Village), representatives from city's unions, and affordable-housing advocates, including Victor Bach of the Community Service Society. The Council and the Mayor were asked repeatedly to do more than just renew the rent laws, to deal with the current crisis in affordability. The starkest illustration of the crisis was

testimony by a woman who stood up before a somewhat stone-faced Bloomberg and said that she lived in a shelter for homeless women, but that she had previously had her own apartment and a long-term job working for the city.

Many Councilmembers voiced support for repealing the Urstadt law during the March 22 vote. Letitia

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Tenant Advocates Criticize Tax Breaks for Luxury Buildings

By Bennett Baumer

Tenant advocates are taking aim at landlords who receive tax breaks to build luxury housing. Coalition member organizations of Housing Here and Now held a rally April 11 outside of 88 Leonard St., a luxury development in Lower Manhattan, and the Pratt Center for Community Development has issued a report questioning the affordability of "421a" tax breaks.

Under the 421a property-tax-exemption program, developers get an exemption from property taxes—full at first, partial later on—for between ten and 25 years, depending on where they build and the length of the tax credit. But only in Manhattan's "exclusion zone," between 14th and

96th streets, are they required to include affordable housing in exchange for getting the tax abatement on a new building. (They also have to buy certificates to build in the zone, which run from \$12,000 to \$15,000.) In the rest of Manhattan and the outer boroughs, only tax abatements of 20 to 25 years have such an affordability clause; developers can get ten-year tax exemptions without having to include lower-rent apartments.

Advocates point to a report by the New York City Independent Budget Office showing that 421a tax breaks are not helping create much affordable housing. Of the 192,000 apartments built in New York City from 1985 to

2002, they note, owners obtained the tax abatement for about 69,000, slightly more than one-third of them. Of that 69,000, only 4,905—about 7 percent—were affordable to low- and moderate-income families, according to the IBO.

In buildings that have an "affordability clause," the percentage of lower-rent apartments required is usually relatively small. The general rule is one affordable unit for every four or five market-rate units. And although all housing units built in rental buildings in the program go into rent stabilization, landlords get to set the rents at market rate, except for the affordable apartments, before they enter rent regulation. (In one extreme case, the

penthouse in a 421a building near Lincoln Center rents for \$35,000 a month, but is rent-stabilized.) After the tax break expires, the apartments leave rent stabilization altogether.

The affordability requirement also ends when the tax break does, unless the building is in another

program that requires it to continue. For example, in the 80/20 program, in which landlords get tax breaks for making 20 percent of the units in a building affordable, the requirement lasts until the mortgage is paid off.

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RGB Shakeup: Zelnick Out, Two New Members Named

By Steven Wishnia

Mayor Bloomberg has removed Martin Zelnick, the Rent Guidelines Board public member considered most sympathetic to tenants' interests.

Zelnick, the only one of the five RGB "public members" to vote for a tenant-backed rent freeze last year, told the other board members on March 22 that Bloomberg had decided not to reappoint him.

Tenant groups reacted angrily to Zelnick's ouster. A statement signed by Met Council, TenantPAC, and the Coalition for the Homeless called his removal "further proof of the Mayor's pro-landlord bias," and praised his "enormous concern for the plight of low-income tenants, in particular poor residents of single-room occupancy hotels." Zelnick was the only RGB public member to visit SRO hotels and other low-income apartment buildings, the statement noted.

On March 23, the mayor announced two new board members: Jonathan L. Kimmel, former legal director for the city teachers' retirement system, and Leslie

Wright, a former city zoning lawyer who now "specializes in complex real estate transactions involving the creation of multitiered financing structures for nonprofit organizations," according to a statement from the mayor's press office.

The nominations continued Bloomberg's practice of picking RGB public members with backgrounds in finance. Only one of the board members he appointed in his first four years in office was a renter, the tenant groups' statement said.

The mayor also renamed the two tenant representatives, Adriene L. Holder and David Pagan, and the landlord representatives, Harold Lubell and Steven J. Schleider. Public member Elizabeth Lusskin resigned.

The RGB's public members are supposed to be independent and impartial, mediating between landlord and tenant arguments as the nine-member board sets allowable rent increases for the city's 1 million rent-stabilized

apartments each June. Under the Bloomberg and Giuliani administrations, however, they have largely been a rubber stamp for rent increases, often voting to approve them without debate. In Bloomberg's first four years in office, the tenant groups' statement noted, his RGB appointees have approved rent hikes averaging 5.88 percent on two-year leases, the highest since the early

1990s. The 7.5 percent increase allowed for two-year leases in 2003 was the highest since 1989.



