



City Taxes Subsidize Luxury Housing Will Legislature Renew Tax Breaks Before It Reforms Rent Laws?

By Mario Mazzoni

If you want to know where the New York City government's housing priorities lie, look no further than the beneficiaries of a housing subsidy program that costs the city over \$300 million each year, and is considered a mainstay of real-estate development as much as bricks and brownstone were a century ago. Where does this money go?

Here's a hint: The money doesn't go to the New York City Housing Authority, which runs the nation's largest public-housing system, providing homes to over 400,000 New Yorkers, most of whom couldn't afford housing in the private market. For that, the city kicks in a whopping zero dollars per year.

In 2001, then-mayor Rudolph Giuliani stopped providing operating subsidies for public-housing developments that the city built, which are ineligible for federal funds. Mayor Michael Bloomberg has followed that practice. In 1998, under then-governor George Pataki, New York State eliminated funding for public housing it had built, and Pataki's Democratic successors, Eliot Spitzer and David Paterson, did not renew the funding.

This has cost NYCHA an estimated \$93 million a year and forced the authority to spread diminishing federal subsidies thinner, leading to reduced services and massive deficits. Its debt load is now over \$500 million. The city also bills NYCHA \$73 million for police services and \$23 million for payments in lieu of property taxes each

year, further crippling the agency's budget.

Need another clue? The money doesn't fund the city's programs for the homeless. The entire budget for the city's Department of Homeless Services is currently \$84.7 million, including city and non-city funds. Mayor Bloomberg has in fact tried to gain additional revenue by charging homeless people with jobs up to half of their incomes as "rent" for the privilege of staying in shelters.

Who does the \$300 million-plus program serve? The money goes to landlords of newly constructed rental buildings, and to purchasers of newly built coop and condo apartments—largely in luxury, market-rate developments—in the form of

property tax exemptions. It's called the 421-a program, and it was created in 1971 to encourage new construction in New York City on vacant land and on properties with buildings smaller than what zoning laws allowed.

How 421-a works

Local property taxes are based on a property's "assessed value." A vacant lot or a low-rise structure is worth a lot less than a new, high-rise luxury residential building, so when a new structure is created and the property's value rises dramatically, its property-tax bill also rises. However, developers can avoid paying the full tax bill by opting into the 421-a program, which phases in the increased tax rate over decades. New

York City's Independent Budget Office offers this example: "If a parcel valued at \$1 million when vacant is worth \$10 million after construction, the \$9 million increase in value is not taxed during the exemption period." Through the 421-a program, developers of new residential buildings can pay a tax rate that for many years does not reflect the property's increased value.

In theory, this encourages development on underdeveloped land. The program was created at a time when new construction in New York City was virtually stagnant, and the city's population was declining by tens of thousands per year, as middle- and upper-income households

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Cuomo Plan Says Nothing About Preserving Housing

By Eileen Markey

With increasing numbers of New Yorkers both in the city and upstate dedicating the lion's share of their income to housing, and with Buffalo, Syracuse and plenty of downstate neighborhoods still reeling from the foreclosure crisis, advocates were on the lookout for ideas of how to address the state's housing needs when governor-elect Andrew Cuomo released a detailed urban agenda the week before Election Day.

But while there are plenty of worthwhile initiatives in the former U.S. Department of Housing and Urban Development secretary's plans, advocates say, there are few bold ideas. What is left out is as revealing as what is included. Cuomo talks about expanding and reinvigorating various financing schemes for build-

ing affordable housing and avoiding foreclosures and the blight that can be their aftermath, but he doesn't say a word about holding on to the state's existing stock of affordable housing.

"It's sort of what we expected on the housing production side, which is good, but we were very disappointed that it doesn't address preservation," says Victor Bach, senior housing policy analyst at the Community Service Society (which owns *City Limits*). "We think there are some serious omissions and would encourage him to get serious on tenant protection and preservation."

Cuomo was not the only candidate with a housing agenda. Besides the Rent Is Too Damn High Party's eponymous housing platform, there was

Charles Barron's Freedom Party, whose multipoint housing agenda was short on detail but included a moratorium on evictions from public housing and a ban on the use of eminent domain to clear land for private developers—a point on which Libertarian Warren Redlich, who said little else about housing, agreed. Green Party candidate Howie Hawkins wanted to create a state bank to refinance affordable mortgages and give New York City home rule on rent-control laws—a longstanding ambition of housing advocates.

Despite his background as a real-estate developer, Republican Carl Paladino said almost nothing about housing other than that he wants to shut down the state's housing department.

Focus on federal funding

Over 20 pages in his urban-agenda document, Cuomo articulates what he says will be his priorities as governor. He'll push to make the federal Low Income Housing Tax Credit program more attractive to investors. The tax-credit program has been a bedrock of financing the development of affordable housing since it was introduced in 1986,

but in the economic decline of the past two years, the investment banks that usually purchase the credits slowed down their investment, particularly in upstate projects, Cuomo said. "LIHTC investments dramatically declined upstate, creating gaps in financing," Cuomo said in his blueprint. He says he'll work with Congress to reformat the program

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Court of Appeals Finds Major Exceptions to Four-Year Rule Rent Overcharge Complaints to Receive Wider Look

By Kenny Schaeffer

On October 19, New York's Court of Appeals, the state's highest court, issued two rulings broadening the exceptions to the "four-year rule," which prohibits state agencies investigating rent-overcharge complaints from looking at what the apartment's rent was more than four years before the date the complaint was filed.

In the two cases, *Grimm v. DHCR* and *Cintron v. DHCR*, the court held that tenants can cite records from more than four years earlier in order to establish that rent increases were fraudulent or illegal.

The rule dates from 1997, when the state Legislature tightened the rent-stabilization law's statute of limitations to bar any examination of an apartment's rent history more than four years prior to the tenant's complaint. But in 2005, in *Thornton v. Baron*, the Court of Appeals ruled that the rent history more than four years earlier could be examined in order to detect fraud. In that case, the landlord had tried to deregulate an apartment by drawing up an illegal lease with a phony "primary tenant" and then subletting it to a couple who agreed that it would not be their primary

residence.

