

The Park West Tenant

Vol. 13, No. 2

The Newsletter of the Park West Village Tenants' Association

February 1988

RIGHT OF SPOUSE TO BE NAMED ON LEASE

Spouses who live together in an apartment on which one of them has a lease have the right to insist that the name of the other be added to the lease or a lease renewal.

We urge all married couples to make sure that both of their names are on the lease to their apartment. If only one name is on the lease and that person should die or move out, the other could be forced to move.

COURT THROWS OUT SUCCESSION RIGHTS

In a decision that could affect hundreds of thousands of New Yorkers, the Appellate Division of the State Supreme Court has ruled, in a 2-1 decision, that rent-stabilized apartments cannot be passed on to a relative after the tenant named on the lease dies or moves. The decision was issued on Feb. 18, 1988.

Until 1985, rent-stabilized apartments were treated much like rent-controlled apartments as far as succession rights were concerned. But in November 1985 the State's highest court, the Court of Appeals, ruled that landlords do not have to offer renewal leases to family members of a tenant who dies or moves. A month later the State issued an emergency bulletin restoring the previous rights of succession to a lease. In May 1987 these succession rights were made part of the revamped Rent Stabilization Code.

The February 1988 ruling of the Appellate Division argued that "it is manifestly inappropriate for an administrative agency, no matter how worthy its motives, to disregard the intent of the Legislature -- particularly when that intent has so recently and so clearly been construed by our highest court -- and create through administrative fiat rights never contemplated by the Legislature."

State officials plan to appeal the ruling, bringing it to the Court of Appeals, and Governor Cuomo has said that he will propose legislation to restore succession rights for rent-stabilized apartments. But meanwhile the ruling remains in effect.

PWVTA ANNUAL MEMBERSHIP MEETING

FOR ELECTION OF PWVTA OFFICERS

Thursday, March 10, 1988

7:30 P.M.

P.S. 163 on 97th Street

AGENDA

- I Election of PWVTA Officers
- II State Senator David Paterson will speak on housing and take questions

All Park West Village residents are welcome.

Only PWVTA members may vote.

Renters who have paid 1987 PWVTA dues but not yet paid 1988 dues may vote.

Renters who have paid 1988 dues may vote.

The 1988 PWVTA election is contested.
See inside pages for candidate statements.

The ruling could be extraordinarily damaging to family members living in rent-stabilized housing whose names are not on the lease. If the leaseholder dies or departs, the landlord could evict all the other family members no matter how long they had lived in the apartment and no matter what their age or condition. The victims could range from elderly widows to abandoned mothers with young children to orphaned children.

We must put pressure on our legislators to correct this travesty of justice. Letters and postcards should be sent to Governor Cuomo asking him to make the restoration of lease succession rights for family members in rent-stabilized housing an urgent priority. Letters and postcards should also be sent to our state legislators.

LEGISLATION TO OUTLAW WAREHOUSING

Landlords, calling themselves the Council for Owner Occupied Housing, have mounted a radio advertising campaign against the proposed anti-warehousing law. They say that Mayor Koch and the City Council are trying to put through legislation that will kill co-oping! They are right! If warehousing is outlawed, landlords will have to offer tens of thousands of vacant rent-stabilized and rent-controlled apartments to bona fide tenants. Without these vacancies, many landlords will have to give up efforts to convert their buildings into co-ops or condos.

The anti-warehousing bill is good for renters and bad for owners. Renters must keep up the pressure to get it enacted. We again urge all tenants to send a letter or postcard to Mayor Koch saying: DON'T CAVE IN TO THE LANDLORDS! USE YOUR POWER TO GET THE ANTI-WAREHOUSING BILL OUT OF COMMITTEE AND ENACTED INTO LAW NOW!

WILL MY PWV BUILDING GO CONDO? IF SO, WHEN?

The 372 and 382 CPW buildings went condo in 1987. At that time there were plans to start converting 392 and 400 CPW in 1988.

SOARING RENTS IN CONVERTED BUILDINGS

Question: Some apartments in 372 CPW that used to rent for less than \$500 a month are being rented to new tenants at \$1,500 a month or even more. Is that legal?

Answer: Unfortunately, under current laws, the owner of a vacant apartment in a co-op or condo may charge whatever he/she wants. Tenant who were living there when the building went co-op or condo are still protected by rent controls. But warehoused apartments and apartments that are vacated after conversion are no longer subject to rent stabilization.

The PWVTA is pushing for a law to put all rental apartments under rent stabilization, including rental units in co-ops and condos. A bill to accomplish this has been passed by the State Assembly, but not the Senate. All renters should write Governor Cuomo to urge him to press for Senate passage of this bill.

