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Tenant Inquilino

Housing for people, not profit

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Metropolitan Council on Housing
64 Fulton Street
New York, NY 10038

PERIODICAL

Council Sets Feb. 25 Hearing on Renewing Rent Laws

by Kenny Schaeffer

New York City Council hearings on the renewal of rent and eviction protections for one million households will begin at 10 a.m. on Friday, February 25 at City Hall. Public testimony is expected to be militant and prolonged, demanding that the Council attack the housing crisis on many fronts at the same time.

Renewal of rent-stabilization and rent-control laws, with no further weakening amendments, will only preserve a badly wounded system of rent regulations—which at best is an incomplete response to New York City's acute housing crisis. Rent regulation only slows down the loss of affordable housing, and the system has been so weakened already that the crisis will continue to deepen even if the laws are renewed "as is." The laws have been hamstrung by steady legislative dilution and administrative under-enforcement.

Council Speaker Peter Vallone is sponsoring a measure, Intro. 669, which will renew the existing laws. It would also close one important loophole, by requiring owners seeking to take advantage of the \$2,000 vacancy decontrol created by Vallone in 1994 to inform the next tenant how the rent lawfully reached the \$2,000 figure. Intro. 669 is expected to create some deterrent to the practice of reaching \$2,000 through unlawful increases, including fraudulent claims of "improvements." [See story page 2.]

However, it only addresses one of many gaping wounds in the housing crisis, and many tenant advocates in the Council declined to co-sponsor the Vallone bill when asked, including Margarita Lopez of the Lower East Side/Loisaida. "This bill does not go far enough to

address the housing crisis in a meaningful way, so I refused to endorse it," she explained.

Tenants are supporting a number of other measures which merit immediate action, but so far, Council leadership has not agreed to allow any of them on the floor in time for formal consideration at the Feb. 25 hearing.

Met Council announced a broad program late last year [see sidebar] to attack the housing crisis in several critical areas simultaneously. Councilmember Steve DiBrienza (D-Brooklyn) has agreed to sponsor a number of measures as a "companion bill" to Speaker Vallone's renewal bill. They are expected to draw wide support.

Two weeks before the Feb. 25 hearing, the legislative language of this bill was still being drafted. It appeared that the Speaker's office had pur-

TENANT ALERT!

Let's Fill the Council Chambers!
Friday, February 25 & Monday, March 6
10 a.m. until?

City Council Chambers, City Hall

The City Council Housing Committee will hold a public hearing on the renewal of the rent laws. It is absolutely crucial that tenants show up in force to testify and to pack the gallery. *We must make our voices loud and clear.* The rent laws must be renewed with **NO MORE CONCESSIONS TO THE REAL ESTATE INDUSTRY!**

These dates have not yet been confirmed, so stay in touch with Met Council for the latest news: (212) 693-0553 or call the City Council, (212) 788-7210 to confirm hearing dates.

posefully acted to delay its introduction so it could not come up for formal consideration in time for the hearing.

One of the issues holding it up was a division

among Council "experts" on whether the Council had the power to alter the formula for the increases paid by New York's approxi-

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The New Lead-Paint Law in Effect: Weaker Controls, Creaky Enforcement

by Jenny Laurie

"Tell him to stop sucking his thumb." This was the advice the inspector gave Anne G., mother of a two-year-old boy, who had called the city Health Department's newly created Lead Safe Abatement Unit after her landlord had knocked holes in every wall of her apartment.

"The landlord said he needed to do some simple wiring work which I took to mean that he was going to replace outlets," Anne G. says. "Instead, we come home to the apartment and we literally can't breathe because the air is so thick with dust."

City inspectors who came to the apartment did nothing to solve the immediate problem that was putting her son at risk of lead poisoning. Instead, they offered Anne G. two

pieces of advice: Tell her son to stop sucking his thumb, and buy a HEPA vacuum cleaner (a \$100 special vacuum cleaner that the landlord should have used after the work was completed). The inspectors took dust wipes to test for lead, but told Anne G. that the results wouldn't be available for weeks.

The city's new lead law, which went into effect last November despite vigorous opposition from Met Council and other tenant and child-health advocates, requires landlords to send a questionnaire to tenants asking if there are children under six living in the apartment. This notice is sent when a tenant moves in, when the lease is renewed, and once a year with the window-

guards questionnaire. Once the landlord has been notified that a child lives in the apartment, they must inspect the apartment once a year for peeling lead paint, correct peeling paint and deteriorating surfaces, and use safe work practices while correcting the problems. In addition, landlords are required to adjust painted doors and windows so they work smoothly.

But the law and the new regulations used by the city's health and housing departments have no penalties for landlords who do not send these notices. In addition, they don't describe landlords' responsibilities when other work is done, such as the electrical wiring in Anne G.'s apartment.

The only recourse ten-

ants have when the work being done by the landlord is messy is to call the Lead Safe Abatement Unit. According to various advocates, the unit is not very effective: Calls there during the first week of February revealed a number that didn't work. (Until the Health Department corrects the phone problem, tenants can call (212)

BAN-LEAD or 226-5323.)

According to Andrew Goldberg, a lawyer working on lead-poisoning prevention at the New York Public Interest Research Group, "the new law creates important obligations for tenants as much as landlords." If tenants don't respond properly to the notices sent out by

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For over 50 years the US Navy has used the Puerto Rican island of Vieques as a bombing site. The effect has been a poisoning of the local waters and the terrorizing of the community — including the recent death of a civilian. The people of Vieques have called for the expulsion of the Navy, a clean-up of the waters and full autonomy for their island.

Join Lower East Siders for Vieques on a trip of solidarity to Vieques, Puerto Rico

Friday, April 7th to Monday, April 10th

Approximate Total Cost: \$300 (All Expenses Included)

Make Checks Payable To Coda. Payment Must Be Received By 2/28/00.