In the *Grimm* case, the owner had unlawfully raised the rent for a vacant apartment from \$587.86 to \$2,000 a month in 2000, with a provision that the tenants could pay \$1,450 if they made repairs and improvements at their own expense. Sylvie Grimm moved into the apartment in 2004, paying \$1,450, and filed an overcharge complaint with the state Division of Housing and Community Renewal in 2005.

The DHCR denied her complaint on the ground that the increases subsequent to the "base date"

rent in 2001 had been proper. But in September 2009, the Appellate Division held that DHCR "should not be allowed to turn a blind eye... where, as here, there is an indication of possible fraud that would render the [base date] rent records unreliable." The Court of Appeals agreed, in a 4-3 decision.

In *Cintron*, the Court ruled by a 6-1 margin that rent records prior to the base date must be considered when the landlord had disregarded two prior rent-reduction orders. Those orders, based on lack of repairs, were

still in effect.

It is unclear how far the expanded mandate to examine illegal rent increases more than four years old will extend. There is language in both decisions which supports the view that any illegal rent increase will make the base-date rent unreliable and allow a closer look. That is the position of Justice Robert Smith, who dissented in both cases.

"The majority opinion can be read to mean either that the four-year limitation has largely ceased to exist," Smith wrote, "or that any case to which the limit applies on its face must lead to a mini-litigation, in which DHCR tries to figure out whether the overcharge was 'fraudulent' enough to escape the time limit."

"This ruling will allow DHCR to do what it is supposed to do, which is to prevent landlords from evading the rent laws," Ed Josephson of South Brooklyn Legal Services, who represented Sylvie Grimm, told the *New York Law Journal*. "There is no magic answer that will end fraud forever and ever, but this is one clear signal that the courts will not tolerate it and DHCR will not tolerate it any longer."

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EL INQUILINO HISPANO

Impuestos municipales subvencionan viviendas de lujo ¿Renovará la legislatura los descuentos de impuestos antes de reformar las leyes de alquiler?

Por Mario Mazzoni

Traducido por Lightning Translations

Si usted quiere saber cuáles son las prioridades del gobierno de la Ciudad de Nueva York respecto a la vivienda, no busque mas allá de los beneficiados de un programa de subvención de vivienda que cuesta a la ciudad más de \$300 millones cada año y se considera un sostén principal del desarrollo de bienes raíces, tanto como los ladrillos y la piedra rojiza de hace un siglo. ¿Dónde va este dinero?

Aquí va una pista: el dinero no va a la Autoridad de Vivienda de la Ciudad de Nueva York (New York City Housing Authority, NYCHA), que se encarga del sistema de vivienda pública más grande del país, ofreciendo viviendas a más de 400,000 neoyorquinos, la mayoría de los cuales no podrían pagar el alquiler de una vivienda en el mercado privado. Por eso, la ciudad regala la magnífica suma de cero dólares al año.

En 2001, el entonces alcalde Rudolph Giuliani dejó de proporcionar subvenciones de operación para urbanizaciones de vivienda pública que la ciudad había construido, las cuales no son elegibles para fondos federales. El alcalde Michael Bloomberg ha continuado esta práctica. En 1998, bajo el mandato del entonces gobernador George Pataki, el estado

de Nueva York eliminó el financiamiento para la vivienda pública que había construido; los demócratas que le siguieron, Eliot Spitzer y David Paterson, no renovaron este financiamiento.

Esto ha costado a NYCHA una suma estimada en \$93 millones al año y ha forzado a la autoridad a repartir con cada vez menos generosidad las subvenciones federales disminuidas, lo que conduce a servicios reducidos y déficits masivos. La carga de su deuda ya supera \$500 millones. La ciudad también cobra a NYCHA \$73 millones por los servicios de policía y \$23 millones en pagos en lugar de impuestos sobre los bienes cada año, agobiando aun más el presupuesto de la agencia.

¿Necesita usted otra pista? El dinero no financia los programas de la ciudad para las personas sin techo. El presupuesto total para el Departamento Municipal de Servicios para los Sin Techo (Department of Homeless Services) es actualmente \$84.7 millones, incluidos fondos de la ciudad y de otras entidades. De hecho, el alcalde Bloomberg ha intentado obtener ingresos adicionales al cobrar a las personas sin techo que tienen trabajo hasta la mitad de sus ingresos como "alquiler" por el privilegio de permanecer en los refugios.

¿A quiénes sirve el programa de más de \$300 millones? El dinero está destinado a los dueños de recién construidos edificios para alquiler y a los compradores de recién construidos apartamentos en cooperativas y condominios, la mayoría de ellos en urbanizaciones de lujo a la tasa del mercado, en forma de exenciones de impuestos sobre los bienes. Se llama el programa 421-a y se creó en 1971 para estimular la nueva construcción en la Ciudad de Nueva York en terrenos baldíos y propiedades con edificios más pequeños de lo que las leyes de zonificación permitían.

Cómo funciona el programa 421-a

Los impuestos locales sobre bienes se basan en su "valor estimado". Un terreno baldío o una estructura de pocos pisos vale mucho menos que un nuevo rascacielos residencial de lujo, así que cuando se construye un nuevo edificio y el valor de la propiedad se eleva de una manera dramática, la factura de impuestos sobre bienes también se eleva.

Sin embargo, los constructores pueden evitar pagar la factura fiscal total al optar por el programa 421-a, que aumenta la tasa de los impuestos por fases, a lo largo de

décadas. La Oficina Independiente del Presupuesto (Independent Budget Office) de la Ciudad de Nueva York ofrece este ejemplo: "Si una parcela valorada en \$1 millón cuando está vacía vale \$10 millones después de la construcción, no se grava el aumento en el valor de \$9 millones durante el período de la exención". Mediante el programa 421-a, los constructores de nuevos edificios residenciales pueden pagar una tasa de impuestos que por muchos años no corresponde con el valor aumentado de la propiedad.

