Dissatisfaction with the enforcement of tenants’ right to organize was a key element in the “Eyes & Ears” conference, held on April 17 in New York City. The conference is a function of the National Alliance of HUD Tenants’ REGION-2 NY/NJ.

Many owners and/or management agents simply do not allow tenants associations to distribute brochures, post flyers, or have free access to furnished (tables/chairs) community space for tenant association’s usage, for example, for general membership meetings. Some tenants claimed to be threatened with harassment and retaliation.

John Ryan, a Syracuse resident of Clinton Plaza, spoke on his experience in his development. A lower East Side tenant gave a personal account of harassment by her Management Agent.

Sandra & Wanda, tenants of Kingsbridge Court in the Bronx, were quite upset with their building quality of life issues and expressed their frustration with lack of management’s response.

Marie Christopher of 210 Stanton Street asked if HUD would consider recertification/income verification training for advocates and tenant leaders regarding proper recertification process and changes in recertification. She shared tenants’ strong stand on the fact that the recertification process should be consistent with all multi-family project based section 8 housing and voucher tenants, and gave her personal story on the issue.

Teresa Bainton, Director, New York (Continued on page 7)
Lawlor named head of NY State’s consolidated housing functions

Governor David Paterson announced in April the appointment of Brian E. Lawlor as Commissioner of the state Division of Housing and Community Renewal (DHCR), and as chief executive officer and president of NYHOMES, which includes the state’s Housing Finance Agency and the State of New York Mortgage Agency.

Although DHCR and NYHOMES will remain separate, the consolidation of the leadership positions in those two agencies reflects an effort to create a single housing management structure, according to DHCR.

Lawlor has more than 25 years of experience in the area of affordable housing. He has served as Assistant Secretary to the Governor for Housing, and Counsel to the State Director of Housing.

In 2007, he was appointed DHCR’s Executive Deputy Commissioner, responsible for overseeing all the agency’s departments. In that capacity, he was active in the administration of more than $700 million in stimulus funds in the American Recovery and Reinvestment Act of 2009, including the largest allocation of weatherization funds in the nation and more than $260 million in Tax Credit Assistance Program resources and State community development block grant funds.

Lawlor also serves as the chief executive officer and chairman of the Housing Trust Fund Corporation, and chair of the Roosevelt Island Operating Corporation.

He also sits on the boards of New York State Housing Finance Agency, State of New York Mortgage Agency, the Affordable Housing Corporation, the Homeless Housing Assistance Corporation and the Harlem Community Development Corporation.

Lawlor was a co-founder of the New York State Bar Association’s committee on low income and affordable housing, and was named Advocate of the Year in 2005 by the New York State Association of Affordable Housing.

The appointment of Lawlor reflects Governor Paterson’s belief that he is knowledgeable enough to carry out the mission of providing New York families decent affordable housing, and to face the challenges of building, preserving and protecting the affordable housing stock. The housing community certainly hopes that Lawlor can live up to these expectations.

MLRC street fair slated for June 20

The 20th annual MLRC street fair will be held on Columbus Avenue between West 86th and West 96th Streets on Sunday, June 20th.

MLRC will have a table at the fair near 93rd street. Come enjoy the diverse culture and ethnic foods, walk, listen to music, check out the vendors. Visit our neighborhood and support MLRC.

JOIN THE MITCHELL-LAMA RESIDENTS COALITION 2010

INDIVIDUAL $15.00 per year and DEVELOPMENT 25 cents per apartment ($30 Minimum; $125 Maximum)

Name ____________________________
Address ____________________________________________________________ Apt. ________________
City ____________________________ State ___________ Zip Code _____________
Evening Phone ________________ Day Phone ____________________________
Fax ____________________________ E-mail ________________________________

Current ML: Co-op ____________ Rental ____________
Former ML: Co-op ____________ Rental ____________
Development ____________________ Renewal _______ New Member _______

President’s Name: ________________________________________________

Donations in addition to dues are welcome.

NOTE: Checks are deposited once a month.
Mail to: MLRC, PO Box 20414, Park West Finance Station, New York, N.Y. 10025

MLRC fights for you and your right to affordable housing!
State Senator Savino hosts virtual town hall meeting on transportation issues in Staten Island and South Brooklyn

By Judy Montanez

S tate Senator Diane J. Savino’s Staten Island and South Brooklyn constituents were given an opportunity on April 20th to ask questions during the first live virtual town hall meeting hosted from the Senate floor in Albany. For one hour, Savino responded to transportation concerns submitted via phone calls, Facebook, com and e-mails from people living in the 23rd Senate District. The Senator said that the people of Staten Island have the highest commute in the nation on average.

