

# The Park West Tenant

Volume 8, Number 4

The Newsletter of the Park West Village Tenants' Association

September 1983

## THE NEW HOUSING LEGISLATION

*(This article is largely based on a summary of the new legislation by the N.Y. State Tenant & Neighborhood Coalition, with which PWVTA is affiliated.)*

### Rent Registration and Overcharges:

The new legislation does include a big improvement for tenants. Beginning July 1, 1982, landlords of rent stabilized units must register all rental units. Registration information required includes rent charged and services provided, as well as the number of rooms and apartments in the building. Updated registration is mandated on an annual basis. A copy of the registration statement must be provided to each tenant.

Effective April 1, 1984 the State Division of Housing and Community Renewal assumes administration of New York City rent control and rent stabilization of New York City rent control and rent stabilization. The Conciliation and Appeals Board continues in control until then.

**WARNING:** *Tenants must file overcharge complaints before next April 1 or risk having the overcharge become the legal rent next July 1. Until next April 1, present rules apply. The tenant can look for overcharges clear back to the stabilization base date and get a correction if an overcharge is found. The correction is through rent refunds or credit on future rent payments, and of course a rent reduction. To our knowledge, several tenants at Park West Village have won refunds of over \$1,000.*

After April 1, 1984, the tenant has 90 days after being notified by the landlord of the initial registration to file a complaint. In such cases, the rent charged four years prior to registration becomes the basis for the purpose of computing an overcharge. If a tenant files a complaint after this 90 day period, the overcharge is computed on the basis of the registered rent. For overcharges that occur after April 2, 1984, the tenant is entitled to triple damages unless the landlord can prove the overcharge was not willful. Triple damages are limited to a two-year period, although the tenant can recover single damages for the other two years of the four year period at which the base rent was established, plus attorney's fees.

*The conclusion is clear. If you have not checked your rent history, you should do so immediately before it is too late. It is estimated that one-third to one-half of stabilized rents are overcharges.*

If you need help in checking your rent history, contact the Hotline, the Grievance Committee or, (if you live in 784) Carl Harm.

*(Continued on page 3)*

## RESOLUTION ON CONVERSION OF TITLE I RENTAL DEVELOPMENTS

The President, Borough of Manhattan (Andrew Stein) submitted a resolution to the Board of Estimate which "... would require that before the conversion of any Federal Title I redevelopment projects from rental to cooperative or condominium ownership, application must be made to the Board of Estimate for approval of such conversions..."

The resolution makes specific reference to Park West Village, Coliseum Apartments and Kips Bay. The reasoning in the resolution is based on the following (embodied in the resolution):

1. Title I of the Federal Housing Act of 1949;
2. Agreements between New York City and the developer;
3. The Board of Estimate exercised its power of eminent domain "... to assemble sites for development, thereby displacing thousands of individuals and small businesses, and authorized the expenditure of millions of public dollars to make possible the development of these projects..."
4. Recognition that "... the stated objective of each redevelopment plan was 'to provide housing at the lowest possible rental which is consistent with sound financial planning...'"

The resolution concludes with the

following:

"Be it further resolved that in order for a Title I rental development to convert to cooperative or condominium ownership Board of Estimate approval must be applied for and granted."

The above resolution is an excellent document containing precisely the arguments made by PWVTA in opposing conversion.

**THE RESOLUTION REQUIRES OUR SUPPORT.** It will be considered by the Board of Estimate on **Thursday, September 15 at City Hall.** Individuals may speak for three minutes in favor of the resolution. Call 566-4300 (Andrew Stein's office) and indicate your desire to speak. Testimony does not have to be elaborate. A strong turnout for the Board of Estimate meeting is **IMPERATIVE!** More detailed information about the meeting will be distributed by the Ad Hoc Committee Against Conversion.

**Meanwhile:** Circulate and sign our petitions. These statements are being circulated for signatures in all buildings, and are available from the Chairman of the Ad Hoc Committee (Irving Greenbaum—749-1916). Signatures will be sent to Attorney General Abrams (now being sued in Court by Helmsley) and to other elected officials.