Teóricamente, esto estimula la construcción en terrenos subdesarrollados. El programa se creó en una época cuando las nuevas construcciones en Nueva York se habían virtualmente estancado y la población de la ciudad disminuía al ritmo de decenas de miles al año, ya que las familias de ingresos medios y altos huían a las afueras de la ciudad. En la práctica, no está claro si el programa 421-a siquiera ha servido el objetivo básico de desarrollo económico, ya que los nuevos patrones de construcción se han correspondido a tendencias demográficas y al aumento de la demanda en vez de a las subvenciones. Un informe de 2007 de Hábitat para la Humanidad

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Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 42)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2010 hasta el 30 de septiembre de 2011.

Tipo de Contrato	Contrato de 1 Año	Contrato de 2 Años
Renovación del Contrato	2.25%	4.5%
Contratos para Apartamentos Vacíos	17.75%	20%

Renovación de Contrato

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

(si se lo hubiera ofrecido a tiempo). El inquilino no tiene que pagar el nuevo aumento de renta hasta 90 días después de que se haya hecho el ofrecimiento.

Asignación de Subarriendo

Los caseros podrán cobrar un aumento de 10 por ciento durante el término de subarriendo que comience durante este período de las pautas.

Programa de Exención de Incrementos de Renta para las Personas de Mayor Edad

Las personas de mayor edad con renta estabilizada (y los que viven en apartamentos de renta controlada, Mitchell-Lama y cooperativas de dividendos limitados), con 62 años o más, y cuyos ingresos familiares disponibles al año sean de \$29,000 o menos (para 2009) y que paguen (o enfrenten un aumento de renta que les haría pagar) un tercio o más de tal ingreso en renta pueden ser elegibles para una congelación de renta. Solicite a: v o llame al

311 o visite su sitio Web, nyc.gov/html/dfta/html/scrie_sp/scrie_sp.shtml.

Programa de Exención de Incrementos de Renta para Minusválidos

Inquilinos con renta regulada que reciben ayuda económica elegible relacionada con discapacidad, que tengan ingresos de \$19,284 o menos para individuales y \$27,780 o menos para una pareja y enfrenten rentas iguales o más de un tercio de sus ingresos pueden ser elegibles para un congelamiento de renta. Solicite a: NYC Dept. of Finance, SRIE/DRIE Exemptions, 59 Maiden Lane, 19th floor, New York, NY 10038. Llame al 311 para una solicitud o vaya al sitio Web en www.nyc.gov/html/dof/html/property/property_tax_reduc_drie.shtml

Las unidades desvanes

Los aumentos legalizados para unidades de desván son un 2.25 por ciento por un contrato de un año y 4.5 por ciento por dos años. No se permiten

incrementos para las unidades de desván vacías.

Hoteles y SROs

No se permite ningún aumento del alquiler, para todas categorías.

Exceso de cobro

Los inquilinos deben estar al tanto de que muchos caseros se aprovecharán de las complejidades de estas pautas y concesiones adicionales, además del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar una renta ilegal. Los inquilinos pueden impugnar los aumentos de renta sin autorización en las cortes o al presentar una impugnación con la agencia estatal de vivienda, la División de Vivienda y Renovación Comunitaria (Division of Housing and Community Renewal, DHCR). El primer paso en el proceso es ponerse en contacto con la DHCR para ver el registro oficial del historial de renta. Vaya a www.dhcr.state.ny.us o llame al 718-739-6400 y pida un historial de renta detallado. Luego, hable con un abogado o defensor experto antes de seguir.

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

Subvenciones para viviendas de lujo

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(Habitat for Humanity) y el Centro Pratt para el Desarrollo Comunitario (Pratt Center for Community Development) reveló que “los beneficios del programa 421-a van sobre todo para construcción en vecindarios establecidos y cuando el mercado ya está muy fuerte”.

Los propietarios reciben exenciones de impuestos generosas sin que se espere mucho de ellos a cambio. Los dueños de edificios para alquiler que reciben beneficios 421-a tienen que poner apartamientos en el sistema de estabilización de alquileres mientras reciban el descuento de impuestos. La mayoría de los constructores cumplen felices, por dos razones: en primer lugar, se pueden desregular los apartamentos de alquiler estabilizado automáticamente tan pronto se venzan los descuentos de impuestos. En segundo lugar, los caseros tienen el privilegio de establecer los alquileres iniciales, que alcanzan la tasa que el mercado puede soportar, hasta decenas de miles de dólares al mes. Las unidades temporalmente en el sistema de estabilización de alquiler están sujetas a un aumento adicional de un 2.2 por ciento por encima de lo que la Junta de Renta Regulada (Rent Guidelines Board) establece, para compensar a los propietarios mientras disminuyen los incentivos. Urbanizaciones cooperativas y condominios también son elegibles para participar, con los compradores individuales obteniendo las exenciones fiscales.

En los primeros años del programa, los constructores que participaban en cualquier parte de la ciudad podían incrementar los impuestos sobre bienes por fases a lo largo de una década, recibiendo un descuento total en los primeros dos años, una exención de un 80 por ciento después de dos años, una de 60 por ciento después de cuatro años y así sucesivamente.

En 1985, se modificó el programa 421-a mediante la creación de una zona de excepción, aproximadamente entre las calles 14 y 96 en Manhattan. Dentro de esa área, los constructores tuvieron que crear pequeñas cantidades de viviendas asequibles para conseguir los descuentos de impuestos 421-a. Una manera de hacer esto, por lo general llamado el “programa 80/20”, consistía en reservar un 20 por ciento de las unidades en sus urbanizaciones

para familias de bajos ingresos, a cambio de descuentos de impuestos 421-a más largos. La otra era la construcción de urbanizaciones exclusivamente de lujo en los lugares más cotizados en Manhattan y la compra de “certificados” negociados por aproximadamente \$12,000 a \$15,000 por unidad, que constructores en otras partes de la ciudad usarían para construir vivienda a un precio debajo del mercado. Ya que se necesitaban cuatro o cinco certificados para financiar cada unidad de apartamentos de más bajos alquileres en otros vecindarios, esto no creó mucha vivienda asequible. En todo caso, las unidades de precio más bajo sólo quedan asequibles por un período limitado antes de que los alquileres suban a la tasa del mercado.

