MITCHELL-LAMA RESIDENTS COALITION

Vol. 20, Issue 1
March/April 2015

WEBSITE: www.mitchell-lama.org

Scott Stringer, NYC Comptroller, to be honored at MLRC's 'Meet & Greet'

New York City Comptroller Scott Stringer will be the honoree at the MLRC's annual 'Meet and Greet' confab, on Saturday, May 2nd, from 10 a.m. to 1 p.m at the Musicians Union, 322 West 48th Street (beteen 8th and 9th Avenues).

Stringer has been a consistent advocate for more affordable housing during his career. First as an Assemblymember, and now as Comptroller, he has used his official positions not only to bemoan the loss of such housing, but to concretely advance the cause.

For example, last September, in his capacity as chief auditor, he advised the Battery Park City Authority to use its $400 million surpluses for repairs in NYCHA buildings. Repairs are so overdue that NYCHA has begun selling some of its property to private investors, which many feel may amount to an irrevocable step towards the eventual demise of public housing.

He has also issued reports on the disparaties in landlord repairs between market rate and rent-regulated apartments, and on ways to cut down on the city's growing homeless population.

Over the years he has been present at tenant/cooperator rallies, including those at ML developments, supporting their efforts to either keep the buildings in the ML program or to protect those tenants who remain in developments already bought out.

Strengthen MLRC
Join today (use form on page 2)

'Lobbying in the neighborhood': the power of personal dialogue

Once again we are gearing up to visit our legislators: state, city and federal. Our positions on housing are explained in our legislative agenda featured in this newsletter (page 3). Do not underestimate the power of developing a personal dialogue with your elected officials. Sometimes we forget that through lobbying we can shape the responses of our legislators to the constant struggle to maintain and increase affordable housing in this region.

Our housing struggles are not new and history has taught us that we must engage all of our resources and lobbying is an important tool.

Please join the Mitchell-Lama Residents Coalition in our traditional Spring effort of 'Lobbying in the Neighborhoods' which we established over a decade ago. We look forward to your reporting back to us on your ongoing dialogues with your state, city, and federal representatives.

MLRC proposed bylaw revisions, page 2: *Proposed bylaws may be accessed at http://www.mitchell-lama.org/*

GENERAL MEMBERSHIP MEETING

Saturday, June 20, 2015

10:00 a.m - noon

Members are urged to voice concerns regarding their developments

Refreshments at 10:00 a.m.

CONTACT: Information@mitchell-lama.org
PLACE: Musicians Union Local 802
322 West 48th Street (near 8th Avenue) Ground Floor, "Club Room"
TRAINS: No. 1, train to 50th St. and 7th Ave.; Q, W trains to 49th St. and Broadway; E train to 50th St. and 8th Ave.

Mitchell-Lama Residents Coalition
P.O. Box 20414
Park West Station
New York, New York 10025

MLRC proposed bylaw revisions address conflicts of interest, promote uniformity

Revisions to the By-Laws of the Mitchell-Lama Residents Coalition have been drafted and will be proposed at the next meeting of the General Membership. The revisions were primarily carried out in order to conform the By-Laws to the requirements of the New York Nonprofit Revitalization Act of 2013.

The Act, much of which took effect on July 1, 2014, amends the long-standing Not-For-Profit Corporation Law, which has governed nonprofit entities in New York for over 40 years. The Act applies to any nonprofit that is incorporated in New York or operates or solicits in New York. It was written based on the recommendations of a committee of over 30 leaders of New York nonprofits. The primary purposes of the Act are modernizing the state's nonprofit legal regime, and strengthening the governance of New York nonprofts while reducing the administrative burdens they face.

The revisions to the By-Laws necessitated by the Act are minimal but important, and generally impact the governance provisions of the By-Laws. One of the more significant additions is the creation of a conflicts-of-interest policy to accompany the By-Laws. The Act requires that every nonprofit adopt conflicts-of-interest management principles into its governing documents in order to guarantee that its directors, officers and employees act in the best interest of the nonprofit at all times. Toward that end, the new conflicts-of-interest policy includes rules for identifying and eliminating conflicts of interest. For similar reasons, the By-Laws revisions expressly prohibit any employee of MLRC, should one exist, from serving as chairperson of the Executive Board. The Act also requires certain limitations on the authority of committees to act in a way that binds the nonprofit. Therefore, the By-Laws now clearly prohibit committees from binding the MLRC to any action without the written authorization of the Executive Board.

