

THE PARK WEST TENANT

Park West Village Tenants' Association www.PWVTA.org info@pwvta.org Winter 2017

JHL EXCESS -- OUR FLINT, OUR DAKOTA ACCESS PIPELINE!

"This is your moment of truth, Mayor de Blasio. You have to decide who your constituents are. Our bodies and our lives will be on the sidewalk!" Pat Loftman, newly elected President of the Park West Village Tenants' Association, confronted the mayor in his Town Hall Meeting on December 15, 2016, in the overflow auditorium of the Edward A. Reynolds West Side High School. Over a hundred other protesters were kept outside in the bitter cold.

Loftman recounted that for the past five years thousands of rent-stabilized, market-rate tenants, and condo owners of Park West Village have vigorously resisted the construction of a 20-story nursing home on a highly toxic parking lot on West 97th St. between Columbus and Amsterdam Avenues. Surrounded by PS 163 and the residential buildings of 784, 788, 792 and 808 Columbus Avenue, 120 and 160 West 97th St, 765 Amsterdam Ave, and close by the residential buildings 372, 382, 392 and 400 Central Park West, the lot on W. 97th has high levels of lead, arsenic, asbestos, barium, mercury and other toxins that pose substantial hazards to human life if the soil were disturbed during construction. These highly toxic poisons would be released into the air threatening the health of all neighborhood residents from infancy through old age – including children, pregnant women, the elderly, and people with compromised immune systems – placing all of us in immediate jeopardy because the hazards released by the toxins could not be safely mitigated.

"There is no safe lead level!" said Philip Landrigan, MD, in an interview with Scott Pelley on CBS News 12/19/16. Dr. Landrigan is the world-renowned pediatrician, an epidemiologist, Director of the Children's Environmental Health Center and Chair of the Department of Preventive Medicine at the Mt. Sinai Medical Center. He is the author of 500 scientific articles and books, the latest: "Raising Children Toxic Free: How to Keep Your Child Safe from Lead, Asbestos, and Other Toxins."

The NYC Department of Health website cautions construction workers to never go home from a construction site without first removing all their clothing, showering, and putting on clean clothes, especially shoes. Construction boots are to be kept outside at all times. Yet, the site fails to warn all of us who go to school, live or work near a construction site where the wind blows dust-borne toxins far and wide. Moreover, the community isn't instructed to remove shoes before entering our homes, to wipe off dogs' paws, cane tips and wheels from bicycles, shopping carts, walkers, wheelchairs and rolling luggage. We aren't advised to keep shoes outside and keep floors very clean. If these precautions are not taken, the floors of our homes – just like those of construction workers, and the floors of buses, subways, taxis, our public library and of Trinity Church – would become contaminated with lead-laden dust and other toxins that adhere to our shoes and spread poisons wherever we walk.

We are not expendable. Our children and seniors' lives matter. We're committed to stopping this flagrant disregard to our health and safety. JHL's opportunistic gamble that places children, the ill and very frail at risk must be challenged, not only by concerned citizens but by every local elected official if democracy is to function on the UWS. As long as powerful corporations and real estate developers manipulate politicians and public opinion in order to profit from dangerous practices, good people will encounter the likes of this looming tragedy on the UWS. "You will have to take a side" said Loftman as she confronted Mayor de Blasio. The only choice for Mayor de Blasio will be to exercise leadership and fulfill his duty to protect our health and safety. He will either choose the oppressor or the oppressed.

We will discuss other very disturbing elements of the JHL proposal in future newsletters. We will also keep you posted on our legal cases and on our elected officials' substantial help – or lack of it – during this upcoming election year. Meanwhile, your continued contributions to the Park West Justice Project are most welcomed. Mail checks payable to "Park West Justice Project" to Dean JM Heitner, Esq. 784 Columbus Ave, Apt 14-E, New York, NY 10025.

PWVTA General Membership & Election Meeting November 15

Patricia Loftman began by recognizing the leadership and passing of both Maggi Peyton, past PWVTA President, and the tireless work of the late Albina DeMeio, PWVTA Vice President. Current Executive Board members introduced themselves, and in preparation for the election of officers, prospective candidates spoke briefly of their qualifications for office. The unopposed slate was: Patricia Loftman – President; Dean Heitner – Vice President; Daisy Wright – Secretary; Kathi Black – Treasurer and Miriamne Spector – Membership Secretary.

Election Committee Chair Charlie Berger called for the vote, and all officers were unanimously elected. A vote was requested and approved to revise the bylaws to include changing the term of officers from one to two years. The new officers will serve from January 2017 through January 2019.