The video was moderated by Julia Lilkendey of Senate media services and broadcast on the Senate’s Web site. An onscreen ticker monitoring hits showed that it was viewed by just over 40 people. The actual count, however, was much higher as the onscreen ticker count did not include the people who hosted the virtual meeting in their living rooms for constituents who do not have a computer.

Access-A-Ride

The first question came from a St. George Islander who asked about the quality of Access-A-Ride service. Senator Savino was critical of the Metropolitan Transportation Authority’s decision to eliminate a contract with the Island’s RJR Paratransit.

A man identified as George from Graniteville was curious about renovations to the Staten Island Expressway. Savino outlined how the “state Department of Transportation will be adding exit and entrance ramps and creating truck incline lanes to relieve the bottleneck near Todt Hill.” She also noted the demolition of the defunct Brooklyn-bound tollbooths at the Verrazano-Narrows Bridge.

Savino also wants to increase vehicle occupancy for cars traveling the SIE bus/ HOV lane to three-plus people, as is the case on the Gowanus Expressway. “It’s not only smart, it’s environmental because it will encourage more people to utilize the HOV lane and carpool,” she said. She added that she is still fighting for the restoration of a number of local and express bus routes before proposed MTA cuts go into effect June 28. The MTA “has gotten away with shortchanging Staten Island for a very long time,” she said. However, she did give credit to MTA Chairman Jay Walder’s efforts later in the telecast.

Verrazano toll fees

Dorothy, a Coney Island resident, wanted to hear the Senator’s views on the Verrazano Bridge tolls. “The $11 fee on that bridge is egregious and it is discriminatory, particularly to people who live in Staten Island,” said the Senator. She went on to say how the toll accounts for 22 percent of total MTA toll revenue—60 percent used to subsidize Metro-North and Long Island Rail Road operations.

Amy from New Brighton in Staten Island wanted to know whether the former Staten Island North Shore Rail Line would ever resume operations. The Senator stated that “industrial development, eminent domain issues and complex property swaps” are all obstacles to this endeavor. Senator Savino was, however, in favor of rapid bus transit down Richmond Terrace. She would also like to explore other rail options.

Ferryboat and other issues

Several other issues of concern to Staten Island constituents were discussed. They included the Department of Transportation Ferryboat plans to get rid of rest-room matrons and enforce silence on ferryboat quiet decks; building a Staten Island South Shore fast ferry; investigating substandard asphalt used by contractors; and the installation of a $7 million MetroCard apparatus at the Tompkinsville station of the Staten Island Railway.

One surprise to constituents was the change in pay for Xerox/ACS and the E-ZPass employees. The contractor is now paying workers per call rather than hourly, which is affecting customer service. Savino is also looking into a suggestion to utilize part of Great Kills Park in Staten Island for a park-and-ride.

Constituents were surveyed via internet on how they liked the virtual town hall meeting. The response was overwhelmingly in favor of having many more.

A video of the town hall meeting with Senator Savino can be seen at http://www.nysenate.gov/event/2010/apr/20/virtual-town-hall-senator-savino

Legal Aid to Assembly: preserve affordable housing

By Ellen Davidson

Testimony before the New York State Assembly Standing Committee on Housing, Subcommittee on Mitchell-Lama, on May 21, 2010.

T he Legal Aid Society is one of the oldest and largest programs in the nation providing direct legal services to low income families and individuals. The mission of the Society’s Civil Practice is to improve the lives of low income New Yorkers by helping vulnerable families and individuals to obtain and maintain the basic necessities of life — housing, health care, food and subsistence income or self-sufficiency.

The Society’s legal assistance focuses on enhancing individual, family and community stability by resolving a full range of legal problems in the areas of immigration, domestic violence and family law, employment, housing and public benefits, foreclosure prevention, elder law, tax, community economic development, health law and consumer law.

The Society achieves its mission in a number of ways. Through a network of 10 neighborhood and courthouse-based offices in all five boroughs and 23 city-wide and special projects, the Civil Practice provides free direct legal assistance in thousands of matters annually. Overall, combining individual representation with law reform litigation, advocacy and neighborhood initiatives, the Society successfully provides as many low-income New Yorkers as possible with access to justice.