The revisions also seek to more effectively present the existing provisions of the By-Laws without changing their substantive nature. For instance, the revisions apply defined terms and section structure uniformly throughout the entire body of the By-Laws. Drafting efforts were also devoted to clarifying the existing MLRC Statement of Purpose and meeting procedures, and more clearly delineating the existing powers and duties of Officers and General Members. These revisions are designed to ensure the By-Laws are internally consistent and to make them generally more reader friendly.

The By-Laws revisions and new conflicts-of-interest policy were drafted by pro bono legal counsel with input from the Executive Board Members. In accordance with MLRC rules regarding amendments to the By-Laws, the revisions will be voted upon at the next meeting of the General Membership and will be ratified upon a 2/3 vote cast by General Members in good standing present at that meeting.

NOTE: The full proposed revisions may be accessed at http://www.mitchell-lama.org/bylaws.html

UPCOMING EVENTS

GENERAL MEMBERSHIP MEETING

Saturday, June 20, 2015
10:00 a.m - noon

Members are urged to voice concerns regarding their developments, especially long- and short-term standing issues

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Musicians Union, 322 West 48th Street, between 8th and 9th Avenues

For more information, e-mail:
info@mitchell-lama.org

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JOIN THE MITCHELL-LAMA RESIDENTS COALITION

2015

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!

Mitchell-Lama Residents Coalition, Inc.

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Ed Rosner
Margo Tunstall

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Fax: (212)864-8165
Voice Mail: (212) 465-2619
email: information@mitchell-lama.org

MLRC's lobbying platform for 2015

I. Supporting the Mitchell Lama reform bill (A344-2015 (Rosenthal*). This bill would authorize local legislative bodies to declare a housing emergency and extend the protections of rent regulations to buildings that were formerly Mitchell-lama rentals or HUD subsidized housing but have become privatized. Additionally this bill authorizes local legislative bodies to declare a housing emergency and extend the protections of rent regulations to current Mitchell-Lamas rentals or HUD subsidized housing developments that privatize in the future.

II. Passing a law allowing Mitchell-Lama developments that have left the program to be brought back into Article II of the Public Housing Finance Law.

III. Extending SCRIE (Senior Citizen Rent Increase Exemption) **and DRIE** (Disability Rent Increase Exemption) **benefits** to all former Mitchell-Lama tenants who meet the requirements of the programs no matter what type of housing they live in.

IV. Creating a program based on the principles of SCRIE and DRIE to protect the rents of former Mitchell-Lama residents unprotected by public subsidy or permanent, private protection agreements.

V. Supporting the platform of Cooperators United for Mitchell-Lama. The platform calls for passage of Assembly Bill A00681 (L. Rosenthal) and State Senate Bill S3558 (A. Espaillat), which require that municipal tax exemptions be expired before a M-L co-op can privatize; and Assembly Bill A09114 (K. Wright), which initiates a four-year moratorium on M-L privatizations.

VI. Supporting the platform of the Alliance for Tenant Power, a coalition of Make the Road New York (a largely Latino empowerment organization), New York Communities for Change, Tenants & Neighbors, Community Service Society, and the Legal Aid Society. *The full ATP platform can be read at http://www.tenantsandneighbors.org/pdf/2014LegPlatform.pdf*

VII. Strengthening the rent stabilization laws by repealing high rent vacancy destabilization: A1865-2015 (Rosenthal). This bill would repeal vacancy decontrol, the process by which, upon vacancy, landlords can remove apartments from rent regulation when rents rise over $2,500. The bill also re-regulates most of the apartments that were deregulated in the last 15 years.

VIII. Excluding Social Security from SCRIE eligibility: S1930 (Addabbo)/ A8608-2011 (Titone/ to be reintroduced). This bill would allow the city to exclude Social Security payment and supplemental security income from the definition of "income" when determining eligibility for the SCRIE program. (MLRC also supports an amendment to make the same change to the DRIE program.)