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SCRIE & DRIE

Seniors: Rent-regulated seniors, 62 or older, whose disposable annual household income is \$25,000 or less (for 2005) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE). Apply to:
The NYC Dept of the Aging
SCRIE Unit
2 Lafayette Street, NY, NY 10007.

Disabled tenants: Rent-regulated tenants receiving eligible state or federal disability-related financial assistance with incomes of \$17,580 or less for individuals and \$25,212 or less for a couple facing rents equal to more than one-third of their income may be eligible for the Disability Rent Increase Exemption (DRIE). Apply to:
NYC Dept. of Finance
DRIE Exemptions
59 Maiden Lane - 20th floor
New York, NY 10038

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

Visit Met Council's Website www.metcouncil.net

for information about:

- ✓ rent control and stabilization
- ✓ how to get repairs
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- ✓ the fight for home rule
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and much more!

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EL INQUILINO HISPANO

El presupuesto de Bloomberg propone cortes en vivienda

Por Linda Ocasio

Traducido por Lightning Translations

Los defensores de vivienda asequible están revisando el presupuesto propuesto de 2007 del alcalde Bloomberg y dando sus opiniones sobre lo que aquél puede augurar para los constructores sin fines de lucro. Algunos dicen que el presupuesto no encaja con la retórica del alcalde; otros están dispuestos a darle el beneficio de la duda mientras el proceso del presupuesto se desarrolle durante los meses venideros.

Hasta ahora, el plan del alcalde Bloomberg ha sido cálidamente acogido por los proponentes de vivienda asequible, agradecidos por un funcionario público que ha puesto la vivienda entre los asuntos más importantes de su programa. La National Low Income

Housing Coalition (Coalición Nacional de Vivienda de Bajos Ingresos) invitó a Bloomberg a dirigirse a su reunión anual en febrero, donde presentó la próxima fase de la "New Housing Marketplace" ("Nuevo Mercado de Vivienda"), el plan que dijo crearía al final 165,000 unidades nuevas y conservadas de vivienda asequible para el 2013, con \$630 millones adicionales en fondos.

Sin embargo, David Greenberg, un analista para la Association for Neighborhood and Housing Development (Asociación para el Desarrollo de Vecindarios y Vivienda, ANHD), una coalición de grupos de desarrollo sin fines de lucro basados en la comunidad, recientemente revisó las sumas para el

ANHD Reader y encontró razones para dar la alarma. "Si este presupuesto se promulga, puede ser serio," dijo Greenberg.

Señaló que la reducción que más llama la atención está en el plan de capitales, donde se han recortado \$36 millones de los programas de conservación, sin que se puedan encontrar en ningún lado los fondos para la creación de una entidad que pueda supervisar un esfuerzo amplio de conservación—cosa que, dijo Greenberg, el alcalde prometió en su última campaña.

Empero, Neill Coleman, un vocero para el Department of Housing Preservation and Development (Departamento de Conservación y Desarrollo de Vivienda, HPD) de la ciudad, dijo que el plan del alcal-

de describió cómo la ciudad buscaría fideicomisos de fundaciones para descubrir si haría falta una nueva entidad para la iniciativa de conservación. "Todavía estamos en la etapa de solicitar el fideicomiso para el asesor," escribió en un mensaje de correo electrónico.

Sin embargo, ANHD dijo que menos dólares para conservación y reubicación—actividades que los grupos de vivienda sin fines de lucro llevan a cabo con más frecuencia que sus contrapartes con fines de lucro—señala un cambio en prioridades.

"El cambio que vemos es un énfasis en los especuladores grandes y no en los grupos pequeños

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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 topes de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 2005. 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 2005. 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.

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 37, 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 Apela-

ción 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 \$26,000 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. Para más información sobre SCRIE o el programa equivalente para los minusválidos (DRIE), llame al 311 (vea la página 4).

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 permite 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 permite 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.

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años
Renovación del Contrato	Si el dueño paga la calefacción	2.75%	5.5%
	Si el inquilino paga la calefacción	2.5%	4.5%
Contratos para Apartamentos Vacíos	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
		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
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	17.25% 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



Se arregla litigio sobre lista negra de inquilinos

Por Steven Wishnia

Traducido por Lightning Translations

En noviembre de 2003, *Tenant/Inquilino* informó que los caseros estaban utilizando agencias de investigación de crédito para colocar en una lista negra a los inquilinos potenciales que habían estado alguna vez en la Corte de Vivienda. Las agencias adquirieron los registros de la corte de los gobiernos estatales, los usaron para recopilar listas de demandados y luego vendieron la información a los caseros que estarían renuentes a alquilar a los “gorrones” que habían sido demandados por falta de pago o a los “alborotadores” cuyas batallas en torno a las reparaciones terminaron en la corte.