Un informe de 2006 de la oficina del Controlador de la Ciudad de Nueva York reveló que en Manhattan, el programa 421-a 80/20 había creado alrededor de 2,100 unidades “asequibles”, a un costo futuro para la ciudad proyectado en más de \$520,000 por unidad, un total de más de \$1 mil millones en ingresos perdidos del erario, sin incluir las subvenciones ya recibidas por los propietarios. El informe también descubrió 7,675 unidades adicionales que recibían subvenciones mediante el programa de certificados.

Esto no solamente es una manera increíblemente ineficiente para subvencionar unidades con alquileres más bajos; también, como sucede en todo el espectro de programas de vivienda auspiciados por el gobierno hoy en día, la definición de “asequible” es de por sí una problemática. La mayoría de las unidades “asequibles” construidas mediante el programa 421-a están ajustadas a un 60 por ciento del ingreso medio del área, que resulta en un alquiler de \$1,150 al mes para una familia de cuatro personas.

En 2007, cuando llegó la hora para renovar el programa 421-a, algunos legisladores hicieron un esfuerzo para reformar sus directrices de una manera importante. Un artículo en el New York Observer en aquel año dijo que el programa había llegado a “simbolizar la complicidad del gobierno en la burguesificación”, ya que el programa creó incentivos para que los constructores derribaran edifi-

cios de pocos pisos y construyeran rascacielos de lujo en su lugar. Cuando se acabó la riña política, las propuestas para convertir el 421-a en un programa de vivienda asequible estaban considerablemente debilitadas, pero algunas modificaciones sobrevivieron. La zona de excepción se amplió para incluir todo Manhattan y áreas seleccionadas en otros condados. Dentro de las zonas de excepción, se terminó el programa de certificados, así que se tenían que construir unidades asequibles en el mismo sitio. Las unidades de precio más bajo tendrían que permanecer en el sistema de alquiler estabilizado por 35 años: más de lo requerido anteriormente; sin embargo, la asequibilidad por un período limitado, una de las más desastrosamente fracasadas políticas de vivienda en la ciudad, perduró.

Las modificaciones de 2007 no abordaron los defectos fundamentales del programa 421-a. La mayoría de las urbanizaciones que ya reciben beneficios 421-a están fuera de Manhattan, en áreas que se excluyeron de las

zonas de excepción ampliadas. El informe 2007 Habitat/Pratt Center reveló actividades importantes en tales vecindarios, como \$5.7 millones al año en exenciones fiscales para urbanizaciones en Brighton Beach y Sheepshead Bay en Brooklyn y \$3.8 millones al año para urbanizaciones en Flushing, Queens. Encontraron un edificio de condominios de 87 unidades en Corona, Queens, que costaría a la ciudad \$14.5 millones en ingresos perdidos del erario a lo largo de la vigencia de su exención de impuestos 421-a.

Aun dentro de las zonas de excepción, donde los constructores están obligados a proporcionar un puñado de unidades a un precio bajo, la pregunta surge: ¿a qué costo? Los miles de millones en ingresos perdidos del erario a través del programa 421-a podrían ir mucho más lejos mediante otras iniciativas para crear vivienda permanentemente asequible para las personas que realmente son de bajos ingresos. En vez

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No se quede helado: ¡ORGANÍZENSE!



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

Desde las 6 a.m. hasta las 10 p.m.: Si la temperatura afuera es de menos de 55 grados, la temperatura 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. ¡Organízense!

Inquilinos de mayor edad y minusválidos

Las personas mayores de 62 años o más, en vivienda de renta regulada, Mitchell-Lama y algunos otros programas, con ingresos disponibles anuales de familia de \$29,000 o menos (el año pasado) y quienes pagan (o enfrentan un aumento de renta que les obligaría a pagar) un tercio o más de estos ingresos en renta pueden llenar los requisitos para una Exención de Incrementos de Renta para las Personas de Mayor Edad (Senior Citizen Rent Exemption, SCRIE).

Los inquilinos minusválidos que reciben ayuda financiera relacionada con invalidez y tienen ingresos de \$19,284 o menos para individuos y \$27,780 o menos para una pareja y quienes enfrentan rentas iguales a o más de un tercio de sus ingresos pueden llenar los requisitos para la Exención de Incrementos de Renta para Minusválidos (Disability Rent Increase Exemption, DRIE).

Solicítela a:

NYC Dept. of Finance, SCRIE/DRIE Exemption
59 Maiden Lane – 19th Floor, New York, NY 10038

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

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de esto, mientras unos pocos miles de unidades se hacen temporalmente accesibles a las personas de recursos modestos, los verdaderos beneficiarios de 421-a son realmente los constructores de edificios de lujo para alquiler y los compradores de nuevas urbanizaciones cooperativas y condominios, que pueden aprovecharse de la generosidad de la ciudad.

Usted también se habría podido beneficiar de una exención de impuestos sobre bienes si hubiera comprado un hogar de seis dormitorios por \$8.1 millones en 635 oeste de la Calle 42, un apartamento por \$11.8 millones en 8 Union Square South o un nuevo alojamiento en 207 este de la Calle 57 por \$15 millones: todos son condominios en urbanizaciones recién construidos que participan en el programa 421-a.

Hasta podría hacer una carrera de extorsionar al gobierno, como el director gerente de Goldman Sachs, Lloyd Blankfein. Después de ayudar a llevar la economía global al borde del colapso, Goldman Sachs tomó más de \$20 mil millones del gobierno en diferentes planes de rescate. Una noticia menos difundida es el rescate que Blankfein recibió para su condominio de \$27 millones en 15 Central Park West. Ya que el edificio, inaugurado en 2007, participa en el programa 421-a, él y sus vecinos pagarán una reducida tasa de impuestos sobre bienes durante muchos años.