These conversions could be delayed, however, because of the softening condo market and the widespread belief that an economic recession will begin late in 1988. There are currently no plans to convert Columbus Ave. buildings.

CANDIDATES FOR PRESIDENT OF THE PWVTA

WINIFRED ARMSTRONG -- I am a native New Yorker, a 20-year PWV resident, and an international economist whose work has concentrated on developing countries. I've proudly served as a PWVTA Building Representative and Board member and helped spearhead drives for new laundry equipment, better elevator service, and an overhaul of 400's leaky roof. While I edited the PW Tenant, it twice won city-wide recognition as "an outstanding contribution to your community." With changes now underway in PWV, I believe PWVTA has an obligation to alert tenants to how these changes affect them and to assure that tenants are represented in the new arrangements.

PAT ETHELYN GRAHAM -- I have been active in the PWVTA since 1975, serving as President, Vice-President, Treasurer, or Building Representative and on various committees. I am a sociologist presently working on my doctorate. I stand squarely on the policy statement of the PWVTA, recently updated by the Executive Board. We are pledged to give priority to the protection of renters while expressing a willingness to work with owners on common concerns. Since we are a renters' organization, I am unwilling to subvert the position of renters by spending our time, energy, and finances to promote the interests of prospective buyers and owners.

CANDIDATES FOR VICE-PRESIDENT OF THE PWVTA

FLORENCE WAGENER -- I am a nine-year resident of PWV, living at 372 CPW until my recent move to 784 Columbus Avenue. I have been active in the PWVTA since 1983 and have served as Building Representative, Building Coordinator, and Membership Secretary. I believe in maintaining a strong tenant organization primarily focused on tenant protection. Additionally, however, based on my experience during the 372 CPW conversion, I believe that alternative approaches must be found in representing tenants' interests before, during, and after conversion. Rebuilding a community among the seven buildings of the village is also important.

KENNETH McZINC -- I am a graduate of New York University and of the St. John's University School of Law. I am currently serving my second year as Treasurer of the PWVTA, and I formerly served as Vice-President of the PWVTA. I have also served as Chair of the PWVTA Legal Committee and as a Building Representative for 792 Columbus Avenue, where I live. I work as an auditor for the Federal Government. If I am again elected Vice-President, I pledge to follow the mandate of the PWVTA and to work for the betterment of life in and around Park West Village.

HELMSLEY LAWYERS APPEAL COURT INJUNCTION

An appeal has been entered against the injunction issued by Judge Kenneth L. Shorter on Dec. 24, 1987, enjoining harassment of renters in Park West Village. Various legal and technical grounds are cited in the notice of appeal. But what it all boils down to is: We have never harassed tenants; we don't intend to in the future. Therefore we appeal the court order that forbids harassment!

The appeal process, briefs and counter-briefs, and an oral hearing may go on until May or June. The decision of the Appellate Division of the State Supreme Court may not be made until September.

Meanwhile the injunction remains in effect.

A LETTER TO MEMBERS FROM PWVTA PRESIDENT PAT GRAHAM

During the past year the PWVTA has concentrated on our four basic concerns as renters:

1. protecting renters from harassment;
2. maintaining affordable rents through Rent Stabilization;
3. getting adequate upkeep of apartments, buildings, and grounds; and

4. pushing for new laws to (a) outlaw warehousing of apartments and (b) preserve rent stabilization for all rental apartments, including those that become vacant in condos and co-ops. The latter are now exempt from any rent controls.

Complaints about upkeep and repair were pursued by our Quality of Life Committee in cooperation with the buildings.

Numerous complaints on elevator malfunctions were registered with the elevator division of the Buildings Department. Management was fined \$3,000 for violations. While the fine is nominal and problems persist, our complaints have kept Management busy making repairs.

Our laundry room problems were resolved after widespread complaints and monitoring, through the installation of new equipment (except for 372 and 382, whose condo boards still have to decide on a concessionaire).

We are trying to eliminate asbestos hazards and are in communication with the Environment Department about asbestos-containing materials in the laundry rooms of the Columbus Ave. buildings.

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CANDIDATE FOR TREASURER OF THE PWVTA

MARY GAY HARM -- Member and long-time supporter of PWVTA. Writer, social worker, and former educator, with experience in handling budgets. Wife of former President of PWVTA, Carl Harm. Increasingly, residents who choose to, or must, use rental housing are excluded from the housing market. Their right to safe, affordable, and available rental apartments is eroding. Some advocacy organizations that traditionally addressed the unique needs of renters are confused in their attempts to serve the disparate interests of both renters and buyers. PWVTA is, and must remain, clear about its mission to focus upon and serve the interests of renters. I'll assist that effort.