In addition to direct legal services, the Society provides extensive back up support and technical assistance for community organizations in all five boroughs of the City providing services in low-income communities, “know your rights” trainings for community residents, and community education sessions on complex legal issues affecting low-income communities. When it is the most efficient and cost-effective way to help clients, the Society provides legal representation to groups of clients with common legal problems, including those referred by elected officials. Finally, the Society also operates an extensive pro bono program through which over 1,000 volunteers participate to provide more than 50,000 hours of legal assistance to low income New Yorkers annually.

Urgent: preserve affordable housing

As part of Legal Aid’s daily practice, we provide legal representation and advocacy on behalf of low-income tenants whose housing is at risk. Many of our clients are tenants who live in buildings that receive federal or state subsidies. We also represent homeless families and individuals, who are in need of safe and affordable housing but who daily come up against the

(Continued on page 8)
Assemblyman Benjamin guest speaker at MLRC general meeting

Assemblyman Michael Benjamin was gracious to accept an invitation from the MLRC to be our guest speaker for the Saturday March 27th General Meeting.

He informed the coalition that he was very active in support of the MLRC/PIE 2010 Legislative Agenda (six M-L bills). The meeting went well. We thanked him for taking the time out of his busy schedule. We received a letter of appreciation for the invite from the Assemblyman.

Evergreen family block party set for August

The annual family day block party will be held on Evergreen Avenue in August. The exact date will be announced shortly. We need entertainment sponsors for a D.J. and donations towards gifts for children games.

Please contact Lillian Bannister at Lilliesflowfree@yahoo.com, or call 516 784-3188 for more information.

MLRC to hold executive board elections, voucher workshop

At our June General Membership Meeting the MLRC will hold their annual executive board election. The following members of the MLRC Executive Board are up for re-election: Rachel Taylor, Ed Rosner, Sonja Maxwell, Hattie Overman, *Margo Tunstall, Alice Mitchell, Natalie Williams, Icemae Downes. We have two new applicants: Josie Barnes and Alexis Morton.

We look forward to members attending this important meeting to cast your vote. Only members who have paid their annual dues are eligible to vote. If you have not paid your dues yet, you will have the opportunity to bring your membership up to date at the June General Meeting.

In addition to the elections, an enhanced voucher workshop will be conducted by Ellen Davidson, a legal aid attorney.

Dues-Paid Developments

MLRC strength comes from you, the membership. Support the Coalition’s educational, advocacy and outreach programs with your membership dollars.

Individual Membership: $25
Development - 15 cents per apt. ($30 minimum; $125 maximum)
Donations above the membership dues are welcome.

These developments are dues-paid members of the Mitchell-Lama Residents Coalition as of Dec. 31, 2009

Bethune Towers
Castleton Park
Central Park Gardens
Clayton Apartments.
Coalition to Save Affordable Housing of Co-op City
Dennis Lane Apartments
1199 Housing
Esplanade Gardens
Jefferson Towers
Lincoln Amsterdam House
Masaryk Towers Tenant Association
Meadow Manor
Michangelo Apartments
109th St. Senior Citizen Plaza
Parkside Development
Pratt Towers
Promenade Apartments
RNA House
Riverbend Housing
River Terrace
River View Towers
Ryerson Towers
Concerned Tenants of Sea Park East
Starrett City Tenants Association
St. James Towers
Tivoli Towers
Tower West

If your development has not received an invoice, please call the MLRC Voice Mail: (212) 465-2619. Leave the name and address of the President of your Tenants Association, Board of Directors, or Treasurer and an invoice will be mailed.
Urge Assembly investigation into HPD/landlords’ disregard of J-51 rent stabilization requirements

The following testimony was presented by Seth Miller of Collins, Dobkin & Miller LLP, attorneys at law, on behalf of the MLRC, before the New York State Assembly Standing Committee on Housing, Subcommittee on Mitchell-Lama, on May 21, 2010.

On behalf of the Mitchell Lama Residents Coalition, I wish to extend my thanks to Assemblymembers Lopez and Rosenthal, who chair the committees sponsoring these hearings, and to the members of the Committee. Since this is a hearing about the problems that arise from Mitchell Lama buy-outs, it is appropriate to examine the causes of the problem, and the actions of the participants, for clues as to how the problem can be solved. This committee has oversight authority over the Mitchell Lama program, and I was informed that HPD was invited today but, as of when this testimony was prepared, had not agreed to attend. That is regrettable. The problem cannot be solved unless HPD accounts to the public for its actions in the past in permitting the massive, wholesale deregulation of apartments that were and are required to remain rent regulated.

