

The Park West Tenant

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The Newsletter of the Park West Village Tenants' Association

info@pwvta.org

March 2015

RENEW RENT LAWS NOW!

In case you haven't noticed, there is a campaign underway to renew and strengthen New York State's rent regulation laws which expire June 15, 2015. This is just one of many housing-related issues in our city's affordable housing crisis.

The state's rent stabilization law protects tenants in approximately one million apartments in the city. There are 50,000 more in the suburbs. The law limits rent increases to the levels permitted by local rent-guidelines boards each year, and it guarantees tenants the right to renew their leases automatically. Rent-stabilized tenants cannot be evicted without a specific reason, such as not paying the rent or creating a nuisance.

This year, many are lobbying to strengthen as well as to renew the law, and it is here where the contention develops. The current law allows landlords to charge an automatic 20% increase on vacant apartments and then

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TENANTS UNDER ATTACK!

From the moment Park West Village Acquisition, LLC (PWVA) acquired Park West Village, rent-stabilized tenants have been under attack. However, this assault is not unique to Park West Village, but is a city-wide plan by landlords to eliminate rent-regulated apartments.

Mayor de Blasio and Attorney General Schneiderman recently announced a new effort to go after tenant-harassing landlords. Meanwhile, here's what we know about what PWV Acquisition, LLC is doing regarding the three Columbus Avenue buildings:

- Using tenants' personal information gleaned from Internal Revenue tax filings designed to document the tenant's legal address
- Claiming that the tenant has a primary residence elsewhere as a pretext to deny the tenant a lease renewal
- Claiming that the tenant is illegally subletting the apartment. In some cases this was proven true, but in many cases PWVA was incorrect.
- Applying pressure on a tenant in an adjoining vacant apartment to agree to be relocated to another rent-stabilized apartment. After the tenant vacates the apartment the two now-vacant apartments are combined into one larger apartment. This has the effect of permanently

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March 17 MEMBERSHIP MEETING

ELECTION OF OFFICERS

The PWVTA's Annual Membership Meeting will be held Tuesday, March 17, 7:30 p.m. at the Ryan Health Center, 110 West 97th Street.

We will discuss current issues, including proposed plans for a 22-story JHL nursing home, and concerns about the pending relocation of existing parking spaces to the garage beneath 808 Columbus Avenue.

The meeting includes the annual election of officers. Nominees are listed on page 2 along with more information.

All Park West Village residents are invited, but only PWVTA members may vote.

CRUCIAL LAWS & COURTS

Legal Matters Affecting Rent-Stabilized Tenants

Tenants Who Prevail in Evictions Can Collect Legal Fees

Abstracted from an article by
Joel Stashenko, New York Law
Journal February 20, 2015



ALBANY - Tenants who successfully fight off eviction efforts in holdover proceedings are entitled to the attorney fees they incur to retain their units, the state Court of Appeals recently decided unanimously.

The court said Real Property Law 234, by allowing landlords to collect fees they spend in retaking possession of apartments by re-renting the units, carries with it a reciprocal right of recovery for the tenant.

Judge Jenny Rivera, writing for the 5-0 court
Graham Court Owner's Corp. v. Taylor, said the

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ELECTION OF OFFICERS MARCH 17

PWVTA members are to elect officers at our Annual Meeting on Tuesday, March 17. The elective positions are President, Vice President, Treasurer, Secretary, and Membership Secretary.

Duties of each office are listed in the PWVTA Bylaws, posted at www.pwvta.org. To run for office write us at this email address: Commo@PWVTA.org, or call an Election Committee member for a nomination petition: Daphne Myers, Chair, 212-666-3615; Robert Kuhner, 212-662-3360; Chuck Tice 212-662-2462.

Any member of the PWVTA who has served on the Executive Board or a standing committee for at least one year may be nominated. Candidates submit a nomination petition signed by at least ten members who have not signed for another candidate for the same office.

Eligible PWVTA members were notified prior to the February 27 deadline. Campaign statements/biographies we have received are displayed in the next column. The Executive Board is enabled in the PWVTA Bylaws to fill vacancies.

LAWS AND COURTS *continued from page 1*

court's interpretation of the law is in keeping with the purpose behind RPL 234, which she said is to level the playing field between tenants and landlords and to allow disputes between the two to be resolved quickly and without undue expense.

If the court found that tenant Kyle Taylor could not seek recovery from the landlord of the legal fees incurred while fighting eviction from his Manhattan apartment, it would be inconsistent with the court's interpretation of the law, as outlined in *Duell v. Condon*, 84 NY2d 773 (1995), Rivera said.

The landlord argued that RPL 234 allows property owners to recoup attorney fees not directly from tenants, but through rent charges on the re-let units. That does not create a basis for a tenant's similar right of recovery directly from landlords for their alleged breach of the lease, Graham Court Owner's Corp. argued.

