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# THE PARK WEST TENANT

## CONGRATULATIONS TO OUR NEIGHBORS!

**O**ur neighbors at Westgate (between Columbus and Amsterdam Avenues on 96th & 97th Streets) won a major victory on June 4, 2002, when the State Supreme Court dismissed the landlord's lawsuit for triple and quadruple rent increases. Congratulations!

Westgate first opened in 1968 as Mitchell-Lama housing, and many of the 1,500 tenants who live there now have been tenants since its opening more than 30 years ago. The average rent (for studios to 3-bedrooms) ranges from \$350 to \$1 000 per month. But in 1998 Westgate's landlord, KSLM-Columbus Apartments, took the complex out of the Mitchell-Lama housing program and then applied for massive rent increases of up to 300% - if granted the apartments would then range from \$1500 to \$3000 per month. Westgate's landlord claimed that since they had lost the tax benefit of Mitchell-Lama, they could no

longer meet their expenses and were therefore entitled to the massive rent increases. But Westgate tenants' lawyer, Serge Joseph of Himmelstein, McConnell, Gribben, Donoghue & Joseph pointed out that the landlord voluntarily got out of Mitchell-Lama. Under the law, KSLM could have applied for a hardship rent increase. "But to do that," he said, "you need to open your books... They didn't want to do that."

KSLM-Columbus Apartments first filed for a rent increase with the DHCR under section 513a of the Emergency Tenant Protection Act. This allows rent adjustments under "unique and peculiar circumstances," but the DHCR denied the landlord's application, citing that 513a did not apply to Westgate. KSLM then filed for an Article 78 proceeding in Supreme Court, and that lawsuit was just recently dismissed by

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**Vickie Friedman**

*We are sorry to hear of the death of Vickie Friedman, a long-time 372 Central Park West building representative to the PWVTA Executive Board. Our sympathy to her family.*

### RENT STRIKE UPDATE

**T**he rent strike has been in effect for six months and a substantial amount of rent has accumulated in the escrow account. Management is feeling the loss of this income and in a series of meetings between PWVTA and Management, the outlines of an agreement were arrived at. Attorneys for PWVTA and Management are currently preparing a stipulation to the Court that will be in effect until all Warranty of Habitability issues in the three Columbus Avenue buildings have been resolved.

***The elements of this proposed agreement are as follows:***

- a firm schedule of the expected completion dates of the elevator repairs;
- a rent abatement for those tenants participating in the rent strike;

- release of some funds from Escrow to management upon signing of agreement;
- release of additional Escrow funds to management upon correction of problems relating to mailboxes, laundry rooms, vents, discolored hot water, bath tub and sink drainage as well as the elevators;
- monetary penalty if completion dates are not met;
- authorization for PWVTA to employ an engineer to inspect completed work.

The C elevators are in operation since Thursday September 26. An inspection by an engineer hired by PWVTA will be done within the next two weeks.

We urge all tenants who are experiencing problems with the laundry room, vents, hot water and bathtub/sink back-ups to notify both management, 222-5121 and the PWVTA, 662-2610

The rent strike continues until all of the above-mentioned problems are resolved.

State Supreme Court Justice Sheila Abdus-Salaam on June 4th. These rulings mean that Westgate's landlord will be able to raise the rent only as legally allowed under the rent stabilization laws. And as one of the first Mitchell-Lama building complexes to be "bought out" in the 1990s, these rulings in favor of the Westgate tenants will hopefully set a precedent for the many rent-increase lawsuits that are likely to follow.

This victory for the tenants of Westgate could not have been won without the unity and coming together of the many volunteers working as part of the tenants association. In a recent issue of *Tenant*, Jean Dorsey, President of the Westgate Tenant Association wrote, "At Westgate, we knew that the fight to keep our homes affordable would take place on several fronts: Legal, Political and Organizational. You cannot sustain this kind of a fight without the support of a significant group of the tenants. We did it all. And many of us are now much more than neighbors, we're family."

Is that the question? Is there any real difference between one candidate and another? Will my vote make a difference?

As rent stabilized tenants, we should vote at every opportunity. Politics may not be to your liking, but your right to remain living in a rent stabilized apartment depends on politicians voting for not only renewal of, but also strengthening the rent laws.