## PWVTA PURSUES ANTI-CONVERSION POSITION IN COURT

As you know, the Park West Village Tenants Association is actively involved in attempting to block any conversion of Park West Village from its present rental status.

At issue is the jurisdiction of changes in land use from the original development plans of properties in New York City developed under Title I funding. Title I clearly stated that land in Manhattantown (now Park West Village) was for rental housing for a period of 40 years. Park West Village was developed as a mixed residential and commercial property in the late 1950s (the original plan agreement was dated May 22, 1952). All subsequent changes of land use at PWV (such as the development of the tennis courts replacing a garden and construction of the apartment building on the corner of 97th Street and Amsterdam) have been submitted to the relevant city bodies.

PWVTA's position is that the 40 year cove-

nant restricting changes in properties developed on land obtained and cleared by the government and later sold at nominal prices to private developers under Title I funding must not be violated. (Title I funding programs were developed from the Federal Housing Act of 1949.)

Corporation Council representing the City of New York has filed papers showing a disinterest in asserting jurisdiction since no change in revenue from property taxes is at stake. (See article in this issue concerning a resolution by Borough President Andrew Stein introduced to the Board of Estimate concerning this issue.)

There is city-wide interest in properties developed under Title I. A show at the Urban Center entitled "Fashion Seeking a Resting Place: A Century of Change on the Upper West Side" states, in discussing development from 1930 to 1980:

*(Continued on page 3)*

## AD HOC ANTI-CONVERSION COMMITTEE REPORT

The figures quoted below are to give you an idea of what the *real* cost to you would be if you are considering purchasing a condominium in Park West Village.

	2-1/2 Rooms	3-1/2 Rooms	4-1/2 Rooms
Purchase Price	\$ 42,000	\$ 65,000	\$ 85,000
Down Payment paid immediately)	14,000	22,00	28,00
Mortgage Loan on Balance	28,000	43,000	57,000
Gross Annual Income Required by Bank for 30 yr. Mortgage Loan at Current 14-1/2% Interest Rate	25,600	38,400	50,880
Origination Fee on Mortgage Loan (paid immediately)	840	1,290	1,710
Monthly Mortgage Payment (principal and interest)	344	528	700
Initial Monthly Maintenance Fee (including Real Estate Tax; excluding repairs to interior of unit—see note 1)	190	270	360
Total Initial Monthly Payments	534	798	1,060
Initial Monthly Payments Adjusted for Possible Income Tax Savings	334	500	660
Monthly Income Lost on Down Payment	117	184	234
Net Initial Monthly Payment	\$ 451	\$ 684	\$ 894

### NOTES:

1. Purchase price, Maintenance and Real Estate taxes based on 372 CPW Red Herring. Maintenance fee in computations is based on Common Charges plus Real Estate Taxes (Schedule A, Red Herring). *The apartment owner is responsible for repairs to interior of his (her) unit—in addition to Common Charges and Real Estate Taxes.* No attempt was made to estimate such charges, and they are *not* included in computations.
2. Fixed 30 year interest rate of 14-1/2%, origination fee and gross income requirements were provided by Metropolitan Savings Bank. Gross income requirements shown in computations *do not include allowance for repairs to interior of units as indicated in Note 1 above.*
3. Monthly income lost on down payment is based on current triple tax-free yield of approximately 10%.
4. Income tax savings are based on 50% marginal income tax bracket. Lower tax brackets (lower taxable income) means smaller income tax savings.

## PWVTA PURSUES ANTI-CONVERSION POSITION IN COURT

(continued from page 1)

"The public redevelopment process began in 1952 with Robert Moses' use of the federal urban renewal program to build the New York Coliseum at Columbus Circle and replace tenements with middle-income housing. Moses then proceeded north to the Lincoln Square area, where in 1959 construction began on Lincoln Center for the Performing Arts and new middle-income housing to replace tenements once again. Further north additional projects provided new and rehabilitated housing for middle and low income residents." (Note: "Additional projects" includes Park West Village, then called Manhattantown.)

As previously reported in the Park West Tenant, the Attorney General refused to accept the conversion plans for 372 and 382 for filing without prior approval of the appropriate city agencies.