IX. Indexing the income ceiling for both SCRIE and DRIE to the Consumer Price Index.

X. Prohibiting the use of New York City or New York State pension funds for the financing of Mitchell-Lama buy-outs.

XI. Ending source of income discrimination statewide: S151-2015 (Squadron)/ A3059-22015 (Weprin). This bill would end source of income discrimination, making it illegal for landlords to deny tenancy to people who pay their rent using Section 8 vouchers or any other forms of rental assistance.

XII. Repealing the Urstadt Law and the re-establishment of home rule for New York City.

XIII. Speedily enacting an amendment to the NYC Human Rights Law providing that a rental building's amenities should be equally available to all its residents in NYC, whether they be market rate, LAP, voucher, rent stabilized, rent controlled, or belong to any other group of affordable housing tenants. Moreover, that paid amenities be available on a sliding scale to all residents.

XIV. Enacting legislation to end all illegal hotel activity in New York State.

XV. Funding the National Housing Trust Fund with revenue raised from modifications to the mortgage interest deduction.

** Some bill numbers will be revised after their reintroduction in 2015.*

Linden Plaza tenants now face eviction threats

Residents of Linden Plaza, a M-L 1500-unit development in Brooklyn, are now facing eviction threats and sudden notices of rents due amounting to tens of thousands of dollars--all part of a battle extending back to 2007.

The eviction threats come years after tenants began to complain of deteriorating conditions and lack of repairs. In 2007, HUD approved a financing plan under which repairs would be made by a new owner, but rents would have to increase to pay for them. Some repairs were made--but they were, and remain, seriously inadequate, according to tenants.

The new owner, Linden Plaza Preservation, wanted rents to double within two months (for example, from around $550 for a one bedroom to almost $1300). HUD agreed to this plan. To guard against current or future displacement of residents, low- and moderate-income tenants would be protected under a program of enhanced vouchers.

To get a voucher, tenants were supposed to pay either thirty percent of their monthly income, or $150 per unit above their then-current rent, whichever was lower.

Tenant complaints about the inadequacy of repairs are legion. Elevators often are out of service; rainwater floods the parking garage; plumbing equipment, such as new pipes, are substandard. Concrete steps leading to the townhouses are crumbling. One retaining wall collapsed.

As tenant leader Pamela Lockley noted, "Conditions are worse than ever."

Meanwhile, Linden Plaza Preservation received housing tax credits, a return on partner equity, and interest reductions.

But even that hasn't stopped the owner from issuing eviction notices for tens of thousands of dollars in rents allegedly due. Even when tenants pay on time, they say, the owner claims he never received the payments. Many tenants did not even know they were being served with eviction notices until the City Marshal appeared at their door.

The tenant association is seeking a rent rollback on the grounds that the 2008 increases were for temporary renovation expenses that have since been satisfied. They also want a refund of overpayments, and that renovation expenses be removed from current rents.

Tenants gain right to collect legal fees in some court cases

Tenants who win against their landlord in a summary proceeding--such as an eviction case--are entitled to attorneys fees paid by the landlord.

In February, the New York State Court of Appeals ruled unanimously that the law that allows landlords to collect fees during their efforts to retake the apartment implies an equivalent, or reciprocal right for the tenant.

Citing Real Property Law §234, Judge Jenny Rivera found that denying the tenant the right to collect fees would undermine the intent of the law, which is to level the playing field between the parties.

Among other arguments, the landlord claimed that the tenant was not the "prevailing party," because he made electrical improvements without the owner's permission. But the Court found that the tenant had made the improvements only after getting authorization from the landlord's agent.

The tenant, known as Taylor, moved into the apartment at 1925 Adam Clayton Powell Blvd. in Manhattan in 2004. He had been told the unit was unregulated, but later discovered it was regulated, and sought successfully to recover back rent from the state's Division of Housing and Community Renewal.

Southbridge Towers' residents file suit to block privatization

Opponents of Southbridge Towers' plan to withdraw from the Mitchell-Lama program and privatize the units have filed a lawsuit in New York State's Supreme Court in an effort to block the plan.

After a bitter years-long internal struggle over whether to privatize or keep the development affordable, proponents of privatization garnered in September 2014 enough votes to withdraw. These "yes" votes totalled 1,082, or ten more than were needed under the rule that two-thirds of the apartments must agree to a buyout for the privatization to go forward.