El programa 421-a también oscurece la crisis de vivienda asequible causada por el descontrol de viviendas disponibles. Las es-

tadísticas oficiales sobre la cantidad de unidades de alquiler regulado en la Ciudad de Nueva York no diferencian entre los apartamentos de alquiler regulado construidos antes de 1974, la mayoría de los cuales todavía se alquilan por menos de \$1,000, y los nuevos apartamentos temporalmente estabilizados en alquileres de hasta \$10,000. Esto infla el número de apartamentos de alquiler regulado que nos quedan, lo que dificulta cuantificar el ritmo en que estamos perdiendo la vivienda realmente asequible.

Es bastante escandaloso que el programa 421-a priva a la ciudad de recursos que ésta podría utilizar para ayudar a los realmente necesitados, para beneficiar en cambio a los constructores ricos. Sin embargo, los inquilinos tienen razones especiales para estar enfurecidos. La legislatura estatal felizmente ha renovado el programa 421-a mientras traiciona a los inquilinos cuando se trata de reformas de las leyes de alquiler. Cuando llegó la hora para renovar la ley 421-a en 2007, el proyecto de ley modificado fue aprobado por la Asamblea unánimemente y por el Senado estatal de manera veloz, con sólo dos votos en contra. Mientras tanto, hace décadas que el Senado ha bloqueado legislación muy necesaria para poner fin al descontrol de viviendas disponibles entre los apartamentos de alquiler regulado, proteger a inquilinos en edificios anteriormente Mitchell-Lama o de Sección 8 basada en el proyecto, dejar a la Ciudad de Nueva York esta-

blecer sus propias leyes de alquiler y cerrar otros resquicios legales en las leyes de alquiler.

El programa 421-a vence el próximo mes. Se necesita renovarlo para que los constructores puedan recibir el beneficio para nuevos edificios. Seis meses después, en junio de 2011, las leyes de control y estabilización de alquiler, de las que dependen más de 2.5 millones de neoyorquinos para poder seguir pagando su vivienda, también vencen. Se necesita renovarlas. El programa 421-a cuesta millones en ingresos perdidos del erario municipal; la regulación de alquileres estabiliza vecindarios, familias y la economía en general, sin costar casi nada al gobierno.

Si la ley 421-a no se renueva, eso no significa el fin de exenciones de impuestos para nadie que ya recibe estos beneficios, ni quitará las protecciones a ningún inquilino que ya vive en estos edificios. Dejarla vencer simplemente suspendería este programa costoso en nuevas urbanizaciones. Por otra parte,

las leyes de regulación de alquiler son un salvavidas para millones de neoyorquinos. El debilitamiento de estas leyes en los últimos años ha llevado a la pérdida de unas 300,000 unidades que anteriormente estaban asequibles.

En 2009 y 2010, el Senado estatal fue incapaz de cumplir con sus promesas de muchos años y no aprobó una sola pieza de legislación favorable a los inquilinos. En una época de déficits presupuestarios paralizantes, cuando se cortan los servicios esenciales, ¿se apresurarán los legisladores a apoyar descuentos de impuestos para edificios de lujo, mientras aplaza las decisiones sobre proyectos de ley para proteger nuestra reserva de vivienda de alquiler regulado?

Llame a sus representantes en la Asamblea y el Senado y dígalas: A menos que aprueben la legislación a favor de los inquilinos en el paquete de Reforma Real de Renta, no renueven la ley 421-a para nada.

Don't Freeze—Organize!



The law requires your landlord to provide hot water at a minimum 120 degrees at the tap 24 hours a day, year round, and from October 1 through May 31, heat at the following levels:

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.

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!

Berkeley's Pro-Tenant Rent Board

What happens when a city elects its rent guidelines board?

In Berkeley, California, it means that a pro-tenant slate won all six seats on the city's Rent Stabilization Board this month, easily outrunning their three rivals.

The six—five incumbents and one new member—were nominated at the Berkeley Tenants Convention, a gathering of more than 100 people in late July, after 12 potential candidates had been interviewed by a coalition of local liberal and leftist groups. They each garnered more than 10,700 votes; their top rival got about 6,800.

"The point of the slate is unity among tenants and tenant-friendly property owners," says Jesse Townley, a punk-rock record-company manager who was the top vote-getter. The slate included two tenants, one homeowner, and three small landlords.

This coalition, says Townley, was needed to overcome "the super-anti-rent-control property owners, organized by the Berkeley Property Owners Association." When the BPOA's pro-landlord slates won a majority for a few years in the mid-1990s, he says, "rents went up 45 percent during that time under rent control. They basically did everything they

could to raise rents as much as they could while staying within the letter of the law."

The main opposition candidate, George Perezvelez, "ran as neither pro-tenant nor pro-landlord, whatever that means," says Townley. Perezvelez was endorsed by Mayor Tom Bates and six members of the City Council. Tenant activists believe he was encouraged to run "to drive a wedge into the slate process," Townley adds.

California law bans cities from limiting rents on vacant apartments, but it lets them reregulate the new tenant's rent. As Berkeley, a city of 100,000 that's home to the University of California's flagship campus, has gentrified significantly, market rents are dramatically higher than regulated rents. However, city residents voted in 2004 to limit annual rent increases to 65 percent of the increase in the federal consumer price index for the San Francisco Bay Area. Thus, the maximum increase for tenants renewing their leases in 2011 will be 0.7 percent.

The board also adjudicates landlord-tenant disputes and works on code enforcement, such as requiring buildings to be earthquake-proofed.

—Steven Wishnia

Cuomo Plan

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so investors start buying again and cash is once again flowing to affordable-housing developers. But he doesn't get into details.

In 2008 Congress approved a National Housing Trust Fund, but they never funded it. If the Obama administration gets the amount it wants in the fund, New York State would see \$111 million for affordable housing. Cuomo says he'll take a leadership role among governors to push Congress to appropriate the funds.

As attorney general, Cuomo launched several investigations into mortgage fraud and mortgage-servicing firms engaged in the robo-signing and other questionable foreclosure practices now under scrutiny nationwide.