En marzo de 2004, los inquilinos que creían que se les había negado apartamentos basándose en estos datos, presentaron una demanda de acción de clase en contra de First American Registry de Rockville, MD, una de las más grandes agencias de investigación de inquilinos.

Alegaron que la compañía había diseminado “información inexacta, engañosa e incompleta” sobre ellos—específicamente, por no incluir el resultado de los casos en la Corte de Vivienda que se habían desestimado o declarado sin fundamento—y que la compañía había producido informes inexactos sobre 35,000 personas.

El mes pasado, los demandantes en el litigio llegaron a un arreglo provisional fuera de la corte con la compañía, ahora llamada First Advantage SafeRent, Inc. En el arreglo propuesto, dado a conocer el 3 de abril, la compañía acordó que sus informes incluirán la disposición de todos los casos de desalojo y destacarán la ausencia de cualquier actividad por al menos 12 meses en casos de desalojo abandonados por los caseros. También acordó borrar de su base de datos los casos declarados sin mérito o llevados a la corte por error y que

sus informes contendrán un aviso prominente declarando que el hecho que un procedimiento de desalojo fuera presentado, no significa que hubiera una disposición adver-

sa o que se desalojara al inquilino. Un juez federal decidirá el 16 de junio si el acuerdo se aprueba.

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CORTE DE DISTRITO DE LOS ESTADOS UNIDOS PARA
EL DISTRITO SUR DE NUEVA YORK
WHITE Y JACKSON-DANIELS, Y OTROS V. FIRST ADVANTAGE SAFERENT, INC.,
CASO CIVIL NO. 04 CV 1611

AVISO RESUMADO DE ARREGLO DE ACCIÓN DE CLASE

A: CUALQUIER PERSONA QUE FUERA DEMANDADA EN LA CORTE DE VIVIENDA EN LA CIUDAD DE NUEVA YORK ENTRE EL 26 DE FEBRERO DE 1994 Y EL 16 DE MARZO DE 2006

LEA ESTE AVISO CUIDADOSAMENTE: PUEDE AFECTAR SUS DERECHOS

Si Vd. fue demandado en la Corte de Vivienda en la Ciudad de Nueva York entre el 26 de febrero de 1994 y el 16 de marzo de 2006, debe estar enterado del arreglo propuesto de un litigio que alegó varios reclamos que surgieron de los informes supuestamente inexactos de los estados de tales casos de la Corte de Vivienda hechos por First Advantage SafeRent, Inc. (“FAS”). FAS niega las alegaciones.

La Clase consiste en todos los individuos que hubieran sido demandados en cualquier juicio comenzado en una Corte de Vivienda de la Ciudad de Nueva York y listados entre el 26 de febrero de 2001 y el 16 de marzo de 2006 en la base de datos de registros que tratan de tales juicios (“la Clase”). La información en la base de datos de FAS supuestamente se borra después de siete (7) años, así que si Vd. fue demandado entre el 26 de febrero de 1994 y el 16 de marzo de 2006, Vd. es potencialmente un miembro de la Clase.

Si se aprueba el Arreglo Propuesto, FAS instituirá ciertos cambios en sus sistemas y procedimientos, establecerá un fondo de \$1.9 millones para pagar hasta \$100 a los individuos sobre quienes FAS emitió ciertos informes y/o para proporcionar dinero para aumentar el conocimiento de consumidores y caseros sobre el proceso de investigación de inquilinos y sus derechos y obligaciones bajo la ley.

En la audiencia de arreglo, el Co-Asesor a Cargo de la Dirección del Juicio de los Demandantes peticionará a la Corte por un monto indemnizatorio de pago razonable a los abogados en la suma de \$990,000.00 y por \$75,000.00 como reembolso de costos y gastos razonables. Además, sujeto a la aprobación de la Corte, el Demandante, Adam White, peticionará por un pago de \$15,000 y la Demandante, Dera Jackson-Daniels, \$5,000, por su servicio como representantes de la clase. Estos Pagos, si son aprobados, no reduciría la suma disponible del fondo de \$1.9 millones para pagar a miembros individuales de la clase.

Si Vd. cree que es miembro de la Clase, tiene estas opciones:

- √ Quedar en la Clase y no hacer nada.
- √ Excluirse del proceso de Arreglo.
- √ Objetar el Arreglo y/o la Petición por Pagos y Gastos de los Abogados y Pagos a los representantes de la Clase. Puede (pero no necesita) optar por contratar, por su propia cuenta, un abogado que le represente para este propósito.