An article 78 proceeding has been brought by associates of Harry Helmsley, the sponsor of the condominium plan to convert buildings 372 and 382, to require the Attorney General and the City of New York to consider

the conversion plan immediately rather than deferring until consideration by the Board of Estimate or other appropriate city bodies.

On August 5, PWVTA's attorney appeared before Judge Evans in the Supreme Court to request intervenor status on the side of the AG (that is, to become a full party to the suit attaining the subsequent right of appeal should the AG lose.) Judge Evans granted our attorney the right to file an amicus brief. At a special Executive Board meeting on this issue, the Board voted to have our attorney reapply to the Court to obtain intervenor status. The Executive Board concluded that it is crucial that PWVTA's position against conversion be known and to have appeal rights in this case if necessary.

PWVTA has filed an amicus brief (that is, a friend of the Court) on the side of the Attorney General in this proceeding.

Currently, other court actions regarding Title I properties concern Kips Bay and Coliseum. Again, the issue is the 40-year covenant restricting changes to Title I funded properties, and also the matter of the title of ownership. A class action suit of fraud against the sponsor of Kips Bay has been brought on behalf of cooperative apartment owners there because the proper City of New York waivers were not obtained and the ownership of these cooperatives is now in jeopardy.

## COMMITTEE REPORTS

### Grievance

The Committee is actively pursuing grievances (see article elsewhere in this Newsletter). If you have a grievance, contact Sophie Elam—788 Columbus, 4-O.

### Legal

Committee Members will be notified of next Legal Committee meeting.

### Publications

Committee Members will be notified of next meeting. If you have articles to submit to the Newsletter, send to Sally Armstrong, 788 Columbus, Apartment 3-M.

### Social Activities

The Committee is proceeding with plans as announced in last newsletter. Further details will be forthcoming.

### Playground Safety

For information you may contact:

Frances Tome, Chairperson, 372 Central Park West	865-8538
Sandy Sidar, 372 CPW	662-8524
Harvey Blank, 784 Col.	666-1160
Dee/Harvey Lichtman, 792 Col.	666-1160
Judy Page, 382 CPW	222-1651
Laura Boesch, 392 CPW	866-4622
Virginia Hayes, 400 CPW	866-9602

Several people have mentioned that they have lost the list with the names of their Building Coordinators. For your information, they are listed below. Please save this list.

784 Columbus - Pat Graham	749-3021
788 Columbus - Sophie Elam	866-8489
792 Columbus - Gwen Glassman	866-1851
392 CPW - No Coordinator (call Hot Line)	
400 CPW - Kenneth MacLeod	222-5099
382 CPW - No Coordinator (call Hot Line)	
372 CPW - Joshua Lawrence	749-7595

### PWVTA HOTLINE NUMBER:

662-2610

If you are a member of the PWVTA, you are welcome to submit letters or articles to *The Park West Tenant*. We may need to edit for content or space, so please include your name, address and phone number so we may contact you if editing is necessary. Submit contributions to Sally Armstrong, 788 Columbus, 3M, 222-7762.

## THE NEW HOUSING LEGISLATION

(continued from page 1)

**Leases and Surcharges:** Rent setting methods and procedures are left unreformed and are still in the hands of the pro-landlord Rent Guidelines Board. The arbitrary and capricious rule of the RGB continues.

Three year leases after October 1, 1983 are eliminated. However, the RGB may not reopen guidelines to add on surcharges or pass-alongs.

**Unrelated Roommates:** The landlord must be notified, but permission is not required. The roommate does not have the right to the apartment if the prime tenant moves out.

**Warranty of Habitability:** This has been changed to the advantage of the landlord. Tenants are now entitled only to the cost savings of the landlord during a labor strike during which the landlord tries but fails to keep services up to the required level.

**Subletting:** The right to assign an apartment is eliminated. This means the tenant cannot move out and turn the apartment over to another person. However, the tenant's right to sublet for two years in any period of four consecutive years is established. Although litigation may be necessary if the landlord unreasonably refuses consent, the new legislation strengthens the hand of the tenant. If the tenant does not move back within two years, he or she loses the right to the apartment. Failure to follow the correct procedures in subletting may lead to eviction of the tenant.