Foreclosures continue to roil the state, eviscerating gains in homeownership in black and Latino communities and draining the state's tax base. Between February, when the state Banking Department began keeping track, and October, 134,000 New York homeowners received notice that their banks were beginning foreclosure proceedings. Suffolk, Queens, Nassau, Kings and Westchester counties lead the latest round of foreclosures. (Paladino's native Erie County came in just below Westchester, with 6,167 pre-foreclosure filings in from February to October.)

Cuomo says one way he will minimize foreclosures as governor is by scrutinizing servicers to prevent faulty proceedings. In response to the vacant and abandoned properties that the foreclosure crisis has left in many communities, Cuomo says he'll establish land trusts, innovative publicly controlled legal entities that can acquire and maintain large areas of vacant land and strategically manage their return to productive use.

Advocates who have been beating the drum about the problem of overleveraged apartment buildings—properties bought for exorbitant sums during the real-estate boom

by owners who thought they could jack up rents on low- and moderate-income tenants—praised Cuomo for including plans to use the power of the state mortgage insurance fund and bank-regulating entities to push lenders to write down the debt on buildings where onerous mortgages are threatening the ability to provide affordable housing.

"We definitely are enthused to see Cuomo's focus on the issue of overleveraged or predatory-equity buildings. We think the ability to tap into mortgage insurance fund resources will only help preserve these buildings as affordable housing, and it's really getting the details right which will be our challenge going forward," says Dave Hanzel, policy director at the Association of Neighborhood Housing Developers.

But like nearly all the proposals in the urban agenda, the role Cuomo envisions for the state government is primarily advisory or involves the application of influence—not the exercise of direct authority, which the state often does not have in those areas.

Rent regs left unaddressed

Housing finance largely originates at the federal level. Refinancing onerous mortgages is solely the discretion of lenders. New York State's government, however, is firmly in control of rent-regulation laws. But Cuomo's urban agenda makes no mention of them. And while Cuomo garnered praise for grappling with the problem of overleveraged rental buildings, his blueprint says nothing about Mitchell-Lama units being removed from the system or about protecting rent-stabilized tenants from harassment.

"I think it's grossly deficient.... He said nothing about the fact that we've lost probably 300,000 rent-regulated apartments from vacancy decontrol," says Michael McKee, a Met Council board member and a longtime rent-stabilization activist. "You can have all the incentives you want for new construction, and it will be a drop in the bucket compared to all the rent-regulated units we are losing... Rent regulation is an affordable-housing plan."

The rent-regulation laws are up for renewal next year, and as ever there will

be a pitched fight between real-estate interests and tenants over weakening or strengthening dozens of provisions. Cuomo reveals nothing about how he'll navigate those battles.

"It's been eroded as it's been continued," the Community Service Society's Bach says of rent regulation. "The question is whether there will be a further erosion or whether it will be a standstill, or whether tenants will win some of the protections they've been pushing."

Tenant activists have been trying to repeal vacancy decontrol, the provision by which regulated apartments become market-rate if they are vacated and the legal regulated rent reaches \$2,000 a month, since it was reinstated in 1997. When Democrats took control of the state Senate in 2009, they thought their time had come. But

the Pedro Espada-Hiram Monserrate coup that summer upended those hopes. With both those senators out of Albany (Espada lost a primary and Monserrate was removed from office over a domestic-violence incident and lost a special-election bid to return), pro-rent regulation activists are again gearing up.

The Cuomo campaign did not respond to several requests for comment and a n e-mail with specific questions about rent-regulation laws and financing initiatives. The Real Estate Board of New York, which traditionally lobbies for fewer regulations on landlords' ability to charge market rent, was unable to respond immediately, a spokeswoman said.

Housing as jobs

Cuomo's plan is also mum on funding for pub-



lic housing. The state still controls 15,000 units outside the five boroughs, Bach said. The administration of Gov. George Pataki ceased all funding for operational expenses, and local housing authorities have been struggling to maintain their stock since.

David Muchnick, coordinator at the advocacy coalition Housing First, says the plan misses the boat by talking about developing new affordable housing

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NYC Rent Guidelines Board Adjustments (Order No. 42)

*for Rent Stabilized Leases commencing Oct. 1, 2010 through Sept. 30, 2011
Order No. 40, covering leases commencing prior to October 1, 2009,
is available at <http://www.metcouncil.net/campaigns/RGB.htm>*

Lease Type		One-year Lease	Two-year Lease
Renewal Leases	All	2.25%	4.5%
Vacancy leases	Vacancy allowance charged within last 8 years	17%	20%

Renewal Leases

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

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

Sublease Allowance
Landlords can charge a 10 per-

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

Senior Citizen Rent Increase Exemption Program Rent-stabilized seniors (and those living in rent-controlled, Mitchell-Lama, and limited equity coop apartments), 62 or older, whose disposable annual household income is \$29,000 or less (for 2009 tax year) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a rent freeze. *Apply to:* NYC Dept. of Finance, SCRIE/DRIE Exemption, 59 Maiden Ln., 19th Floor, NY, NY 10038 or call 311 or visit their Web site, www.nyc.gov/html/dfta/html/scrie/scrie.shtml.

Disability Rent Increase Exemption Program Rent-regulated tenants receiving eligible disability-related financial assistance who have incomes of \$19,284 or less for individuals and \$27,780 or less for a couple and are facing rents equal to more than one-third of their income may be eligible for a rent freeze. *Apply to:* NYC Dept. of Finance, DRIE Exemptions, 59 Maiden Lane, 19th floor, New York, NY 10038. Call 311 for an application or go to the Web site at www.nyc.gov/html/dof/html/property/property_tax_reduc_drie.shtml.

Loft Units

Legalized loft-unit increases 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

No rent increase is permitted for all categories.

Rent Overcharges

Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses—and the tenant's unfamiliarity with the apartment's rent history—to charge an illegal rent. Tenants can challenge unauthorized rent increases through the courts or by filing a challenge with the state housing agency, the Division of Housing and Community Renewal (DHCR). The first step in the process is to contact the DHCR to see the official record of the rent history. Go to www.dhcr.state.ny.us or call (718) 739-6400 and ask for a detailed rent history. Then speak to a knowledgeable advocate or a lawyer before proceeding.

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

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.