Para conocer más sobre sus derechos bajo el Arreglo propuesto, Vd. puede ver y descargar el arreglo y los documentos relacionados en el www.tenantreportsettlement.com. Vd. puede pedir que se le envíe una copia al contactar: Tenant Report Settlement, The Garden City Group, 105 Maxess Road, Melville, NY 11747. También puede ver el archivo de este caso, incluido el arreglo propuesto, durante horas de trabajo normales en la Office of the Clerk, U.S. District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312.

POR FAVOR, NO CONTACTE A LA CORTE PARA OBTENER INFORMACIÓN

—Traducido por Lightning Translations

No se quede helado: ¡ORGANÍZESE!



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

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

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

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

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

- * Comenzar una “Acción HP” (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- * Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al 311 inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.
- * Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tengan problemas con la calefacción.
- * Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- * Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en inglés) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consiga la participación de todos los inquilinos en su edificio que pueden firmarlo. Reclame una

orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (¡disculpe lo de “congelen”!) todas las rentas.

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

Las leyes sobre la calefacción establecen también:

- * Que el Departamento de Reparaciones de Emergencia de la ciudad le proporcione la calefacción si el casero no lo hace. (No se siente en un bloque de hielo—otra vez, ¡disculpe!—mientras espere que lo haga.)
- * Una multa de \$250 to \$500 al casero por cada día que se produzca la violación. (Pero la verdad es que la Corte de Vivienda raras veces impone las multas, y menos aun las cobra).
- * Una multa de \$1,000 al casero si algún aparato de control automático se instala en la caldera para mantener la temperatura por debajo del mínimo legal.
- * Si el tanque de combustible de la caldera está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción y también sin obtener ninguna respuesta del casero. Esto no se aplica si la caldera está rota y necesita tanto reparación como combustible.

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

“Sleep-Out” Protests Homelessness and Housing Shortage

By Bennett Baumer

Passers-by found it hard to step over dozens of homeless people wielding protest signs during a national “homeless sleep-out night” on March 31. The sleep-outs, intended to draw attention to record levels of homelessness, happened throughout the country, including Los Angeles and Chicago.

Here in New York, homeless folks schlepped sleeping bags and supplies to an abandoned Midtown building, on Third Avenue and East 43rd Street, and spent the

night there without police interference. Homeless advocates argue that abandoned residential units could be converted to provide housing to the estimated 32,000 people sleeping in the city’s shelter system.

Many of the people swaddled in blankets outside of the abandoned building said they would like to have a place of their own, but can’t afford an apartment. “If you worked two jobs making minimum wage, you could not afford housing in

Manhattan,” said homeless activist Roosevelt Rophee.

Of the 32,000 people in the city’s shelter system, 12,500 are children.

Advocates say the total number of vacant and warehoused apartments needs to be tallied. “The city needs to sponsor a formal count of vacant residential units,” said William Burnett, spokesperson with Picture the Homeless. “We call for a trust fund for affordable housing and using the tax code to make it undesirable for landlords to keep properties off line.”

The New York City sleep-out was coordinated by Picture the Homeless, which has criticized Mayor Michael Bloomberg’s housing plan. The mayor’s housing plan will spend \$7.6 billion to preserve or build 165,000 units, including \$130 million in Battery Park City funds which will be used to construct affordable apartments. Tenant groups, including Met Council, have been critical of the mayor for not preserving rent-stabilized apartments while building new units which are out of reach for most New Yorkers, and for shutting housing groups out of the decision-making process.

“Homeless persons are citizens too. Why are we not at the table talking about the solution to homelessness? After all, we are the ones impacted,” said Jean Rice, who participated in the sleep-out.



El presupuesto

viene de la página 3

sin fines de lucro que sirven a los más necesitados,” dijo Irene Baldwin, directora ejecutiva de ANHD. Un compromiso real para construir vivienda a bajo costo—y mantenerla a bajo costo—significaría invertir en el desarrollo sin fines de lucro, no privado, añadió.

Otros cambios incluyen reducciones sustanciales en el presupuesto de gastos para iniciativas del Concejo Municipal, incluidos un recorte de \$2.5 millones en la oficina de ley comunitaria y servicios contra el desalojo y legales de SRO; un recorte de \$1.05 millones en los Community Consultant Contracts (Contratos de Asesores Comunitarios, CCC); y un recorte de \$740,000 en el Neighborhood Preservation Consultant Program (Programa de Asesores de Conservación de Vecindarios, NPCP). Tanto el CCC como el NPCP ayudan a grupos comunitarios que trabajan con inquilinos y caseros para conservar vivienda asequible, dijo Greenberg.

Otros grupos que están atentos al proceso dicen que el presupuesto no está de ninguna manera finalizado. Y la mayoría de los constructores sin fines de lucro dicen que no están en ningún estado de pánico—al menos, no todavía.