The investigatory powers of committees like this one is, in the culture of Albany, rarely used. But these powers exist for a reason. We urge this committee to conduct a full investigation, using its subpoena power and every other tool at its disposal, to find out why HPD permitted approximately 2,000 units to be deregulated – about 10% of the number of units that have left the program – despite the fact that they were receiving J-51 benefits at the time of exit.

Glenn Gardens, IPN exit ML program

On June 27, 2003 Glenn Gardens, a Mitchell Lama development with 266 units, exited the Mitchell Lama program while continuing to receive J-51 benefits. On June 28, 2004 Independence Plaza, a Mitchell Lama development with over 1,300 units, exited the Mitchell Lama program with J-51 benefits in place. Despite the J-51 benefits, all of the apartments in these developments were privatized. Because these developments had received federal subsidies, the poorest tenants were given vouchers from the federal government, under which the tenants paid 30 percent of their income for rent, and the vouchers paid the difference between the tenant’s payment and new free market rents approved by HPD.

For example, two bedroom apartments at Independence Plaza, which used to rent for just over $1,000.00, now rented for around $3,500.00, with the lions share of the rent being paid by the federal government. As of now, the landlords of these developments have received tens of millions of dollars from the federal government in overcharges, and hundreds of millions more from tenants who should have been rent stabilized all along, under the J-51 program.

On June 25, 2004 West Village Houses, a complex of 410 Mitchell Lama apartments, exited the Mitchell Lama program while continuing to receive J-51 benefits. Rather than simply require that the premises be made rent stabilized as required by law the City negotiated a cooperative conversion plan under which the sponsor was given close to $15,000,000 in reduced mortgage payments on its first mortgage, a freeze against all increases in real estate taxes for 12 years, and a partial waiver of all interest payments on its second mortgage.

What did the federal government get in exchange for the tens of millions of dollars in voucher money spent at Independence Plaza and Glenn Gardens? What did the City get in exchange for the tens of millions of dollars in subsidies paid in connection with the co-op conversion at West Village Houses?

The answer: nothing at all.

Tenants under threat

The tenants would have been better off if HPD simply enforced the law and required that these developments be registered as rent stabilized upon privatization. At Independence Plaza and Glenn Gardens, only a fraction of the tenants got vouchers. Those tenants have lived under the threat of eviction if their incomes go up. This includes situations where elderly tenants cannot have relatives move in with them to provide care. At IPN those tenants who didn’t get vouchers were promised temporary rent protection, but even that promise was broken. At West Village Houses, tenants who could not afford to buy their apartments received only temporary protection, only postponing the time when the tenants could be evicted.

HPD completely failed in its responsibility to enforce the J-51 ordinance in these developments. While these developments were still in the Mitchell Lama program, every tenant was required to get renewal leases, and every lease was required to give the tenant notice that the building was receiving J-51 benefits. HPD took no action to make sure the leases contained these notices, despite the fact that it has the power to approve leases in advance and the power to remove managing agents, among other powers. When it came time for these developments to apply for the right to go private, HPD should have required that every apartment be registered as rent stabilized, as it clearly had the power to do under its regulations.

Why didn’t HPD do its job, when it could have saved thousands of affordable apartments and saved hundreds of millions of dollars in needless taxpayer expenditures? According to its spokesperson, speaking to the New York Times on November 5, 2009, HPD simply didn’t check to see if there was a J-51 in place. The agency didn’t look at its own records. That would be an easy problem to solve, if it were not for what the agency did next, after it permitted these developments to deregulate. At IPN, where we represent the tenants, HPD didn’t try to solve the problem. Instead they tried to cover it up.

Landlord, HPD in private meetings

We found out about the J-51 several months after IPN went private. As soon as we wrote to the landlord, HPD began to hold a series of secret private meetings, attended by the commissioner himself, with the landlord’s attorneys–attorneys who included a former HPD commissioner. They met in private at least three times. HPD received legal briefs from the landlord’s attorneys. The tenants were given no notice of these private meetings, and offered no opportunity to be heard.

As a result of this unseemly private lobbying, HPD “revoked” the J-51 benefits received at IPN since it went private. The revocation of benefits does not, according to HPD’s regulations, deregulate the rent stabilized apartments at the development, which became stabilized because the benefits had continued for nearly two years after privatization. But the revocation of benefits was clearly done as a private favor to the landlord, who lobbied hard for it.

