

The Park West Tenant

VOL. 11 Number 4 *The Newsletter of the Park West Village Tenants' Association*

APRIL 1986

GOVERNOR CUOMO AND STATE LEGISLATURE TO MAKE CRITICAL DECISIONS AFFECTING TENANTS

The fate of the Rent Stabilization Code as well as critical state legislation, both affecting whether tenants can remain in their apartments, will be decided during May. Legislators and organizations concerned with tenants' security are urging tenants to visit and write Governor Cuomo, Commissioner of Housing Eimecke, and key Albany legislators, letting them know we will not just fold our tents and go away (an all too literal prospect if we do not act to secure our positions!)

Come To Albany May 13

Buses will leave from the Upper West Side at 7:00 a.m. the morning of Tuesday, May 13, to take tenants to Albany to join others from around the state for a day to include demonstration, a press briefing and representation to legislators. Tenants are urged to come and make their presence felt. Buses will return by 8:00 p.m. Round trip bus fare is \$15.00, and reservations may be made by completing the form below. Best to bring a brown bag lunch. Call 662-2610 for further information.

Write Re: Legislation

Proposed bills affecting PWV residents are briefly summarized below. Letters from tenants to our representatives can affect the consideration of these and other housing bills.

S 5585/A 6047

Raises from 15% to 25% the number of tenants who must purchase their apartments for a non-eviction conversion plan to go ahead, and will require that they be bona fide tenants in occupancy rather than outside purchasers.

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COME TO ALBANY - COMPLETE AND SEND TO:

Emily Margolis, 400 CPW (12Y) or Carl Harm, 784 Columbus Ave. (10G) 662-2610 (1:00 - 10:00 P.M.)

- I/we want a seat on a bus to Albany May 13.
- I enclose payment of \$_____ (\$15 Round Trip)
- I cannot afford to pay. Please waive bus fare.
- I cannot go but enclose my contribution of \$_____.

Make check payable to: _____ PWVTA marked
for Bus Trip

Name(s) _____
Address _____ Apt. _____

Phone (h) _____ (b) _____

CONVERSION DELAYED BY PWVTA ACTION

According to Court order, Helmsley may not declare the 372/382 conversion plans effective until at least 10 days after the court decides the merits of PWVTA's case charging harassment, warehousing and extensive omissions in the published conversion plans (Black Books). Court papers from the 3 parties in the case-- Helmsley, PWVTA and the Attorney General-- will be filed through mid-May. The Court's decision thereafter could result in a stop to or further delay of conversion. The Court also ordered Helmsley to continue the "insiders's" exclusive right-to-buy period until after the Court decides the case.

Landlord Violates Court Orders

In early April, Helmsley representatives wrote or telephoned tenants considering purchase of their apartments to say the "insider" price would end April 7--in violation of the Court's order. On April 8, PWVTA's lawyer reported this violation to the Court. The Court then ordered that Helmsley write all tenants in 372/382 to tell them the truth--that the insider's price will continue until after the Court's decision.

The Court's injunction on harassment also has been violated, as tenants have continued to receive "check up" inquiries allegedly from Federal Express or Con Ed, have been challenged in receiving deliveries, and have been informed their leases would not be renewed on unspecified allegations that their apartments are not their primary residence.

Both the Attorney General and PWVTA ask that they be informed of any infraction of these court orders regarding harassment or the insiders' closing date. Please call 662-2610 afternoon or evening or inform your building representative.

Attorney General Joins PWVTA Seeking Order To Bar Harassment

The Attorney General's Office has conducted its own investigation of harassment in PWV, concluded there is indeed harassment, and will support PWVTA's application to the Court for a cease-and-desist order barring harassment.

LEASE BEING QUESTIONED?
TROUBLE WITH DELIVERY OR LOCKOUT?
ODD TELEPHONE CALLS ALLEGEDLY FROM CON ED OR
FEDERAL EXPRESS?
PRESSURE TO BUY YOUR APARTMENT?

THE ATTORNEY GENERAL AND PWVTA WOULD LIKE TO
KNOW AND MAY BE HELPFUL.

PLEASE CALL 662-2610 FROM 1:00 - 10:00 PM

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S 5530/A 6484

Reduces the "warehousing" allowed by a landlord planning to convert from the present 10% to 5%, and maintains that limit for 110 days after the red herring (no limit now during the red herring period). Assembly Housing Committee Chairman Pete Grannis is sponsoring another bill which would forbid warehousing of apartments in New York City altogether during the current apartment shortage emergency.

S 4939/A 7638

The Permanent Tenant Protection Act is a comprehensive bill that would consolidate and extend protections to New York State tenants, including a limit on rent increases for building wide improvements (MCI's) to 6%.

A/3030

Assemblyman Sullivan's bill, affecting Mitchell-Lama buildings would delay for 15 years beyond the present 20-year limit the option of owners to buy out the mortgage and then charge whatever the market will bear.