Donations Welcomed

Lower East Siders for Vieques meet every Thursday night, 6:00 p.m.

Trinity L.E.S., 602 E. 9th Street (corner Ave. B)

For more information: Irving at (212) 533-5236 (English)

or Lillian at (212) 228-8210 (Spanish)

Hace más de 50 años que la Armada de los EE.UU. ha hecho de la isla de Vieques un escenario de bombardeos. Las consecuencias han sido el envenenamiento de las aguas del área y el terror para la comunidad—incluyendo la muerte reciente de un civil. La gente de Vieques han hecho un llamado para la expulsión de la Armada, la limpieza de las aguas, y la autonomía completa de su isla.

Únase a Lower East Siders for Vieques (Loisaideros para Vieques) en un viaje de solidaridad con Vieques, Puerto Rico.

El viernes 7 de abril hasta el lunes 10 de abril

Costo total aproximado: \$300 (todos los gastos incluidos).

Haga los cheques pagaderos a CODA. El pago debe recibirse antes del 2/28/2000.

Se aceptan donaciones.

Los Lower East Siders for Vieques se reúnen: Todos los jueves por la noche, 6 p.m.

Trinity L.E.S., 602 este de la calle 9 (esquina de la avenida B)

Para más información llame a Irving al (212) 533-5236 (inglés)

o Lillian al (212) 228-8210 (español).

RENT LAWS


\$2,001:

A Legal Odyssey

The deregulation of vacant apartments renting for over \$2,000 was imposed by Speaker Vallone when the Council renewed the laws in 1994. In March 1997, Vallone sponsored a measure that such decontrol would only occur if the last tenant who moved out was already paying a lawful rent of at least \$2,000, but the state legislature overruled this provision in June 1997.

About 10,000 to 20,000 units have been deregulated completely—both decontrolling rents and giving landlords the right to refuse to renew tenants' leases without cause—since 1994, according to Tim Collins, former executive director of the Rent Guidelines Board. This number is steadily rising, due to the minimum 18% vacancy increases on all apartments also imposed by Albany in 1997.

This \$2,000 vacancy deregulation is an open invitation for fraud. Owners can easily claim rents of \$2,000 based on nonexistent "improvements," knowing that there is almost no risk of being challenged by the state Division of Housing and Community Renewal, the district attorney, the state attorney general, or Housing Court.



Scott Sommer hosts Met Council's

HOUSING NOTEBOOK

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WBAI 99.5 FM

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- Weekly Housing Court Decision summaries



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EL INQUILINO HISPANO

El Coquí contra el bulldózer

Por Ben Shepard
Traducido por Vajra Kilgour

En un sábado frío al principio de enero, los miembros de la Coalición para Más Jardines (More Gardens Coalition) dieron la bienvenida a sus huéspedes en una tarde de informes en el jardín comunitario La Esperanza, en la calle Siete Este. El tema fue la resistencia contra la destrucción del jardín, que se encuentra entre las avenidas B y C en Loisaida.

Durante las semanas previas, el jardín de 22 años, bautizado con la palabra castellana "esperanza," se había hecho un símbolo de

todas las tensiones entre los espacios públicos abiertos a todos y los espacios privados dedicados al lucro. Pese a su historia como centro comunal para meriendas, refugio de los niños y fiestas, el ayuntamiento del alcalde vendió La Esperanza al especulador Donald Capoccia en agosto pasado. El 23 de diciembre los contratistas derribaron al muro atrás del jardín, como preparación para arrasar el espacio.

El escenario fue un recuerdo vivo de la manera en que Capoccia había

arrasado el Jardín Chico Méndez en la calle 11 Este, dos días después de la Navidad en 1997. Activistas, miembros de la comunidad y los amigos de La Esperanza se empeñaron en que lo mismo no ocurriera otra vez. Pasarían la última semana del vigésimo siglo en un combate primordial entre los espacios de los jardines y los bulldózers en la lejanía. La Esperanza se había convertido en un punto de estallido.

Para poner en su contexto la lucha por La Esperanza, tenemos que

volver a mayo de 1999. Después de la resistencia masiva en toda la ciudad contra la subasta planeada de alrededor de 125 jardines, y la adquisición de ellos en la última hora por Bette Midler, Giuliani cambió su táctica. En una nueva estrategia, la ciudad empezó a vender jardines individualmente, uno por uno o en pequeños grupos, para no llamar la atención como la subasta de mayo. Mientras el público en general creyó que los jardines se habían salvado, continuaron la subasta y venta de jardines. El 5 de

enero, la ciudad subastó 29 jardines comunales más de Loisaida.

Los partidarios de los jardines buscaron un entredicho para salvar La Esperanza después de la venta. Lograron poco. A mediados de noviembre, Alicia, la primera jardinera que había plantado las semillas de La Esperanza en 1977, recibió una carta de Capoccia, en la cual él dijo que la construcción empezaría en la tierra detrás del jardín dentro de una semana.

pasa a la página 4

Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 31)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 1999 hasta el 30 de septiembre de 2000, incluyendo las concesiones de Pataki adoptadas por la Legislatura Estatal el 19 de junio de 1997

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 1999. 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 1999. 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.

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 una sobrepaga 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 nueva ley permite también incrementos adicionales para los apartamentos vacíos donde no se habían cobrado incrementos por desocupación por ocho años o más.

Sobrecargos de Renta Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y sobrepagas, 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 sobrecargo 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 sobrecargo de alquiler es muy común. Todos los inquilinos deben luchar contra posibles sobrecargos. 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.

