Ruppert House cooperators vote to remain in Mitchell-Lama

Residents at Ruppert House, a 652-unit Mitchell-Lama cooperative on the Upper East Side of Manhattan, voted in May by almost two to one to remain in the ML program. Those in favor beat back spending money for a feasibility study—the first step in a buyout process—by a margin of 329 to 179.

Rejecting the study brings the buyout process to a halt. (Where shareholders vote in favor of a study, the next step is to vote on whether to remain in M-L or go private.)

Supporters of remaining in M-L called the vote a "resounding victory over privatization."

"The Ruppert Affordable Housing Committee worked hard and organized well despite tremendous pushback from their Board of Directors," said Sue Susman, who compiles an affordable housing newsletter. She added that "at the start of their efforts one of the residents went into the Management office to request the complete annual financial statement. Her request was refused and the shareholder was told that the financial report could only be viewed in the office. The resident called HPD [the City’s Department of Housing Preservation and Development] which instructed management to release the full annual report immediately."

All shareholders are legally entitled to receive a full copy of the annual financial statement.

During the week before the vote, members of the Ruppert Affordable Housing Committee sat in their lobbies with poster board displays of information sheets, in an effort to promote their position. Earlier, they had posted the sheets in the various lobbies, but the sheets were removed almost immediately after they were put up, so the committee members decided to turn the sheets into large poster boards. Although the president of the co-op’s board reportedly asked the members to leave, they refused. "They refused to be bullied," Ms. Susman said.

Two other M-L developments recently defeated efforts to go private. They are St. James Tower in Brooklyn, and the Village View in Manhattan.

Council raises heating requirements for apartments

A law to increase indoor heat requirements of New York City apartments was passed by the City Council towards the end of May.

During the heating season, which extends from October 1 through May 31, the law now requires owners to keep the temperature in occupied apartments at a minimum of 68 degrees Fahrenheit, whenever the outside temperature dips below 55 degrees. Formerly, the outside temperature had to drop below 40 degrees for the indoor temperature to be maintained.

The bill, co-sponsored by Chair Jumaane Williams, Council Member Mark Levine and Manhattan Borough President Gale Brewer, had been approved earlier in the month by the Council’s Committee on Housing and Buildings.

Tenant complaints about inadequate heating during the cold months are a staple of New York City life. In 2014/2015, according to an article in Cityland, a publication of New York Law School, HPD “received 208,000 complaints and issued 4,484 violations regarding inadequate heat.”

HPD funds needed repairs whenever owners refuse to comply with the regulations.
Stellar faces new lawsuit alleging J-51 violations

Lawrence Gluck, the mogul who heads Stellar Management in New York City, is facing a lawsuit brought by fifty-nine tenants in more than twelve buildings on grounds he violated a provision in a city tax exempt law, J-51, that requires him to adhere to regulated rents. The suit, alleging that he is charging them market-rate rents instead, is filed in New York State Supreme Court.

The tenants also maintain that in those apartments that remain regulated, Stellar falsified the costs of making physical improvements, thereby charging higher rents than allowable.

The suit followed an investigation by the non-profit Housing Rights Initiative. The HRI defines its mission as protecting “the rights of tenants and preserve affordable housing against predatory landlords.”

In a statement, Stellar disputed the claims, arguing that the realtor "has a 30 year track record serving as one of the largest and most venerable landlords in New York City, working diligently to abide by all rent regulatory laws. We have serious concerns about the validity of both the merits and motivations underlying this suit and will vigorously defend against these claims.”

Several years ago Gluck faced a similar lawsuit alleging J-51 violations in a former Mitchell-Lama complex known as Independence Plaza North in Manhattan’s Tribeca neighborhood. The suit lasted several years, and although Gluck lost the case in New York State Supreme Court, he eventually won on appeal, after paying back the taxes owed.

City’s advocate seeks review of Tenant Interim Lease program

Letitia James, the city’s public advocate, has called for an independent review of the Tenant Interim Lease (TIL) program, initially intended to allow renters in city-owned buildings to buy their apartments for only $250. The review, if established, would add to a current probe by the Department of Investigation on issues including stolen money and employee malfeasance.

