

The Park West Tenant

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The Newsletter of the Park West Village Tenants' Association info@pwvta.org

April 2009

CB7 District Manager Penny Ryan Addresses Members' Annual Election Meeting

PWVTA members packed the Ryan Health Center hall and heard committee reports at the March 24 Annual Election Meeting — see election results in next column.

Albina De Meio, Quaily of Life Committee Chair, reported on how to resolve tenants' apartment problems with Management.

Dean Heitner, Legal Committee Chair, reported on the owners' plans to remove parking from the two existing lots to the new underground garage in 808 Columbus Avenue. He also brought us up-to-date on the J-51 issue, and also on the MCI replies being handled by the Legal Committee.

Winifred Armstrong reported on the February 4 "Walk-through" of PWV's Columbus Avenue property with Peter Rosenberg of Stellar Management and Penny Ryan of Community Board 7. Alternate proposals for the service roads were discussed and will be followed up, as were plans for security and parking.

Clare Dockery, Outreach and Action Chair, reported on Albany's plans and actions for tenants' rights: "Nothing so far, but call Tenants & Neighbors to offer help!" [Pat Coleman: 212-608-4320 Ext. 306]

Community Board 7 District Manager Penny Ryan provided an overview of the meetings held each month with the stakeholders of the new construction, including PWV tenant and condo residents, PWVTA representatives, PS163 school officials, and the developers' and owners' reps.

She said she expects Whole Foods and other stores to open this autumn on Columbus Avenue, and answered questions about current sidewalk lighting and safety.

Manager Ryan also invited Park West Village residents to participate in closer cooperation with Community Board 7, with this contact info: www.nyc.gov/mcb7

MCI INSULT — Here We Go Again!!

During the period March 18-20, rent-stabilized tenants in 784, 788 and 792 Columbus received notices from the DHCR informing them that the landlord had filed an application for an MCI rent increase based on lobby alterations in each building from 03/07/2007 through 01/02/2008.

The increase applied for was \$6.99 per room per month for 792 and \$5.64 per room per month for 784 and 788.

Tenants in each building have filed a request for a 30-day extension (which is usually

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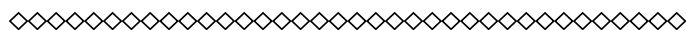
ATTENTION MARKET-RATE TENANTS AT 784, 788, & 792 COLUMBUS AVE: YOU MAY BE ENTITLED TO A LOWER RENT, REFUND OF OVERCHARGES, AND RENT STABILIZATION

In the past decade, hundreds of apartments in Park West Village, and tens of thousands in New York City, were deregulated because of escape hatches added to rent regulation in 1993 and 1997: high-rent vacancy decontrol and high-rent/high-income deregulation.

Vacant apartments were deregulated if the owner claimed renovation costs that raised the legal monthly rent to \$2,000 or more. Occupied apartments were deregulated when the legal rent reached \$2,000 if household income exceeded \$175,000 for two years.

Many deregulated apartments are in buildings that got J-51 tax abatements, including

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PWVTA MEMBERS ELECT OFFICERS

On March 24 PWVTA members elected the new President, Maggi Peyton, and reelected the other four officers: Dorri Jacobs, Vice President; Florence Wagener, Treasurer; Gloria Scorse, Secretary; and Miriamne Spector, Membership Secretary. Contact them at www.PWVTA.org, or phone the PWVTA Hotline: 212-662-2610.

784, 788, and 792 Columbus Avenue from 1994 to 2006. Apartments in a building with J-51 tax abatements, except a co-op or condo, cannot be legally deregulated while the building gets J-51 tax relief.

On March 5, 2009, in a case brought by tenants of deregulated apartments in Stuyvesant Town and Peter Cooper Village against the owners (Roberts v. Tishman Speyer Properties, L.P.), the Appellate Division of the State Supreme Court* issued a unanimous decision that rent-regulated apartments in buildings with J-51 tax abatements, except co-ops or condos, are not subject to deregulation.

This decision could result in rent refunds and rent stabilization not only for the 3,000 market-rate tenants at Stuyvesant Town and Peter Cooper Village, on Manhattan’s east side, but also for market-rate tenants in other neighborhoods, including Park West Village.

As result of this decision, all “market-rate” apartments in buildings with J-51 tax abatements, except co-ops or condos, remain subject to rent regulation; and, depending on the rent history and date of deregulation, their tenants may be entitled to overcharge awards, including triple damages.