La Apelación de la Renta de Mercado Justa Otro tipo de sobrecargo ocurre 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) esta-

blece 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 31, es la Renta de Mercado Justa de HUD o un 150% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro he 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 "sobrecargo." La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

Exención de Incrementos para las Personas de Mayor Edad: Las personas de 62 años o más que viven en apartamentos estabilizados y cuyos ingresos familiares anuales son de \$20,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

Unidades de Desván (Lofts) Los incrementos legales sobre la renta base para las unidades de desván son de un 1 por ciento por un contrato de un año y un 2 por ciento por un contrato de dos años. No se permiten incre-

mentos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación Lo establecido es un 4% 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), sobre la renta legal que se pagaba el 30 de septiembre de 1999. No se permiten incrementos para apartamentos vacíos. Lo incremento estipulado no se puede cobrar a menos que un 70 por ciento de las unidades en el edificio sean ocupadas por inquilinos permanentes de renta estabilizada o controlada, pagando rentas reguladas legales. Además, no se permiten incrementos si el casero ha omitido de darle al nuevo ocupante una copia de los Derechos y Responsabilidades de los Dueños e Inquilinos de Hoteles.

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.

Tipo de Contrato	Renta Legal Actual	Contrato de 1 Año	Contrato de 2 Años	
Renovación del Contrato	Más de \$500	2%	4%	
	\$500 o menos (Alquileres de \$215 o menos se alzan a \$215 después de aplicarse los aumentos)	2% + \$15	4% + \$15	
Contratos para Apartamentos Vacíos	Más de \$500	Incrementos por desocupación cobrados en los últimos 8 años	18%	20%
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 18%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
	Less than \$300	Incrementos por desocupación cobrados en los últimos 8 años	18% + \$100	20% + \$100
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 18% + \$100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + \$100
	Renta de \$300 a \$500	Incrementos por desocupación cobrados en los últimos 8 años	18% o \$100, lo que sea mayor	20% o \$100, lo que sea mayor
		Incrementos por desocupación no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 18%, o \$100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o \$100, lo que sea mayor



El Coquí

viene de la página 3

Con los esfuerzos legales para salvar el jardín estancados en la corte, los activistas buscaron soluciones alternativas. En la tradición puertorriqueña, el coquí, una especie de rana, se conoce desde siempre por conquistar a los adversarios más grandes. La Esperanza necesitó un patrón de esa índole. Entonces, paso a paso los activistas jardineros empezaron a crear de acero y lona una versión gigantesca del coquí para el jardín.

La rana, construida unos 10 pies en el aire, estaría enfrente de la calle, atrayendo multitudes de simpatizantes a causa del jardín. Los activistas podían pasar la noche dentro de la estructura, que está provista de líneas telefónicas para llamar a un "árbol telefónico," un calentador, y materiales para inmovilización por si acaso los bulldozers llegaran temprano en la mañana. El coquí señaló una lucha tipo David y Goliat. Pero fue sólo una parte de la estrategia.

Los defensores del jardín formaron una variedad de estrategias de inmovilización para impedir que los bulldozers cruzaran La Esperanza. Después de que los bulldozers aparecieron a fines de diciembre, los activistas construyeron un trípode de acero y un girasol de 50 pies de altura en la parte de atrás del jardín, además de una atalaya con un asiento en su cumbre. Enterraron bloques de hormigón con pipas en el suelo, donde podían encadenarse durante horas. Tiendas donde campistas podían pasar la noche separaron el jardín de los bulldozers.

El encadenarse no es la solución perfecta. Pero hasta que el Concejo Municipal encuentre la voluntad de crear una estrategia más coherente para encargarse de todos los jardines comunales de la ciudad, los activistas creen que tendrá que ser suficiente.

"Estoy aquí para hacer un llamado a mi representante en el Concejo para que ella se junte con sus constituyentes y nos ayude a

exigir una moratoria de la destrucción total de todos los jardines comunales en Loisaida y el resto de la ciudad," aseveró

Aresh, un líder de la Coalición de Más Jardines, en una declaración emitida en enero.

Book Review: War in the Neighborhood

by Steven Wishnia

It's an old cliché that the Lower East Side is an "urban warzone." But in the late '80s and early '90s, it was almost true. Sometimes it seemed like a building-by-building battle to drive the residents out, as in 1987, when my landlord turned off the heat and put in a crackhouse, or 1995, when hundreds of riot cops armed with assault rifles, helicopters and a tank invaded East 13th Street to evict three squats. The forces of real-estate imperialism have transformed the legendary immigrant "portal to America" and home of generations of countercultures into yuppieland.

Tracing this history in 11 episodes, Seth Tobocman's graphic novel *War in the Neighborhood* (Autonomedia) reads like a squatter version of Art Spiegelman's *Maus*. Politicians, police, and judges appear as death's heads. Tobocman's angular drawing style is crude but powerful; almost every panel packs dramatic impact.

Most of the book is set in 1989, when, as Tobocman—a longtime Lower East Side artist and activist, and co-founder of the radical comic *World War 3*—recalls, "there was a squat being evicted almost every month." "The Tragedy of 319 East 8th St." depicts one such eviction, in which the building was demolished two days before its inhabitants were supposed to get their day in court. Hundreds of police sealed off two entire blocks, and the story climaxes with a panel of a giant fist crushing the building to rubble. "ALL THIS TO SHUT DOWN ONE LITTLE HOUSE!" it screams.

Yet Tobocman is at his most mercilessly detailed in dissecting the internecine struggles among the squatters, homeless, and activists. This often illustrates an extremely depressing bit of political ecology. Those most likely to revolt against the system are those with the least stake in it—but they are also the ones most likely to be the most damaged, crippled by drug/alcohol/psychiatric problems and undirected rage.

Issues of race, gender, and class mix explosively with scene politics as seen through Tobocman's lens. House meetings and political actions become battlegrounds, with women outraged by men's unrepentant sexism and black men calling whites criticizing their behavior racist. Homeless men argued that the squats should be committed to housing anyone who needed a home, yet many brought severe problems into the buildings. With squatting involving both communal living and a major collective construction project, all done under the guns of a hostile government, belligerent drunks and heroin addicts weren't much help.

