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**FOOD FOR THOUGHT**

THE GREATEST  
INDEPENDENCE IS  
INDEPENDENCE  
OF YOUR MIND.  
HAVE A HAPPY  
INDEPENDENCE  
DAY  
(4TH OF JULY)  
HOLIDAY AND  
A WONDERFUL  
SUMMER

# THE PARK WEST TENANT

## SECURITY DEPOSIT ISSUES

According to New York State law, security deposits for rent stabilized apartments must be kept in escrow by the owner in an interest-bearing account in a New York State bank. The owner must notify the tenants of the name and address of the bank.

In January of this year, Chase Bank, which held the security deposit account for the previous owners, sent out 1099-INT forms for 2000 to each tenant reporting the amount of interest earned for the first two months of 2000. It did not, however, pay anyone any interest, because the account had been closed in February of 2000. It is not clear to PWVTA how it is possible to report to the IRS that monies have been paid to many individuals when no funds were

disbursed to these same individuals.

Your Tenants' Association has written letters to M&T Bank, the institution where we can see that our checks are being deposited, as well as to Stellar Management requesting that: 1) tenants be clearly notified where their money is, and 2) tenants be paid the interest due to them on their security deposits for the entire tax year 2000. Our City and State representatives have been copied on these communications.

Subsequently, individual tenants received one form each from M&T and from Stellar. It is strongly recommended that tenants fill out and mail the completed form to M&T Bank. Several questions remain unanswered:

- Why was the interest earned by your security deposit for the year 2000

*Continued on page 2*

## LIGHTS OUT?

*(excerpts from PWVTA's attorney to Stellar's attorney re Con Ed Turn-Off)*

As I informed you during our conversations last week, your client, Gloria Huachamber, has engaged in a practice which, in addition to being unlawful, has the potential to jeopardize the life, health and safety of the tenants at Park West Village.

This practice is evidenced by two recent incidents. Specifically, Ms. Huachamber cut off the electrical supply to two apartments in retaliation for what she considered to be a breach of her self-imposed and arbitrary rules and regulations.

Your client's conduct is both unlawful and dangerous. Specifically, your client is subject to criminal liability under Sections 145.14 et. seq. of the Penal Law (criminal tampering). In

addition, her conduct constitutes a tortious interference with the tenant's right to contract for electrical service with a public utility. Finally, and perhaps most importantly, your client's conduct has the potential of endangering the life, health and safety of the tenants. If this unlawful conduct persists, my clients will pursue all legal remedies including but not limited to the initiation of criminal charges. I trust that this will be unnecessary and that your client will refrain from such conduct in the future.

*Continued on page 2*

## RENT RENEWAL INCREASES

On June 20, the Rent Guidelines Board voted increases of 4% for one year lease renewal and 6% for 2 years renewal. These guidelines will affect all rent-stabilized leases commencing between October 1, 2001 and September 30, 2002 in NYC.

Contrary to popular belief, tenants in New York City -- especially tenants in rent-stabilized apartments -- are not completely at the mercy of landlords. The laws and regulations governing rent stabilization in New York City are the strongest tenant-protection measures in the nation. Grounds for eviction from rent-stabilized apartments are very specifically and narrowly defined. Even in cases of prolonged non-payment of rent, eviction is usually an extremely difficult, expensive and time-consuming process for the landlord, provided that the tenant aggressively defends his or her rights.

Generally, a landlord has the right to pick and choose among applicants for an apartment, although this right is limited by civil rights law. The selection process may include a request for references, credit check, ID, etc. However, once a landlord rents a rent-stabilized apartment to a tenant, the landlord no longer has such discretion. Tenancy in a particular rent-stabilized apartment is protected by law and is not at the landlord's discretion. The tenant's protection remains intact even when the property changes hands.

A lease is a legal contract between landlord and tenant. It is binding on both parties, and neither party may unilaterally change the terms. A rent-stabilization lease renewal is not a new lease, it is an extension and revision of the original rent-stabilization lease. The purpose of the renewal is to extend the period for which the tenant is liable for rent on the apartment and to revise the amount of rent that the tenant is obligated to pay.