James criticized the program for inadequate funding and poor management by HPD. She noted that around forty percent of the 2,300 units in TIL buildings remain empty. In a brief, she said the program is "rife with corruption."

According to DNAinfo, a former HPD employee said the HPD unit that oversees the TIL program was “a freaking disaster zone.”

In an effort to deal with TIL problems, the city has suggested moving tenants into the Affordable Neighborhood Cooperative Program (ANCP), which also entails a rent-to-own process, but which calls in developers to rehab the properties and convert them to co-ops, through a variety of city and private loans and state grants. But tenant advocates argue that ANCP not only limits tenant control over their buildings but raises rents and maintenance costs well above what the residents could afford.
Harlem residents, officials, condemn realtor-led effort to rename area 'SoHa'

In an effort to resist the gentrification and inevitable tenant displacement of a major part of Harlem, neighborhood residents, clergy, elected officials and community board members rallied in May against a real estate marketing effort to label the area SoHa, for south Harlem. The full area in question spans West 110th to West 125th Street.

At the rally on Frederick Douglass Boulevard and West 115th Street in May, demonstrators argued that "SoHa" does not exist. "We're not going to let people who just got here change the name of our community for their profit," said Harlem District Leader and City Council candidate Cordell Cleare. “This is about greed and lust.”

Scott Stringer, the city’s Comptroller, said “What we realized ten years ago was this was not about Harlem, this is about real estate speculators taking advantage of a community — the gentrification of a community.”

Nevertheless, realtors continue to use the term. For example, StreetEasy, an online listing service, uses the term for hundreds of rentals, cooperatives, and condos.

Not all realtors, however, appreciate the term. Dani Tyson, a local broker and member of Manhattan CB 10, has been part of a community effort for years to get local officials to reject the name. He successfully persuaded the CB to adopt a resolution condemning it. "You can sell without using the word 'SoHa.' This is Harlem — a wonderful brand, a brand that is known all over this world," he said.

He added that "No real estate company, no coffee shop, no business should be using the term 'SoHa' to refer to Harlem. This is a home, this is a culture, this is a place that people visit."

Sen. Brian Benjamin, who formerly chaired the CB, noted that he is working on a proposal to legislate the renaming of neighborhoods.

City shuts 842 'cluster housing' units

Nearly a quarter of the city's "cluster housing" units for homeless people have been shut, according to statements in May from officials in the de Blasio administration.

The units have been condemned over the past few years as extremely dangerous places, containing corroded walls, rodent infestation, and broken facilities, among other conditions. Notwithstanding the problem, the city until recently has rented some 3,600 apartments in private buildings for as much as $3,500 a month.

Last year, two young girls, ages one and two, were burned to death by a malfunctioning radiator in one such apartment in Hunts Point.

As of May, the city has stopped utilizing 842 of the apartments, according to Deputy Mayor Herminia Palacio and Social Services Commissioner Steven Banks. Tenants who had formerly resided in those units are being relocated to shelters or hotels.

Alternatives to cluster housing, however, have not been easy to promote. Residents in various neighborhoods have opposed the mayor’s proposal to open ninety homeless shelters in the five boroughs. Six shelters have been established so far.

Immigration linked to rent and home price increases, as 'natives' tend to leave

Increases in immigration into a metropolitan statistical area are linked with rising rents and home prices in that and neighboring MSAs, according to new research. Using data from various federal agencies, the researchers found that an increase in the number of immigrants equal to one percent of an MSA’s total population was linked with a 0.8 percent increase in rents and a 0.8 percent increase in home prices.

This same increase in immigrants was associated with a 1.6 percent rise in rents and a 9.6 percent rise in home prices in surrounding MSAs. As immigrants move into an MSA, natives tend to move to surrounding areas, indicating that the spillover effects may be driven by native-population movements. Read more at http://bit.ly/2rg1Ykw

Mitchell Lama Q and A

By Andrew P. Brucker, Esq.
Montgomery McCracken Walker & Rhoads LLP.
This article was first published in New York Cooperator

Q: Does a Board resolution at a Mitchell-Lama cooperative become part of the House Rules?