Nancy Biberman, directora ejecutiva de la Women’s Housing & Economic Development Corporation (Corporación de Desarrollo Económico y de Vivienda de las Mujeres) en el Bronx, se dice optimista que Bloomberg cumplirá las metas de su plan de vivienda, señalando sus éxitos en torno a los arreglos de recursos privados para ayudar a los constructores sin fines de lucro a competir con los especuladores con fines de lucro para adquirir tierras particulares.

Mencionó que el alcalde utilizó una estrategia similar para producir más dinero para las escuelas públicas. “Es la manera más acertada de hacer las cosas,” dijo Biberman. “En este momento los negocios en la ciudad son muy rentables.”

Joseph Cicciu, director ejecutivo de otro grupo sin fines de lucro en el Bronx, la Belmont Arthur Avenue Local Development Corporation (Corporación de Desarrollo Local de Belmont y Avenida Arthur), dice que no está muy preocupado. “La mayoría de nuestros proyectos son de conservación,” dijo Cicciu. “Sé que HPD considera que estos programas son importantes y eficaces.” Sin embargo, señaló que aun cuando se restablezca la entrega de los dólares, estos no se ponen al corriente con la inflación y los gastos en el aumento de desarrollo de vivienda. Además, a él le parece prescindible la parada ritual de la temporada de presupuestos, aun cuando haya un final feliz. “¿Por qué el presupuesto siempre se enreda en este drama?” preguntó.

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lista

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Los inquilinos que han sido demandados en la Corte de Vivienda entre febrero de 1994 y el mes pasado pueden ser parte de la clase demandante en el litigio. Si quieren excluirse del arreglo o ser elegibles para una recompensa de \$100, el plazo para el depósito de documentos es el 16 de mayo. Para más detalles, véase el documento en la página 4.

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.

Don’t Freeze—Organize!

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

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

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

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

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

- * Start an “HP action” in Housing Court. Ask for a court-ordered inspection and an Order to Correct.
- * Call the New York City Central Complaints Bureau at 311 immediately to record the landlord’s violation. Call repeatedly. An inspector should eventually come, although sometimes they don’t.
- * Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- * Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- * Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat



and Hot Water complaint form. Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

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

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

The heat laws also provide for:

- * The city’s Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- * A \$250 to \$500 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)
- * A \$1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

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

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

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

City Limits

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Third Street Tenants Win Court Decision

By Steven Wishnia

The embattled tenants of 47 East Third Street won a major court victory on March 6, when State Supreme Court Justice Faviola A. Soto issued a permanent injunction barring their landlord from trying to evict them.

The landlords, Catherine and Alistair Economakis, had been trying to oust all the tenants in the 15-unit building, claiming that they needed the entire building as a home for themselves and their small daughter.

That claim—if genuine; it could have been a scam to empty the building so it could be sold or renovated for luxury apartments—was a radical expansion of the provision in the Rent Stabilization Law that allows owners to evict tenants to take the apartment for “personal use” by themselves or their immediate family. The Economakis argued that because the law lets landlords recover possession of “one or more” units, there was no legal limit on how

many apartments they could claim for personal use, and therefore the tenants had no case.

The court rejected that claim, although on different grounds than what the tenants had argued. The tenants contended that the landlords were violating the rent-stabilization law and code by claiming too many apartments for their personal use. In June 2005, they won a preliminary injunction, with Judge Paul G. Feinman holding that plans to evict all the tenants and turn the entire building into a private home “would appear to be incompatible with the statute’s intent to provide New York City residents with affordable and stable housing.”

Justice Soto made that injunction permanent, but on the grounds that the owner-use law did not apply in situations when the landlord is trying to empty an entire building. She held that because the Economakis’ plan would withdraw all the apart-

ments in the building from the rental market, they could not do so without first getting permission from the state Division of Housing and Community Renewal, and they had violated the law by not applying to DHCR.

“Finally, the court is recognizing that there are limits to what the owner-use statute is intended to do,”

says Seth Miller, a lawyer at the firm which represented the 47 East Third St. residents. “It’s intended as a way for owners to recover apartments for personal use. It’s not intended as a way for landlords to deregulate entire buildings.”

The decision means the tenants, at least for now, won’t have to fight individual evictions in Housing

Court, “which is fabulous for us,” says tenant Ursula Kinzel. But the landlords have been gutting the six vacant apartments in the building, filling it with noise and toxic dust, she adds. “It’s been a nightmare for us.”

The owners will appeal, says Stephen Dobkin, the tenants’ lawyer.

New Fees Irk Public-Housing Tenants

Some public housing residents are steaming over the way the New York City Housing Authority announced higher fees. In January, the authority posted the news as a four-page notice in each lobby, listing the new fees and the 30-day comment period, expiring March 13, in which residents could write their grievances to the authority. The fees were also published in NYCHA’s monthly newspaper, which is published in English and Spanish.