Opponents, however, argue that the state's housing agency, now known as Homes and Community Renewal, illegally disallowed forty-four apartments in the total count.

Those apartments were empty following the death of the former owners. If those apartments were counted in the total, as required by the rules, plaintiffs argue, the total number of "yes" votes would not meet the two-thirds bar. They argue that the emptiness of the units is irrelevant.

In the suit, they are asking the Court for a preliminary injunction barring the Southbridge board from filing a certificate of incorporation, needed for the plan to proceed.

MLRC Developments

These developments are members of the Mitchell-Lama Residents Coalition

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

Donations above the membership dues are welcome.

Bethune Towers
Castleton Park
Central Park Gardens
Clayton Apartments.
Coalition to Save Affordable Housing of Co-op City
Concerned Tenants of Sea Park East, Inc.
Concourse Village
Dennis Lane Apartments
1199 Housing
Esplanade Gardens
Independence House Tenants Assn
Independence Plaza North
Jefferson Towers
Lindville Housing
Lincoln Amsterdam House
Manhattan Plaza
Marcus Garvey Village
Masaryk Towers Tenant Assn
Meadow Manor
Michangelo Apartments
109th St. Senior Citizen Plaza
158th St. & Riverside Dr. Housing
Parkside Development
Pratt Towers
Promenade Apartments
RNA House
Riverbend Housing
River Terrace
River View Towers
Ryerson Towers
Starrett City Tenants Association
St. James Towers
Strykers Bay Co-op
Tivoli Towers
Tower West
Village East Towers
Washington Park SE Apartments
Washington Square SE Apartments
Westgate Tenants Association
West View Neighbors Association
West Village Houses
Woodstock Terrance Mutual Housing

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.

NYC's housing set-asides investigated by HUD

Mayor de Blasio's policy of setting aside a portion of new affordable housing for residents of the community in which the new housing will be built is now under investigation by HUD.

The set-asides are designed to prevent long-time residents being pushed out by the new housing, which is invariably luxury towers with a small portion allocated for low-, moderate- and middle-income tenants. City officials say that if the neighborhood residents had to compete with all the other non-affluent tenants in the city, they would be far less likely to remain in their community--they would be victims of their own support for affordable housing.

The federal agency is concerned that the set-asides may amount to racial discrimination, a violation of equal housing laws. "We have to make sure that taxpayer dollars don't in any way unlawfully limit housing opportunities based on race," said Bryan Greene, a HUD equal opportunity housing official. HUD's concern is that if a neighborhood's population is largely homogeneous, set-asides might amount to discrimination.

Some fair housing advocates appear to agree. "There are many parts of the city where the community board preference just reinforces patterns of segregation," said Fred Freiberg, executive director of the Fair Housing Justice Center.

But the City counters that without the set-asides, new developments will cause residents "to be priced out of the neighborhoods that they helped to build," according to Eric Bederman, a spokesman for the city's HPD.

HUD says proposed budget aims to assist poorer tenants, neighborhoods

President Obama's proposed budget for fiscal 2016 calls for $49.3 billion to fund HUD programs, or four billion more than the level enacted in fiscal 2015. Following are the key items in the budget, "prioritized to protect vulnerable families and to revitalize neighborhoods with distressed HUD assisted housing and concentrated poverty." The following budget summary was provided by HUD.

Extending tenant aid

Funding rental housing assistance to support 4.7 million low-income families, including the restoration of 67,000 Housing Choice Vouchers lost in 2013 due to sequestration;

Investing $2.5 billion for Homeless Assistance Grants to continue progress toward the Administration's goals of ending chronic homelessness and homelessness among veterans and families;

Providing Public Housing Authorities the support they need to effectively and efficiently deliver Tenant-Based Assistance Programs by funding 90% of administrative fees;

Demonstrating a new model of affordable housing integrated with supportive services for the elderly and assisting 700 new households for persons with disabilities by providing an additional $35 million;

Expanding access to credit with a responsible reduction to FHA mortgage insurance premiums that will enable 250,000 new homebuyers over three years while maintaining the solvency of the Mutual Mortgage Insurance Capital Reserve;

Neighborhood improvements

Investing $250 million to transform neighborhoods with distressed HUD-assisted housing and concentrated poverty into opportunity-rich, mixed-income neighborhoods through the Choice Neighborhoods program;

Providing $748 million to address the housing and community development needs of Native American tribes and $332 million for the Housing Opportunities for Persons with AIDS program;

Continuing progress in the Rental Assistance Demonstration by providing $50 million to convert approximately 25,000 public housing units to Section 8 rental assistance contracts that can leverage private funding to make much needed capital improvements;

Increasing job training and financial incentives for public housing and Native American households through Jobs-Plus, an evidence-based program funded at $100 million;

Providing communities with new flexibilities and tools to expand the supply and affordability of housing and promote economic opportunity.

