

The Park West Tenant

PWVTA TAKES HELMSLEY TO COURT AGAIN... WHY?

This Special Edition of The PWV Tenant Presents The
Reasons And The Issues

In response to PWVTA's initiative in taking both Helmsley and the Attorney General to court, the A-G has undertaken his own investigation of harassment of Park West Village tenants. The A-G's office has appointed a special investigator, Anna Nevarez, to gather information about past and present incidents of harassment of PWV tenants.

Helmsley has reported to the A-G's office between 300-400 cases of leases held up during recent months; and that is only one type of harassment tenants have been experiencing. We will be able to head off future harassment actions only by reporting and working together.

If you would be willing to talk with Anna Nevarez, either at PWV or in the A-G's office, about past or present problems with management, please inform PWVTA representatives:

Emily Margolis

864-5996 (evenings)
400 C.P.W. (12V)

Carl Harm

662-2610 (1:00 - 10:00 p.m.)
784 Columbus Avenue (10G)

WHAT ARE THE ISSUES?

Harassment, Warehousing and the Failure of the 372 and 382 black book to provide information the law requires are the three initial issues raised by PWVTA in the court case against Helmsley and the Attorney General. Initial hearings by PWVTA in the court case will be held on February 25th at 4:00 p.m. by Judge Shorter at the New York State Court. The Attorney General has asked for a delay in order to complete the investigation of harassment at PWV. Subsequent hearings will be held.

I. HARASSMENT: MANY ARE ITS FORMS

Lease (Non) Renewal: Scores of cases of the landlord's failure to renew leases and of threatened evictions on false charges have been called to the attention of the Attorney General's office by PWVTA since fall 1984. Meetings with the A-G's representatives, affidavits, legal and

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INJUNCTION'S EFFECT ALREADY SHOWN: LANDLORD GRANTS 160 BACK LEASES

But Says He Will Continue to Challenge
Rights of Occupancy

On January 30th PWVTA filed its petition to the State Supreme Court. The Court issued an injunction prohibiting further harassment pending further hearings. The landlord anticipated court action by issuing 160 back leases between January 29-31 which had been withheld for up to two years in all 7 buildings. The landlord also listed 90 cases of disputed lease renewal or eviction pending before the "Independent Person."

But all is not well. Accompanying many of the new leases is a letter from PWV Management stating they will continue their efforts to prove the tenants are illegal occupants and to evict them.

PARK WEST VILLAGE TENANTS' ASSOCIATION

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

INVITATION TO JOIN PWVTA -- AND/OR HELP THE LEGAL FUND

In response to PWVTA's initiative in taking both Helmsley and the Attorney General to court, the A-C has undertaken his own investigation of harassment of Park West Village tenants. The A-C's office has appointed a special investigator, Anna Nevarez, to gather information about past and present incidents of harassment of PWV tenants.

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Name _____

Bldg. and Apt. No. _____

Telephone _____

_____ \$25 check for 1986 membership enclosed.

I would like to contribute to the Legal Fund.

\$100 [], \$50 [], \$25 [], Other [].

<u>Building Reps.</u>	372 (8V) or (14J)	
	382 (9U)	784 (9B)
	392 (1Y)	788 (5N)
	400 (5P)	792 (17R)

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. (If you cannot pay the full amount, please pay what you can.)

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political pressures, and tenants' own efforts have resulted in the issuance of dozens of leases contested in 1985. But not until PWVTA took the matter to court on January 30, 1986 did the landlord reveal that the leases withheld over a two-year period in all seven buildings had numbered between 300-400. The landlord's representatives have stated that they will continue to challenge tenants on the basis of illegal occupancy, primary residency, etc.

Deliveries Blocked: PWV Security has stopped truck deliveries to numerous tenants' apartments (a) until the tenant could provide identification with photograph to prove he or she was the tenant of record; or (b) for failing to give three days notice in writing of anticipated delivery or removal of items of furniture or appliances. In consequence, Christmas gifts were re-delivered after Christmas; tenants have had to take extra days off from work and pay a "second delivery" charge; and our neighborhood 24th police precinct, having been contacted by both frustrated tenants and PWV security, has felt compelled to issue a careful policy statement citing civil law. An article attempting to clarify both management's prerogatives and tenants' rights regarding deliveries will appear in the next issue of the PWV Tenant.