“This is something that

we disseminated as widely as possible,” said NYCHA Chair Tino Hernandez. But residents said the notices were easily torn off lobby walls or overlooked. Erik Crawford, vice-chair for the Bronx South Council of Presidents, which represents NYCHA residents, said the authority didn’t include the fee hike in its five-year plan and didn’t notify the Resident Advisory Board.

New rates include \$620.36 for front-door replacement, up from \$372.64, and \$89.26 to re-

place a heating valve, previously \$36.90. Hernandez said the increases would only affect residents responsible for damages. But that doesn’t apply to the new water fee: Residents with washing machines will now pay \$5.75 monthly. Douglas Apple, NYCHA’s general manager, said the fees are expected to generate roughly \$1.5 million in revenue in the coming years.

—J. E. Mendes

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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 12-month period beginning October 1, 2005. Increases in rent based on the one- or two-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent as of September 30, 2005. 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

The pro-landlord Rent Regulation Reform Act of 1997 allows the rents of apartments to rise by a statutory percentage: 20 percent for a two-year lease, and 20 percent minus the difference between the one- and two-year renewal guidelines for one-year leases. See chart for other increases.

Rent Overcharges

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

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

a lease to sign. Landlords avoid renting to tenants who may be troublesome. Overcharging is very common. Every tenant should challenge a 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.

Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is rerented as a stabilized unit. The Rent Guidelines Board annually sets what they call the “Special Fair Market Rent Guideline” that is used by DHCR to lower unfair market rents for tenants who file the Fair Market Rent Appeal (FMRA). Under Order 37, it is the 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 and Disabled Tenants

Seniors: Rent-stabilized (the program also covers rent-controlled, Mitchell-Lama, and limited

equity coops like Penn South) seniors, 62 or older, whose disposable annual household income is \$25,000 or less (for the year 2005) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE). Apply to: The NYC Dept of the Aging SCRIE Unit, 2 Lafayette St., NY, NY 10007.

Disabled tenants: Rent-regulated tenants receiving eligible state or federal disability-related financial assistance with incomes of \$17,580 or less for individuals and \$25,212 or less for a couple facing rents equal to more than one-third of their income may be eligible for the Disability Rent Increase Exemption (DRIE). Apply to: NYC Dept. of Finance, DRIE Exemptions, 59 Maiden Lane - 20th floor, New York, NY 10038. DRIE and

SCRIE info is available on the city’s Web site, or by calling 311.

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 vacancy 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, 2005 between October 1, 2005 and September 30, 2006.

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.

Tenant Blacklist Lawsuit Settled

By Steven Wishnia

In November 2003, *Tenant/Inquilino* reported that landlords were using credit-screening bureaus to blacklist potential tenants who'd ever been in Housing Court. The bureaus acquired court records from state governments, used them to compile lists of defendants, and then sold the information to landlords—who would be reluctant to rent to “deadbeats” sued for nonpayment or “troublemakers” whose battles over repairs wound up in court.

In March 2004, tenants who believed they'd been denied apartments based on this data filed a class-action suit against First American Registry of Rockville, MD, one of the largest tenant-

screening bureaus. They alleged that the company had disseminated “inaccurate, misleading, and incomplete information” about them—specifically, by not including the outcome of Housing Court cases dismissed or found to be baseless—and that the company had produced inaccurate reports on 35,000 people.

Last month, the plaintiffs in the suit reached a tentative out-of-court settlement with the company, now known as First Advantage SafeRent, Inc. In the proposed deal, announced April 3, the company agreed that its reports will include the actual disposition of all eviction cases, and will highlight the absence of any activ-

ity for at least 12 months in eviction cases abandoned by landlords. It also agreed to expunge cases from its database if they were found to be without merit or brought in error, and that its reports will contain a prominent notice stating that the fact that an eviction proceeding was brought does not mean there was an adverse disposition or that the tenant was evicted.

A federal judge will decide whether to approve the settlement at a hearing on June 16.

Tenants who have been sued in Housing Court between February 1994 and last month may be part of the plaintiff class in the suit. If they want to opt out of the settlement or be eligible for \$100 in compensation, the deadline to file is May 16. For specific details, see the notice below.

Bloomberg Budget Proposes Housing Cuts

By Linda Ocasio

Advocates for affordable housing are combing through Mayor Bloomberg's proposed 2007 budget and weighing in on what it portends for nonprofit developers. Some say the budget doesn't square with the mayor's rhetoric; others are willing to give the mayor the benefit of the doubt while the budget process plays out over the coming months.