When the board of a New York City Mitchell-Lama co-op requires the shareholders to purchase homeowners’ insurance, does the resolution, if passed, become part of the building’s house rules? If there are no city-approved house rules, does the homeowners’ insurance obligation get attached to the occupancy agreement?

A: The question seems to be one of corporate procedure. When the board of a co-op (whether a Mitchell-Lama or not) passes a resolution, it is very important for it to be precise. Therefore, if the board wanted to pass a new house rule (technically called rules and regulations), the resolution should have specifically designated it as an amendment to the house rules. Then after it passed, it should have been sent out to all of the shareholders, and printed on the document which contains the house rules.

If the resolution is not made a part of rules and regulations, I am not sure how it would be enforced. The rules and regulations are enforced under the terms of the occupancy agreement as if they were a default in the occupancy agreement. The occupancy agreement itself references the rules and regulations for this very reason.

It would be extremely hard to believe that there are no rules and regulations. The original Mitchell-Lama occupancy agreement (created decades ago) has a set of rules and regulations printed right under the signatures. Therefore, unless for some reason all rules and regulations were deleted by an act of the board and shareholders (which was somehow approved by HPD), there are rules and regulations for every Mitchell-Lama.
Local reps 'meet and greet'
MLRC members in May

Clockwise from top left: Manhattan Borough Pres. Gale A. Brewer; Brooklyn Assemblyman Walter Mosley; Congressman Jerrold Nader; City Councilwoman Helen Rosenthal; attendees at the MLRC 'Meet & Greet' event; Congressman Adriano Espaillat

MLRC Developments

These developments are members of the Mitchell-Lama Residents Coalition

Individual Membership: $15 per year
Development Membership: 25 cents per apt ($30 minimum; $125 maximum)

Donations above membership dues are welcome

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All photos by Carl Glassman
Clockwise from top left: MLRC Co-chair Jackie Peters; MLRC Treasurer Carmen Ithier; NYS HCR President of Housing Operations Mark Colón; attendees at the 'Meet & Greet' event; Members addressing group; Attendees at the event; MLRC Co-chairs Margo Tunstall Brown, Jackie Peters, Ed Rosner; Member addressing group
Trump's budget endangers 26,530 NYS Sec. 8 families

The budget request to Congress by President Donald Trump in May includes slashing Section 8 rental assistance to more than 26,500 NYS households.

The budget entails $6.2 billion overall in cuts, and is referred to as per the "skinny" budget, but this is actually $7.7 billion in housing cuts compared with current 2017 levels, according to the New York Housing Conference.

In an online newsletter released in May, the Conference noted the following specific impact of the budget’s housing proposals on New York State:

- Overall there is a growing emphasis of shifting responsibility for housing programs to states. In a press release from HUD Secretary Carson, he stresses the need for "a greater role for State and local governments, and the private sector, to address community and economic development needs." There is also a focus on self sufficiency for residents and a pilot to increase rent burden, without regard to quality of life issues for low-income household or any acknowledgment of our growing rental housing crisis.

- The HUD Budget Impact for NY State would include the following:
  - 26,530 households receiving Section 8 rental assistance across New York State would be at risk of homelessness.
  - $409,387,940 cuts to public housing authorities including NYCHA
  - $286,644,708 eliminated in CDBG funds across the state.
  - $91,483,440 eliminated in HOME funds for low-income rental housing
  - Rent burden is increased from 30% to 35% of tenant income in a pilot impacting 98,700 Project-Based Rental Assistance (PBRA) and 14,800 households residing in Housing for the Elderly (Section 202) and Housing for Persons with Disabilities (Section 811) in New York State. Note that average tenant income for 202 households is $13,300 annually. In these buildings, owner adjustments are frozen and utility allowances are also proposed to be eliminated.