* * *

The full summary is available at *http://portal.hud.gov/hudportal/documents/huddoc?id=013015HUDOMBFinal.pdf*

Briefs: Heastie to push rent regs; City-state cooperation on harassment; NYCHA's privatization plan; Luxury condo tax?

Carl E. Heastie, the new NYS Assembly Speaker who replaced Sheldon Silver after the latter resigned under accusations of corruption (he was later indicted on charges of extortion, mail and wire fraud), stated in February that his "No. 1 priority" will be to "extend and strengthen rent regulation in the City of New York — to partner with the mayor in his vision for affordable housing." At a public meeting at Ebbets Field Apartments in Brooklyn, Heastie said his goal is to "renew and strengthen rent regulations this legislative session."

The stratospheric escalation of rents throughout the city has generated a predictable increase in tenant complaints about landlord efforts to bully them out of their homes for higher paying tenants. In response, Mayor Bill de Blasio and State Attorney General Eric T. Schneiderman announced a joint effort to combat rapidly increasing landlord harassment. A new Tenant Harassment Prevention Task Force will coordinate investigation of tenant complaints by HPD and the Department of Buildings, along with the newly created state Tenant Protection Unit.

Robert A. Rodriguez, who chairs the NYS Assembly's sub-committee on Mitchell-Lama, expressed a concern in January that NYCHA's plan to sell a fifty percent stake in six developments to private owners in exchange for cash, while "intriguing," may ultimately imperil all public housing. "The biggest red flag in this deal are the details, or lack thereof, surrounding the developers' ability to take the units to market after 30 years," he said. "As we've seen with the Mitchell-Lama program across the state, a failure to ensure permanent affordability upfront has led to thousands of affordable units vanishing. With diminishing commitments from the federal and state governments, NYCHA will almost certainly be less empowered to keep their stake 30 years from now."

As more and more luxury condos here are sold to shell companies that in turn hand them over to international billionaires who seldom reside there, one professor has suggested a way the city can approach this practice to help finance additional affordable units. Matthew Gordon Lasner, an assistant professor of urban affairs and planning at Hunter College, has suggested in the New York Times that "the city could limit property-tax abatements to units that are occupied a majority of the year. Owners not meeting this requirement might be subject to an additional pied-à-terre tax. The city could also increase the 'mansion tax' on the sale of luxury homes."

Columbia U's expansion pressures tenants to leave

Columbia University's forthcoming Manhattanville Campus--a complex of buildings in Harlem slated for teaching, research and support services--will not be open until 2016, but it is already contributing to pressure on rent-subsidized tenants to leave.

In anticipation of a steady influx of faculty and students, a multi-billion dollar international real estate conglomerate, Brookfield Property Partners, has purchased a former Mitchell-Lama complex at 3333 Broadway. (In 2013, the latest year for which annual data are available, Brookfield's revenues amounted to more than $4.3 billion. Its profits that year amounted to $350 million, according to their filings with the Securities & Exchange Commission.)

As might be predicted, tenants receiving Section 8 vouchers, acquired years ago as a barrier against landlord harrassment when the building left the ML program, are experiencing long delays in repairing broken utilities, sinks that leak, and faulty large appliances like stoves that require replacement. All this in addition to mold, defective window guards, broken intercoms, defective plastered surfaces and a host of other violations. [A list of the violations from 2014 alone can be accessed at *http://apartable.com/buildings/3333b-broadway-new-york*]

Plan lures investors

With 1250 units, 3333 Broadway was the largest affordable housing development in the country when it opened in 1976. The original owner of the complex opted out of ML in 2005, and began to offer vacant apartments at market rate rents. At the same time, a portion of existing tenants obtained Section 8 vouchers.