Up to now, Mayor Bloomberg's housing plan has been warmly embraced by affordable-housing proponents grateful for a public official who has placed housing among his top agenda items. The National Low Income Housing Coalition invited Bloomberg to address its annual meeting in February, where he presented the next phase of the “New Housing Marketplace,” the plan he said would ultimately create 165,000 in new and preserved affordable housing units by 2013, with an additional \$630 million in funding.

But David Greenberg, an analyst for the Association for Neighborhood and Housing Development (ANHD), a coalition of community-based nonprofit development groups, recently crunched the numbers for the *ANHD Reader* and found cause for alarm. “If this is enacted, it could be serious,” Greenberg said.

The most glaring reduction is in the capital plan, he noted, where \$36 million has been cut from preservation programs, and with no funding anywhere to be found for the creation of an entity to oversee a comprehensive preservation effort—which Greenberg said the mayor promised in his last campaign.

However, Neill Coleman, a spokesperson for the city's Department of Housing Preservation and Development, said the mayor's housing plan described how the city would seek foundation grants to explore if a new entity was necessary for the preservation initiative. “We are still at the stage of applying for the grant for the consultant,” he wrote in an e-mail message.

Nonetheless, ANHD said that fewer dollars for preservation and relocation—activities that are more commonly embraced by nonprofit housing groups than their for-profit counterparts—indicates a shift in priorities.

“The shift we're seeing is an

emphasis on large developers, not small nonprofits who reach those most in need,” said Irene Baldwin, ANHD executive director. A real commitment to building low-cost housing—and keeping it low-cost—means investing in nonprofit, not private development, she added.

Other changes include substantial reductions in the expense budget for City Council initiatives, including a \$2.5 million cut from community law office, anti-eviction, and SRO legal services; a \$1.05 million cut from Community Consultant Contracts (CCC); and a \$740,000 cut from the Neighborhood Preservation Consultant (NPCP) Program. Both CCC and NPCP assist community groups working with tenants and landlords to preserve affordable housing, said Greenberg.

Yet other watchdogs point out that the budget is by no means final. And most nonprofit developers say they aren't panicking—at least, not yet.

Nancy Biberman, executive director of the Women's Housing & Economic Development Corporation in the Bronx, is optimistic that Bloomberg will live up to the goals of his housing plan, citing his success at marshalling private resources to help nonprofit developers compete with for-profit developers in acquiring privately owned land. The mayor used a similar strategy to bring in more money for the public schools, she noted. “It's the right way to do things,” Biberman said. “There's a lot of money being made in the city right now.”

Joseph Cicciu, executive director of another Bronx nonprofit, the Belmont Arthur Avenue Local Development Corporation, said he's not overly concerned. “Most of our projects are preservation,” Cicciu said. “I know HPD considers these programs important and effective.” But he noted that even when the dollars are restored, it doesn't catch up with inflation and the increasing costs of developing housing. And he could do without the ritual parrying of the budget season, even if things turn out all right in the end. “Why is the budget always caught up in this drama?” he asked.

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UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

WHITE AND JACKSON-DANIELS, ET AL. V. FIRST ADVANTAGE SAFERENT, INC., CIVIL CASE NO. 04 CV 1611

SUMMARY NOTICE OF CLASS ACTION SETTLEMENT

TO: ANYONE WHO WAS SUED IN HOUSING COURT IN THE CITY OF NEW YORK BETWEEN FEBRUARY 26, 1994 AND MARCH 16, 2006

READ THIS NOTICE CAREFULLY IT COULD AFFECT YOUR RIGHTS

If you were sued in Housing Court in the City of New York between February 26, 1994 and March 16, 2006, you should be aware of the proposed settlement of a class action lawsuit that alleged various claims arising out of the purported inaccurate reporting of the statuses of such Housing Court cases by First Advantage SafeRent, Inc. (“FAS”). FAS denies the allegations.

The Class consists of all individuals who were a defendant or respondent in a lawsuit commenced in a New York City Housing Court and were listed between February 26, 2001 and March 16, 2006 in FAS's court records database concerning such lawsuits (“the Class”). Data in FAS's database was allegedly deleted after seven (7) years, thus if you were sued between February 26, 1994 and March 16, 2006, you are potentially a member of the Class.

If the Proposed Settlement is approved, FAS will institute certain changes to its systems and processes, shall establish a fund of \$1.9 million to pay up to \$100 to individuals about whom FAS issued certain reports and/or to provide money to increase consumer and landlord awareness of the tenant screening process and their rights and obligations under the law.