Sometimes Tobocman's compassion—and hopes for redeeming damaged souls who show political commitment—makes one wonder if he's a saint or a schmuck. I don't think many people would want to share living space with Terry T., a homeless alcoholic whose idea of the properly manly way to talk to a waitress was, "More coffee, bitch." I found myself identifying more with Carlos, a Puerto Rico-born demolition worker with a no-nonsense attitude about doing workdays. Yet Tobocman depicts a double standard for evicting blacks and whites who violated the squats' standard "no violence, no hard drugs" rule.

Many squatters may dispute the accuracy of this version of history. Tobocman says it's fictionalized, but it's very thinly veiled. My own experiences in the squat scene were usually much more peaceful, a working-class bohemian-leftist atmosphere, poor but close-knit and familial, like Bob Marley's vision of nights by the fireside "in a government yard in Trench Town." (And "Jane Doe" and "Johnny Liverpool," protagonists of the first episode, are much better-looking in real life.)

What it also generally leaves out is a sense of the neighborhood outside the us-and-them of the squatters and landlords/politicians/police. If, as the saying goes, "one movement crazy is worth ten

No Se Congele: ¡ORGANIZASE!

La ley requiere que su casero provea calefacción y agua caliente a los niveles 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 dentro 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 dentro debe ser al menos de 55 grados en todo el apartamento.

Agua caliente a un mínimo de 120 grados debe proveerse las 24 horas del día, todo el año.

Si sus casero no mantiene esas temperaturas mínimas, usted debería:

- * Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al (212)960-4800 inmediatamente, con el propósito de documentar la violación del casero. Llame repetidamente. Un inspector debería de venir eventualmente, aunque a veces no lo hacen.
- * Haga que otros inquilinos en el edificio llamen a Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, y todos los días en que no se enmiende la situación.
- * Consiga un buen termómetro para fuera y adentro, y mantenga una documentación de las fechas exactas, las horas, las temperaturas, tanto afuera como adentro, mientras no se enmiende la situación. Esta documentación es su evidencia
- * Llame a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en inglés) al (718) 739-6400, y requiera que le envíen el formulario de queja de calefacción y agua caliente. Llene el formulario con cuanto apartamentos en su edificio puedan firmarlo, demandando una orden para restaurar la calefacción y el agua caliente, y una reducción y

congelamiento (perdón por la expresión!) en todas las rentas.

- * Es importante llamar al Central Complaints y documentar oficialmente la violación del casero, pero no confíe sólo en que la ciudad va a corregir la situación.
- * Ustedes van a necesitar una asociación de inquilinos fuerte para obligar al casero a proveer la calefacción y el agua caliente. Escriban al casero para demandar las reparaciones y aceite. Preparense para ir a huelga de renta; si es necesario, en forma rápida.

La ley sobre la calefacción establece también:

- * Que el Departamento de Reparaciones de Emergencia de la ciudad le provea la calefacción si el casero no lo hace.
- * Una multa de \$250 al casero por cada día que se produzca la violación. (Sin embargo, la Corte de Vivienda raras veces impone estas multas, por no hablar de que no las colecta).
- * Una multa de \$1,000 al casero Si algún aparato de control automático se instala en la "boila" para mantener la temperatura por debajo del mínimo legal.
- * Si el tanque de combustible de la "boila" está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción, y sin obtener respuesta del casero. Esto no se aplica si la "boila" esta rota y necesita tanto reparación como combustible.

Cuidado! proteja su dinero! Si ustedes deciden comprar el combustible, deben seguir los procedimientos legales cuidadosamente. Deben re-querir la ayuda y el consejo de un organizador de inquilinos.

El hecho de que las leyes de calefacción y agua caliente están en los libros no significa que el gobierno la implementa. No se congele esperando por la ciudad o el estado para actuar. Organízase!



SETH TOBOCMAN

The Coqui Vs. the Bulldozer: Lower East Siders Mobilize to Defend Garden

by Ben Shepard

On a chilly Saturday afternoon in early January, members of the More Gardens Coalition welcomed guests for a teach-in at the Esperanza community garden on East Seventh Street. The subject at hand was resisting the destruction of the garden, between Avenues B and C on the Lower East Side.

ists, community members, and friends of Esperanza were determined to prevent the same thing from happening again. They would spend the final week of the 20th century engaged in a primordial battle between garden spaces and bulldozers in the distance. Esperanza had become a flash point.

for auction.

Garden advocates sought an injunction to save Esperanza after its sale. It got few results. By mid-November, Alicia, the original gardener who'd planted the seeds of Esperanza back in 1977, received a letter from Capoccia, stating construction would start on the land behind the garden within the week.

With efforts to save the garden in the courts stalled, the activists sought alternate solutions. In Puerto Rican folklore, the *coqui*, a species of frog, has long been known to successfully vanquish larger adversaries. Esperanza could use the same sort of patron. So, slowly but surely garden activists began to build a giant steel and canvas version of the coqui for the garden.

The frog, built some 10 feet in the air, would face the street, drawing crowds of sympathizers to the cause of the garden. Activists could spend the night inside the structure, equipped with telephone lines to call a phone tree, a heater, and lockdown materials if bulldozers were to roll in early in the morning. The coqui beckoned a David-and-Goliath type struggle. But it was just one part of the strategy.

Garden defenders formed a variety of lockdown strategies for preventing the bulldozers from crossing into Esperanza. After the bulldozers moved in late December, they built a steel tripod and a 50-foot steel sunflower in the back of the garden, plus a lookout

tower with a seat on top. They buried cement blocks with pipes in the ground, where activists could chain down for hours. Tents for overnight campers divided the garden from the bulldozers.

The lockdown is not a perfect solution. But until the City Council finds the will to create a more coherent strategy for dealing with all the city's

community gardens, activists feel it will have to do.