In 1997 the rent laws were renewed but with a damaging change - the virtual vacancy decontrol which has inspired landlords to renovate apartment and set the rent above \$2,000. Under the present administration DHCR has become more pro-landlord than ever. There are many issues for voters to consider in deciding which candidates to vote for - education, crime the economy, the environment and healthcare. But many of us believe that affordable housing is number one. If we lost rent stabilization, where would we live? New York City would be unaffordable for us. Election day is Tuesday, November 5th. Be sure to vote.

## A RECENT OUTING TO ATLANTIC CITY



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

This PWVTA newsletter issue was prepared thanks to:

- Jacqueline Brown
- Vivian Dee
- Clare Dockery
- Lois Hoffmann
- Emily Margolis
- Mary Livingston
- Miriamne Spector
- A. Raheem Sami
- Daisy Wright

## RENT OVERCHARGE UPDATE

As of September 2002, the PWVTA has helped 21 new tenants in the Columbus Avenue buildings file rent over-charge complaints with the New York State Division of Housing and Community Renewal (DHCR). Four tenants have already been awarded rent reduction and triple damages ranging from \$17,000 to \$42,000, and their apartments have been properly returned to rent stabilization.

Rent stabilized apartments in NYC are deregulated due to the vacancy decontrol mechanism - perhaps the greatest weakness in our rent laws. Under the current law, a NYC rent stabilized apartment is deregulated when the apartment has been vacated and has a legal rent of \$2,000 or more per month. Many new tenants in Park West Village are paying rents above \$2,000 a month for apartments that were, until just recently, rent stabilized. A pattern of rent over-charges and apartment deregulation seems to be emerging. If you have any reason to believe that you are entitled to a rent reduction, please call the PWVTA hotline at 212-662-2610 for more information. Measures built into the law to protect tenants' rights are set in motion ONLY when a tenant takes action.

## LEASE RENEWAL INCREASES

On June 27, the Rent Guidelines Board voted increase of 2% for a one year lease renewal and 4% for a 2 year renewal. These guidelines will affect all rent-stabilized leases commencing between October 1, 2002 and September 30, 2003 in NYC.

## TENANTS OF 392 CPW MEET

At a meeting on Thursday, September 12 at the Ryan Health Center to discuss problems of particular importance to the rent stabilized tenants in 392 CPW, the following tenants agreed to serve as members of the executive board of PWVTA:

Building Reps		Alternates	
Lamar Renee	5G	Bertha Reznick	10D
Jacques Preston	11-P	Frances Solomon	5K
Evelyn Poole	6S	Elizabeth Wilbur	5W

We welcome them to the Board.

**DON'T  
★ FORGET ★  
TO VOTE!**

## Tenants Get Together For Food and Fun at Manhattan Indian Restaurant



## IT'S IN YOUR INTEREST

**T**o find out why you should be a paid-up member of Park West Village Tenants Association, read this newsletter! You will find out some of the many things we do for ourselves. There have been a lot of things going on recently, but even when there are not, we need to have a strong organization in place. The presence of the PWVTA can help to discourage the landlord from taking actions detrimental to tenants. And we are ready to act when action is needed. Recent issues that we have dealt with include:

- a rent strike to get safe elevators and proper building maintenance in the Columbus Avenue buildings.
- pressuring management to make sure our buildings and grounds are secure;
- lease renewal problems;
- rent overcharges
- missing security deposits
- keeping members informed of their rights as tenants
- encouraging legislators to end vacancy decontrol and continue rent regulations.

We are an all-volunteer organization. All tenants' participation is needed. Your dues help pay for such things as legal fees, space rental for meetings, and printing this newsletter. Your dues are a small price to pay for keeping your home affordable, well maintained and safe.

## SUGGESTED UPCOMING EVENTS

- A Gospel Music Brunch
- A Day Trip To Foxwoods Casino
- A Shopping Trip to Woodbury Commons

If interested, please call Lois Hoffmann at 222-1621 or Renee Burley at 866-1780

## GREEN MARKET GOODIES



**Bring your grocery carts every Friday to the Green Market on 97th Street between Columbus & Amsterdam Avenues. The Market is chock full of freshly picked vegetables (Organic too), juicy fruits and beautiful flowers. Enjoy shopping at the Market from 8:00 am until 2:00 pm until December 21st.**

**PWVTA MEMBERSHIP:** Your membership counts. If you have not yet joined the PWVTA for the Year 2002, please do so. If you are already a member, thank you for your continued support and involvement.



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**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 2002 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.