At the settlement hearing, Plaintiffs' Co-Lead Settlement Counsel shall apply to the Court for an award of reasonable attorneys' fees in the amount of \$990,000.00, and for \$75,000.00 as reimbursement for reasonable costs and expenses. Also, subject to Court approval, Plaintiff, Adam White, will apply to be paid \$15,000 and Plaintiff, Dera Jackson-Daniels, \$5,000, for their service as class representatives. These Payments, if approved, would not reduce the amount available from the \$1.9 million fund to pay individual class members.

If you believe you are a member of the Class, you have these options:

- ✓ You can remain in the Class and do not need to do anything.
- ✓ You can exclude yourself from the Settlement process.
- ✓ You can object to the Settlement and/or the Application for Attorneys' Fees and Expenses and Payments to the Class Representatives. You may (but need not) choose to hire, at your own expense, an attorney to represent you for this purpose.

To learn more about your rights under the proposed Settlement, you can see and download the settlement agreement and related documents at www.tenantreportsettlement.com. You may request that a copy be sent to you by contacting: Tenant Report Settlement, The Garden City Group, 105 Maxess Road, Melville, NY 11747. You may also look at the file for this case, including the proposed settlement, during regular business hours at the Office of the Clerk, U.S. District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312.

PLEASE DO NOT CONTACT THE COURT FOR INFORMATION

Tax Breaks

continued from page 1

The city created the 421a program in 1971 as one of several incentives to spur housing development. Mayor John Lindsay's administration was trying to stem an epidemic of arson and abandonment, in which thousands of buildings were lost and large swaths of many neighborhoods devastated. Many landlords felt that it was more profitable to torch buildings and then fraudulently collect insurance than to continue renting

them out, or to cut their losses by walking away from buildings.

Three decades later, the city has a booming housing market, where landlords fall over themselves to take advantage of the Bloomberg administration's rezoning of many neighborhoods. The tax-break program comes at a cost for the city, which stands to lose \$300 million a year in tax revenue while gaining little affordable housing. Tenant organizations want stron-

ger affordability requirements in the 421a program, and want the city to plan a more comprehensive

approach to building new affordable housing while preserving rent-regulated apartments.

Housing Crisis

continued from page 1

James (D-Brooklyn) called the law "unconstitutional and undemocratic," and Robert Jackson (D-Manhattan) explained that he

would be voted out of his seat if he didn't support both the renewal of the laws and the call for home rule.

Attention !

Join **Met Council's "ACTIVE! list"**
We'll send you alerts about demonstrations, hearings and more. Simply send us a message, subject heading "subscribe", to:
active@metcouncil.net

**Rent Guidelines Board (RGB)
2006 Schedule**

Wednesday, April 26
9:30 a.m. – noon
Public Meeting
The Great Hall at Cooper Union
7 East 7th Street
at corner of 3rd Ave. (Basement)
New York, NY 10003

Tuesday, May 2
9:30 a.m. – 5:30 p.m.
Public Meeting
(Invited Group Testimony)
Department of City Planning
Spector Hall
22 Reade Street
New York, NY 10007

Monday, May 8
5:30 p.m. – 9:30 p.m.
Public Meeting
(Preliminary Vote)
The Great Hall
at Cooper Union

Thursday, June 1
9:30 a.m. – 12:30 p.m.
Public Meeting
Department of City Planning
Spector Hall

Monday, June 19
4:00 p.m. – 10:00 p.m.
Public Hearing
(Public Testimony)
Main Theatre of Hostos
Community College / CUNY
450 Grand Concourse
Bronx, NY 10451

Thursday, June 22
10:00 a.m. – 6:00 p.m.
Public Hearing
(Public Testimony)
The Great Hall
at Cooper Union

Tuesday, June 27
5:30 p.m. – 9:30 p.m.
Public Meeting
(Final Vote)
The Great Hall
at Cooper Union

NOTE: The Rent Guidelines Board reserves the right to cancel or reschedule public meetings. See <http://www.housingnyc.com/html/about/meetings.html> for updates or call (212)385-2934.

Home Rule Forum

**Thursday, April 19
9 -11am**

The Steven L. Newman
Real Estate Institute of Baruch College
**Oak Room (2nd floor),
137 East 22nd Street (bet Lexington & 3rd Aves)**

Co-sponsored by: The Coalition for the Homeless,
Metropolitan Council on Housing and Tenants & Neighbors

RSVP: 212.979.6238 ext. 3; jennylaurie@metcouncil.net

WHERE TO GO FOR HELP

**LOWER EAST SIDE BRANCH at
Cooper Square Committee**
61 E. 4th St. (btwn. 2nd Ave. & Bowery)
Tuesdays 6:30 pm

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

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

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

GOLES (Good Old Lower East Side)
17 Ave. B. Lower
East Side tenants only, 212-533-2541.

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

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



**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

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