## THAT'S NOT A BIRD— IT MAY BE YOUR SMOKE DETECTOR!

It has been over a year since the installation of smoke detectors which were purchased on behalf of some tenants by PWVTA.

You may have already heard (or will soon hear) beeping noises emitting from your detector. This is not a signal that the detector is broken. It means that your battery is about to wear out. Even though you will still be able to test the alarm by depressing the button, the battery is very weak and the smoke detector will continue this "chirping" noise until you replace the battery.

If your detector is not functioning properly after inserting a new battery, please check the warranty that came with the smoke detector.

If you have a smoke detector provided by management, you are responsible for replacing batteries. If the unit malfunctions (through no fault of the tenant) within one year after installation by management, they are responsible for replacement. After one year it is the responsibility of the tenant to keep a functioning smoke detector in good repair.

## SECURITY AT PWV MUST BE IMPROVED

We are all painfully aware of the severe security problems at Park West Village. *The Park West Tenant* has enumerated ways in which tenants can help insure their safety and security, but more must be done.

Repeated complaints were made to management concerning a defective lock on the front door of 372. As late as a week later a tenant in 372 was mugged and robbed in the elevator. The tenant reported this incident to the police and put management on notice in writing that their failure to repair the defective lock was contributory to the mugging.

Another tenant was recently mugged in the elevator of 792 at 9:00 a.m. The tenant noted that both front doors had been propped open by the porter while he was cleaning, thus allowing access to the building to anyone.

**What We Must Do:** Merely reporting a crime to the PWVTA and Park West Security is not enough. It is imperative that you take the time to do the following:

1. Report any breach of security such as defective locks, broken intercoms, doors left open, et cetera, to management immediately—in writing. Send copies of such notification to the PWVTA.
2. Report any crime to the 24th Precinct on 100th Street between Amsterdam and Columbus. This is the Precinct which has jurisdiction for Park West Village and complaints must be made to this Precinct. It may seem like a futile gesture, but you will need a police report for any insurance claims for losses sustained, and there will be documentation of the crime.
3. Notify Park West Management in writing, pointing out any security breaches which could have contributed to the incident. If you had previously written management concerning these breaches, refer to or enclose a copy of your letter. Send a copy of your report to the PWVTA. We must collect documented evidence of security problems and resultant crimes. We need this documentation to support our push for drastically needed improvements in security.

## CORRECTION:

In the last issue of *The Park West Tenant*, we stated that the landlord is required to provide 24 hour ventilation to apartments that do not have bathroom and kitchen windows. This is incorrect. The landlord is required only to supply ventilation between 6:00 a.m. and midnight in dwelling areas and between 7:00 a.m. and 7:00 p.m. in public areas.

## GRIEVANCE PETITION AT 792

Seventy-seven tenants in 792 have signed a petition to protest the conditions in their laundry room. They find that the washers are often out of order and that they do not maintain the water temperature so that clothing is washed in cold water when hot water has been designated.

These conditions prevail in other buildings and should be addressed also. You can share in this complaint and obtain signatures.

A letter of complaint is being sent to management in order to correct this condition. The tenants are growing impatient and if action is not forthcoming soon further steps will be taken.

## SECURITY ALERT

It is very easy for a robber to remove the cylinders from your locks. The Police Department has emphasized that plates must be placed over locks for full protection. If you do not have plates on your locks, we recommend that you have them installed.

## ANNOUNCEMENTS

Since March of this year, the Executive Board of the PWVTA has been meeting at S.C.O.U.T. Headquarters on Columbus Avenue. We would like to thank S.C.O.U.T. for their cooperation in allowing us to use their facilities. Our particular thanks go to Felix Rosario, Director.

The building which housed S.C.O.U.T. will be torn down to make way for the new apartment building being constructed between 96th and 97th Streets. S.C.O.U.T. now have their headquarters at Holy Name Church at 97th and Amsterdam.

Executive Board meetings are open to any PWVTA member. The next Executive Board meeting is tentatively scheduled for September 21. The place for the meeting will be announced later. If you are interested in attending Executive Board meetings, contact the Hot Line or your Building Coordinator or Representatives for time and locations.

