

The Park West Tenant

Vol. 9 Number 3 The Newsletter of the Park West Village Tenants' Association JULY/AUGUST 1984

REGISTRATION OF RENTS AND SERVICES

IT IS THE LAW, as signs on subways indicate. The Omnibus Housing Act of '83, in addition to many important provisions, requires owners of Rent Stabilized housing to register the rents and services provided on April 1, 1984, for each unit with the New York State Division of Housing and Community Renewal (DHCR) by June 30, 1984. Once registered, this information becomes the base rent for all future rent increases and for any questions regarding diminution of services. If either then rent or service information is incorrect, the tenant can file an Objection Form. *The tenant must file a challenge to the rent within 90 days of the date on the envelope.* There is no time limit for complaints regarding services provided in the apartment and/or the building.

At PWV the notice has been sent by certified mail, since the landlord is obligated to prove service of notice. All tenants should be sure to collect this form at the Post Office, if necessary.

There are some specific situations at PWV which we believe may warrant that the tenant should file a Tenant Objection Form. We have obtained hundreds of forms which are available from the Hotline (662-2610), Emily Margolis (864-5996), or your building coordinator.

If you did not previously file a Gray Form with the Conciliation and Appeals Board (CAB) and if you are not the original occupant of the apartment — we strongly recommend challenging the rent history of the apartment. NOTE: All cases pending at the CAB on March 31, 1984, will be completed by DHCR. You have nothing to lose by challenging your rent and a great likelihood that your rent may be reduced.

On any vacancy the landlord had the opportunity of setting a rent for the new tenant in excess of guidelines allowable increase. Several years ago when rent registration

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WHERE IS IT NOW? UPDATE

August 1983: The Attorney General *denied* Helmsley's attempt to violate the 40-year Covenant to preserve the rental status of Park West Village.

September 1983: The Board of Estimate verified its responsibility to protect the interests of the tenants by restating that any projected change would have to be examined by the City.

February 1984: The lower court, under Judge Evans, ruled in favor of Helmsley.

April 1984: The Attorney General and the Corporation Council of the City appealed Judge Evans' decision to a higher court. The appeal created and *automatic stay* of Judge Evans' decision.

May 28, 1984: This automatic stay was challenged by Helmsley on the Friday of the Memorial Day weekend before a single judge.

May 28, 1984: This attempt to vacate the stay in a rush to judgement was denied by the judge. The case is now pending before the Appellate Court and the automatic stay is still, therefore, in effect.

June 6, 1984: This situation has been reinforced by a decision, as of this writing, to *deny* Helmsley's right to vacate the stay created by the Attorney General's appeal. This decision means that the full court process must ensue.

June 6, 1984: The City has requested that the Park West Village case be considered at the same time as the Coliseum case.

Tenant's Watch

In the course of preparing an update of the Tenant's Watch in 400 C.P.W., information from both PWV Security and the 24th precinct police was provided in response to tenant questions. Highlights of that information which may be useful to all PWV tenants are noted below.

1. Most burglaries from PWV take place during the day and from apartments having no cylinder guard (a plate over the lock). A cylinder guard makes it difficult to twist the cylinder out of the lock, which is their usual method of entry. Park West Village maintenance will install a cylinder guard for tenants for a charge of \$20. Go to the Management Office to arrange it. Private locksmiths will also install them.

2. Moving stuff in or out of your apartment? Avoid hassle: call the Park West Village Rental Office at 865-7400 to tell them when and they will notify Security. If you forget, Security Officers may stop you; that's their job. Given approximately

60 burglaries in PWV over the past 18 months, and more attempted, most of us appreciate Security's making sure. Moving is supposed to be between 9-5. If you're just moving a few personal items on an evening or weekend, please tell the Rental office anyway.