NYCHA playground in Yorkville to convert to mixed-income tower

A mixed-income 47-story tower, containing 300 units, may rise on top of a playground at the Holmes Towers public housing complex in the Manhattan community of Yorkville, according to renderings released by the city in May.

The tower proposal is highly controversial, as numerous residents have resisted the removal of play areas for their children, and as others view the new towers as a foot in the door for an inevitable gentrification. According to DNAinfo, some residents see the towers as "salt in the wound."

The proposal, set for East 93rd Street, was developed under the city’s NextGen program, intended to raise funds for repairs on existing public housing projects.

In addition to market and below-market rate rents, the tower would contain a recreation and community center operated by Asphalt Green, which currently operates similar centers in two other areas of the city. The center would include an indoor basketball court, a rooftop turf field and low-cost programming.

Fetner Properties would develop both the building and center, according to a NYCHA announcement. Fetner and Asphalt Green said that half of all permanent jobs at the new center will go to NYCHA residents.

NYCHA residents will also receive preference for 25 percent of the affordable units. Fifty percent of the units will be affordable, designated for households earning less than $41,000 for an individual, and $52,000 for a family of three.

In a separate but related development, NYCHA issued a request for proposals to develop up to 830 affordable units on four other sites. Among them is Haborview Terrace, at West 55th Street off 10th Avenue. The aim there is to replace the parking lot with a 200-250 unit building and a community facility. The other sites are Sunner Houses in Bedford-Stuyvesant, and Twin Parks West and Morrisania Air Rights in the Bronx.

New book details horrific impact of tenant evictions

A new book on the horrors of tenant evictions has been written by Matthew Desmond. "Evicted: Poverty and Profit in the American City," is available at B/D/W/Y, Broadway Books, for $17.

Although the book recounts the story of eviction in Milwaukee, the information relates to the situation facing poor and moderate-income tenants throughout the United States.

In fact, according to a review in Metropolitan Council on Housing’s online newsletter, Desmond’s work "is credited with significantly helping the struggle to gain the right to counsel for tenants in New York City."

The Met Council review, by Varja Kilgour, is valuable reading. Among other things, Kilgour notes: "The specific, highly personal narratives garnered in Desmond’s fieldwork are heartrending. They vividly illustrate the flukes and tragedies that lead up to a forced move, as well as the train wreck of consequences following one: not only the loss of a home (often after having paid as much as could be scraped together in a vain attempt to change a landlord’s mind), but also of possessions (after not being able to make the additional rent for storage), jobs, and access to government help.

"There are other costs that can be counted in broken dreams, truncated educations, and traumatized children—the loss of potential contributions to society by those too ground down to take even a first step out of poverty. Desmond describes one woman being evicted in a foreclosure case as having ‘the face of a mother who climbs out of the cellar to find the tornado has leveled the house.’ Eviction can even be fatal: It has been identified as a ‘significant precursor of suicide.’"

The full Met Council review is available at http://bit.ly/2yfkuem
Affordable housing news from around the nation

San Fransisco: 'Small Sites' program now funds 13 buildings

San Fransisco's three-year-old Small Sites program, designed to fight gentrification by helping communities buy affordable buildings before speculators zoom in, has acquired thirteen buildings containing seventy-eight apartments to date. Another twelve buildings are in the pipeline.

Nonprofits like the Mission Economic Development Agency borrow funds from the program for building acquisition. To qualify, buildings must contain between five and twenty-five apartments, house a "significant number" of longtime tenants, and be currently or previously under rent-control. The average tenant's income for a building needs to be under 80 percent of the area median income; for a three-person household, that's under $73,350 a year.

Seattle: Upzoning for developers requires rent regulated units

Seattle City Council's unanimously passed a bill in April to upzone most of the downtown and adjoining neighborhoods, allowing additional height and floor area for developers, in exchange for either some rent-restricted units in the new buildings, or a special "in lieu" fee into the city's housing fund.

