PWVTA GENERAL MEMBERSHIP MEETING --- A LIVELY DISCUSSION ABOUT OUR NEW RENT LAWS and MORE

PWVTA members and interested tenants attended the PWVTA General Membership Meeting at the Ryan Health Center on November 19, 2019. The first agenda item covered this year’s big news, the passage of New York State’s 2019 Housing Stability and Tenant Protection Act. The new rent laws became effective June 14, 2019.

PWVTA attorney, David Hershey-Webb, reviewed the new laws and explained how they will impact rent-stabilized tenants. Changes in the law affecting market-rate tenants were also reviewed.

Vacancy Decontrol, the provision within the old law which allowed a landlord to deregulate a unit when the rent reached a minimum rent threshold, or when the rent-stabilized tenant’s income reached a certain level has been repealed. All regulated apartments will remain regulated until they become vacant regardless of the income of the tenant. In addition, vacancy bonuses have been eliminated.

Major Capital Improvements (MCIs) are now capped at 2% eliminating rent increases for “bogus renovations” which some landlords have claimed. No MCI can be applied if a building has fewer than 35% rent-stabilized tenants. The NYS Division of Housing and Community Renewal is currently devising a schedule of “reasonable costs” for such improvements.

Another significant change is that the new rent laws will not “sunset”, have a built-in end date, as have previous laws, but will remain in effect until changed by the NY State Legislature.

Market-rate tenants have protections under the new law as well. They are now required to pay only one month’s rent security, just like rent-stabilized tenants. Previously a landlord was able to ask for any amount of security deposit from a market-rate tenant. The landlord must now give market rate tenants 90 days’ notice if their renewal lease will increase their rent by 5% or more. Previously a landlord was not required to give a market-rate tenant any notice at all before raising the rent in a renewal lease. Depending on how long they have been a tenant, if the landlord is not offering a renewal lease, they must receive 60 to 90 days’ notice. Previously a landlord was not required to give a market-rate tenant any notice at all before not renewing a lease. Tenant advocates, including PWVTA, plan to reassert their presence in Albany this session, pushing for “good cause” eviction legislation, which would make evictions in market-rate apartments more difficult. There are new rules about breaking a lease. If a tenant must break his/her lease, the landlord is required to mitigate damages. The landlord is obligated to attempt to rent the apartment as quickly as possible rather than sitting on the apartment and forcing the tenant to continue paying the rent. The landlord must do an inspection of the apartment for any damage both before a market-rate tenant moves in and after the tenant moves out. There are new
protections for market-rate tenants concerning the return of their security deposits as historically many tenants have had difficulty having their security deposits returned.

David Hershey-Webb noted that the landlords have organized to fight the new law and have gone to the federal courts to challenge their constitutionality. PWVTA will update tenants on this legal challenge.

Other Business:

Lively discussions followed the attorney’s presentation regarding several issues of concern to PWVTA tenants including apartments in the Columbus Avenue buildings being warehoused, reconfigured, and rented as “new apartments” with higher rents and the loss of rent stabilization.

The process for renewal of rent-stabilized leases was reviewed. Tenants were reminded that lease renewal terms must be the same as in the previous lease. The only additions to a renewal lease that tenants are legally obligated to honor are those issued by a state agency. For example, there is a 12-page DCHR rider issued by New York State that rent stabilized tenants must complete. Pages 1-4 need to be returned, but only page 3, section 2 needs to be completed. Tenants were advised to make a copy of those pages, front and back, in order to keep the complete document. A recommendation was also made that tenants note the date that the renewal lease was received on the front of the mailing envelope that contained the renewal lease. Prior to returning the signed renewal lease, it was advised to make a copy and retain it in a safe place.