As a result, we have been in litigation for five years. Why should well-connected landlords be able to meet privately with high HPD officials to discuss business that has an impact on tenants, without giving the tenants an equal chance to participate? There are many worthy legislative proposals that would provide for rent regulation of Mitchell Lama developments upon exiting the program. It does not diminish the value of these proposals to point out that, to be meaningful, any legislation is going to have to be backed up by accountability.

I make my living representing tenants. It’s not in my interest to say this, but tenants should not have to hire me, or any other lawyer, to obtain enforcement of their rights, especially not when there are government agencies whose job it is to enforce the law. Who will hold HPD accountable when it decides to try to cover up for its failure to enforce the J-51 ordinance in connection with the deregulation of 2,000 Mitchell Lama apartments? How do we prevent government agencies from undermining the laws that we all believe in, and that we count on them to enforce. This committee as the power to answer that question, and we urge that it call HPD to account for its actions.
Cooperators United for Mitchell-Lama ("CU4ML") has announced a spring initiative focused on lobbying for changes to rules of the state’s Department of Housing and Community Renewal and the city’s Housing Preservation and Development agency as they relate to privatization. The group has also been urging changes to the General Business Law (“Martin Act”) which empowers the Attorney General’s office to regulate offering plans for the conversion of apartments to cooperative ownership.

CU4ML is seeking changes to the 1921 Martin Act--initially passed to combat financial fraud--because in real estate, it deals only with irregularities among landlords who are seeking the conversion of rental buildings to cooperative ownership. The Martin Act does not address problems associated with the conversion of Mitchell-Lama cooperatives—which are already co-ops and which operate on a not-for-profit basis—to cooperative ownership on a for-profit basis.

In a Mitchell-Lama co-op, it is that in the latter, it is the residents themselves, not a rental building owner, who alone decide whether to convert. Since the cooperators decide by a vote of all shareholders on whether or not to go to market rate, it is extremely important that they have full and accurate information on just how much more they will be paying and the risks involved if they give up the government subsidies that have kept their housing affordable.

To insure that the promoters of privatization of Mitchell-Lama co-ops are not permitted to change the terms of the offer on which the shareholders vote, it is essential that the Martin Act require that there be another vote if the Board sponsoring the privatization effort makes substantial changes to the offering plan after it is voted on by the shareholders. The bill drafted by CU4ML would also require the following disclosures in the offering plan on which shareholders will be basing their decision.

1. Advisory opinions from the New York City Department of Finance and the New York State Department of Taxation and Finance on the corporation’s liability for, and the amount of, the NYC Real Property Transfer Tax and the NYS Real Estate Transfer Tax must be included in every offering plan.

2. A provision that reserves accumulated by the corporation while it was operated on a not-for-profit basis and not required to be returned to the municipality that gave the tax exemption be escrowed and held by an escrow agent to be used for the purposes for which it was accrued, including capital repairs and improvements to the properties. These funds should not be used to cover shortfalls in a building’s operating budget due to the increased costs of for-profit operation.

3. A provision that vacant apartments will be offered to those on the waiting list until the actual date of dissolution. No warehousing of apartments should be allowed as long as the project remains a not-for-profit corporation.

4. A provision detailing the right of appraisal, pursuant to BCL [Business Corporation Law] Sections 910, 913 and 806, of all dissenting shareholders who oppose the dissolution of the not-for-profit Private Housing Finance Law corporation and conversion to a Business Corporation Law for-profit corporation. This would allow those who disagree with privatization to object before the vote and to leave with the fair market value of their apartment if privatization occurs.

5. A provision that notice be given by the sponsor to shareholders within ten business days of the receipt by the sponsor of deficiencies letters from the Attorney General’s Office, and of submissions to the Attorney General’s Office by the sponsor of black-line changes to the offering plan. The notice should include a statement that copies of these documents are available for copying by the residents at a location in or near the housing company. Under the current system, shareholders have had difficulty obtaining copies of board submissions after the initial offering plan has been changed.

6. Every plan must contain a provision stating whether the sponsor will retain and/or sell any apartments as unsold shares. Furthermore, the plan should clearly state whether or not the holders of unsold shares, if any, are not subject to the corporation’s rules on subletting, selling, admission or transfer fees.