3. Call PWV Security at 222-4300 or 222-4335 if:

- You see someone suspicious on the grounds or in the building. Please identify yourself and say what you see and where.
- You hear untoward noises at strange times.
- There is an emergency maintenance problem at night or on the weekend. During weekdays, please call the Management Office for maintenance needs, 865-7000.

4. Please report all crimes *both* to PWV Security *and* our local 24th precinct, 678-1811 (or 911 if an emergency).

THIS WON'T WASH

The situation in the laundry rooms has assumed the proportions of a major scandal.

It is a common sight to see a tenant in despair, standing before a machine, or two, or three, with the clothes floating in dirty water waiting to be fished out by hand!

Vast amounts of money have been swallowed up by machines which do not wash, do not rinse, do not clean and do not dry, except when they burn the clothes completely. These machines seem to exist only to accept money.

As tenants in every building have discovered, COINMACH does not believe it has to be responsive or responsible. However, although, proper restitution has not yet been made, where efforts have been consistent and relentless, such as in 792 Columbus Avenue, where Lois Lazarus and a group of victims have waged a valiant campaign, some action has resulted; they have gotten all new ducts in 792.

What are we waiting for? It has been suggested that a class action suit against the company be instituted if there is no response. This should certainly be discussed by the Executive Board. A petition similar to the one circulated in 792, should be *introduced in every building.*

1. COINMACH INDUSTRIES CORPORATION
200 Community Drive
Great Neck, New York 11021
Att. Mr. J. Sussman, President
2. Long Island Better Business Bureau
266 Main Street
Farmingdale, N.Y. 11735
Send a copy to the attention of Ken McZinc, chairman of the Legal Committee.

SAVE YOUR NEWSLETTERS

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

GRIEVANCES AT PARK WEST VILLAGE

This column will initiate a regular report of the grievances that our community has to deal with under Park West Management. Send in your complaints so that we can begin to handle them on a community wide basis.

TV Reception

One of our tenants has carried on an ongoing telephone written correspondence with the contractor and Park West Management since November 1981. Park West Management suggested to her that she should get Cable TV "like all the other tenants have". As of 1984 her TV reception has not improved.

The complaints about reception of TV come from all sections of the complex, varying only in the channels that are either snowed or rolling.

Those who call the contractor (*Copper Cable, 471 Walton Ave., Bx., 665-9300*) have sometimes had the repairman call. He checks the line and often finds some defect in the wiring in one of the apartments on the line. It is also likely that the Master Antennae on the roof is old and has not been replaced by Park West Management. A new antennae has been installed in 788 after eighteen years. This has improved reception in some apartments, but not in others. This may be due to defective wiring in the outlets for the Master Antennae. The maintenance and upkeep of the antennae and the wiring is the responsibility of Park West Management.

The action that tenants with this problem should take, is to call the contractor (see above) and Park West Management.

Our leases include the service of a Master Antennae. If no improvement in the condition, then call the central office to complain (*687-6400, Carol Mann, Mr. Harris, or Richard Weiss*).

A Roof that Leaks and Still Leaks

For the past seven months, a tenant has had six leaks from the roof. For months on end, she had buckets in her living room to catch the leaks. Calls to management elicited only slow responses. Finally, in desperation, she called the central office and they put pressure on Park West Management. Even now, after seven months, a repainting of the living

room, plastering of the ceiling, there is still one leak. Floor tiles have to be replaced; the outside wall is still leaking and needs repainting. The tenant is still waiting on the completion of these repairs. The painting was not done when workmen were at the building and the management office has been notified.

It is clear from this, that management is slow to respond to complaints even as serious as this until the central office is notified and orders Park West Management to make the necessary repairs. Even then, there is foot-dragging and compliance is slow.

See above for the names of the officers and telephone number of the central office.

A Robbery and an Inquisition

At 6:30 AM a burglar climbed through a kitchen window on the second floor. The tenant awoke and the burglar jumped out of the kitchen window to the ground below. The security officer who came questioned the tenant and began making inferences that the robbery was not a robbery, but rather some kind of affair that the tenant was having.