Dogs Not Welcome? Numerous tenants with dogs (and two without dogs) have received 5-day notices of lease termination unless they get rid of their dogs. Lawyers have been called, PWVTA has gone to bat, tenants have pleaded, and so far, both dogs and tenants remain in residence.

Lock Yourself Out? The management office has dredged up years-old "repair bills" tenants thought long settled as grounds for not letting them back in.

Strange Phone Calls: Numerous tenants have received phone calls at work or elsewhere, ostensibly from "Con Edison", asking that the tenant identify his/her place of residence and inquiring whether service should be cut off. Inquiries to the real Con Edison have revealed no such calls were placed. As management has admitted to having employed investigators to search out tenant records relative to primary residence, PWVTA assumes these misidentified phone calls may be part of management's effort to challenge tenants. (Con Edison may also have cause to complain).

II. WAREHOUSING -- WHAT'S ALLOWABLE?

When the red herrings were issued in May

III. THE CONVERSION PLANS (BLACK BOOKS) OMIT INFORMATION REQUIRED BY LAW

PWVTA has called the attention of the Attorney General many omissions of material facts in the 372 and 382 conversion plans which are required by law to be included. Cumulatively these add up to a failure to comply with existing regulations, and are in PWVTA's view cause to revoke acceptance of the plans.

COURT ASKED TO STOP CONVERSION, HALT HARASSMENT

PWVTA is asking the court to take several actions:

- To direct the Attorney General either to revoke his acceptance of the conversion plans or to seek an injunction against continuance of the plans.
- To prohibit the Helmsley enterprises from proceeding with conversion.
- To issue an injunction halting the continued campaign of tenant harassment.
- To award compensation damages covering at least the cost of the court action and attorneys' fees.

WHY PWVTA IS ALSO SUING THE ATTORNEY-GENERAL

PWVTA is suing the Attorney-General as well as Helmsley on grounds that the A-G's office approved the plans for filing despite omissions of material fact, and has allowed the plans to proceed despite knowledge of illegal and continuing harassment of tenants throughout the PWV complex.

A formal complaint of harassment on behalf of 25 tenants was filed by PWVTA with the A-G on December 1984. In October 1985 the "Independent Person" procedure agreed between the A-G and Helmsley was begun. PWVTA objected to but agreed to try out the procedure. (Details in earlier newsletter.)

Senior representatives of the A-G's office met with PWVTA in 1985 and 1986 over the harassment question but did not move to stop it. However, when PWVTA threatened current court action, the A-G's office responded by formally organizing an investigation into PWV harassment and calling on Helmsley ^{and PWVTA} for evidence.

OUR POLITICAL REPRESENTATIVES COME THROUGH

The elected representatives of PWV tenants have taken an active role -- staying informed, articulate and constructive. They have variously been present at meetings with the A-G's office and on other occasions. State Assemblymen Ed Sullivan and Jerrold Nadler, State Senator David Patterson, City Councilwoman Ruth

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When the red herrings were issued in May 1983, the sponsor certified that 18 apartments in 372 C.P.W. and 23 apartments in 382 C.P.W. were being held empty -- "warehoused" -- a number then well below the 10% allowed by present law. The black books issued in October 1985 listed 53 (12.8% of the total available) apartments in 372 C.P.W. and 53 in 382 C.P.W. as empty -- a number PWVTA believes is understated. The question of how many apartments a landlord may empty out between red herring and black book has not yet been tested in court.

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LATE FLASH - On February 25, the New York State Supreme Court set April 1 for subsequent hearings on PWVTA's case and decided to:

- Extend the temporary injunction on harassment;
- Not allow the conversion plans to be declared effective before April 1.