"I am here to call for my Councilperson to join her constituents and help us demand a moratorium on the destruction of all the community gardens in the Lower East Side and the rest of the city," claimed Aresh, a leader with the More Gardens Coalition in a statement issued in January.



Esperanza community garden.

Over the previous weeks, the 22-year-old garden, named for the Spanish word for hope, had come to symbolize the tensions between public spaces open to all and private spaces for profit. Despite its history as a community center for picnics, refuge for children, and parties, the Mayor's office sold La Esperanza to developer Donald Capoccia last August. On Dec. 23, developers ripped the wall off the back of the garden, preparing to bulldoze.

The scene was a vivid reminder of the way Capoccia had bulldozed the Chico Mendez Garden on East 11th Street two days after Christmas in 1997. Activ-

To place the struggle for La Esperanza in context, we have to go back to May of 1999. After the massive citywide resistance to the planned auction of some 125 community gardens and Bette Midler's last-second purchase of them, Giuliani changed tactics. In a new strategy, the city began selling off individual gardens, singly or in small groups, not enough to draw citywide attention the way the May auction did. While the general public believed the gardens had been saved, more gardens continued to be auctioned and sold. On Jan. 5, the city put 29 more Lower East Side community gardens up

(continued from previous page)

provocateurs," the squat scene was certainly well stocked with crazies, who may have had the guts to take on the police but not the patience to build alliances with other people in the neighborhood.

But if *War in the Neighborhood* is ultimately depressing, it's because it tells the story of a defeat. The squatters weren't strong enough to fend off the armies of Il Duce Giuliani; while about 10 squats survive, they are no longer a major political force in a neighborhood where apartments now rent for



\$2,000 and \$3,000 a month.

"We scheme against each other," Toboeman muses bleakly in the final chapter. "We go to war with the folks upstairs. We

go to war with the person who shares our bed!" Yet he insists that the book's ultimate message is positive, that people can change. Even Terry T., he tells *Tenant*, sobered up at the end of his life.

"It is a good thing to take up the struggle against oppression," *War in the Neighborhood* concludes. "It is also a good thing to make mistakes in that struggle and grow wise."

A release party for *War in the Neighborhood* will take place on Feb. 19 from 7 p.m.-1 a.m. at CHARAS, El Bohio, 605 E. 9th St. Admission is free.



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:

- * Call the New York City Central Complaints Bureau at (212) 960-4800 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 a day, and 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. File it with as many apartments in your building signing on as possible, demanding an order restoring heat and hot water, and

a reduction and freeze (pardon the expression!) in all the rents.

It is important to call Central Complaints and officially record your landlord's violation, but don't rely on the city to do anything about the situation.

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 — fast, if necessary.

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 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!

Rent Law Renewal

continued from page 1

mately 60,000 rent-controlled tenants, who are mostly elderly and very low income and have been hit with annual 7-1/2% increases for almost 30 years. Speaker Vallone has been supportive in an ongoing legal battle to recalculate the formula for rent-control increases, which is based on two different ways to determine a building's "assessed value." A lawsuit to decide this issue is pending in court.

The Speaker's staff have not raised any objection to repeal of the city Rent Guidelines Board's "poor tax," which, unlike rent-control increases, is not specifically authorized by law. According to testimony presented by the Legal Aid Society at the RGB last year, that "low-rent surcharge" contributed to the loss of one-third of all apartments renting for under \$500 between 1993 and 1996,

the last year for which figures are available under the triennial Housing and Vacancy Survey. The 1999 survey will be released before the Council vote next month.

The Council must act to renew the rent-stabilization law before it expires on March 31, but there is no similar time constraint for any other, affirmative provisions. Nevertheless, it is important that tenant testimony on Feb. 25 show an overwhelming consensus that simply renewing the laws "as is" would be irresponsible, as it would allow the depletion of the remaining affordable housing stock to continue to accelerate. Without closing some of the gaping loopholes that are causing the affordable-housing supply to shrink; without eviction-prevention programs, such as emergency rent grants and increased legal services, to keep more fami-

lies in their homes and avoid steep vacancy increases; without meaningful code enforcement and responsible management of city-owned stock, renewing the laws "as is" is little more than "locking the barn door after the horse is stolen," declares Jenny Laurie, Met Council's executive director.

Tenants can sign up at the door to testify at the February 25th hearing of the City Council Housing and Buildings Committee. "It is important that every member of the City Council, and every candidate running for office in 2000, 2001, and 2002, hear the unified voice of the tenant movement, and all who support affordable housing, on February 25th and beyond," states Laurie.

Tenants should also call Met Council at (212) 693-0553 if you need more information, if you want materials to hand out in your neighborhood, or if you want to attend a meeting with your Council-

member.

Another hearing will be held on March 6, before the full Council vote later in

March. To confirm dates and times, call the Council at (212) 788-7210.

Met Council's Housing Program

- ◆ Renew the rent laws now!
- ◆ Repeal the Rent Guidelines Board's "poor tax" surcharge on rents below \$500.
- ◆ Repeal the Rockefeller "Urstadt Law," which denies New York City home rule on rent regulation and lets Albany dictate the city's rent laws under the corrupt political influence of the real-estate industry. The measure calling for repealing the Urstadt Law is Council Resolution 801, sponsored by Stanley Michels (D-Manhattan).
- ◆ Increase spending for housing-code enforcement, eviction prevention, and housing production.
- ◆ Get the city off of the "10 Worst Landlords" list. It is inexcusable for the Department of Housing Preservation and Development to operate buildings in ways which would send other landlords to prison (that is, if HPD actually enforced the housing-maintenance code).
- ◆ Repeal the recent legislative undermining of rent stabilization, including \$2,000 vacancy decontrol, minimum 18% vacancy increases, and high-income decontrol (which only benefits the owners of luxury housing—while shrinking the supply of regulated housing, putting more inflationary pressure on all down the line).