If there is a delay in the lease renewal, the terms of the expired lease, including the amount of rent, remain in effect until a proper renewal, signed and dated by both parties, is returned to the tenant. The rent increase may not be charged retroactively (i.e., prior to the date that the renewal is returned to the tenant).

It is to the landlord's benefit to execute lease renewals properly and on time, since a legal rent increase cannot be

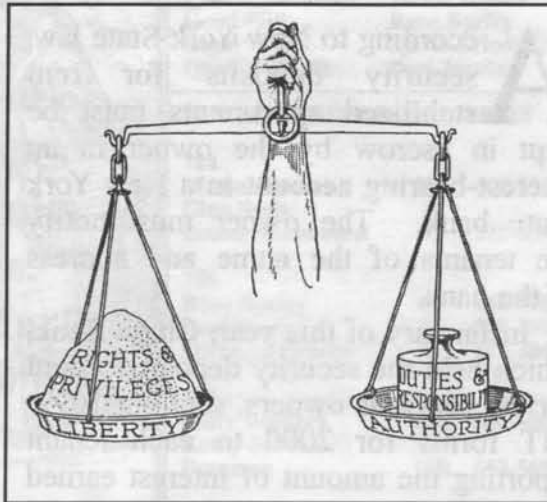
charged until the renewal is executed. Once the landlord offers a lease renewal, the tenant must respond within 60 days. However, if the offer is not properly made (e.g., on a renewal form that has been altered or that has changes not agreed to by the tenant), the tenant need not sign the renewal. The tenant's response can be to return the renewal

with a certified letter indicating the reasons for not signing and requesting a corrected renewal. Please keep your PWVTA building reps informed of any problems you have with lease renewal and make copies of your letters to the landlord for yourself and your building reps.

By law, the landlord must offer a lease renewal no more than 120 or less than 90 days before the existing lease expires. After the tenant

signs and returns the lease renewal, the landlord is required to return the fully signed and dated renewal to the tenant within 30 days. Complaints about violations of this process or other problems with lease renewals can be made to the New York State Division of Housing & Community Renewal on DHCR Form RA-90, **Tenant's Complaint of Owner's Failure to Renew Lease and/or Failure to Furnish a Copy of a Signed Lease.** Forms are available from your PWVTA Building Representatives or from DHCR.

If you have questions about your rights as a rent-stabilized tenant, or to request complaint forms, call the DHCR Rent InfoLine at (718) 739-6400 or visit your local DHCR office at 163 West 125th Street (in the Harlem State Office Building on the corner of 125th Street and 7th Avenue).



## SECURITY DEPOSIT ISSUES from page 1

not paid to you as in previous years?

- Where was your security deposit money from March 2000 until March 2001?
- How was the interest earned calculated?

These are the questions that PWVTA has been asking, and will continue to ask, on behalf of approximately 1300 rent-stabilized PWV tenants. We believe that the total amount in question approaches \$1 million and that tenants are entitled to an accounting of their funds.

We have brought these issues to the attention of the New York State Attorney General Eliot Spitzer for action. Our Assemblyman Ed Sullivan and our Councilmember Philip Reed, understand the implications of this matter and will press for a resolution.

## LIGHTS OUT? from page 1

In addition, should any tenant suffer personal injury or property damage as a result of this practice, a copy of this letter will be provided to such tenant(s) and/or their counsel, in order to establish that your client was on notice.

## ELEVATOR UPDATE

Tenants in the Columbus Avenue buildings are aware that work on the upgrading of the elevators did not begin in June, as promised. PWVTA was told at a January meeting that bids were being solicited for the projected renovations and it seems, as of this writing, that not much progress has been made. Stellar is still soliciting bids. PWVTA urges tenants to report any incidents involving the elevators (malfunctioning, stuck in elevator, noisy doors) to the Department of Buildings at (212) 227-7000 and to PWVTA at 662-2610. You will be kept informed of any progress.

## TENANT ALERT - ASBESTOS!

On June 4th an alert tenant in 788 spotted asbestos tiles being removed by workmen from a nearby apartment. And those poor guys weren't even wearing masks or protective clothing, not to mention that no precautions were taken to protect the rest of us from asbestos dust flying around the halls and elevators. The tenant reported this to the Department of Environmental Protection. DEP guidelines for the removal of asbestos require that qualified people be employed for the safe removal of asbestos. Within 45 minutes, an inspector arrived, assessed the situation and took samples of the tiles to be analyzed. Bingo! They contained asbestos.

