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THE PARK WEST TENANT

PLANS TO INSTALL NEW BOILERS IN COLUMBUS AVENUE BUILDINGS GO AWRY

HEATING SEASON IS HERE

Heating season began on October 1st. Heating guidelines are as follows:

- **Maintain 68 degrees inside between 6:00 a.m. and 10:00 p.m. whenever the outside temperature is below 55 degrees.**
- **Maintain 55 degrees inside between 10 pm and 6 am whenever the outside temperature is below 40 degrees.**
- **Hot water must be maintained every day of the year.**

On October 1, 2002 (the start of the heating season), work to replace old boilers was begun in 792 and three weeks later in 788. Subsequent to the installation of the temporary boilers, chronic heat and hot water problems developed in both buildings. PWVTA sent a letter to management protesting the failure to provide heat and hot water. The letter also requested that management postpone plans for 784 until the Spring and that the tenants in 792 and 788 be compensated for the health hazards and inconvenience they have suffered because of the lack of heat/hot water, particularly on weekends and mornings.

Management's response to this letter was positive. It contained an apology to tenants in the two buildings for the hardships experienced during this time, acceptance of the suggestion that work in 784 be postponed until warmer weather and an offer to arrange a meeting to discuss compensation for the tenants in 792 and 788. Such a meeting will take place after the first of the year. You will be informed of the results.

If problems with heat/hot water persist, be sure to call the management office at 212-222-5121 and the Central Complaint Bureau at 212-824-HEAT to report this failure.

SHOCKING NEWS

On or about July 27, 2002, the rent stabilized tenants of 392 CPW received a shocker in the mail: a copy of an Order dated 7-26-02 from the NY State Office of Rent Administration granting a retroactive rent increase to the landlord for a new roof as a major capital improvement (MCI).

Here is the sequence of events leading to this surprise decision by the Office of Rent Administration:

- **November 1984** new roof completed
- **April 15, 1987** landlord files application for MCI increase
- **February 24, 1989** Office of Rent Administration issues an Order denying MCI increase.
- **July 24, 1989** Landlord files Owner's Petition for Administrative Review (PAR).
- **July 26, 2002** New order for an MCI rent increase issued by Office of Rent Administration (13 years later).

Based on the new Order, the effective date of the rent increase would be August 1, 1987 in the amount of \$.89 per room per month. The arrears alone would amount to several hundred dollars per apartment, depending on size.

The only method of appeal available to the tenants was to the New York State Supreme Court within 60 days of the date of the Order (July 26, 2002) under Article 78 of the Civil Practice Law and Rules.

Although for the most part the tenants of 392 had been inactive members for some time, it didn't take them long to get in touch with the President of the Tenants Association. Our attorneys (Himmelstein, McConnell, Gribben, Donoghue & Joseph) were contacted immediately and a timely appeal was filed. In a response to the appeal dated Dec. 20, 2002, DHCR denies all arguments raised by PWVTA. The case is of course now pending. Look for an update in our next newsletter.

RENT STRIKE GAINS

The rent strike in the three Columbus Avenue buildings, which started in April, 2002, has now lasted for nine months. The strike will continue until all repairs have been satisfactorily completed. Participants should continue to send their rent checks to our attorney and make them payable to the escrow account.

Management and the PWVTA agreed upon a stipulation which was filed in Court and signed by a judge on December 6, 2002. The items in the stipulation include:

- All eviction actions against tenants on rent strike are withdrawn;
- Tenants on rent strike will receive a rent rebate;
- Firm schedule for completion of each phase of elevator work is as follows:
 - * "C" elevator completed;
 - * "B" elevator completed 11/29/02 with a 2-week grace period;
 - * "A" elevator completed 2/15/03 with a 2-week grace period;
- There will be a \$1,000 per-day penalty if completion dates are not met;
- PWVTA will hire an engineer to inspect elevators as each is completed;
- Upon signing of agreement and receipt of \$2500 for reimbursement of legal fees, approximately 1-1/3 months of Escrow funds will be released to management;
- Upon receipt of engineer's report of satisfactory completion of each elevator repair, all but one month's rent will be released from Escrow account to management;

- Upon completion of 3rd elevator repair, one month's rent will be retained in Escrow account if other building conditions (vents, laundry rooms, dirty water, sink and bathtub drainage) have not been corrected.

The "C" elevators in each building were inspected on December 9, 2002 by VDA, an engineer firm hired by PWVTA. A written report has been sent to management. This report essentially states that materials used for and work done on the "C" elevator are satisfactory. Our engineer also points out that the elevator does not work smoothly because some original cable was used and this creates a bumpy ride. It is safe but will eventually lead to frequent and complicated maintenance problems.

The "B" elevators in the three Columbus Ave. buildings will be inspected by the PWVTA engineer in the first week of January.

On December 30, 2002, as per the court stipulation, escrow funds covering the rental period from June 1, 2002 through October 31, 2002 were released to management. For the tenants on rent strike, the January rent bills reflect a decrease in the arrears. The part identified as legal fee is not so--it is the tenants rebate.

All tenants who have problems with washers and dryers, dirty water, blocked vents and/or poor drainage should notify management, 212-222-5121, and the PWVTA, 212-662-2610.