Finally, there was a brief discussion of SCRIE (Senior Citizen Rent Increase Exemption), the process under which rents are frozen for tenants over 62 years old and DRIE (Disability Rent Increase Exemption) for disabled tenants. Both SCRIE and DRIE are income based. Fact sheets containing information on SCRIE and DRIE can be obtained on the DHCR website using the following links:


The Working Group at Park West Village gave an updated report on the status of the lawsuit filed by the Working Group against Jewish Home Lifecare (JHL), the Chetrit Organization and the New York City Board of Standards and Appeals against the proposed construction of the new nursing home on the 784 Columbus Ave, West 97th Street parking lot. Since Jewish Home Lifecare’s (JHL) original announcement in 2011, our court challenges have continued to delay construction. During that long delay, the zoning rules have changed so that the original design is no longer viable and JHL has since abandoned the project as planned. However, the possibility of construction of another structure exists. The legal process continues, and updated information can be found on the Working Group’s site: www.NoJHLatPWV.com.

The report met with a round of applause because of the success of the Working Group’s nine years of persistent and diligent work made with the support of the Park West Village Tenants’ Association.

The meeting turned to the proposed changes in the PWVTA by-laws, as distributed earlier. The changes were approved unanimously. The group also approved the continuing $75 annual PWVTA membership fee.

**HOW TO FIND THE RENT HISTORY OF YOUR MARKET-RATE APARTMENT**

Recently, several Park West Village market-rate tenants have successfully challenged their rents, bringing their apartments back into rent stabilization and receiving over-payments plus damages. The first step for market rate tenants to take to determine if they are being charged the correct rent is to
obtain their rent history. The rent can be challenged even if a tenant has signed a market rate lease that states, “the parties agree that the apartment in not a “Rent Stabilized” or “Rent Controlled” apartment and is not subject to any form of rent regulation. As such, at all times, Owner is permitted to seek a fair market rental amount. Rent histories can be accessed in one of three ways:

- Email to rentinfo@nyshcr.org
- Call the Rent Hotline at 741-739-6400
- Visit a district Rent Office. Remember to bring proof of identity (photo ID) and proof of tenancy, with a copy of your lease, rent receipt or utility bill. You will be required to complete an “Access to Records form” and the rent history will be printed and given to you at the office. The closest Rent Office to Park West Village is:

  Upper Manhattan Borough Rent Office
  Adam Clayton Powell Jr. Office Building
  163 West 125th Street, 5th Floor
  New York, NY 10027
  212-961-8930

The rent history should be received in as little as five days. Once it is received, contact the Tenants’ Association at info@pwvta.org. After the rent history is reviewed, if it is discovered that you are, in fact, the first deregulated tenant and the tenant before you was rent stabilized, DHCR regulation states that along with your lease, you should have received a Notice of Apartment Deregulation, which detailed the cost of the renovations which enabled a tenant to understand how the new rent for the apartment was calculated. Tenants had a four-year time limit, under the old laws, to challenge a market rate rent. However, under the new law, the “look back” period to file for rent overcharges has been increased from four years to six years.

**PWV ACQUISITION, LLC APPROACHES TENANTS TO RELOCATE TO NEW APARTMENTS**

Columbus Avenue rent stabilized tenants have reported to PWVTA that they were asked by PWV Acquisition, LLC if they would be amenable to relocating to a comparable apartment including a renovated apartment with amenities. **The reason?** To combine the tenants’ apartment with an adjacent empty apartment. **Under current laws, when two rent stabilized apartments are combined two rent regulated apartments are lost forever and a new apartment is created that would be exempt from rent regulation.** While PWV Acquisition, LLC welcomes any opportunity to combine adjacent apartments, the preference is for the corner apartments, O & P or D & E which would result in a massive, unregulated apartment with a hefty rent.

Tenants are under no obligation to move and can’t be coerced to move. Tenants should also be aware that accepting such an offer is not without considerable risk to the tenant. Although the landlord will likely present an agreement to the tenant that the relocated apartment will be "rent regulated" for as long as they may reside there, there is no guarantee that such an agreement would survive a change in landlords or that the new apartment would be subject to the other protections offered by the Rent Stabilization Code for actual rent regulated apartments. Accordingly, it is essential that if a tenant desires to accept such an offer he or she should retain a lawyer to review the transaction before signing anything. Repeated contact by PWV Acquisition, LLC subsequent to a tenants’ initial rejection of an offer, including personal visits to your apartment, can be considered harassment. All such contact should be reported to PWVTA.
DO YOU HAVE APARTMENT INSURANCE? IF YOU DON’T, YOU SHOULD

We are reprinting this article that originally appeared in The Park West Tenant in November 2017 as tenants’ apartments continue to be affected by breaking pipes that flood tenants’ apartments.