7. All plans should also contain a provision stating whether or not they provide that a shareholder can give the unit to a designated family member, as well as what restrictions, if any, exist regarding this ability to give the apartment. For example, a requirement that the family-member recipient meet all the requirements as a purchaser should be included as a special risk.

8. All plans should also include specific information on the current availability of reverse mortgages for cooperatives and the terms of such reverse mortgages, if any, as well as a discussion of any building conditions, such as the presence of friable asbestos, that would impair the ability of buyers to obtain mortgage financing or residents to obtain reverse mortgages.

CU4ML membership meeting at CSS

CU4ML’s next membership meeting will be held on Saturday, June 12th, from 10:30 a.m. to 12:30 p.m., at the Community Service Society, 105 East 22nd Street (Park Avenue South).

The meeting will include a presentation and question and answer session on shareholder rights” by attorney Barry Mallin.

The group would like to invite all Mitchell-Lama and Limited Dividend Housing Company cooperators to attend. Please check out our website as well—http://www.cu4ml.org—for information on our legislative and regulatory agenda and for quick links to the HPD and DHCR rules.
Tenants’ right to organize, service improvement, and affordable housing dominate NAHT’s ‘Eyes & Ears’ confab

(Continued from page 1)

Tenants with vouchers who wish to move are held hostage because of the opt-out procedure that places all transfers for the building under hold; as a result many lost the homes and opportunity they had planned for out of state.

The new owners are now remodeling vacant apartments, while the current tenants remain with old cabinets and appliances and have to fight for repairs. Tenants are insecure and fear they will lose their homes.

Tenants also sought participation in building inspections. Donyale, a tenant from Newark, Inger of Vernon Avenue Houses, and Barbara Princeton of Parkside Commons in Syracuse said tenant participation in this process should include at least five days advance notice of any inspection. Also, a legitimate tenants’ association should be able to trigger a HUD, Real Estate Assessment Center, or CGI contract administrator inspection, and should be allowed to request additional apartments to be added to units selected for inspection.

They also called for enforcing posting requirement in properties; and releasing reports for buildings referred to the enforcement center.

Clara Waldron from Castleton Park, Staten Island, said that HUD needs to evaluate its contract administration system; and that there should be a process for tenant complaints about CA performance.

Confusing notices

Mary Anne Ruzekowicz of McCarthy Manor, a Syracuse tenant, spoke on management notice issues—prepayment of mortgage phrases such as Opt Out but “may renew” are confusing; and HUD’s conversion process must be clearer. She called for more organized training of HUD officials.

Melissa Del Valle Ortiz from Sunset Park in Brooklyn discussed her building issues and repairs needed. There was also a discussion of reforming REAC/CA Inspection system to include “green building” policies such as examining common building areas (for example roofs, exterior walls, basements, etc.), and to take into account environmental hazards, including indoor air, mold, asbestos, bedbugs, and the like). They also suggested using energy efficient appliances and implementation of the weatherization program.

NAHT recommended that there be a Joint Task Force between HUD and EPA, with tenant input.

Last but certainly not least, tenants stated that technical assistance money for organizing is greatly needed. Tenants were told that discussions are currently successfully taking place with HUD regarding resources for organizing.

NAHT received excellent evaluations from the tenants and HUD officials welcomed meetings of this kind.

NAHT will be following up on these topics in their Washington DC June Eyes and Ears a component of the NAHT’s 16th Annual Save Our Homes Conference on June 19 – 22, 2010.

The June Conference will take place in the Washington Plaza Hotel and will hold over 20 tenant run workshops. These will include: how to build strong tenant associations; how to fight toxic indoor air, mold and other building conditions; and new legislation to save our homes.

Other workshops will deal with enforcing the right to organize; and how to build and sustain your tenant group.

This conference offers an opportunity to share housing issues, and network with other tenants from other states. The cost of the conference is approximately $750 per person, which includes transportation, hotel accommodations, conference registration & materials, two lunches and one breakfast and workshops.

To attend the conference and for more information call the NAHT office at 617-267-2949, email: naht@saveourhomes.org, or visit our website: www.saveourhomes.org.

Attendees at Eyes and Ears confab included tenants, HUD chiefs

Attendees at the National Alliance of HUD Tenants’ REGION-2 NY/NJ “Eyes and Ears” Conference on Saturday, April 17, 2010 included tenant organizers from NY Tenants & Neighbors; Urban Homesteading Assistance Board; NY Pratt Area Community Council; Good Old Lower East Side (GOLES); Newark HUD Tenant Coalition NJ; and Greater Syracuse Tenant Network all of whom assisted with the planning of the conference.