But with Columbia's plan for expansion, the new campus--to be situated on four blocks from 129th to 133rd Streets, between Broadway and Twelfth Avenue--has attracted the attention of Brookfield.

At a slide show presentation to investors in September 2014, one of the slides listed "Columbia University expansion" as a major reason for the investment. A Brookfield statement said that "We are very excited to be part of this wonderful community and the activity in the neighborhood being driven by Columbia and City College. At 3333 Broadway, we were proud to invest in the building with Urban American [the managing agent] and, together, we are committed to maintaining and improving the building for the more than 1,000 families who call it home."

Little maintenance for tenants

Subsidized tenants, however, say there is very little maintenance or improvement, at least for them, unlike for those paying market rents. "If your stove is not completely busted," one tenant noted, "you're not getting that. If you pay full market rent, you're good."

This is not the first time Columbia University finds itself in conflict with its residential neighbors. Almost a half century ago, when it announced plans to build a gymnasium on public park land that offered only limited access to Harlem residents, outraged students occupied several university buildings, which led to violent confrontations with the police.

While nothing approaching the militancy of that era is evident today, some students conducted a tour last November that "drew almost 60 students who heard from Manhattanville residents and longtime critics," according to the school's student newspaper, the Spectator.

Although the paper editorially castigated the tour, it did note that the university's "success in purchasing the land necessary for the campus effectively evicted residents and local business owners. The Manhattanville campus will likely increase surrounding housing prices—a factor that often leads to gentrification."

Housing groups, Viverito, in flare-up over rezoning program

Several community organizations supporting more affordable housing found themselves somewhat at odds with one of the City's key supporters of precisely that goal in March.

The groups, concerned that the mayor's affordable housing development program, known as Mandatory Inclusionary Zoning--designed to urge developers of luxury housing to allocate at least 20 percent of the units at affordable rents--would ultimately result in displacing the current low- to middle-income residents unless strong anti-displacement mechanisms were in place, staged a rally at City Hall in March.

Basically, they called for a slowdown of the City's efforts until more community input was accomplished.

But City Council Speaker Melissa Mark-Viverito, a strong supporter of both more affordable housing and and securing local input, expressed frustration at the groups' demands.

"I'm not understanding why they're talking about the pace," she was quoted as saying, adding that the rezonings "haven't even been submitted, right? The conversations have just started." She added that the rezonings have not yet been submitted to the City Planning Department.

"Already, it was known a while that my neighborhood was being identified," she said of East Harlem. "Conversations started right away about protections, right away about preservation plans and about what is the administration's commitment to preservation."

She also noted that "Conversations need to begin at a very grassroots level."

Key organizers of the rally included the Association for Neighborhood and Housing Development, and the Real Affordability for All coaltion. Participants included neighborhood activist groups, unions and Faith in New York, an interfaith coalition of 70 congregations in Queens, Brooklyn, Manhattan and the Bronx.

The groups' platform seeks a broader approach to planning in local communities, emphasizing, "anti-displacement mechanisms, preserving existing local jobs, ensuring that local construction jobs prioritize local hiring and where possible union labor, and addressing local infrastructure needs," according to a blog posted by a member of ANHD.

Leaving town for a while? Keep in mind this rule

Tenants who want to leave their apartments for a temporary residence elsewhere can do so without endangering their rental status, but only if they adhere to the following stipulation:

They must spend more than six months in the apartment to qualify for it being their "primary residence." Any lesser amount endangers their status. The few exceptions to this rule include absence due to medical reasons, military service, job or education requirements, caring for an ill relative, and in some cases serving a prison sentence.

What are succession rights in Mitchell-Lama housing?

Succession rights to Mitchell-Lama apartments under HPD's jurisdiction are a fairly simple matter: the rights to an apartment go to family members who have been currently living in the apartment for at least two years (in most cases) with the person whose name is on the original lease--so long as the original tenant/cooperator was not removed "for cause," such as criminal activity.

That said, residents need to be aware of how HPD defines "family member," as well as numerous exceptions and modifications.

Who is a family member?

Essentially, family members are spouses, primary partners, children, parents, grandparents, grandchildren, aunts, uncles, and nephew and neices.

But members may also include "Any other person residing with the tenant/cooperator in the apartment as a primary residence who can prove emotional and financial commitment and interdependence between such person and the tenant/cooperator."