Security is constantly attempting to prove that it was no fault of theirs and that the tenant was to blame.

Sophie L. Elan

HARASSMENT: EVICTION THREATS

Management frequently holds rent checks to bluff tenants into paying unjustified claims. We keep hearing of such cases.

Recently three tenants called the bluff. In two cases management backed off after threatening to take the tenants to court for nonpayment of rent. In one case the tenant was taken to court; management's lawyer withdrew the charge.

When brought into court this way we suggest that the tenant ask the court for costs and damages.

We would like to hear of any such intimidation by management with complete documentation.

Parking Fees

According to our information,

parking fees cannot legally be increased except in accordance with guideline increases when a lease is renewed, just as with the rent. Any other increase in parking fees should be challenged by filing a complaint with the Office of Rent Administration.

The same rule applies to increased charges for air conditioners.

Painting of Terraces

If management refused to paint your terrace, file a complaint with the Office of Rent Administration. So far, management has gotten away with non-painting of terraces. This policy should be challenged.

In response to complaints about having to pay 20¢ for a shopping bag at Red Apple supermarkets, Lucille Donte met with John A. Catsimatidis, owner of Red Apple Supermarkets, Inc., May 23, 1984 to discuss the situation. The shopping bag charge is hard on senior citizens and others with fixed incomes and most supermarkets provide them free of charge.

Mr. Catsimatidis said that he would issue an order for our local Red Apple (100th St. at Columbus Ave. — Store 15) to provide shopping bags free to senior citizens.

Lucille will try at a later date to negotiate free shopping bags for everybody; which is as it should be.

Mr. Catsimatidis has contributed to various PWVTA functions and has worked with Lucille in trying to clean the back yard of his local concession. Contained as it is, it is still a mess.

Kudos to Don Cassels for trimming the rose bushes in front of 792. Those are choice roses — originally 12 and most by now stolen.

In praise of our Security Guards — on April 28th, a neighbor was washing his car in 788's parking lot. He was busy at work with the car trunk open. A man came up, filched a \$600 camera from the trunk, handed it to another man and away they went.

PWV Security Guard, Leon Whitehurst, saw the action 150 yards away. He checked to make sure it was theft, then gave chase to the two guys who took off down the street and into a car.

Guard Whitehurst also called the police and they caught and arrested the scoundrels.

However, NOT in praise of our security guards is the hush-hush syndrome when something like an apartment break-in occurs. In the month of May we heard of three apartment robberies in 788.

If we could hear about the events, know exactly what happened, the security measures taken by the guards, etc., we could be more alert to our own responsibilities in protecting ourselves.

Jo Zahner

Registration of Rents and Services

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was discussed, one landlord shouted "If we have to register the rents, how will we be able to overcharge?" More than 90% of tenants' complaints of over charging to the CAB were found to indeed be so.

Specific reasons for filing a Tenant Objection Form regarding rent

1. If you filed the Gray Form with CAB, respond accordingly. The objection form has a space for the docket number to be indicated. If you do not yet have a docket number, just fill in "not yet received".

2. Five buildings with Major Capital Improvement increase: 784, 788, and 792 Columbus Avenue have had rent increased for roof repairs, and 392, 400 C.P.W. for boiler replacement. The rent registered includes the amount granted by the CAB for the MCI. This increase is being challenged in court by the Tenant's Association. There is no harm in filing the objection to indicate that the rent is subject to change if the court decides in our favor. NOTE: The second application for an MCI increase based on "improvement" to terraces in 372, 382, 392, and 400 is pending at DHCR and no increase has yet been granted or denied.

If an over charge is found for tenants who file an objection now, any refund will be limited to money paid after April 1, 1980, or date of occupancy, if after April 1, 1980.

Those who filed prior to April 1, 1984, preserved their right to recover

the overcharges paid during the entire term of their occupancy.