Rent-regulated apartments vacated while the J-51 tax abatement is in effect must remain regulated. Tenants in rent-regulated apartments are not subject to high-rent/high-income deregulation until the J-51 tax abatement expires.

J-51 continued next column

Tenants who previously vacated an apartment in a building getting J-51 tax abatements because of high-rent/high-income deregulation may be entitled to damages.

If you pay more than \$2,000 per month for an apartment at 784, 788, or 792 Columbus Avenue and it was deregulated while the building got J-51 tax relief—1994 to 2006—you may be entitled to a lower rent, refund of overcharges, and rent stabilization.

There is a four-year statute of limitations on rent overcharge complaints. **Therefore, you should immediately obtain the rent history of your apartment from the State Division of Housing and Community Renewal (DHCR) and file a rent overcharge complaint with DHCR.**

Rent history applications and overcharge complaint forms can be ordered by phone: 718-739-6400; or downloaded from the DHCR web site: <http://www.dhcr.state.ny.us>

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granted as a matter of course) as well as a request for the application itself. This will prevent a determination for now, and permit the affected tenants an opportunity to analyze the application and respond.

Although the Executive Board does not meet until April 21, it is likely that they will respond on behalf of all affected tenants in the three buildings. The Legal Committee, which met April 14, carefully considered this matter and the form of response to recommend to the Board... stay tuned to us!



The ParkWest Movie Theater on 99th Street between Columbus and Amsterdam Avenues in the 1940s. Admission then was 10–15 cents. Photo by Earl McBarnett, via The Old Community.

HISTORY CORNER

SAVE THE DATE!

Thursday, May 28, 6-8PM

Bloomington Library

150 West 100th Street, Second Floor

THEATERS, MOVIE HOUSES,
AND ☆ STARS ☆ OF THE
UPPER WEST SIDE

From Vaudeville to the Present

Gary Dennis, Film Historian,
former owner of Movie Place

* Our original story stated another, incorrect court.

CARPENTERS UNION AND PWV DEVELOPERS IN NEGOTIATION

The construction site on the east side of Columbus Avenue for new buildings at 775, 795 and 805 Columbus Avenue has been picketed in recent weeks while talks are underway between developers and unions over (among other issues) the use of nonunion labor.

The negotiations were undertaken to cut costs and are being held among a number of developers and construction companies in the city. The construction under contract to Gotham on the west side of Columbus Avenue continues under existing union contract.

The negotiations affecting PWV were reported at the April 6 regular monthly meeting of the PWV Construction Committee attended by representatives of the developers, the construction firms, relevant city agencies, Community Board 7, PWVTA, and PWV building representatives.

The developers report that they continue to have productive, ongoing discussions with union representatives. Watch for more: www.PWVTA.org

BUILDING MEETINGS TO ELECT REPS

Now that we have elected our officers for 2009, it's time to elect 3 PWVTA Building Representatives and 3 Alternate Reps for each building. Watch for a meeting notice.

PWVTA Bylaws call for three of each for each of our seven buildings. Reps (or Alternates in their absence) are entitled to vote at our monthly Executive Board meetings.

Associate Members elect one Representative to serve on the Executive Board to vote on non-tenant matters.

To help organize your building meeting, contact your current building reps on the PWVTA Hotline phone: 212-662-2610, or visit us at www.PWVTA.org.

372 CPW ANNUAL ELECTION MEETING

Tenants and Associate Members are meeting on Tuesday, May 5, 7:30 to elect new Building Reps and Alternates.

Hosted by Francine Brewer, news reports and discussion of PWV matters will include refreshments and good neighborly talk!

UNDERGROUND WATER IN THE OLD TENNIS COURTS?

What We Know and What We Don't

Where was all the water coming from that kept filling the excavation for the new 795 Columbus Avenue building — even attracting ducks on occasion?

The underground stream that flows under the former tennis court at 98th Street and Columbus Avenue — first mapped in 1874 — continues to meander through the property, but is not a problem source.

The excess water does not contain chlorine and does not come from the NYC water supply or wastewater sources, according to reports from and staff of the NYC Department of Environmental Protection (DEP) who met March 18 with representatives of PWVTA and the four condo buildings.

And according to DEP it does not come from the abandoned sewer pipes which run underneath the old 98th and 99th Streets that were “demapped” to make way for the construction in the late 1950's of four PWV buildings (372, 382, 392 and 400 CPW).