Park West Village was constructed in 1959. It’s an aging complex. Some renovated apartments in the Columbus Ave buildings have amenities such as dishwashers, washing machines 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 the new diversions have created water draining slowly from bathtubs, low shower pressures, toilets that are constantly backed up and pipes breaking in walls flooding not only the apartment where the break occurred but in neighboring apartments either next door or below.

Who is then responsible for any property damage and inconvenience to the tenant? Possession of apartment insurance would appear to be the prudent course of action to protect one-self from the ramifications of a flood in your apartment.

DID YOU RECEIVE AN INCORRECT JANUARY RENT INVOICE?

Tenants residing in the Columbus Avenue buildings reported to PWVTA that they received incorrect January rent invoices. The incorrect rent invoices suggested that they owed rent for more than one month. Please notify PWVTA at info@pwvta.org if you received an incorrect rent invoice so that we can track and document these errors. There have been anecdotal tenant reports of rent stabilized tenants receiving incorrect rent invoices in the past when they had clearly submitted their rent payment.

Park West Village Tenants’ Association Historical Accomplishments Through The Years

Did you know that, in 2002-2003, Park West Village tenants engaged in a rent strike sponsored by The Park West Village Tenants’ Association (PWVTA) which forced the landlord to make needed repairs and resulted in an order for Park West Village Management to cover PWVTA’s financial expenses for the strike? Where can you find out more about PWVTA’s accomplishments from 1975 to the present? At the Tamiment Library and Robert F. Wagner Archives at New York University, of course!

Win Armstrong, past PWVTA President, has been instrumental in memorializing PWVTA’s history of tenant advocacy and activism by putting together a collection that is now housed at the New York University Tamiment Library. The information contained in this special collection is an important resource for other tenant groups that benefit from our history.

An agreement with the Library and Archives Section of NYU was signed in 2004 to house a history of PWVTA. The archives document and preserve the records of PWVTA’s mission to protect affordable housing, including regulated housing such as rent stabilization, to ensure the proper maintenance of the property and to protect the rights of individual tenants and tenants in general. Among the many issues contained in the archives are:

- Administrative files of Park West Village Tenants Association (board meeting notes, agendas, newsletters) including the individual work of many PWVTA leaders.
- The historic 1975 struggle that resulted in the establishment of the Warranty of Habitability of 1978 in New York State Law. The court ruled, in this seminal law, that if a landlord failed to maintain safe, sanitary and livable conditions, tenants had the right to withhold the rent, and
when brought to court for non-payment, to sue for rent abatement. Tenants continue to benefit from this law today.

• The momentous and successful rent strike between 2002-2003, organized by PWVTA and involving tenants residing in 784 Columbus Ave, 788 Columbus Ave and 792 Columbus Ave. Tenants withheld rent which was deposited into an escrow account established by PWVTA in order to pressure management into making repairs to elevators. Negotiations resulted not only in the needed repairs being done but included compensatory attorney fees.
• Between 2000 and 2007 the new landlord, PWV Acquisition, LLC frequently violated rent stabilization guidelines, often illegally charging over $2000.00 for apartments to new tenants by declaring the apartments exempt from rent stabilization. PWVTA documented a pattern of egregious overcharges, filed dozens of cases on behalf of the affected tenants with the New York State Division of Housing and Community Renewal (DHCR). Most of the affected tenants had their rents rolled back with treble damages awarded.
• PWVTA has supported the Working Group, a group of concerned community residents, in opposing Jewish Home Lifecare’s intent, announced in 2011, to build a 22-story nursing home on the 784 Columbus Avenue parking lot. To date, no construction has taken place.
• PWVTA achieved a permanent rent reduction in 2014 for all rent stabilized tenants for the loss of open space amidst the three PWV Columbus Avenue buildings.
• PWVTA assisted several 788 Columbus Avenue tenants who were awarded rent credits by DHCR in 2018 after PWV Acquisition, LLC was declared in violation of the Rent Stabilization Code. PWV Acquisition, LLC was also ordered to pay a $50,000 fine.