NYC Rent Guidelines Board Adjustments (Order No. 31)

for Rent Stabilized Leases commencing Oct. 1, 1999 through Sept. 30, 2000, including the Pataki vacancy bonuses adopted by the State Legislature on June 19, 1997

The above rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 1999. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 1999. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date.

Vacancy Leases

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

Rent Overcharges

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

Lease Type	Current Legal Rent	One-year Lease	Two-year Lease	
Renewal Leases	more than \$500	2%	4%	
	\$500 or less (Rents that are \$215 or less brought up to \$215 after increases applied)	2% plus \$15	4% plus \$15	
Vacancy Leases	More than \$500	Vacancy allowance charged within last 8 years	18%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than \$300	Vacancy allowance charged within last 8 years	18% plus \$100	20% plus \$100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 18% 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	18% 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 18%, or \$100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, or \$100, whichever is greater

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

Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is re-rented as a stabilized unit. The Rent Guidelines Board 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 31, it is HUD Fair Market Rent or 150% above the maximum base rent. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR *Form RA-89*. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable

annual household income is \$20,000 or less and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be waived. Obtain the SCRIE application form by calling (212) 442-1000.

Loft Units

Legalized loft unit increases above the base rent are 1 percent for a one-year lease and 2 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

The guideline is 4 percent for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms), above the legal rent paid on September 30, 1999. No vacancy allowance is permitted. The guideline is not collectible unless 70% or more of the units in the building are occupied by permanent rent stabilized or controlled tenants paying legal regulated rents. Further, no increase is allowed when the landlord has failed to provide the new occupant a copy of the Rights and Duties of Hotel Owners and Tenants.

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.



Keep The Pressure ON!

In December, City Council Speaker Peter Vallone introduced a bill that will renew the rent laws. But the struggle is far from over. There are three main reasons why tenants must remain vigilant from now until the end of March.

1) Vallone's Legacy: A Landlord Ally in the City Council.

In 1994, Vallone's City Council passed the notoriously anti-tenant "vacancy decontrol" amendment. In the six years since its passing, tens of thousands of apartments have been deregulated. Last year, Vallone railroaded a bill through the Council which minimized landlords' responsibility for lead-paint violations. Despite this abysmal record, Vallone still depicts himself as an ally to tenants. Tenants should be wary of his gestures until the ink is dry and the rent laws are actually renewed.

2) Weakening Amendments: The Landlords' Sneak Attack.

Although Vallone's bill looks decent, tenants must see it in its proper context.

Introducing a bill at this stage allows Vallone (and his allies) to look good without any guarantees. If weakening amendments are introduced later, there's nothing to stop the Council from voting to seriously damage the rent laws—even as they vote for their "renewal." This is exactly what happened in 1994. We must get commitments from every Councilmember who claims to be "pro-tenant" to vote against any weakening amendments. A commitment to vote for the Vallone bill alone is meaningless.

3) The Council Has the Chance to Take an Active Stance.

Every tenant in New York knows the state of tenant protections is pathetic. Councilmembers Steve DiBrienza and Stanley Michels will be introducing important resolutions which benefit tenants.

First, DiBrienza is introducing a bill that will:

- abolish the \$15 "poor tax" that gets slapped on all rents of \$500 or less.
- change the 7.5% annual increase on rent-controlled apartments to the lesser percentages set for rent-stabilized apartments.

Second, DiBrienza is calling for a resolution to:

- overturn vacancy decontrol
- overturn luxury decontrol
- overturn the 18-20% vacancy increases.

Last, Michels is calling for a resolution to:

- overturn the "Urstadt Law." This relic of the Rockefeller administration prevents the Council from strengthening the city's rent laws without permission from the state legislature.

Although all Councilmembers should be contacted, Met Council is specifically targeting 20 whom we think are key. From now until March 15, Met Council will be arranging meetings with these key Councilmembers.

Please join us at these meetings! (see listing)

If you cannot come in person to a meeting, then be sure to write, fax or call your Councilmember. Tell them that as a tenant in their district you want them to pledge:

- 1) To vote yes for Vallone's rent-laws-renewal bill.
- 2) To vote against any anti-tenant amendments that come up.
- 3) To vote yes on the DiBrienza companion bill and resolutions and the Michels resolution.

Remember, it is crucial for a commitment on all three.

A pledge of support for the Vallone bill alone means nothing.

If they say yes, ask for it in writing and send Met Council a copy!

For sample letters or other materials on the Rent Laws 2000 fight, call Met Council at (212) 693-0553, ext. 6.

The Met Council 20

How they voted on the 1994 decontrol and 1999 lead bills

Manhattan

A. Gifford Miller (D)
336 E. 73rd St., Suite C, New York, NY 10021
(212) 535-5554; fax, 535-6098
1994: not in Council; 1999: pro-landlord

Bronx

June Eisland (D)
3636 Waldo Ave., Bronx, NY 10463
(718) 549-0158; fax, 549-6983
1994: pro-tenant; 1999: pro-landlord

Promises, Promises?

Met Council has already met with Brooklyn Councilmembers Ken Fisher and Angel Rodriguez.

Although neither one would promise to support our three-point pledge, they both claimed to be good friends of tenants. Tenants should write, call and fax Fisher and Rodriguez and demand that they be clear on how they intend to vote in March.

During his re-election campaign last November, Councilmember Mike Nelson pledged that he would vote for the renewal of the rent laws with no weakening amendments. Tenants should contact Nelson's office and see if he intends to honor that pledge. He should also be asked if he is supporting the DiBrienza resolutions and the Michels resolution.

Met Council intends to visit Mike Nelson and invites tenants in his district to come. Please contact us for details.