The bill grants height increases ranging from ten to fifty feet. Residential developers can offer a mere 2.1 percent of total units as rent-restricted, or pay an "in lieu" fee of $5.50 per square foot up to a 5.1 percent performance requirement and $13 per square foot "in lieu" fee. Commercial developers also have a range of fees and requirements.

Indianapolis: Land trust to help artists and stop displacement

A land trust in Indianapolis has come up with a plan to help artists move into empty apartments in a run-down neighborhood, while at the same time preventing gentrification and the inevitable displacement that follows artists' entry.

The plan calls for the trust, the Riley Area Community Development Corporation, to partner with the Indianapolis Neighborhood Housing Project and a community group to jointly buy and rehabilitate ten vacant houses in Garfield Park, an area that is currently bisected by an interstate highway and which has suffered heavily during the recent recession and housing crisis.

The community group, known as Big Car, and the other two entities will own 51 percent of each house, while the artists will own the other 49 percent. In general, as word spreads among realtors that artists are moving into a neighborhood, they start buying up vacant homes and promoting the area as the new "place to be," thereby escalating prices and eventually forcing out both the trail blazing artists and other long time residents. In this case, however, Big Car and the other groups, by retaining a 51 percent ownership, will maintain the affordability for the artists even as properties in the surrounding areas soar in value.

Austin, Tex: Call for $600 million fund to buy affordable housing

An Austin task force, created to review and combat institutional racism, has recommended that the city create a $600 million fund to purchase and preserve affordable housing for minorities — with preference to those displaced from gentrified areas.

The task force was convened last November in the wake of high profile incidents of police use of violent force against two African Americans: David Joseph, a naked and unarmed teenager who was shot and killed by a police officer, and Breaion King, a teacher who was shot and killed by a police officer, and Breaion King, a teacher who was shot and killed by a police officer.

The funds would be raised through a "linkage fee" on developers of two dollars per square foot of new construction. The report also asks the city to use public-owned property to build homes for low income, minority, former East Austin residents who want to return and allow housing including mobile homes or tiny homes on the land.

Among other recommendations, the report calls for rewarding realtors and landlords who "proclaim Austin values of 'integration, diversity and inclusion.'"

Nonprofit housing developers unite in 'JOE' to lower costs

Ten nonprofit affordable housing developers in the city have united to compete with the private sector by pooling resources. As a joint ownership entity (JOE NYC), the organizations can merge their housing portfolios when applying for large renovation loans and at a lower interest rate, rather than applying individually for smaller loans at a higher interest rate. The group also plans to acquire Low-Income Housing Tax Credit properties to preserve buildings' affordability as tax credits expire, and will assist other nonprofits in winning bids from the City.

New York is most costly city in world for new construction

New York City now tops the world’s leading metropolises as the most expensive place to do construction. According to Turner & Townsend’s 2017 International Construction Market Survey, construction here averages $354 per foot, displacing the previous front-runner Zurich. San Francisco is just behind New York at $330 per foot, pushing Zurich down to third place globally. The next two most expensive cities to build are Hong Kong and London.

Landlords lose suit to overturn rent freeze

An organization representing 25,000 landlords lost a suit to overturn a 2015-16 rent freeze for rent-stabilized apartments ordered by the Rent Guidelines Board (RGB), a body consisting of landlords, tenants and the public at large, all of whom are appointed by the Mayor. Manhattan Supreme Court Judge Debra James threw out the suit, filed by the Rent Stabilization Association, in which the landlords argued that the RGB wrongly took into account economic factors affecting tenants, rather than only those affecting owners. Justice James cited a 2011 decision in a NY State court that allowed the RGB to "consider tenants' economic situations" in its decision-making process.

Trump savages NYCHA funding

The Trump Administration has cut federal funding to NYCHA by $35 million this year. The final cuts are expected to total $150 million, according to conversations between HUD and NYCHA officials cited by the Wall Street Journal.
Breakaway Democrats facing pressure to return to the fold

The state’s Independent Democratic Conference, a group of eight nominally Democratic senators who invariably caucus with Republicans, is facing renewed pressure to return to the Democratic fold and thereby enable the party to retain an effective majority in the state senate.