3. If you did not previously file a Gray Form, as stated before (but cannot be overstated) you should now preserve your right by filing a rent objection form. IF NO CHALLENGE IS MADE, THAT'S IT. All overcharges will then become part of the rent and continue for you and all subsequent tenants in the apartment.

4. "Hardship" application history. Tenants who moved in after March 1, 1979, may be affected by the "hardship" event. In '75 our landlord, Harry Helmsley, applied to the CAB for a "hardship" increase and in January '79, the CAB granted a 6.63% retroactive increase. Management immediately began billing tenants for this and added the amount to all lease renewals and to all NEW or vacancy leases. In July '79, the Supreme Court ruled that the CAB determination was incorrect and should be remanded to the CAB for reconsideration under the revised hardship formula. This determination was unanimously upheld by the Appellate Division in December '79. Under the revised formula it was known that no increase would be indicated.

Many tenants in occupancy at the time noted that it took quite some time for the rent to be corrected on their monthly bill. There is no way for tenants moving in after March 1, 1979, to be sure their rent was calculated on the correct base, unless they challenge the rent history of the apartment.

HAVE YOU SENT IN YOUR RENT FORM?

STATE OF N.Y. DIVISION OF HOUSING & COMMUNITY RENEWAL

2 WORLD TRADE CENTER
NEW YORK N.Y. 10047

PRESIDENT'S CORNER

A neighbor asked me, the other day, if the Park West Village Tenant's Association was one-issue organization, concerned only with the struggle to preserve rental housing at Park West Village.

The answer is: decidedly no! The PWVTA is, and has always been, concerned with protecting every aspect of the quality of life that affects those who live in Park West Village.

From its inception, it has defended the tenants against constant efforts of the owners to harrass tenants, challenging their rights on a myriad of questions. When you get an eviction notice because your "status" has changed, whom do you call? When there is a serious security problem in your building, upon whom do you depend? Now, the buildings are old: roofs are leaking, plumbing is going, boilers are in need of repair. Upon whom do you depend to say that the adequate allocation of resources from its great profits is the responsibility of Management? Only our united strength protects us from bearing all these inordinate costs.

It is true, by majority decision, the PWVTA insists that the Covenant which created Park West Village be honored and that Park West be maintained as rental housing. The Attorney General and our West Side legislators agree: no changes against the agreement of the Covenant. But while the issue of preserving rental units is the most acute and paramount now, simultaneously, the issues of playground safety, cleanliness, laundry room conditions, as well as, consistent protection against selective harassment, which happens when a tenant fights alone — all are addressed and are the concern of the Association.

Many members who may personally be interested in condominiums are maintaining their membership and activity in the PWVTA because they realize that Park West Village and other similarly created Title I units are unique contributions of New York City to the stability of middle-income housing. There may be a need for non-profit coops and condominiums, as well as, middle-income units in the city. Builders and owners who are truly interested in the city and its people should build these without violating the condition laid down when the eminent domain of the City was exercised, as Helmsley is attempting to do in the Title I case.

There is a definite, proven, crying need for rental housing. The existence of moderate rental units in Park West is a brake against the sky-rocketing, budget-breaking cost of rents and of the living that goes with such rents that are being imposed upon the entire population, young and old.

It is for this reason that the Association aggressively pursues its efforts to preserve Park West Village as it was originally conceived and promised, and it is for this reason that we depend on all residents in Park West Village to join the Association and help strengthen it, in this way defending their own true interests.

Joshua Lawrence

PARK WEST VILLAGE TENANTS' ASSOCIATION

P.O. Box 20339, Cathedral Finance Station New York, N.Y. 10025 (212) 662-2610

I wish to join PWVTA for fiscal year 1984-85.

Enclosed please find \$10 dues

Name _____

Building and Apt. No. _____ Telephone _____

Member PWVTA 1983: 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.