Speaker Peter Vallone has promised to renew the rent laws without weakening amendments. Call, write or fax the Speaker and tell him you're a tenant who is watching closely to see if he keeps this promise. Tell him you remember the promise he made about not weakening the lead-paint laws (which he broke this past summer). Tell him you're aware of the leading role he took on passing "vacancy decontrol" in 1994. Remind him that when he runs for mayor in 2001 he will be held accountable for his promises.

Speaker Peter Vallone, 22-45 31st St., Astoria, N.Y. 11105; (212) 788-7210 (phone); (212) 788-7207 (fax)

Madeline Provenzano (D)
2931 Westchester Ave., Bronx, NY 10461
(718) 931-6060; fax, 518-8443
1994: not in Council; 1999: pro-landlord

Adolfo Carrion, Jr. (D)
1 East Fordham Road, Suite 2, Bronx, NY 10468
(718) 584-6955; fax, 584-5725
1994: not in Council; 1999: pro-landlord

Jose Rivera (D)
2488 Grand Concourse, Suite 319, Bronx, NY 10458
(718) 364-3700; fax, 365-5267
1994: pro-landlord; 1999: pro-tenant

Wendell Foster (D)
1377 Jerome Ave., Bronx, NY 10452
(718) 588-7500; fax, 588-7790
1994: pro-landlord; 1999: pro-tenant

Lucy Cruz (D)
1967 Trumbull Ave., Bronx, NY 10473
(718) 518-7110; fax, 518-7016 (fax)
1994: pro-landlord; 1999: pro-landlord

Queens

Helen Marshall (D)
97-19 Astoria Blvd., East Elmhurst, NY 11369
(718) 507-0813; fax, 507-1840
1994: pro-tenant; 1999: pro-landlord

Morton Povman (D)
108-18 Queens Blvd., Forest Hills, NY 11375
(718) 793-2255; fax, 268-3499
1994: pro-tenant; 1999: pro-landlord

Karen Koslowitz (D)
118-21 Queens Blvd., Room 205, Forest Hills, NY 11375
(718) 544-3212; fax, 261-5022
1994: pro-tenant; 1999: pro-landlord

Brooklyn

Kenneth Fisher (D)
16 Court St., Room 1505, Brooklyn, NY 11241
(718) 875-5200; fax, 643-6620
1994: pro-landlord; 1999: pro-landlord

Mary Pinkett (D)
324 DeKalb Ave., Brooklyn, NY 11205
(718) 857-0959; fax, 857-5524
1994: pro-landlord; 1999: pro-tenant

Annette Robinson (D)
1360 Fulton St., Room 417, Brooklyn, NY 11216
(718) 399-8900; fax, 399-6099
1994: pro-landlord; 1999: pro-landlord

Angel Rodriguez (D)
406 43rd St., Brooklyn, NY 11232
(718) 436-2215; fax, 436-2656
1994: not in Council; 1999: pro-landlord

Una Clarke (D)
123 Linden Blvd., Brooklyn, NY 11226
(718) 287-8762; fax, 287-8917
1994: pro-landlord; 1999: pro-tenant

Tracy Boyland (D)
2094-A Fulton St., Brooklyn, NY 11213
(718) 345-3110; fax, 345-3120
1994: not in Council; 1999: pro-tenant

Martin Golden (R)
9002 3rd Ave., Brooklyn, NY 11209
(718) 238-6044; fax, 238-6170
1994: not in Council; 1999: pro-landlord

Lloyd Henry (D)
1498 Flatbush Ave., Brooklyn, NY 11210
(718) 421-6621; fax, 421-6625 (fax)
1994: pro-landlord; 1999: pro-landlord

Howard Lasher
532 Neptune Ave., Brooklyn, NY 11224
(718) 266-2000; fax, 266-0309
1994: pro-tenant; 1999: pro-landlord

Michael Nelson (D)
3810-A Nostrand Ave., Brooklyn, NY 11235
(718) 368-9176; fax, 368-9160
1994: not in Council; 1999: pro-landlord

Lost Causes?

Bronx

Lawrence Warden
Pedro Espada

Queens

Michael Abel
Julia Harrison
Speaker Peter Vallone
John Sabini
Walter McCaffrey
Archie Spigner
Thomas White
Thomas Ognibene
Juanita Watkins
Al Stabile

Brooklyn

Victor Robles
Martin Malave-Dilan
Priscilla Wooten
Noach Dear
Herbert Berman
Staten Island
Jerome O'Donovan
James Oddo
Stephen Fiala

Expected Allies

Manhattan

Kathryn Freed
Margarita Lopez
Christine Quinn
Eva Moskowitz
Ronnie Eldridge
Stanley Michels
Philip Reed
Bill Perkins
Guillermo Linares

Queens

Sheldon Leffler
Brooklyn
Stephen DiBrienza

To find out who your Council Member is call the League of Women Voters at (212) 674-8484

Join us as we meet with your Councilmember: for the renewal of the rent laws and the strengthening of tenant protections.

The following meetings are set with the following Councilmembers.

Thursday, February 10, 6 p.m. w/ Una Clarke
Wednesday, February 16, 6 p.m. w/ Marty Golden
Thursday, February 24, 2 p.m. w/ Annette Robinson
Saturday, February 26, 11:30 a.m. w/ Tracy Boyland
Tuesday, February 29, 5 p.m. w/ Jose Rivera
Wednesday, March 1st, 6 p.m. w/ Howard Lasher
Wednesday, March 8, 5:30 p.m. w/ June Eisland

Contact Met Council for addresses of meetings.

All dates are subject to change on the part of the Councilmembers, so keep in touch with Met Council.

The following meetings are in the works. Please let us know if you'd like to attend:

Gifford Miller
Madeline Provenzano
Adolfo Carrion
Lucy Cruz
Rev. Wendell Foster
Helen Marshall

Lead Law

continued from page 1

landlords, he says, "their rights are severely jeopardized."