As of this writing, the violation report has been sent to the Environmental Control Board who will set a hearing date. We have been told that before they can remove any more tiles, Stellar Management will have to present a plan to the city for proper asbestos removal. Since each violation is considered a separate item, each case has to be reported as it happens. So, let's be vigilant. The next time you see or suspect an asbestos removal violation, report it to the Department of Environmental Protection (DEP) at 718-337-4357 and to the Tenant's Association at 662-2610.

## VOLUNTEERS NEEDED

PWVTA is looking for volunteers to assist with the Newsletter in the areas of editing, layout, typing articles. If you are interested, please call Jackie Brown, 662.7758

## SUGGESTIONS FOR UPCOMING SOCIAL ACTIVITIES FOR PWVTA TENANTS

|                   |  |
|-------------------|--|
| <b>July</b>       | Buffet at Manhattan Indian Restaurant  |
| <b>Aug.</b>       | <i>Gambling on weeknight midnight cruise</i>   |
| <b>Sept.</b>      | Book and Cake Sale on Park West Village grounds  |
| <b>Early Oct.</b> | <i>Circle Line Cruise or Walking Tour of New York City neighborhood or Bus Tour of New York City</i> |
| <b>Dec.</b>       | Paul Winter's Winter Solstice Concert  |
| <b>March</b>      | <i>St. John The Divine Tour</i>  |
| <b>May</b>        | Atlantic City Trip   |
| <b>June</b>       | <i>Ethnic Food Celebration (prepare and bring a dish)</i>  |

**So that we can get a sense of interest in these activities, please call one of us:**

Lois: 222-1621 • Anne: 969-1690 • Judy: 866-3728

### West Nile

#### Symptoms:

- Sudden fever • Headache • Vomiting
- Photophobia (light hurts the eyes)
- Confusion • Memory loss and/or disorientation
- Drowsiness • Clumsiness, unsteady gait
- Irritability or poor temper control



#### Emergency Symptoms:

- Loss of Consciousness
- Poor responsiveness, stupor, or coma
- Seizures
- Muscle weakness or paralysis
- Sudden severe dementia

### Virus

**PARK  
WEST  
VILLAGE  
TENANTS'  
ASSOCIATION  
HOTLINE  
NUMBER:  
662-2610**

This PWVTA newsletter issue was prepared thanks to:

Lorraine Allen  
Jacqueline Brown  
Vivian Dee  
Clare Dockery  
Sylvia Friederich  
Sherman Greene  
Fran Handman  
Dori Jacobs  
Mary Livingston  
Emily Margolis  
A. Raheem Sami

# GREEN MARKET GOODIES

# WHO'S WHO

## OFFICERS

|                 |                 |      |     |          |
|-----------------|-----------------|------|-----|----------|
| President       | Vivian Dee      | 788, | 8O  | 864-0632 |
| Vice President  | Mary Livingston | 788, | 5B  | 749-6651 |
| Treasurer       | Emily Margolis  | 400, | 12Y | 864-5996 |
| Secretary       | Dan Dunbar      | 784, | 4E  | 864-6397 |
| Membership Secy | Daphne Myers    | 784, | 1B  | 666-3615 |

## COMMITTEE CHAIRPERSONS

|                 |                   |      |     |          |
|-----------------|-------------------|------|-----|----------|
| Action          | Clare Dockery     | 792, | 11G | 866-6061 |
| Communications  | Jackie Brown      | 784, | 9O  | 662-7758 |
| Good Will       | Rene Burley       | 788, | 9E  | 866-1780 |
| Legal           | Sylvia Friederich | 788, | 11T | 666-2459 |
| Quality of Life | Dori Jacobs       | 784, | 1C  |          |