The following HUD officials attended the Conference: Ms. Carol Galante, Deputy Assistant Secretary Multifamily Housing; Donald Lavoy, Deputy Asst Secretary of Operations, REAC; Martin Pressman, DHCR Section 8 Project Based Contract Administration; Teresa M. Bainton, Director, New York Multifamily Hub; and James Van Loan, New York State Manager for CGI.

Rachel Fee, Director of Federal Policy and Programs, NYC Housing Department of Preservation and Development (HPD) was invited but unable to attend.
Legal Aid to Assembly: preserve affordable housing

(Continued from page 3)

result in the termination of subsidies for thousand of low income families. The rising number of vacant units unavailable for rent, the fact that housing expansion has not kept pace with population growth, and the increase in rental housing affected by foreclosures and sales, have all contributed to the scarcity of available affordable housing.

The State Must Act to Preserve Affordable Housing

It is against the backdrop of so many units potentially deregulating and leaving the affordable housing stock that we are here today to urge the State Assembly to continue its leadership role and act to preserve the homes of so many New Yorkers. Three years ago, State Supreme Court Justice Marilyn Shafer wrote in Real Estate Board of New York, Inc. v. City Council of the City of New York N.Y.L.J. a/30/2007 p. 18, col. 1. (Sup. Ct., NY Cnty): Whether it be by creating a right of first refusal or by extending rent stabilization, the State Legislature may well have the ability to protect low and middle-income residents of Mitchell-Lama buildings, as it has done in the past. In failing to do so, or to permit the City of the New York to do so, the State Legislature has failed the residents of the City of New York. The recent sales and proposed sales of major assisted rental housing complexes in this City and the likely devastating impact of those sales on low and moderate income residents of New York may and should function as a wake-up call for the need for immediate action by the State.

Both before and after Justice Shafer issued her call, the State Assembly had introduced bills that would protect Mitchell-Lama residents whose owners deregulate their homes. This Committee and Subcommittee have certainly not been the obstacle that slowed down the effort to protect tenants and preserve Mitchell-Lama housing.

However, in this time of economic crisis, we once again urge this Committee to pass protections for tenants in buildings whose owners buyout of the Mitchell-Lama program. We strongly support the effort to extend rent regulations to former Mitchell-Lama buildings and thus we support A2930A. We believe extending rent regulations to former Mitchell-Lama buildings would both protect tenants and preserve Mitchell-Lama housing.

While we support A2933 which would also extend rent regulations to former Mitchell-Lama buildings, we are concerned that the bill includes language that would punish tenants who lose their enhanced voucher by denying them the protections of rent regulations. Since January 2009, the Appellate Division, First Department has decided three separate cases which make clear that the New York City’s Department of Housing Preservation and Development’s decision to terminate tenants is shockingly disproportionate to the offenses alleged. These three tenants were lucky that they found attorneys to represent them. Most tenants are not that fortunate.

During this economic crisis, The Legal Aid Society has been overwhelmed with clients whose vouchers have been terminated unlawfully. For example, we represent a client who moved out of her apartment when H.P.D. placed a vacate order on it. She immediately reported this to N.Y.C.H.A. and provided an address where she could be reached. N.Y.C.H.A. terminated her Section 8 subsidy because she moved out of her apartment before receiving N.Y.C.H.A.’s permission.

Had she remained in the apartment while waiting for N.Y.C.H.A.’s permission, she would have endangered herself and her family and would have been in violation of the law. Another tenant recently sought our advice because he is at risk of having to leave his building, a former Mitchell-lama.

The client received an enhanced voucher when the building privatized. At the time, he lived alone in a studio apartment. However, recently he was able to bring his family to the United States. He requested that H.P.D. add his family to his voucher. H.P.D. required that he obtain permission to add his family from his landlord. His landlord will not sign the papers and although there are two bedrooms standing empty in the building, the landlord will not rent him a two bedroom.

Once his family is added to his voucher, he will be overcrowded and will have to move if he wants to keep his voucher. The Legal Aid Society and the other legal services programs in the City have limited resources. Many tenants who lose their vouchers unlawfully have no recourse. We, thus, urge this Committee to reconsider including language in A2933 which would punish tenants for losing their enhanced vouchers.