Luxury Housing Subsidies

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were fleeing to the suburbs. In practice, it's not clear that 421-a has even served a basic economic-development goal, as new construction patterns have followed trends of population growth and increased demand, not subsidies. A 2007 report by Habitat for Humanity and the Pratt Center for Community Development found that "the benefits of the 421-a program go primarily toward development in established neighborhoods and when the market is already strong."

Owners get generous tax exemptions with little expected of them in return. Landlords of rental buildings who receive 421-a benefits have to enter apartments into the rent-stabilization system while receiving the tax break. Most developers happily oblige, for two reasons: First, as soon as the tax breaks expire, the rent-stabilized apartments can be automatically deregulated. Second, landlords get to set the initial rents—which are as high as the market can bear, even tens of thousands of dollars per month. Those units in the rent-stabilization system temporarily are subject to an additional 2.2 percent increase above what the Rent Guidelines Board sets, to compensate owners as the tax breaks diminish. Condo and co-op developments are also eligible to participate, with the individual buyers getting the tax exemptions.

In the program's early years, participating developers in any part of the city could phase in property taxes over a decade, getting a full abatement for the first two years, an 80 percent exemption after two years, 60 percent after four years, and so on.

In 1985, the 421-a program was modified by creating an exclusion zone, roughly between 14th and 96th streets in Manhattan. Within that area, developers had to create small amounts of affordable housing to get the 421-a tax breaks. One way, usually called the "80/20 program," was temporarily reserving 20 percent of the units in their developments for lower-income

families, and in exchange getting a longer 421-a tax abatement. The other was building purely luxury developments in prime Manhattan locations and purchasing negotiated "certificates" for roughly \$12,000 to \$15,000 per unit, which developers in other parts of the city would use to help build below-market housing. As four or five certificates were required to finance each unit of lower-rent apartments in other neighborhoods, this did not create much affordable housing. In all cases, the lower-priced units are only affordable for a limited period before the rents go up to market rate.

A 2006 report from the New York City Comptroller's office showed that in Manhattan, the 421-a 80/20 program had created approximately 2,100 "affordable" units, with a projected future cost to the city of over \$520,000 per unit—over \$1 billion of lost revenue in total, not including the subsidies landlords had already received. The report also found an additional 7,675 units receiving subsidies through the certificate program.

Not only is this an incredibly inefficient way to subsidize lower-rent units, but as is true across the spectrum of government-sponsored housing programs today, the definition of "affordable" is itself a problem. Most of the "affordable" units built through the 421-a program are targeted at 60 percent of the area median income, which works out to a rent of \$1,150 a month for a family of four.

In 2007, when the 421-a program came up for renewal, some legislators pushed for a major revamping of its guidelines. A *New York Observer* article that year said that the program had come to "symbolize the government's complicity in gentrification," as it created incentives for developers to demolish low-rise structures and erect luxury towers in their place. When the political wrangling was over, proposals to remake 421-a into an

affordable-housing program were significantly weakened, but some modifications made it through. The exclusion zone was expanded to include all of Manhattan and select areas in the other boroughs. Within the exclusion zones, the certificate program was ended, so affordable units had to be built on-site. The lower-priced units would have to stay in the rent-stabilization system for 35 years—longer than previously required—but time-limited affordability, one of the most disastrously failed housing policies in the city, remained.

The 2007 modifications did not address the 421-a program's fundamental flaws. The majority of developments already receiving 421-a benefits are outside of Manhattan in areas that weren't included in the expanded exclusion zones. The 2007 Habitat/Pratt Center report found significant activity in such neighborhoods, such as \$5.7 million per year in tax exemptions for developments in Brighton Beach and Sheepshead Bay in Brooklyn, and \$3.8 million per year for developments in Flushing, Queens. They found an 87-unit condo building in Corona, Queens, that would cost the city \$14.5 million in lost revenues over the life of its 421-a tax exemption.

Even within the exclusion zones, where developers are required to provide a handful of lower-priced units, the question becomes: At what cost? The billions in lost tax revenue from the 421-a program could go a lot further through other initiatives to create housing that's permanently affordable to people who are truly low-income. Instead, while a few thousand units are made temporarily affordable to people of modest means, the true beneficiaries of 421-a are really the developers of luxury rental buildings, and the purchasers of new condo and coop developments, who catch a break on the city's dime.

You too could have benefited from a property-tax exemption if you had bought an \$8.1 million six-bedroom home at 635 West 42nd Street, an \$11.8 million pad at 8 Union Square South, or new digs at 207 East 57th Street for \$15 million—all condos in recently constructed developments that participated in the 421-a program.

You could even make a career out of shaking down the government, like Goldman Sachs CEO Lloyd Blankfein. After helping to push the global economy to the brink of collapse, Goldman Sachs took over \$20 billion in government money in various bailout schemes. Less publicized is the bailout that Blankfein received on his \$27 million condo at 15 Central Park West. As the building, opened in 2007, participates in the 421-a program, he and his neighbors will pay a reduced property taxes for years to come.

The 421-a program also obscures the crisis in affordable housing caused by vacancy decontrol. Of-

ficial statistics on the number of rent-regulated units in New York City do not differentiate between rent-stabilized apartments built before 1974—most of which still rent for under \$1,000—and the newer apartments that are temporarily rent-stabilized at rents as high as \$10,000. That inflates the number of rent-regulated apartments remaining, making it difficult to quantify the rate at which we're losing our truly affordable housing.

It's scandalous enough that the 421-a program starves the city of resources that it could use to serve the truly needy, in order to benefit wealthy developers. But tenants have particular reason to be enraged. The state Legislature has readily extended the 421-a program while shafting tenants when it comes to rent-law reforms. When the 421-a law came up for renewal in 2007, the modified bill passed the Assembly unanimously, and it flew through the state Senate with only two dissenting votes. Meanwhile, the Senate for decades has blocked much-needed legislation to end vacancy decontrol in rent-regulated apartments, protect tenants in former Mitchell-Lama and project-based Section 8 buildings, let New York City set its own rent regulations, and close other loopholes in the rent laws.

