

The Park West Tenant

Vol 41 No 5 Newsletter of the Park West Tenants' Association www.PWVTA.org info@pwvta.org November 2017

PARK WEST VILLAGE TENANTS' ASSOCIATION MEMBERSHIP MEETING

Tuesday, November 21, 2017 7:30pm

Ryan Health Center 110 W. 97th Street

Permission to Enter

When can the owner enter rent stabilized apartments? Does the owner have presumptive permission to enter? City and State laws limit the times and the circumstances under which a landlord may enter rent-stabilized apartments. The landlord and his staff may enter a rent-stabilized apartment at any time without notice and without the tenant's consent to correct an emergency condition, such as a fire or flood, when it endangers other units or residents. Notice is always required for non-emergency repairs and improvements requiring entry into an apartment. This non-emergency work may be done only on weekdays from 9:00 a.m. to 5:00 p.m. When notice is required, the notification must be in writing. The law is unclear about what constitutes written notification by a landlord. New York courts have ruled that email may be adequate, especially if the landlord can show that the tenant receives and responds to email notices. The form of written communication that owners should provide to tenants who don't have email addresses or use email is unclear. As a practical matter, to avoid unwelcome surprises and conflicts, we would urge owners to deliver traditional paper notices to these tenants.

There is no such thing as a "presumptive permission to enter" the apartment of a rent-stabilized tenant for non-emergency repairs and improvements. For building improvements such as hallway decoration, non-emergency repairs, and changes required by city or state law, the written notification to tenants must be provided at least one week in advance. A tenant may not unreasonably withhold consent or refuse entry for these repairs and improvements. But the law does not give the landlord or his staff permission to enter on a date and at a time that suits only the owner's convenience. **The landlord may never enter the apartment of a rent-stabilized tenant randomly and for no specified purpose.**

Park West Village Tenants' Association Building Services Survey 2017

The Tenants' Association distributed a building survey to PWVTA members to assess areas of concern in the buildings. The categories were: Lobby, Halls and Stairwells, Elevators, General Outdoor Maintenance, Laundry Room, Water Service and Security. The responses from the Central Park West apartments revolved around windows that are difficult to open and water pressure. **(Continued on Page 2)**

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The results from the Columbus Avenue apartments indicated significant concerns in many areas: overall cleaning/maintenance was the major concern, rodents, difficulty reaching maintenance personnel at night and problems resulting from apartment renovations. We continue to accept completed surveys. If you didn't receive a copy, download the survey from the pwvta.org website, complete and submit it to any building representative.

Do You Have Apartment Insurance? If You Don't, You Should!

Park West Village was constructed in 1959. It's an aging complex. Older tenants will remember they were prohibited from possessing and/or even installing at their own expense dishwashers and washing machines. Tenants were told at that time that the pipes in the buildings could not accommodate the water pressure demands resulting from these appliances. Fast forward. The renovated apartments in the Columbus Ave buildings include dishwashers, washing machines and dryers and newly created bathrooms and toilets. New plumbing had to be constructed to accommodate these new appliances and structures. This required attaching and soldering new pipes to 60-year old, rusted and corroded pipes. The result is that the increased water pressures resulting from these new diversions have created water draining from bathtubs slowly, low shower pressures, toilets that are constantly backed up and pipes breaking in walls flooding not only the apartment where the break occurred but apartments below.

Who is then responsible for any property damage? Well, it depends on the nature of the flood. A pipe breaking in the wall is clearly the responsibility of the owner. However, if a toilet overflows did the tenant place too much toilet paper in the bowl or is it the result of the new plumbing?

Possession of apartment insurance would appear to be the prudent course of action to protect oneself from the ramifications of a flood in your apartment.

Mailbox Removal From 788 Columbus Avenue

Since 1959, there has been a USPS blue collection mailbox in front of 788 Columbus Avenue. Residents awoke, on Saturday, September 9, 2017, to discover that the mailbox had disappeared. This occurred without warning. There had been no notification that the mailbox was going to be moved consequently no notification of its new location. To date, there still has been no notification of the movement of the mailbox and its present location.

Communication began with the USPS Consumer Affairs Department at the main post office located at 421 Eighth Avenue, New York, NY 10199-9631 on Monday, September 11, 2017. The Consumer Affairs Representative explained that the mailbox was moved at the direction of the local Postal Inspector for security reasons. It was later learned, however, that the true reason for the relocation was for the convenience of the postal employees. When the regular postal driver who collected the mail from the 788 Columbus Avenue mailbox was on vacation, the interim driver could not locate the mailbox because of its location in the cul-de-sac inside the Park West Village complex. Consequently, the mail was not picked up. The solution was to place the mailbox on Columbus Avenue to facilitate the postal driver's ability to locate it.

A letter was generated to the Postmaster General and mailed certified, return receipt requested on September 22, 2017. That letter has **NOT** been delivered. The reason for this is not clear. PWVTA has requested the assistance of local officials and will update the PWV Community as to its progress. The letter to the Postmaster General can be accessed on the pwvta.org website.