## SAVE YOUR NEWSLETTERS

The newsletters contain valuable information concerning housing legislation and your rights under the law. Please save your newsletters for future reference.

## CAPITAL IMPROVEMENTS INCREASE UPDATE

Last Spring the landlord was granted an increase in rent by the Conciliation and Appeals Board for Major Capital Improvements (roof repairs in 784, 788 and 792 and new burners in 392 and 400).

Several tenants have reported that the increase was not properly calculated.

The percentage of increase was based on the *January 1982 rent*. The effective date for beginning the increase was May or June, depending on which building is involved. (The percentage of increase applicable to each individual building is spelled out in the notification you received from management on this increase.)

For tenants who renewed leases or moved in between January 2, 1982 and May or June of 1982, the base rent to be used for the increase was the January 1982 rent.

If you find that your increase was calculated on the wrong base rent, call the Management Office and ask to have it corrected. If this does not resolve the error, obtain a CAB gray form (overcharge complaints) and file with the CAB.

**New Major Capital Improvements:** Tenants in 372, 382, 392 and 400 have received copies of the landlord's application to the CAB for increases in rent based on repairs and aluminum stripping done on terraces in those buildings. All tenants who do not have terraces should indicate this on the tenant response form attached to this notice and send two copies of the response to the CAB, 10 Columbus Circle, and keep a third copy for themselves.

For those with terraces, read the description of work done carefully. If you believe that all the work indicated was not done on your terrace, respond accordingly. Pictures to show the condition of your terrace may be helpful to attach (a picture is worth a thousand words!) Many people have stated that this was repair work long overdue.

If you were away on vacation when the notice arrived, send it in *now*.

## PARK WEST VILLAGE TENANTS ASSOCIATION TREASURER'S FINAL REPORT

Balance as of 12/31/81	1/1/82-2/28/83	
Savings Account	\$11,572.45	
Checking Account	916.08	\$12,488.53
<b>Income</b>		
Membership Dues 1982	\$15,293.65	
Membership Dues 1983	55.00	
Smoke Detector Payments	21,839.82	
Savings Account Interest	1,059.62	
Money Market Account Interest	114.04	38,362.13
<b>TOTAL</b>		<b>\$50,850.66</b>
<b>Expense</b>		
Legal	\$2,325.30	
Publications/Flyers	2,185.73	
Meeting Hall Rental	626.96	
Bank Charges	54.44	
Smoke Detectors	22,029.07	
Building Funds: 372	41.66	
392	11.37	
400	30.69	
792	12.77	
Other: Telephone	771.48	
Copying	301.40	
Supplies	210.76	
Travel	88.35	
Membership	100.00	
Miscellaneous	105.33	
1981 Expenses Paid in 1982	178.70	-29,074.01
Adjustment		\$21,776.65 11.98
<b>Balance 2/28/83</b>		
Savings Account	\$ 6,047.17	
Money Market Savings Account	15,114.04	
Checking Account	530.79	
Petty Cash	.10	
Advance to B. Sowande	96.53	\$21,788.63
Balance 1/31/83		
Submitted by Pat Ethelyn Graham		

## JOIN THE PWVTA

We have current memberships of approximately 60% of Park West Village. We are engaged in a legal battle which vitally affects your status as a rental tenant of Park West Village. **WE NEED YOUR SUPPORT.** Please join the PWVTA today. You may join by mailing the membership coupon below or by giving your dues to your Floor Captain or one of your Building Representatives. **DO IT NOW.**

### PARK WEST VILLAGE TENANTS' ASSOCIATION

P.O. Box 1216, Cathedral Station, New York, New York 10025

I wish to join PWVTA for the year 1983. Enclosed please find \$10.00 dues.

Name \_\_\_\_\_

Building and Apt. No. \_\_\_\_\_ Telephone \_\_\_\_\_

Member PWVTA 1982: Yes \_\_\_\_\_ No \_\_\_\_\_

Date of Occupancy of Apartment \_\_\_\_\_

Make check payable to PWVTA. Please clip this coupon and give it with your payment to your Building Representative or mail it to the above address. Please do not mail cash. Your membership card will be sent to you.