The 421-a program expires next month. It would need to be renewed in order for developers to receive this benefit for new buildings. Six months later, in June 2011, the rent-control and rent-stabilization laws that over 2.5 million New Yorkers depend on to afford their homes also expire. They need to be renewed. The 421-a program costs the city millions in lost revenue; rent regulation stabilizes neighborhoods, families, and the general economy, and it costs the government virtually nothing.

If the 421-a law is not renewed, it won't cut off tax exemptions for anyone already receiving benefits, nor will it strip protections from any tenant living in these buildings already. Letting it expire would simply discontinue this costly program for new developments. The rent-regulation laws, on the other hand, are a lifeline for millions of New Yorkers. The weakening of these laws in recent years has led to the loss of an estimated 300,000 once-affordable units.

In 2009 and 2010, the state Senate was unable to deliver on a single piece of long-promised pro-tenant legislation. At a time of crippling budget deficits, when vital services are being slashed, will lawmakers rush to support tax breaks for luxury buildings—while deferring action on bills to protect our rent-regulated housing stock?

Call your Assembly and Senate representatives and tell them: Unless you can pass pro-tenant legislation in the Real Rent Reform package first, don't renew the 421-a law at all.

Senior and Disabled Tenants

Seniors, 62 or older, in rent-regulated, Mitchell-Lama and some other housing programs whose disposable annual household income is \$29,000 or less (for the previous year) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE).

Disabled tenants receiving eligible disability-related financial assistance with incomes of \$19,284 or less for individuals and \$27,780 or less for a couple facing rents equal to or more than one-third of their income may be eligible for the Disability Rent Increase Exemption (DRIE).

Apply to either program:
NYC Dept. of Finance
SCRIE/DRIE Exemption
59 Maiden Lane - 19th floor, New York, NY 10038

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

Election Sets Stage for 2011 Rent-Law Battle

By Kenny Schaeffer

The results of the Nov. 2 elections will determine the political terrain for the campaign to renew and strengthen New York's rent-stabilization and rent-control laws, which are set to expire on June 15, 2011. Control of the state Senate may not be resolved for weeks, with three races still undecided and possibly headed for court challenges.

In the gubernatorial race, Democrat Andrew Cuomo's overwhelming victory over bigoted billionaire Carl Paladino means that unlike the last two times the rent laws came up for renewal, in 1997 and 2003, there will not be an outspoken enemy of rent regulations like George Pataki in office. However, Cuomo's record on housing is mixed, and bringing him around will be a major goal of the tenant movement and its allies.

The Working Families Party, which endorsed Cuomo, garnered almost three times the 50,000 votes needed to gain a place on the state ballot for the next four years—and possibly enough to move from Row E to Row D, past the Independence Party.

The WFP also provided the narrow margin of victory for Comptroller Thomas DiNapoli, another Democrat. Eric Schneiderman's convincing win for attorney general means that tenants will have a champion in Albany with access to the governor.

In the Assembly, Democrats retained a strong majority. The Assembly has passed pro-tenant measures every year in recent history, but they were "one-house bills" that failed to pass the state Senate. It accepted crippling amendments to the rent laws in

1997 and 2003.

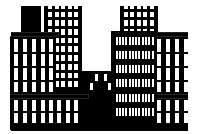
Control of the 62-member Senate will depend on the final outcome in three districts. Democrats need to hold all three to have a 32-30 majority. In Nassau County and Buffalo, Democratic incumbents Craig Johnson and Antoine Thompson each trailed by under 500 votes with absentee ballots yet to be counted. In Westchester, Suzi Oppenheimer held a 180-vote lead with incomplete returns.

However, a 32-30 Democratic majority—the best-case scenario at this point—will not ensure that the Senate will stand up to the power and vast financial contributions of the Rent Stabilization Association and other landlord lobbies. Although Bronx Sen. Pedro Espada, the pro-landlord chair of the Senate's housing committee, was soundly defeated in the September primary by Gustavo

Rivera, key Democratic real-estate allies Carl Kruger and Jeffrey Klein did not face significant challenges.

If the Senate ends up with a 31-31 deadlock, Lt. Gov.-elect Robert Duffy, a Democrat, will be able to cast a tie-breaking vote on procedural matters, but it will probably be left for the courts to decide whether he will also be able to vote on substantive matters.

Whatever the Senate's ultimate makeup, tenants and affordable-housing advocates face an enormous battle over the next seven months to avoid further weakening of rent and eviction protections and to begin repairing the damage by repealing vacancy decontrol.



WHERE TO GO FOR HELP

MET COUNCIL ON HOUSING CLINIC
at Cooper Square Committee
61 E. 4th St. (btwn. 2nd Ave. & Bowery)
Tuesdays 6:30 pm

CHELSEA COALITION ON HOUSING
Covers 14th St. to 30th St., 5th Ave. to the Hudson River. Hudson Guild Fulton Center, 119 9 Avenue (between W. 17 & W. 18 Streets), 212-243-0544
Thursdays 7:00 pm

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

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

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

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

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

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

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

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

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

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

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

WEST SIDE SRO LAW PROJECT
(single-room-occupancy, hotel, and rooming-house tenants on the West Side of Manhattan above 14 Street. Also covers other tenants living between 100 & 110 streets, Broadway to Central Park West.)
51 West 109th Street, 212-799-9638
Thursdays 4pm-6pm

Cuomo Plan

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without linking that drive directly to job creation. With the state so desperate for jobs, it would be far easier to secure money for housing if it is presented as a jobs initiative, Muchnick says. He suggests floating new capital bonds to finance construction.

"Right now the state is investing essentially less than one-100th of 1 percent of its cash receipts in affordable housing. If it were only to invest five-100ths of 1 percent, it could recover over 1,600 jobs

and make up many lost since the recession began," Muchnick argues. "That would mean \$33.5 million in debt service on a \$500 million capital program. Somebody smart in the budget bureau ought to find a way to get that kind of money freed up.

"As much of a deficit as we have, we need to find a way to use affordable housing to create jobs, because it is a job generator and economic-development opportunity," Muchnick says.

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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