Tenants should use the inspection as an opportunity to show the landlord all the problems in the apartment. This is especially important when they have had trouble getting landlords to make repairs. According to Goldberg, "the inspection puts the landlord on notice of all the problems in the apartment including leaks, heat problems, and anything else. If the tenant then takes the landlord to court, the landlord will have a hard time claiming that he didn't fix the problems because he didn't know about them. He'll have to admit in court that he did the lead inspection, which required him to look at painted surfaces throughout the apartment."

Tenants who have not received the questionnaire should write a letter to the landlord explaining that there are children under six in the apartment, and use the opportunity to describe any peeling

paint, leaks in walls or ceilings, or rubbing windows or doors. (As in all correspondence with the landlord, keep a copy and send the original by certified mail, return receipt requested.)

While the law requires landlords to use safe work practices when fixing peeling paint and deteriorating surfaces, there is no effective enforcement of these rules. Called "interim controls" rather than lead abatement (carefully worded by City Council and landlord lawyers to avoid stricter federal rules), the safe-work rules are too inadequate and vague to prevent lead poisoning. Additionally, there is the problem faced by tenants like Anne G.: The landlord wasn't repairing peeling paint or deteriorating surfaces, he was doing electrical work. Do the lead law's work rules apply? Advocates expect that landlords' legal responsibilities will only be clarified when more tenants with lead-poisoned children, or children at risk of lead poisoning, go to court under the new law.

New York City's New Lead Paint Law

Which Buildings Are Covered?

Only buildings built before 1960 with 3 or more apartments.

The Landlord Must:

Ask if a child under age 6 resides in your home when you sign or renew a lease or move into the apartment.

Send a notice once a year (like the one you receive for window guards) asking if a child under age 6 resides in the apartment.

If the landlord knows about the child under age 6, the landlord must:

- (1) Visually inspect an apartment once a year for peeling lead paint.
- (2) Correct all peeling lead paint and deteriorating surfaces.
- (3) Use safe work practices.
- (4) Adjust all painted doors and windows to work smoothly.

The Tenant Must:

Answer *all* notices sent by the landlord.

Tell the landlord when a child under age 6 resides or moves into an apartment.

Let the landlord into the apartment to inspect and make repairs.

If you see peeling paint:

- (1) Immediately notify the landlord in writing.
- (2) Immediately call HPD to report peeling lead paint. {HPD must inspect the apartment within 10-15 days.}
- (3) Have children tested for lead poisoning regularly.

If you need repairs, call **HPD at 212-960-4800**.

If you think the landlord is removing lead paint unsafely, call the **Department of Health at 212-676-6355**.

This is not a complete list of the landlord's responsibilities and the tenant's rights. If you have children under 6, ask a medical or housing advocate for more information and help.

New York City **Coalition to End Lead Poisoning**
 P.O. Box 670818 Van Cott Station, Bronx, New York 10467
 E-mail: NYCCELP@aol.com

Tenants' Rights Clinic

Every Wednesday 6 to 7:30 p.m.

Village Independent Democrats
 26 Perry Street (basement)
 212-741-2994



Join the Campaign to Renew the Rent Laws

On March 31, the rent laws will expire and must be renewed in the New York City Council. In 1994, when these laws came up for renewal (as they do every three years), the Council voted to weaken the laws while renewing them, and that vote started a chain of events ending in the severely damaging compromises made in the state legislature in 1997. The real-estate lobby is planning now to weaken the laws. Tenants have the power to stop this from happening in 2000. Tenants have the power to get the laws renewed without any weakening amendments in the City Council. But we must start organizing now.

Unlike the state legislature (where the rent laws are up for renewal in 2003) where the pro-real-estate Senators represent upstate residents, the City Council members must answer to New York tenants. You can make a difference in the vote in March. Tenants **must** start organizing now in order to stop the real-estate lobby from weakening the laws.

What can tenants do? Tenants should start contacting their Councilmembers **now**. Call or write now; let your Councilmember know that you are a tenant and you want the laws renewed without weakening amendments. Join Met Council and our campaign to get the laws renewed. Help us organize a strong, political force to stop the real-estate lobby from buying votes next year. Join the campaign today.

Yes, I want to help Met Council fight back the real-estate lobby and get the rent laws renewed without any weakening amendments in the City Council in March.

Name: _____
 Address: _____
 E-mail: _____
 Day Phone: _____ Evening Phone: _____
 Council District (if known): _____

Call me about _____
 • Organizing a meeting in my building or community group • Participating in a lobbying meeting with my Councilmember • Attending rallies and demonstrations • Volunteering in Met Council's office

Return to: Jenny Laurie, Met Council, 64 Fulton St., Rm. 401, NY, NY 10038

WHERE TO GO FOR HELP

LOWER EAST SIDE

Cooper Square Committee
 61 E. 4th St. (btwn. 2nd Ave. & Bowery)
Tuesdays 6:30 pm

BENSONHURST TENANT COUNCIL

1708 West 10th St., Brooklyn, 718-372-2413
Monday-Thursday 10 am-5 pm
Call for appointment.

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

GOLES (Good Old

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

HOUSING COMMITTEE OF RENA

Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.,
 544 W. 157th St. (basement entrance).
Thursdays 8:00 pm

LOWER MANHATTAN

LOFT TENANTS
 St. Margaret's Home, Pearl & Fulton Sts., 212-539-3538
Wednesdays 5 pm-7 pm

WEST SIDE TENANTS UNION

200 W. 72nd St. Room 63; 212-595-1274
Tuesday & Thursday 2-5 pm
Tuesday and Wednesday .. 6-7:45 pm

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 212-693-0550 for information. Mon., Wed. & Fri., 1:30-5:00 pm.

My apartment is 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 _____

Send your check or money order with this form to:
 Metropolitan Council on Housing, 64 Fulton St., Rm. 401, NY, NY 10038