## BUILDING REPRESENTATIVES

|                 |     |          |  |  |
|-----------------|-----|----------|--|--|
| 784             |     |          |  |  |
| Maxine Spence   | 11G | 666-5365 |  |  |
| Gina Sealy      | 2E  |          |  |  |
| Donna Mussenden | 3J  | 222-6392 |  |  |

|                |    |          |  |  |
|----------------|----|----------|--|--|
| 788            |    |          |  |  |
| Rene Burley    | 9E | 866-1780 |  |  |
| Paul Jones     | 2C | 749-3905 |  |  |
| Sherman Greene | 8L | 222-3864 |  |  |

|                      |     |          |  |  |
|----------------------|-----|----------|--|--|
| 792                  |     |          |  |  |
| Clare Dockery        | 10G | 866-6061 |  |  |
| Kathy Studva-Bergman | 17R | 662-5699 |  |  |

|                  |     |          |  |  |
|------------------|-----|----------|--|--|
| 372              |     |          |  |  |
| Vickie Friedman  | 14J | 865-7655 |  |  |
| Miriamne Spector | 6S  | 222-3266 |  |  |
| Palmer Tome      | 15R | 865-8538 |  |  |

|                     |    |  |  |  |
|---------------------|----|--|--|--|
| 392                 |    |  |  |  |
| Florence Washington | 2P |  |  |  |

|                 |     |          |  |  |
|-----------------|-----|----------|--|--|
| 400             |     |          |  |  |
| Judi Bloch      | 9D  | 663-4420 |  |  |
| Bess Mitchell   | 18K | 865-6170 |  |  |
| Gustina Scaglia | 5A  | 865-2953 |  |  |

## ALTERNATES

|                |     |          |  |  |
|----------------|-----|----------|--|--|
| Judy Urrutia   | 15R | 866-3728 |  |  |
| Samy Elashmawy | 4D  |          |  |  |
| Dan Dunbar     | 4E  | 864-6397 |  |  |

|                  |     |          |  |  |
|------------------|-----|----------|--|--|
| Maureen Benej    | 10F | 678-5151 |  |  |
| Carol Stanczak   | 5N  | 866-0707 |  |  |
| Arthur Goldstein | 7E  | 666-1287 |  |  |

|                 |     |          |  |  |
|-----------------|-----|----------|--|--|
| Susan Jarvis    | 4J  | 866-4727 |  |  |
| Francine Brewer | 10P | 865-8979 |  |  |
| Charles Berger  | 3K  | 865-7610 |  |  |

|                |     |          |  |  |
|----------------|-----|----------|--|--|
| Selma Lewis    | 17E | 663-4199 |  |  |
| Emily Margolis | 17Y | 864-5996 |  |  |



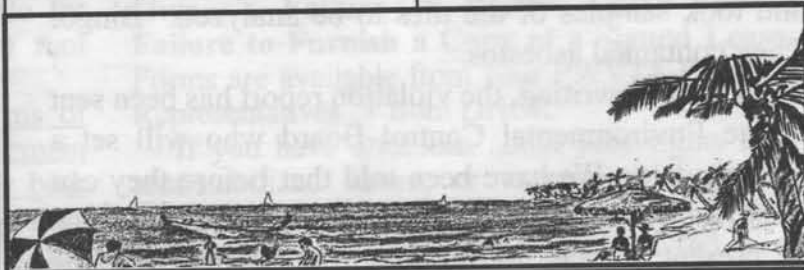
PLEASE PUT THESE IMPORTANT  
PWVTA 2001 MEETING DATES  
ON YOUR CALENDAR

### EXECUTIVE BOARD

3RD Monday of every Month - 7:30 pm  
Ryan Health Center, 97th Street

### LEGAL COMMITTEE

2nd Monday of every Month - 7:30 pm  
PWV, 400 CPW,  
small meeting room in basement  
*"Meeting are open to all members"*



PWVTA MEMBERSHIP: Your membership counts. If you have not yet joined the PWVTA for the Year 2001, please do so. If you are already a member, thank you for your continued support and involvement.



PLEASE RETURN THIS MEMBERSHIP COUPON TO YOUR BUILDING REPRESENTATIVE or MAIL TO:  
Park West Village Tenants' Association, PO Box 20339  
Park West Finance Station, New York, NY 10025-0339

Name \_\_\_\_\_ Building \_\_\_\_\_ Apt \_\_\_\_\_ Telephone \_\_\_\_\_

Please make check payable to PWVTA. Year 2001 membership dues are \$40 and contributions to the legal fund are needed. If you are unable to pay \$40, please pay what you can. Your membership card will be delivered to you.