New York City's Heat and Hot Water Requirement

The law requires, in New York City, that the landlord provide hot water at a minimum 120 degrees at the tap, 24 hours a day, all year long. However, there have been changes to the New York City Heat Requirement effective October 1, 2017. **(Continued on Page 3)**

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Heat: Old Law

In New York City, the old law requires that the landlord provide heat at the following levels from October 1 through May 31:

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.

Heat: The New Law

In New York City, the new law requires that the landlord provide heat at the following levels from October 1 through May 31:

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: As of October 1, 2017, the inside temperature must be at least 62 degrees everywhere in your apartment regardless of the outside temperature.

Call the New York City Central Complaints Bureau at 311 if the landlord does not provide heat at the minimum temperatures required by law. Record the landlord's violation. Call repeatedly, and keep a detailed record of your complaint reference number. An inspector should eventually come, although sometimes they don't. Inspectors may come unannounced, so if you will be gone during the day, work out a way for a neighbor or friend to give access to your apartment. Management has indicated that indoor thermometers will be installed on the 5th and 14th hallways of each building to monitor and comply with this new regulation.

Park West Village Tenants' Association Listserv

The Park West Village Tenants' Association is pleased to announce the inauguration of its' own mailing list manager or listserv in which, as a current member, you are automatically enrolled. This mailing list will only include current Tenants' Association members. The primary purpose of the PWVTA Listserv is to allow quicker communication between our officers and our members. Now you won't have to wait for distribution of a newsletter to receive important information. It's also a faster way for members to contact and notify the PWVTA Board immediately about any problem. The listserv can also serve to support members wanting to share specific information about each building with their fellow residents.

This is how a listserv works. An email sent to a listserv first goes to an administrator who moderates the email to assure it's appropriate to post. The administrator will be Jeremy Courage, Chair, Communications Committee. The email will then be automatically sent to everyone on the listserv as will any responses to that post. This assures everyone will be up to date on any problems and the responses to those problems. Each PWVTA member should have received this email listserv message in your inbox. Please notify us if you are a member and you did not receive this email. If, for any reason you decide you don't want to be included, just send an email to the administrator at info@pwvta.org and you will be taken off our list.

Some of you may already be a member of another listserv in our community. That is the Park West Community List. That listserv, which has been ongoing for the past 20 years, is open to all residents in the community and is a more general list. We are not replacing that list. We are just creating a new one to more directly serve the needs of the Tenants' Association. We hope you will find our new listserv useful. Let us know what you think and if you have any questions or concerns. You can reach us at info@pwvta.org

JHL Update

We reported, in our summer newsletter, that the NYS Court of Appeals agreed to hear the environmental case which is actually two cases combined into one. **Wright et al vs. JHL and DOH** is a case that was initiated by community residents residing in the immediate vicinity of the proposed nursing home. It was combined with a case initiated by the parents of students attending PS 163-**Friends of PS 163 et al vs. JHL and DOH**. All briefs have been duly filed with the Court and the case has been calendared for oral argument on November 16th, 2017 in Albany. Anyone is welcome to attend at 20 Eagle Street, Albany, New York. In addition, the hearing will be streamed on:

<https://www.nycourts.gov/ctapps/live.html>

We also reported that the zoning case known as **Peyton et al vs. the Board of Standards and Appeals, JHL and PWV** was pending in the Appellate Division, First Department. This case has now been calendared for oral argument on November 15th, 2017. Anyone is welcome to attend that hearing at 27 Madison Avenue, NYC.

Our area elected officials, on the political front, have sent a joint letter to the Mayor asking him to meet with them together with members of the community to urge the Mayor's active engagement to resolve the many issues arising from this disastrous proposal. The letter, spearheaded by Mark Levine's office after considerable prompting by the Working Group, was signed onto by Jerry Nader, Brian Benjamin, Danny O'Donnell, Gale Brewer and Scott Stringer. We have been advised that the Mayor will not respond until after Election Day.

As many of our readers know, the Mayor has been less than helpful to date. In fact, the City filed an amicus brief against our position in the environmental case and defended the BSA in the zoning case. Although members of the Working Group met with the Mayor's staff in response to a call in on the Brian Lehrer Radio Show, nothing came of that meeting. We are hoping that this initiative from our elected officials will elicit a positive response from the Mayor, but time will tell.

Produced by the PWVTA Communications Committee.
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**REMIT THIS 2017 MEMBERSHIP COUPON TO YOUR PWVTA BUILDING REP [who: info@PWVTA.org] OR mail to:
Park West Village Tenants' Association, P.O. Box 20339, Park West Finance Station, New York, NY 10025-0339**

PLEASE PRINT CLEARLY!

Name _____ Building _____ Apt _____

Phone _____ Email _____

Check for 2017 membership dues enclosed payable to PWVTA \$75 Other* \$ _____

Condo Owner: Check for 2017 Associate Membership dues enclosed, payable to PWVTA \$35

Check includes additional contribution to the PWVTA Legal Fund Amount \$ _____

Your status: Rent-Stabilized Tenant Market-Rate Tenant Condo Owner

* If you cannot make the full \$75 payment of your annual dues, please just pay what you can.

I want to be more involved. Here are my special interests: _____