But the court said accepting that claim is not tenable. "This construction of the statute and the lease agreement would once again favor the landlord, in contravention of the legislative intent to place the parties on an equal footing," Rivera wrote.

Such an interpretation would encourage landlords to camouflage attorney fees as costs incurred by re-letting and otherwise "contracting" the coverage offered under RPL 234 and limiting its scope, Rivera held.

NOMINEES and STATEMENTS

President

Maggi Peyton: Maggi has lived in 784 Columbus Ave since 1964. She has been active in the Park West Village Tenants' Association since its inception and was President during the early days of PWVTA. She organized the community fight to stop the narrowing of 97th Street, worked on the successful fight to prevent a hardship rent increase in 1978, and was involved with the successful Warranty of Habitability effort by the PWVTA to ensure that tenants were provided healthy, sanitary conditions, and if these were not provided by the landlord the tenants could withhold rent. Maggi is currently the President of the PWVTA and has led the fight to preserve above-ground parking for the tenants of PWV and has from the start opposed the construction of the proposed nursing home on 97th Street. She is a member of the Working Group.

Vice President

Albina De Meio: Resident of 788 Columbus Avenue for over 30 years. Began with early involvement with PWVTA as a Building Representative and then Chair of the Quality of Life Committee. Served as Vice President for several years. Involved in issues of over-development on the PWV property since the beginning of 'Columbus Square' and continues to be pro-active as Chair of the Working Group of the Park West Village Neighborhood.

Treasurer

To date no nominee

Secretary

To date no nominee

Membership Secretary

Miriamne Spector: Miriamne has been a resident of PWV since 1975 and is a long-time active member of the PWVTA. She has served as a 372 CPW Building Rep and is currently the PWVTA Membership Secretary.



PWV PICNIC — REMEMBER WHEN
WE COULD GO OUTSIDE?

Tenants & Neighbors

Rent Law Campaign: Renew and strengthen the rent laws June 2015!

Tenants & Neighbors is a grassroots organization helping tenants build and effectively wield their power to preserve at-risk affordable housing and strengthen tenants' rights in New York. The PWVTA is a member organization.

Through organizing, education, leadership development, grassroots mobilization, and strategic policy and legislative advocacy, Tenants & Neighbors builds a strong, unified tenant movement that has the knowledge and power to effect real change.

Tenants & Neighbors comprises two affiliate organizations, New York State Tenants & Neighbors Information Service, which does organizing, education, and leadership development and New York State Tenants & Neighbors Coalition, a membership organization that spearheads legislative campaigns. See more at www.tenantsandneighbors.org

GOOD LOCK!

Burglaries in PWV buildings west of Columbus prompt a reminder to ensure your apartment has the recommended locks that reduce the chance of a break-in.

No locks give 100% protection, but some devices make breaking into your home an obstacle to opportunistic burglars. You should reduce the chance that a quick flip of a screwdriver will break your lock.

Controlling who has your keys is essential — when you move in, a newly re-keyed lock lessens the possibility that others have a key to your home.

Park West Village management's responsibility is covered in the PWVTA Renters Guide: one lock for your apartment door with two keys provided, and one key to each terrace door. The Guide recommends installing a second apartment door lock — most choose a dead-bolt. Next a final step: a metal cover plate over at least one lock, making lock removal difficult. See the PWVTA Renters Guide on our website: www.pwvta.org/guide/guide.htm.

The Tenant's Rights booklet issued by the New York State Attorney General notes that tenants must provide the landlord with a duplicate key for the second lock, as an "obligation of tenancy." See it here: www.ag.ny.gov/sites/default/files/pdfs/publications/Tenants_Rights.pdf

TENANTS UNDER ATTACK *continued from page 1*

eliminating a rent-regulated apartment.

- PWVA illegally using vacant apartments as AIRBNB lodgings. This poses a security risk to **ALL TENANTS!**
- Claiming that the tenant has not paid rent by holding and not cashing rent checks presented to the landlord
- Illegally and unlawfully denying lease renewals to tenants for frivolous reasons.

The pace of renovation and market-rate rental of vacant apartments has not gone unnoticed by anyone residing in the Columbus Ave buildings. However, also evident is the massive turnover occurring in these apartments as a result of the enormous legal annual rent increases imposed — unsustainable for many people. Transient tenants don't become neighbors and build community.

Emphasis and focus on renovating vacant apartments occurs at the expense of building maintenance. Rent-regulated and market-rate tenants are all affected by poor security, filthy, malodorous hallway carpets, elevators constantly out of order, a filthy laundry room and equally filthy washing machines that are constantly broken and out of order. There are leaks into upper floor apartments when it rains.

Older market-rate tenants differ from new market-rate tenants. New market-rate tenants have washing machines and dryers in their apartments so they never have to utilize the obscene laundry rooms.