Whom To Write (All in Albany, New York)

Governor Mario M. Cuomo
Executive Chambers, 12224

Hon. Stanley Fink, Speaker
New York State Assembly, 12248

Hon. Warren Anderson, Majority Leader
New York State Senate 12247

Hon. Alexander (Pete) Grannis, Chairman
Housing Committee, N.Y. State Assembly, 12248

Hon. John Daly, Chairman
Housing Committee, N.Y. State Senate, 12247

Hon. David Patterson
New York State Senate, 12247

Hon. Edward C. Sullivan
New York State Assembly, 12248

To get copies of bills: Call 1-(800) 342-9660.
Ask for bill by its number.

Rent Stabilization Code at Stake

A much weakened rent stabilization code has been proposed by DHCR Commissioner Eimecke, which, after revisions, will be issued by end of May. PWVTA President Carl Harm and PWV resident Winifred Armstrong were among those testifying on the need to strengthen the code at the DHCR hearing April 11. A letter outlining several issues of particular concern to tenants has been prepared which tenants may send to Gov. Cuomo and Commissioner Eimecke. Contact your building representative for copies.

CAN YOU WORK AT HOME?

Park West Village leases state a "tenant shall not use or occupy the apartment or allow the apartment to be used or occupied for any purpose other than as and for a private dwelling place." On these grounds, Management recently won its case against a PWV psychologist who received clients at home: the tenant retains the apartment but has had to establish an office elsewhere. Where can the lines be drawn between working at home and operating a business from your home?

There are few laws that directly govern working or doing business at home; for the most part, the law is being defined in the courts on a case by case basis. Those who work at home may want to evaluate their own circumstances on the basis of questions often raised in court as part of determining whether a home has been turned into an office.

Phone: You may certainly use your home phone for business calls. But is there a listing in the phone book in the name of your business which is also your home phone? This is not illegal--but will be weighed along with other questions. Some people rent a desk and phone elsewhere with call forwarding, in order to establish a separate business address and phone.

Advertising: You may certainly include your home address and phone on your business card. But does your business card list only your home address? If you advertise in magazines, newspapers, or other publications, do you use your home address? Do you have your business name on your mailbox, on the listing downstairs or on your front door? Again, none of these necessarily violates your lease or rent stabilized status, but is weighed in the court's determination.

Mail: Do you receive mail in your business name at home? Some people who receive a substantial volume of business mail rent a box at the post office.

Office: Is your apartment set up like a business office or a home? Not questioned are a desk, typewriter or computer, but do you have special equipment or store supplies? How much space are you using for your business? The law says that in rent stabilized apartments, only 25% of the space may be used for work. The Courts accept that you may bring home work from the office, or work from your home on a frequent basis if the company you work for is in a different location, and your home is not set-up as a business. You may not, however, maintain equipment at home for the use of employees.

Clients and Personnel: You can have people come into your apartment to meet or work occasionally; however, the regularity of their visits and the amount of traffic you generate have been considerations in recent court determinations. Doctors or other professionals receiving clients on regular appointments has been disallowed.

Tenants in rent-stabilized apartments may certainly work at home--whether they are employed and bring home work from the office or work free lance at home. They may not receive clients regularly on appointment, or carry on a manufacturing business (including catering). In between, the "grey area", if questioned by the landlord, is being determined in the courts by combinations of the criteria mentioned above.

Park West Village Tenants' Association
P.O. Box 20339, Cathedral Finance Station
New York, N.Y. 10025 Tel: [212] 662-2610

Tenants Receive Notices of RENT Overcharges

Several years ago, PWVTA assisted tenants in filing rent overcharge inquiries to the Division of Housing and Community Renewal (DHCR). DHCR is finally sending notices to tenants informing them of its initial determination. Based on information provided to PWVTA some tenants have been overcharged and the Helmsley organization owes them money.

Unfortunately, the DHCR instructions are not very clear, causing tenants to ask PWVTA, "What Do We Do Next?" Hopefully, the following will clarify the steps to be taken.

- o Wait 35 days from the Order Issue Date typed on the transmittal letter or Form RN-14 before doing anything.
- o If after 35 days you have not received a notice that the landlord has requested a second review, send Form RN-14 back to DHCR with the mailing information completed (upper left hand corner of the form).

****It would be a good idea to make a copy for your records and write the date you sent the form back to DHCR.**

- o DHCR is to send the form back to you with information completed in either Part A or B on the back of the form.
- o If DHCR reconfirms that a rent overcharge occurred, tenants may do One of the following :

- Deduct up to 20% from each month's rent until the overcharge has been eliminated,

OR

- Have Part C on the back of Form RN-14 notarized and file the form with the County Clerk's office for a one-time judgment payment against the landlord.

The landlord may challenge DHCR's findings, but must file a Petition for Administrative Review (PAR) within 35 days of the initial order date, and send a copy to the tenant. In that case, you wait for DHCR to make its review and send you its decision.

Send Form RN-14 with the mailing information completed IMMEDIATELY FOLLOWING THE 35 DAY PERIOD if you have not been notified by the landlord or DHCR that a PAR has been filed.