Some highlights of the PWVTA paper and digital collection at Tamiment Library include:

1984: Land Use and Neighborhood Use Change Test Case: PWVTA challenged (unsuccessfully) the condominium conversion plan for 372 and 382 CPW, stating that they would constitute a change to the 40-year federally subsidized urban redevelopment plan under which PWV was built. Correspondence with the Attorney General’s office and others relating to the conversion to condominiums including PWVTA’s successful harassment challenge are included in this file. The issues related to neighborhood change and who decides remain relevant today.

1993: Discussions about the proposed construction of a road through the complex
1993 - 2005: Battle over rent reductions and major capital improvements
Flyers for meetings and events, newsletters, and other tenants’ rights publications.

The Tamiment Library and Robert F Wagner Labor Archives also holds files of Westgate Tenants Association, Metropolitan Council on Housing and other tenants’ rights groups. Tamiment is on the 2nd floor of Bobst Library, 70 Washington Square South.

Volunteers are always needed to assist Win in continuing to collect and catalog information to add to the collection. An extensive list of the Collection’s contents can be found at the repository’s page by searching PWVTA archives on Google. Arrangements to access PWVTA’s Archives can be made by Telephone at: 212-998-2630.
Happy New Year Neighbors!

PWVTA wishes the best of health for our residents in 2020 as well as for our pets, friendly critters and beautiful trees and greenery that we are so lucky to have around us here in our community!

PWV Acquisition, LLC posted notices in the three Columbus Avenue buildings that effective June 1, 2019, the property was transitioning to a smoke-free environment. No smoking would be allowed in the apartments and/or on terraces or private areas of the property such as the laundry room or gym. PWVTA recognizes that there has been a trend away from smoking and promoting smokers’ rights and fully supports PWV Acquisition’s new “No Smoking” policy in order to make Park West Village as healthy an environment as is possible. However, and unfortunately, it appears that this new policy has generated some confusion and adversarial activity amongst neighbors and friends.

It’s important to recognize that what a tenant can or cannot do in their individual apartment is dictated by their individual and legally binding lease. Each Columbus Avenue buildings has approximately 288 apartments. That’s almost 900 apartments all with different leases and terms, depending on whether tenants are market or rent-stabilized tenants or AirBnB rentals. This means that the terms of your neighbor’s lease is most likely different from your own. While smoking is now prohibited in shared public space, what’s allowed in any given tenant’s apartment may be different from what is allowed in your own apartment and this includes the terrace, since the terrace is not legally considered “public space” but rather an integral part of your apartment. This is complicated!

As neighbors, let’s make a New Year’s resolution to be respectful and cordial with one another. Before you knock on your neighbor’s door or leave a note, if you are experiencing problems with cigarette smoke, or any other type of smoke, please contact the management office. Wishing it were as simple as posting a “no-smoking” sign!

Please, know not only your rights but the rights of your neighbor as well!

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REMINDER!! IT’S TIME TO SEND IN DUES FOR 2020 AS OUR MEMBERSHIP YEAR IS JANUARY TO DECEMBER.

PWVTA is a volunteer membership organization comprised of representatives from each PWV building. Think of PWVTA as a union to which membership is expected and service, advice and advocacy is rendered. Please understand that PWVTA is unable to provide advice or assistance to non-members.

PWVTA MEMBERSHIP COUPON FOR 2020 – JOIN NOW

2020 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 2019 membership dues enclosed payable to PWVTA ☐ $75  ☐ Other* $__________

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

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

Condo Owner: Check for 2019 Supporting Membership dues enclosed, payable to PWVTA ☐ $35

☐ Check includes additional contribution to the PWVTA Legal Fund Amount $__________ *

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