But the pressure, such as it is, contains more than a hint of irony, because it comes from another Democrat who himself usually votes with the opposition party.

In a letter to Jeffrey Klein, the head of the IDC on May 24, Simcha Felder, Democratic Senator from Brooklyn’s 17th District, urged Klein to “rejoin the rest of the Democrats.”

Felder’s letter to Klein was written after Klein himself urged his fellow Democrats to sign a “unity pledge” upholding key progressive issues such as reproductive health, a single payer health insurance plan, and public campaign finance reform.

Felder dismissed Klein’s pledge effort in his letter, wherein he said that “While I concur with you that the Democrats must work together to confront challenges ahead for New York, there are many such issues that you have failed to include in your so-called Unity Pledge.”

Ironically, Felder himself has a reputation as a renegade Democrat who traditionally votes with the Republicans. A spokeswoman for the IDC hinted at this irony, when she wrote that “It’s telling that Simcha Felder didn’t sign the pledge. We now see where he stands on these seven crucial issues.”

In a late development, New York State’s House delegation added to the pressure, calling on the IDC to return to the Democratic fold. Senator Kirsten Gillibrand has joined the call, arguing that the Democrats must take control of the senate. However, Senator Chuck Schumer has remained silent. According to the Gotham Gazette, Schumer “has an aversion to the left branch of his party.”

Wage disparity largest among women of color

A new "economic snapshot" report by staffers at the Economic Policy Institute released in March shows that while women, on average, face a pay penalty compared with men, the gap is considerably higher for women of color.

A typical, or median, woman working is paid 83 cents for every dollar a typical man is paid. However, the gender wage gap differs for women of different levels of education and for women of color.

When the wages of white women and women of color are compared with wages of white men, white and Asian women fare better than their black and Hispanic counterparts. Compared with non-Hispanic white men, white non-Hispanic women are paid 81 cents on the dollar and Asian women are paid 88 cents on the dollar. But the penalty is much larger for black and Hispanic women, who are paid only 65 cents and 59 cents on the white male dollar, respectively.

In terms of the impact on women’s paychecks, this means that relative to the typical white man, black women take home $7.63 less per hour and Hispanic women take home $8.90 less per hour.


Mayor, Council agree to $85.2 billion budget

Mayor Bill de Blasio and the City Council agreed to a $85.2 billion budget deal in June, increasing spending by $3.1 billion over last year’s budget. Although the budget has not yet been formally adopted, it increases more money for school programs like the "3K for All" and free lunch, and installs air-conditioning in every classroom. Other programs receiving increased spending include 5,000 more summer youth jobs, a property tax exemption for veterans, and elimination of waitlists for senior home care.

Not every program goal was accepted by both the mayor and the council. For example, they failed to agree on $16.3 million in funding aimed to provide free legal counsel to immigrants facing deportation proceedings. According to the Gotham Gazette, “In his first draft of the executive budget, de Blasio did not allow the funding to be used to defend immigrants convicted of certain categories of serious crimes. Although no compromises were reached over the funding, [City Council Speaker] Mark-Viverito announced an additional $10 million for the New York Immigrant Family Unit Project, a Council program that provides free legal services for immigrants.”

CASA details displacement process in Bronx

Displacement and the means of fighting it in the Southwest Bronx are recounted in a new white paper prepared by the Community Action for Safe Apartments (CASA). In the introduction, the paper notes that it “Presents a clear and accurate definition of displacement and counter the false assertion that Most tenants leave neighborhoods by choice;”

“Explains the tactics that landlords already use to exert displacement pressures on low-income tenants of color;”

“Emphasizes the risk of increased displacement posed by rezoning, and in particular the Jerome Avenue rezoning, when new housing is not genuinely affordable and there are insufficient protections against displacement;”

“Offers solutions that would protect tenants from displacement, allow them to remain in their homes, and preserve their communities.” The full study is available at [http://bit.ly/25jb8vb](http://bit.ly/25jb8vb)