CANDIDATE FOR SECRETARY OF THE PWVTA

JUDITH URRUTIA -- I have been Secretary of the PWVTA by appointment since the summer of 1987. I am also Building Coordinator for 392 CPW, where I have lived for 12 years. During these years I have been a participating member of the PWVTA, and I have served on the Legal Committee. I now seek to continue my duties as Secretary as an elected officer. I want to protect the rights of rent-stabilized tenants and maintain Park West Village as a community.

CANDIDATES FOR MEMBERSHIP SECRETARY OF THE PWVTA

HEDDA FIELDS -- I have been a resident of 400 CPW since 1974 and a PWVTA member since the PWVTA's founding in 1975. Over the years, I have been a Building Representative, co-chair of the Action Committee during the Hardship case, and an organizer of building membership drives. Since 1982 I have organized a holiday cash fund for the maintenance staff of 400. Along with Armstrong and Wagener, I believe we must acknowledge the changes in our community and seek ways to represent all tenants. Toward this end I will work to make PWVTA more effective by increasing our membership.

VICKIE FRIEDMAN -- I have served as Membership Secretary of the PWVTA this past year. I have been active in the Tenants' Association for many years, and in addition to serving as Membership Secretary I have also served on various PWVTA committees. I endorse the statement by PWVTA's current President, Pat Graham, concerning the primary obligation of the PWVTA. That obligation is, and must continue to be, to support the interests of renters.

A LETTER TO MEMBERS
(continued from page 3)

Because of the gas leaks at 792 Columbus, we have requested an inspection of gas connections in all buildings.

Some buildings had problems with insufficient heat when the cold weather began. There again, persistent complaints to Management and the City got us more comfortable temperatures.

We have prepared a lengthy questionnaire on services to renters in PWV. It alerts tenants to the services and repairs they are entitled to under the law and asks them to assess conditions in their apartments and in communal areas and to record if they are getting less than their entitlement. This questionnaire is now ready for distribution.

Our Legal Committee met regularly, and the meetings were well attended.

Because we need to economize on legal expenses, I have limited access to our lawyer as much as possible. Individual members of PWVTA were given information and advice by the Legal Committee Chair in many conversations, usually by phone. Only rarely was there a need for advice from our attorney. Although the weekly number of conversations with tenants varied, it averaged two to four a week.

The Legal Committee prepared, and the Executive Board approved, an updated PWVTA policy statement. It reaffirms protection of the interests of renters as our major priority. It points out the possibility of conflicts of interest between owners and renters, while expressing a willingness to work with owners on common concerns.

We initiated efforts to implement the policy of cooperating with condo owners on matters affecting all residents, such as elevators, grounds, etc. In September 1987

I wrote to the Presidents and Vice-Presidents of the 372 and 382 condos suggesting that we set up a joint committee that would work on "issues of mutual concern." They have not responded to this invitation. I shall contact the owners' future officers with the same proposal for a joint committee.

On July 23, 1987, we had our first meeting with PWV's new Management. It was initiated by them. In the past Management always refused to meet with the PWVTA.

We made Management realize that they could not simply get rid of the Package Room in 372, because the Package Room services had been provided to all PWV renters from the inception of PWV. That resulted in the Package Room being moved to 400 CPW.

Frankly speaking, Management has its own agenda, which consists of giving tenants what they are legally entitled to and nothing more. That limits the range of our discussions. E.g., Management has been adamant about not agreeing to let current tenants move into larger empty apartments in PWV.

The Newsletter has been especially mindful to keep tenants informed of their rights and how to make sure that Management honors its legal obligations to renters. The Newsletter has also been clear and comprehensive in reporting our court case to stop harassment and our legislative priorities and how they are faring.

I wish to thank all the PWVTA officers, Committee Chairs, and Building Representatives for being so generous with their time and efforts on behalf of the PWVTA throughout the year.

A hearty "Thank You!" to the members and supporters of PWVTA. We invite you to participate as much as you can in the future.

PAT GRAHAM

PARK WEST VILLAGE TENANTS' ASSOCIATION

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

Name _____

Building and Apt. No. _____ Telephone _____

\$35 check for 1988 membership dues enclosed.

Please clip this coupon and give it with your payment to your Building Representative or mail it to the above address. Make check payable to PWVTA. Do not mail cash. If you cannot pay the full amount, please pay what you can. Your membership card will be delivered.