

The Park West Tenant

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

May 2009

MARKET-RATE TENANTS MEET ON ROBERTS CASE

At a meeting arranged by the PWVTA on May 12, attorneys Sam Himmelstein and David Hershey-Webb addressed a small group of market-rate tenants on the subject of the Roberts Case and its relevance to Park West Village.

As reported in the April newsletter, the Roberts Case held that for all multiple dwellings, no rent-stabilized or regulated apartment could be deregulated for any period during which such buildings received a J-51 tax abatement.

The attorneys advised us that the case was being appealed to the state's highest court — the Court of Appeals — to be heard in September and likely decided by the end of 2009.

Until the appeal is decided, Tishman Speyer (the owner) is prohibited from deregulating any units, and the DHCR (NYS Division of Housing and Community Renewal) will not process any overcharge claims based on the case.

The three Park West Village rental buildings (784, 788, and 792 Columbus Ave) received J-51 benefits from 1994–2006, and no doubt many rental units were deregulated during that period. If the Roberts Case is affirmed, it is possible that many of these units can be returned to rent-stabilized status, and many tenants will receive refunds of rent overcharges.

That may also turn on the resolution of collateral issues, such as how the DHCR statute of limitations is affected and how units that were illegally deregulated — but later rented to other tenants — may be treated.

The attorneys were asked what advice we should give to our market-rate neighbors now, and we were counseled as follows:

1. If you moved in to PWV between May and December 2005, file an overcharge petition based on the Roberts Case (no later than 4-years from your date of move-in, e.g., if you moved in on June 1st, you should file an overcharge complaint before June 1, 2009) to preserve your claim, given the four-year statute of limitations.

2. Pay close attention to the outcome of the Roberts Case in the NYS Court of Appeals.

More info: Dean Heitner at Legal@PWVTA.org

784, 788, 792 Columbus Avenue Tenants

UPDATE on LOBBY MCIs

If you're worried about additional dollars added to your base rent for a lobby renovation MCI (Major Capital Improvement), the tenants' association is taking action against this outrageous increase.

One tenant in each of the Columbus Avenue buildings filed a request with DHCR for more time to respond to the owner's application for an MCI. A one-month extension for 784, 788 and 792 was granted. The extensions cover all stabilized tenants in these buildings.

After thorough discussion, the PWVTA Legal Committee recommended that we hire a lawyer. Our Executive Board voted to do it.

Attorney David Hershey-Webb, of Himmelstein, McConnell, Gribbon Donoghue and Joseph, is now representing PWV tenants in this matter.

We'll keep you posted.

AIR CONDITIONERS: What you should know now

In the **Columbus Avenue buildings**, base rent doesn't include air conditioners, but tenants may rent them from management.

In the **Central Park West buildings**, rent-stabilized tenants' base rent includes a working air conditioner in each living room and bedroom.

At a tenant's request, management will check the condition and operation of management-owned air conditioners, change filters, provide covers to prevent drafts during winter, and repair or replace units not working properly.

If you want to install your own air conditioners, to assure proper wiring and voltage, check the specifications and installation requirements with management. Be sure to get a receipt from management confirming removal of a PWV air conditioner, so you won't be held responsible when you move.

The right type of unit needs to be purchased. It must be for usage in an A.C. sleeve, not a window unit. The wrong type of A.C. (a window unit) may damage your apartment, your downstairs neighbor's unit or the building.

Renters' Guide: www.PWVTA.org/guide/guide.htm

RENT GUIDELINES BOARD VOTE ON RENT INCREASES JUNE 23

Next Public Meeting:
Thursday, June 4, 9:30am–2:00pm
at Department of City Planning,
Spector Hall, 22 Reade Street.
 More info: www.PWVTA.org

784 Columbus Ave BUILDING MEETING Wednesday, May 27, 7:15pm LOBBY

All 784 Columbus Ave tenants invited to hear news on construction, stores, and tenant issues, with reports and open discussion. You may join/renew your 2009 PWVTA membership there. PWVTA members will elect three Building Representatives and three Alternate Reps.

RSVP Daphne: 212-666-3615 or 212-662-2610
Bring a chair, meet your neighbors — light refreshments!

372 CPW Reps Elected for 2009

On May 5th, the tenants in 372 CPW met and reelected their building reps and alternates: Charlie Berger, Francine Brewer, and Palmer Tome as Building Representatives, with Arnie Elman, Annie Muir, and Ellen Wright as Alternate Reps.

Everyone was involved in discussing local issues such as the Columbus Ave. buildings' potential MCI rent increase, the J-51 legal ruling, and construction and financial issues related to our landlord/developer.

Tenants' questions and concerns were heard and addressed by fellow residents and reps. Light refreshments were served, and everyone enjoyed getting together as tenants and neighbors.

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.

Neighborhood History Corner

Do you know...

In the 1900s, Broadway and 96th Street was an uptown theater and movie mecca, home to the Shubert Riviera and its Japanese Garden, the Riverside and other major movie houses.

Humphrey Bogart grew up on 103rd Street, across the street from Cornell Woolrich, the author of *Rear Window*.

Symphony Space was at various times an open-air market, a dance hall and a rollerskating rink, before school children's pennies helped make it the cultural center it is today.

Learn More!

THURSDAY, MAY 28, 6–8 pm
Bloomingdale Library 150 West 100th Street
FROM VAUDEVILLE TO TODAY:
THEATERS, MOVIE HOUSES, AND
☆ STARS ☆ OF THE UPPER WEST SIDE

Gary Dennis, film historian & owner of former Movie Place
 Co-sponsored by Park West Neighborhood History Group
 and Columbus-Amsterdam BID www.columbus-amsterdam-bid.org

Info: call 212-666-9774

The PWVTA Executive Board regularly meets on the third Tuesday of the month. PWVTA members are welcome to attend. Next meeting: Tuesday, May 19, 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, Francine Brewer, Dean Heitner, Dorri Jacobs, Daphne Myers, Eileen S, 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.