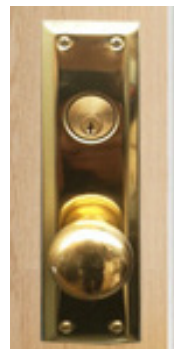
However, the electrical and plumbing alterations needed to install these amenities place a danger to all tenants, since the plumbing foundation and electrical wiring of these old buildings were not designed to sustain these machines. Flooding has already occurred in one of the apartments and the electrical rewiring poses an electrical hazard building-wide.

Rent-regulated and market-rate tenants have much in common. While many tenants believe the Park West Village Tenants' Association is singular in its battle against the proposed construction of the JHL nursing home on the 784 Columbus Ave parking lot, the PWVTA continues to advocate for and protect the rights of all tenants under the Warranty of Habitability Law.

Many victories for rent-regulated tenants will also benefit market-rate tenants. Our annual membership year is from January to December, and as the annual PWVTA membership drive begins all tenants are urged to join.

TO REPORT ANY ISSUES YOU MAY HAVE, PLEASE EMAIL US AT commo@PWVTA.org

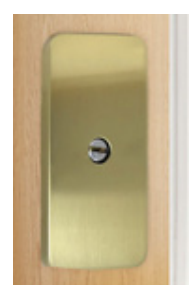
Mortise-Lock



Multi-Lock Cylinder



multi-lock top guard



allows them to be deregulated if the result of such increases plus improvement allowances cause the rent to exceed \$2500 a month. This process has deregulated more than 300,000 apartments in the city. Many feel that de-regulation has given landlords an incentive to harass tenants and drive them out.

Various tenant coalitions have put together legislative agendas to repeal vacancy decon->>

The Park West Policy Forum organized by Norm LaFond and Audrey Isaacs has no affiliation with the Park West Village Tenants' Association.

JOIN YOUR PWVTA NOW!

With 2015 already underway, it's time to join or renew your PWVTA membership. The PWVTA is *your organization*. We deal with Park West Village issues and affordable housing and neighborhood concerns. Our work is done entirely by volunteers, with occasional (and costly) legal help. Members are welcome to attend Executive Board meetings, meet and participate with neighbors and leaders, and join PWVTA committees: Action & Outreach, Quality of Life, Legal, Communications, and Social Activities.

The more members we have, the more strength and impact we have. New residents are welcome to join. Annual membership is per calendar year, at dues of \$50. Condo owners may join as Associate Members for \$35. Please take part by paying your dues... and *get involved now!*

- Please return your check and the coupon below to your Building Rep:
- 784 Columbus Ave: Maggi Peyton 6-O; Daphne Myers 1B.
- 788 Columbus Ave: Albina De Meio 7M; Lois Hofmann 10A.
- 792 Columbus Ave: Harvey Lichtman 6E; Julia Goodall 6-O.
- 372 CPW: Palmer Tome 15R; Charles Berger 3K.
- 382 CPW: Ezra Bialik 10D. 392 CPW: Gloria Scorse 11C.
- 400 CPW: Emily Margolis 12Y.

control and put apartments that are deregulated back into rent stabilization. Others call for restructuring rent guidelines boards, making rent increases for capital improvements temporary, and putting Mitchell-Lama buildings into rent stabilization.

The New York State Assembly, controlled by Democrats, is expected to strengthen the law; the Senate, controlled by Republicans, is an obstacle to stronger rent regulation.

What can you do? Join Tenants and Neighbors in their coalition The Alliance for Tenant Power – contact the Campaign Manger Delsenia Glover at Dglover@tandn.org or call 212-608-4320, ext 308. The T&N legislative platform can be seen here:

www.tandn.org/pdf/2014LegPlatform.pdf

The PWVTA Executive Board regularly meets on the third Tuesday of the month, except in July and August.

The next Executive Board meeting will be held Tuesday, March 17, 6:30 p.m. at the Ryan Health Center, 110 W. 97th St. Doors open at 6 p.m. for cookies and community. PWVTA members and associate members are welcome to attend.

Following the Executive Board meeting, the Annual Membership Meeting with elections begins at 7:30 p.m.

All Park West Village residents are welcome to attend, although only PWVTA Members and Associate Members may vote.

Produced by the PWVTA Communications Committee.

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JOIN YOUR NEIGHBORS – RENEW NOW!

PLEASE RETURN THIS MEMBERSHIP / ASSOCIATE MEMBERSHIP COUPON TO YOUR BUILDING REPRESENTATIVE [see list above] 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 **2015 membership dues** enclosed, payable to PWVTA \$50.. Other*: \$

[Condo owner] Check for **2015 associate membership dues** enclosed, payable to PWVTA \$35

Check includes additional contribution to Legal fund. Amount: Check for MCI Legal Fund only:

★ If you cannot make full \$50 payment of your annual dues, please pay what you can.

Your membership card will be delivered to you.