Such commitment may be demonstrated by the length of the relationship, sharing household or family expenses, a history of engaging in family activities, and the like. Evidence of proof may include such documents as income affidavits, joint bank accounts, credit cards, loan obligations, utility bills, etc.

Length of residency

A current two-year period of living with the tenant/cooperator whose name is on the lease is the basic requirement. However, this period can be relaxed if the family member is on military duty, is away at school (having left immediately after living in the apartment for the two previous years), or has to leave temporarily becuse of employment requirements, or by virtue of a court order. Likewise, the two year rule is eased for people temporarily hospitalized.

Senior citizens and people who are disabled have to prove only a one-year current occupancy.

Procedure

The process of succession is largely a matter of paperwork. In the event the original tenant/cooperator permanently vacates the apartment (a result of death or some other reason) the family member seeking succession must submit a request to the housing company "to be named as a tenant/cooperator on the lease and where applicable on the stock certificate." The housing company must respond within thirty days.

The official rules for ML succession do not appear to be online. However, a form to request an e-mail copy of the rules, "OCCUPANCY RIGHTS OF FAMILY MEMBERS - 28 RCNY 3-02(p)" is available at *http://rules.cityofnewyork.us/content/contact-nyc-rules-form*

General information on Mitchell-Lama from HPD for renters is available at *http://www1.nyc.gov/site/hpd/renters/mitchell-lama-rentals.page*

As 421a program nears end, critics call for improvements

The impending expiration and possible renewal in June of 421a, the city's tax exemption program that was modified in the 1980s to encourage more affordable housing, is motivating housing activists to recommend significant changes in the program's administration, if renewed.

Critics have long charged that the tax breaks have generated only a tiny amount of affordable units--and of those, few are affordable for low-income residents. Instead, they argue, the program serves as a windfall for luxury developers.

Following is a summary of recommnedations from the Association for Neighborhood Housing Development on reforming the program.

¶ Require that 421a developments make at least twnty-five percent of apartments affordable available at 30 percent AMI (adjusted median income) level, to serve the one third of New Yorkers struggling the most with housing costs.

¶ Require on-site affordable apartments in every neighborhood.

¶ Make all affordable apartments permanently affordable.

¶ Prohibit double-dipping when 421a is used in conjunction with other affordable housing subsidies.

¶ Promote mixed-income communities by ensuring the fair and equal treatment of all tenants.

¶ Ensure that 421a rules are transparent and adhered to by creating a compliance fee to fund the enforcement of tenants' rights and program rules.

Housing discrimination: Sources of information and help

Following is a list of information and help resources for tenants and cooperators who experience discrimination in housing matters. The list is partial. Readers who know of additional resources are encouraged to send them into MLRC, P.O. Box 20414, Park West, New York, NY 10025

Federal

US Department of Housing and Urban Development:
http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination

US Department of Justice:
http://www.justice.gov/crt/about/hce/whatnew.php

New York State

NYS Attorney General (Civil Rights Bureau):
www.ag.ny.gov

NYS Division of Human Rights:
www.dhr.state.ny.us

New York City

NYC Commission on Human Rights:
http://www.nyc.gov/html/fhnyc/html/complaint/complaint.shtml

NYC Housing Preservation & Development
Same website as NYC CHR

Nonprofit

TenantNet (info on suing landlords)
http://www.tenant.net/Court/Howcourt/hpaction.html

National Housing Law Project:
http://www.nhlp.org/help

National Center for Transgender Equality:
http://transequality.org/Resources/FairHousing_arch2012.pdf

National Association for the Deaf:
http://nad.org/issues/civil-rights/fair-housing-act/housing-discrimination

Fair Housing Justice Center:
http://www.fairhousingjustice.org/

Private

Law firms:
http://www.lawyers.com/housing-discrimination/new-york/new-york/law-firms/

Last year's Meet & Greet: Photos from lobbying in the neighborhood

Members of the MLRC conducting the annual "lobbying in the neighborhood" or "Meet & Greet" event in 2014. Above: Residents attending the event. Center: MLRC board members and Rep. Charles B. Rangle applauding Manhattan Borough President Gail Brewer, last year's honoree. Below: Rangle, a founder of MLRC, greeting his supporters; other attendees.