How to deal with the extra water? The developer built a ‘bathtub’ — a construction industry term — to protect the new foundation, and installed a regular pump that sends any excess into the City wastewater system along Columbus Avenue.

Residents of nearby buildings remain concerned about whether possible shifts in the underground water flows may impact the foundations of their buildings. Further testing following construction may be in order.

RELOCATION OF PARKING – Part 3



At a meeting with PWV management in mid-March, some of the “concern” expressed by tenants in last month's newsletter (Part 2) was addressed. Management responded that there would be adequate security and lighting, as well as 24/7 access to the cars.

There will be no underground access to the Columbus Ave buildings, and drivers and passengers will exit toward the rear of 808 and must walk to their buildings.

The underground garage will be managed by an outside company, but it is not clear whether there would be valet service or self-parking (assigned spaces). The garage would be handicap accessible, but there was no immediate resolution of retaining spaces above-ground for tenants who require closer access.

Meanwhile, outside counsel is researching whether an injunction to prohibit the relocation of the parking spaces is a viable option for those tenants who are opposed to this development. The Executive Board will consider how and whether the PWVTA will support such an action.

**Real Rent Reform Campaign
Fundraising PARTY! Money Matters**



Goddard Riverside Center
593 Columbus Ave @ W 88th St.

Join tenants, advocates, local elected officials and other community members in supporting the R3 campaign's fight to repeal vacancy decontrol and other important bills that would save affordable housing in New York City!

Special guests to be announced!

Wine and refreshments will be served. Suggested donation of \$25, includes a one-of-a-kind R3 t-shirt!

More info, call Yarrow at the West Side SRO Law Project: 212-799-9638 ext.204

DOWNLOAD INFO & PRINT FLYER
HERE: www.pwvta.org

MANHATTAN TENANT RALLY
*Join Tenants in Our Borough
to Save Rent Regulation!*
Wednesday, April 22 7:00pm
at Church of All Nations, 417 West 57th
(9th and 10th Avenues)

The rallies are a joint effort between the city-wide coalitions Housing Here and Now and the Real Rent Reform Campaign. Others: Housing Conservation Coordinators/West Side Neighborhood Alliance, Tenants & Neighbors, West Side SRO Law Project, Goddard-Riverside Community Center

Download and print flyer:

www.pwvta.org/Manhattan_VD_rally.pdf

CONTACT: Jon Furlong, Lead Organizer, Housing Here and Now, Office: 212-979-6238, ext 203 Cell: 302-545-5961
jon@housinghereandnow.org

Manhattan Rally: Bennet Baumer,
212-716-1659 bbaumer@hcc-nyc.org

The PWVTA Executive Board regularly meets on the third Tuesday of the month. PWVTA members are welcome to attend. Next meeting: Tuesday, April 21, 7:30 pm. Door opens 7:00 for cookies & community. At the Ryan Health Center, 110 W. 97th Street, downstairs.

Produced by the PWVTA Communications Committee

Contributors: Winifred Armstrong, Judi Bloch, Clare Dockery, Dean Heitner, Eileen Salzig, and Chuck Tice. To help report, edit, compose, design, or distribute, call the PWVTA Hotline: 212-662-2610, or write Communications@pwvta.org. Submit content articles to: Editor@pwvta.org.

**JUNE 23 VOTE ON RENT INCREASES
RENT GUIDELINES BOARD HEARINGS**

Manhattan RGB Hearing: Thursday, April 30
at Dept. of City Planning, Spector Hall,
22 Reade St, 9:30am-5:00pm.
Tenants: 9:45am-11:45am

FULL SCHEDULE:

www.pwvta.org/RGBschedule09.pdf



JOIN YOUR NEIGHBORS – RENEW NOW!

**PLEASE RETURN THIS MEMBERSHIP / ASSOCIATE MEMBERSHIP COUPON
TO YOUR BUILDING REPRESENTATIVE OR MAIL TO:**

Park West Village Tenants' Association
P.O. Box 20339, Park West Finance Station, New York, NY 10025-0339

Name: Building: Apt.: Phone:

Rent-stabilized tenant Market-rate tenant Renting from private owner Owner Email:

Check for 2009 membership dues enclosed, **payable to PWVTA** \$40 Other*: \$.....

Check for 2009 associate membership dues enclosed, **payable to PWVTA** \$35.....

Check includes additional contribution to Legal fund. Amount:

☆ If you cannot make full \$40 payment of your annual dues, please pay what you can.

Your membership card will be delivered to you.