We have gained a great victory by our united action and we thank all tenants who have participated. Also, thanks to all of the tenants who have shown their support by joining the PWVTA and/or making contributions to the legal fund and our annual fund drive.

Nominations Needed

Nominating petitions for the 5 officers of PWVTA will be available in January.

These positions are: President, Vice-President, Treasurer, Membership Secretary and Secretary. Elections for the year beginning April 1, 2003 to March 31, 2004 will take place at the March membership meeting.

This PWVTA newsletter issue was prepared thanks to:

- Jacqueline Brown
- Vivian Dee
- Sheri Duxin
- Emily Margolis
- Mary Livingston
- Jacques Preston
- Miriamne Spector
- Palmer Tome
- A. Raheem Sami
- Daisy Wright

PARK WEST

VILLAGE

TENANTS'

ASSOCIATION

HOTLINE

662-2610

WINDOWS MCI UPDATE

At long last, it appears there may be an imminent resolution of the PWVTA's challenge to the MCI which Helmsley (prior owner) first applied for during 1995-96 after the new windows had been installed in 784, 788 and 792 Columbus Avenue.

A brief history may be helpful. In 1995-96, the DHCR approved the owner's application for an MCI based entirely on the figures presented by the owner. Rent stabilized units were charged with an increase of \$15.87 per room per month to be effective June 6, 1994 and collectible November 1, 1996. This meant that the increase was reflected in the monthly rental bills beginning November 1, 1996, and the "retroactive" increase for the period 6/1/94 through October, 1996 was billed separately as arrears.

Our attorney, Robert Anderson, filed PARs for each building during 1995-1996 challenging the order. Nothing was heard from the DHCR until October 10, 2001 (almost 5 years from the first PAR), at which time the DHCR consolidated the PARs into one and dismissed them summarily on technical grounds. Our attorney immediately refiled the PAR in an attempt to show the DHCR the error of its technical argument, but on 5/15/2002, the DHCR again dismissed the PAR on the same technical grounds.

At this point, our attorney advised us to go to the court. Accordingly, in June, 2002, the PWVTA filed an Article 78 proceeding in Supreme Court, the purpose of which was to force the DHCR to accept the PAR and make a determination on the merits "forthwith". Rather quickly thereafter, the DHCR contacted our attorney and suggested a sit-down conference with the owner at the DHCR offices to see if the matter could be settled.

There have been two meetings at the DHCR offices, and as a result the elements of a settlement have emerged in the form the following proposal from the owner:

1. The owner will forgive "retroactive" amounts still appearing on tenants' bills;
2. There will be a monetary settlement;
3. The PWVTA, on behalf of the tenants, will agree to the dismissals of the window MCI PAR and the pending diminution of service PAR.

Further negotiation are expected.

REMINDER TO RENT STABILIZED-TENANTS IN THE CONVERTED BUILDINGS

Remember that you are entitled to all services that were available prior to conversion. This means that you do not have to pay any fees for such things as removing large objects, moving out or use of the elevator for deliveries.

Due to turnover of personnel, building staff and condominium board members, you need to be vigilant to protect yourself against any inappropriate/illegal charges demanded from you.

PWVTA has notified the Board of Managers of the four Central Park West buildings of your legal rights as rent-stabilized tenants.

BULLETIN

SECURITY DEPOSIT INTEREST

Be on the alert for a statement from M&T Bank informing you of the amount of interest earned on your security deposit for the year from 1/1/02 - 12/31/02. These statements accompanied by a check should be arriving during the month of January.

BE PREPARED

All rent stabilized tenants need to take the Scouts' Motto to heart and "Be Prepared". New York City rent law will expire in March and New York State Rent Stabilization Laws will expire on June 15, 2003. Renewal of these laws cannot be taken for granted and renewal alone is not satisfactory. The landlords' ability to decontrol vacant apartments under the present law needs to be rescinded.

Tenants need to be prepared to defend their homes in the 2003 campaign to renew and strengthen the laws. Volunteers will be needed to help in phone banks, mailings and other activities. PWVTA will let you know when volunteers are needed.

SEASONS
Greetings
From Park West Village Tenants Association



ARTS AND CULTURE "EVENTS"

2003 DUES

At the November 21, 2002 Membership Meeting held at P.S. 163, PWVTA members approved the Executive Board's proposal that annual dues remain at \$40.00 for 2003.

The Good Coffee House

Presents:

THE LOVE HANDLES

Classic Rock, Blues and Folk

David Hershey-Webb: Guitar and Vocal

Sam Himmelstein: Keyboard and vocal

Brian Mich:Guitar

Jeff Nathan:Guitar

Rob Schlossberg: Bass

Marty Silberman: Drums



Ethical Culture Society

53 Prospect Park West

Between 1st and 2nd Street

Brooklyn, New York

Friday, February 28, 2003

8:00p.m. - 10:00 p.m.

Tickets: \$10.00

(212) 349-3000

Seating is limited, so call early

Directions:

F train to 7th Avenue

2 or 3 train to Grand Army Plaza

or for directions online: www.BSEC.Org



PWVTA MEMBERSHIP: Your membership counts. If you have not yet joined the PWVTA for the Year 2003, 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 2003 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.