After a lively discussion, a tenant-initiated motion to increase the annual membership dues from \$50 to \$75 was passed effective 1/1/17. Associate membership dues will stay at \$35. The floor was opened to tenants for questions and comments. Many issues, including lobby security, short-term rentals, renovations of apartments, stress on building infrastructure with washing machines in new units were aired. Pat asked for volunteers to serve as floor captains for their floor plus one more floor.

The need for a strong, effective PWVTA to protect tenants' rights was reiterated. Tenants volunteered to be active in multiple capacities. Nevertheless, volunteers are still needed – contact your building representative today!

Renewal Leases

Landlords must offer a rent-stabilized tenant a renewal lease 90 to 120 days before the expiration of the current lease. The renewal lease must keep the same terms and conditions as the expiring lease, except when reflecting a change in the law. (See June 2016 NL). Beginning November 2016, renewal leases being offered to tenants included the following highlighted statement on the instruction page:

“Renewal Lease Form is to be completed and signed on both copies. At least one of the tenants on record must bring lease in person and provide identification.” For most, if not all rent stabilized tenants, this represents a change in the terms and conditions of the expiring lease and per DHCR cannot be enforced. While you may opt to bring the lease into the PWV Acquisition Office in person it is NOT a requirement nor is it a legal requirement to provide identification. If you have always signed and returned your renewal lease by mail, certified, return receipt requested continue to do so. If you have always returned your lease renewal in person, be certain to obtain a receipt. One tenant who returned their renewal lease in person reported that they were forced to produce an ID and the office staff refused to provide a receipt. Yet, another tenant who returned their renewal lease by certified mail, return, receipt requested received their signed lease by regular mail. PWVTA strongly recommends tenants return their renewal leases via certified mail, return, receipt requested.

Mice in Columbus Avenue Buildings

PWVTA is aware of the difficulties tenants are experiencing with a mice infestation throughout the three Columbus Avenue buildings. However, it appears that this mice infestation is most acute in 792 Columbus Ave. We are also sensitive to the fears surrounding rodents in your apartment especially where children reside. We know everyone wants immediate relief. However, in the interim, please initiate the following:

Call PWV Acquisition, LLC. Keep a record documenting the date, time and name of the individual to whom you lodged the complaint. Follow up the call with written documentation of the call that includes the above information mailed certified, return receipt requested to Meyer Chetrit, Owner, c/o The Chetrit Group, 512 Seventh Avenue, New York, NY 10018. A separate copy of this written documentation must also be mailed certified, return receipt requested to Jeffrey Davis, Managing Agent, Park West Village Acquisition, LLC, 792 Columbus Avenue, New York, NY 10025. Begin to collect documentation of the rodent infestation. The best documentation are photos of rodent droppings and/or rodents

collected in traps. Include any photos you have with the written documentation to both Meyer Chetrit and Jeffrey Davis. Notify PWVTA and retain copies of all communication sent to both Meyer Chetrit and Jeffrey Davis.

Call 311 and lodge a complaint with the New York City Department of Health as rodent droppings have been associated with asthma in children and adults, and is a health hazard. Retain your confirmation number for future reference. While Park West Village Acquisition, LLC is responsible for maintaining a healthy environment for all residents, PWVTA would like to remind all tenants of the importance of placing garbage completely down the chute in the compactor rooms.

Remember, garbage in the compactor rooms is a breeding ground for roaches, water bugs, mice and rats. As tenants, WE all play a crucial role in the cleanliness of our buildings and home. It is our hope that everyone who has lodged their experiences with this rodent infestation to the tenants association is a member of the tenants association. We are all tenants – whether rent-stabilized or market-rate – and have issues and concerns in common. There are many tenant complaints. Look out for “The PWVTA Survey” for tenants to complete and return which will appear shortly.

Recent Rent Reduction Victories

All rent-stabilized tenants on April 1, 2014, received a rent reduction based on a DHCR ruling that was initiated by a PWVTA lawsuit. Most tenants do not know – or may have forgotten – that this DHCR ruling occurred because DHCR granted PWV Acquisition, LLC permission to modify the location of the parking spaces of rent-stabilized tenants from the W. 97th St and W. 100th St parking lots to create new above-ground parking spaces in the current central area amidst the 3 Columbus Avenue buildings and around 788 Columbus Ave.

The DHCR Commissioner noted in the ruling that the relocation of above ground parking spaces “...would result in a measurable loss of green space, sitting and general open recreational space, as the playground and green area around the 788 building and the large open and mostly green Central Area would be lost..” To compensate for the loss of green space on the PWV grounds DHCR granted a permanent rent reduction of \$48.25 for all rent stabilized tenants residing in the 3 Columbus Ave buildings regardless of whether they rented a parking spot for the duration of their tenancy. All rent-stabilized tenants have realized \$1,592.00 in savings to date based on this ruling. The savings will continue for as long as the tenant resides in Park West Village.