DHCR will also sometimes check up on an individual case (by docket number) or provide information if you call 1-(718) 739-6400. or 1-(718) 739-3400, Ext. 4500, or write DHCR Office of Rent Administration, 92-31 Union Hall Street, Jamaica, New York, 11431.

PWV APARTMENT SALES SLOW

Five months after the Black Books were issued by Park West Management for 372 and 382 CPW, and despite major ads in the Sunday New York Times, relatively few people have indicated a commitment to purchase apartments if and when conversion plans go ahead. Here are the figures as of early April:

<u>372 (The Vaux)</u>	<u>382 (The Olmsted)</u>
Out of 413 apts.	Out of 414 apts.
Insiders 38	Insiders 22
Outsiders 15	Outsiders 14
Total 53	Total 36
(12.83% of apts)	(8.69% of apts)

Observers note high apt. prices and the PWVTA court suit as possible causes for slow sales.

DOGS AND DOG OWNERS

Please Help Keep Our Grounds Clean!

Some few of you are not playing fair...
 Dog waste is fouling PWV grounds
 (and even stair wells on rainy days)..
 Management will report violators
 (which jeopardizes dog status)
 We can keep both our dogs
 and our grounds clean
 With your help.

The Park West Tenant is produced by volunteers. Thanks to the writers and editors for this issue who include: F. Handman, D. Lichtman, F. Vitale, F. Wagener.

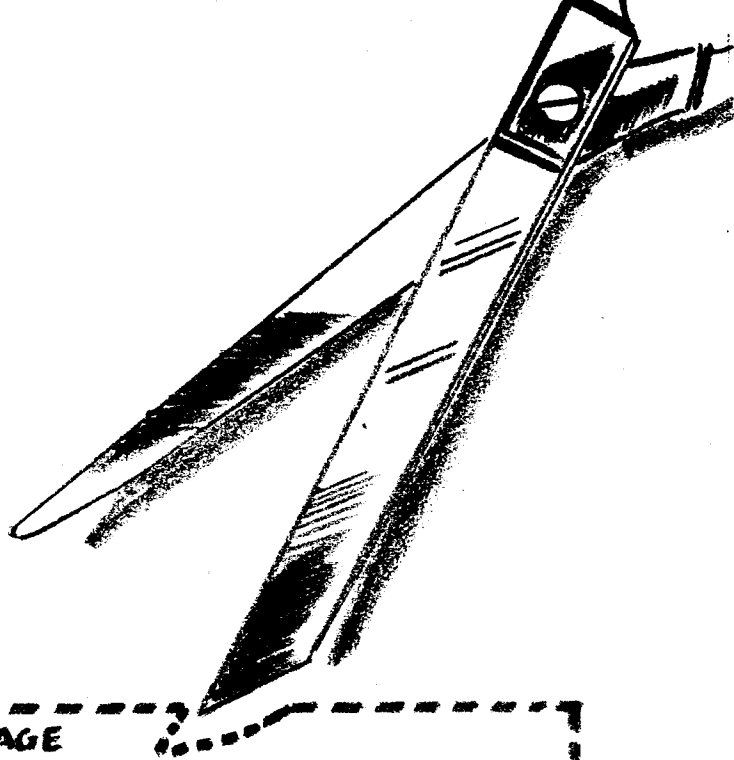
Thanks for make-up: D. Learned, F. Vitale; and for special services: D. Cohen, J. Morelli.

Suggestions and help welcome. Please call W. Armstrong, Chair, Publications Committee, 400 C.P.W., (5P), 865-3078.

COMMUNITY CALENDER - ALL WELCOME

<u>DATE</u>	<u>EVENT</u>	<u>TIME AND PLACE</u>
Tues. 5/13	Tenants Go to Albany. Join us.	Bus leaves 96 & B'way about 7 a.m. Returns by 8 p.m. Call 662-2610.
Tues. 5/6	Community Bd. #7	Call 362-4008 for information
Wed. 5/21	"The Right to Housing", Open conference organized by Interfaith Assembly on Homelessness & Housing	9a.m.-4:30 p.m., Riverside Church, call 316-3171 for info.

...don't let Harry
clip you!
CLIP BACK!



**PARK WEST VILLAGE
TENANTS' ASSOCIATION.**

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

Yes, I want to join PWVTA.
Here is my check for \$25.00 for 1986 membership fee.

I am a member of PWVTA.
Here is my contribution to its' Legal Fund for \$ _____

Name _____

Bldg No. _____ Apt No. _____ Tel. No. _____

Please make checks payable to PWVTA. Clip this coupon and give it with your payment to your Building Representative or mail to the above address. Please do not mail cash.

Tired of being clipped and pushed around by Helmsley?
Well, don't just grumble-clip back! It's easy. Here is
all you have to do:

Take your scissors in hand, clip this coupon and
give it with your payment to your Building Rep-
resentative or mail it in.

To protect your rights, a strong PWVTA is
your best defense.

Don't let management frustrate and intimidate
you. Fight back.

PWVTA
We help even the odds.