It is important for rent-stabilized tenants to recognize that this permanent reduction resulted from many court appearances and briefs, all of which involved legal fees, which were paid for solely by those tenants who have parking spaces and community supporters. Since every rent-stabilized tenant has realized savings of \$1,592 to date and which will continue in the future, we hope that those rent-stabilized tenants who did not contribute to the cost of the parking case will generously contribute to the PWVTA Legal Fund. We need to have sufficient financial resources in the Fund in anticipation of future legal battles that we know are coming.

DHCR complaints for reduction of services were initiated in 788 Columbus and 792 Columbus Avenues in November 2011. DHCR granted a Rent Reduction Order in March 2013 retroactive to January 1, 2012. Tenants in 792 Columbus Ave applied their rent reductions immediately. Tenants in 788 Columbus Ave chose to await all appeals by PWV Acquisition which were finally denied in New York State Supreme Court in January, 2016. Tenants in 788 Columbus Ave applied their rent reductions in March 2016. Two dozen tenants subsequently received baseless “Five Day Rent Demand Letters” from PWV Acquisition, LLC claiming non-payment of rent when, in fact, no rent was due. Two dozen tenants, supported by the PWVTA, beginning in July 2016, continuing over the next four months and culminating on November 1, 2016, for all but four tenants, subsequently appeared on multiple occasions in Landlord Tenant Court.

The landlord finally applied the DHCR Rent Reduction Order to all tenants included in the Order on November 1, 2016, resulting in considerable savings. Tenants in 788 Columbus Ave received notice on January 10, 2017, that PWV Acquisition, LLC’s Rent Restoration Application of May 24, 2016, was denied by DHCR so that the rent reduction continues in effect. Again, this activity was the result of considerable and extensive PWVTA activity. We again appeal to those tenants who received these unexpected gains to also contribute to the Legal Fund.

How Do I Discover If My Apartment is Rent Stabilized?

New York City's rent stabilization law was enacted in 1969 when rents in many post-war buildings began to rise at a sharp rate. These rent regulations have been extended and amended frequently, and today there are an estimated one million apartments under the rent stabilization system. The laws are created by the New York State Legislature in Albany, and administered by the New York State Division of Housing and Community Renewal (DHCR).

Apartment rents are registered annually by building owners with DHCR's Office of Rent Administration. Under law, the rent information is confidential and can be released only to the apartment's legal tenant, the building owner, or their authorized representative.

You can access the rent history of your apartment in one of these ways:

- Email to rentinfo@nyshcr.org
- Call the Rent Hotline at 718-739- 6400
- Visit a District Rent Office. Remember to bring proof of identity (photo ID) and proof of tenancy, with a copy of your lease, rent receipt, or utility bill. You will be required to complete an "Access to Records Form" and the rent history will be printed and given to you at the office.

The closest Rent Office to Park West Village is:

Upper Manhattan Borough Rent Office
Adam Clayton Powell Jr. Office Building
163 West 125th Street, 5th floor
New York, NY 10027 212-961- 8930

You can mail an Access to Records form to the attention of DHCR Records Access Officer at Gertz Plaza, 92-31 Union Hall Street, Jamaica, NY 11433 or by email to ORAreCORDS@nyshcr.org. You must also include proof of tenancy, as described above. The rent history will be printed and mailed to you.

Here is the URL link to the website for the NYC Rent Guidelines Board that includes additional useful information: <http://nycrgb.org/html/resources/zip.html> This page further leads you to the New York State DHCR site.

Newsletter contributors: Dean Heitner, Patricia Loftman, Chuck Tice, Pam Tice, and Catherine Unsino.



**RETURN THIS 2017 MEMBERSHIP COUPON TO YOUR PWVTA BUILDING REP [to learn who: write info@PWVTA.org]
Or mail to Park West Village Tenants' Association, P.O. Box 20339, Park West Finance Station, New York, NY 10025-0339**

PLEASE PRINT CLEARLY!

Name _____ Building _____ Apt _____ Phone _____

Email _____

- Check for 2017 membership dues enclosed payable to PWVTA \$75 Other* \$ _____
 Condo Owner: Check for 2017 associate membership dues enclosed, payable to PWVTA \$35
 Check includes additional contribution to the Legal Fund Amount \$ _____
Your status: rent-stabilized tenant market-rate tenant condo owner

* If you cannot make full \$75 payment of your annual dues, please just pay what you can.

I want to be more involved. Here are my special interests: _____