



# MITCHELL-LAMA RESIDENTS COALITION

Vol. 20, Issue 4  
December 2015-January 2016

WEBSITE: [www.mitchell-lama.org](http://www.mitchell-lama.org)

## ***Zoning for affordable housing: Mayor's plans and critics' concerns***

**M**ayor Bill de Blasio's two zoning proposals geared to increase the supply and quality of affordable housing are a subject of intense debate among local groups and community boards.

To clarify the issues, following is a summary of each proposal--Zoning for Quality and Affordability, and Mandatory Inclusionary Housing--as presented by the City, and key points of concern made by various community leaders.

### **Zoning for Quality and Affordability**

ZQA is a package of changes to the City's zoning regulations, which have hampered the creation of affordable units, and is producing substandard ground floors and dull buildings inconsistent with the surrounding communities.

By providing some additional height, usually one or two stories, ZQA will enable more senior housing and care facilities to be built across the city, giving seniors more options to remain in their communities. Current zoning limits the

room needed to fit a well-designed building that is accessible for seniors.

In districts containing incentives for affordable housing, limits on the size and shape of buildings have hindered the creation of such units. In these areas, ZQA will allow new buildings providing *permanently* affordable housing with some additional height.

Builders will be able to choose whether to construct parking areas or convert parking spaces to affordable housing, especially where car ownership is low.

Contextual zoning regulations created in the 1980s have also produced substandard retail spaces with low ceilings or no retail at all on commercial streets. They also produced ground-floor residences, flush with the sidewalk, that lack privacy. These buildings cannot provide features like bay windows, courtyards, or planted areas in front that are common in other NYC buildings.

*Continued on page 7*

## **J51 scofflaw owners ordered to place units back under controls**

**L**andlords of some 50,000 New York City apartments who have illegally deregulated them while obtaining the benefits of a tax relief program will soon be ordered to re-register those units.

On January 6, Gov. Cuomo said that those owners "are receiving J-51 tax benefits and claim to be exempt from rent regulation, contrary to the law."

Some former Mitchell-Lama and other developments have long fought these owners, not always successfully. Independence Plaza North, in Manhattan's Tribeca community, lost a years-long court battle to force the owner, Laurence Gluck, to place the apartments under Rent Stabilization because he was receiving tax benefits under the J-51 program.

A statement from Cuomo's office noted that "There will be zero tolerance for those who disregard the law and reap these benefits while denying tenants affordable housing they are obligated to provide."

Landlords who do not comply will face treble damages on any overcharges awarded.

The statement also noted that about half of the 4,000 buildings affected have more than 36 units and about half are smaller buildings.

**Strengthen MLRC  
Join today (use form on page 2)**

### **GENERAL MEMBERSHIP MEETING**

**Saturday, January 23, 2016**

**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](mailto:Information@mitchell-lama.org)

**PLACE:** Musicians Union Local 802

**322 West 48<sup>th</sup> Street (near 8<sup>th</sup> Avenue) Ground Floor, "Club Room"**

**TRAINS:** No. 1, train to 50<sup>th</sup> St. and 7<sup>th</sup> Ave.; Q, W trains to 49<sup>th</sup> St. and Broadway; E train to 50<sup>th</sup> St. and 8<sup>th</sup> Ave.

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

# Gentrification, displacement issues at MLRC meeting



Alexis Morton, MLRC financial secretary, addresses members at October meeting. Topics included gentrification, particularly regarding the displacement of low income seniors from their largely minority communities. One example was a discussion of "the new Bronx & new Harlem," two historically lower income black and Hispanic communities that are experiencing significant influxes of wealthier white residents. Several attendees provided specific building reports. Discussions also centered on the importance of community organizing and voting, since politicians pay attention to active voting blocks.

## Greenbook directory now available online

New York City's famed Greenbook, the directory of government agencies--city, state, county, federal, the courts, and some international bodies--is now available online.

Originally published in 1918, the

Greenbook is the most comprehensive single source of government and related resources.

To access the Greenbook, visit [www.nyc.gov/greenbook](http://www.nyc.gov/greenbook).

## UPCOMING EVENTS

### GENERAL MEMBERSHIP MEETING

Saturday, January 23, 2016  
10:00 a.m - noon

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

----

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

For more information, e-mail: [info@mitchell-lama.org](mailto:info@mitchell-lama.org)

### Mitchell-Lama Residents Coalition, Inc.

#### Officers

Co-chairs: Jackie Peters  
Ed Rosner  
Margo Tunstall

Treasurer: Carmen Ithier  
Financial Sec'y: Alexis Morton  
Recording Sec'y: Sonja Maxwell  
Corresponding Sec'y: Katy Bordonaro

#### MLRC NEWSLETTER STAFF

Editor: Ed Rosner  
Assistant editors: Katy Bordonaro  
Sonja Maxwell  
Jackie Peters  
Margo Tunstall  
Editorial Coordinator: Nathan Weber

Circulation: 5,000

Articles, letters, and photographs are welcome. Send to MLRC, P.O. Box 20414, Park West, New York, NY 10025

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

### JOIN THE MITCHELL-LAMA RESIDENTS COALITION 2016

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!

## Mount Laurel: case study in the benefits of integrated affordable housing

Although the de Blasio administration's hallmark call for more affordable housing has been met with considerable support in New York City, historically efforts to provide more quality homes for lower income residents have sparked intense opposition primarily from white, middle and upper middle income neighborhoods.

Their fears were (are) that creating low-income housing in their areas, especially with the goal of ending pernicious racial segregation, will generate crime, prostitution, drug addiction and a host of other social maladies, as well as lower property values. Civil rights activists maintain that such fears are based largely on self-fulfilling racist assumptions.

An experiment begun four decades ago has conclusively demonstrated that well-designed, well-managed integrated housing, containing units affordable to people of varying economic means, not only enhances neighborhood vitality, but strongly "improves the lives of struggling families without jeopardizing local property values, precipitating more crime or becoming an economic burden on the community," as the New York Times noted in an October editorial.

### Exclusionary zoning

The experiment is known colloquially as Mount Laurel, a former farmland area of New Jersey that, while originally populated by black residents who migrated from the south, had undertaken a redevelopment plan in such a way as to attract high income residents and thereby force out people of color and low income.

A lawsuit filed by the NAACP on behalf of black and Hispanic residents argued that the Mount Laurel Township was using zoning techniques to illegally exclude people on the basis of race and class. It also argued that the state should not simply pass a law outlawing discrimination in housing--since national law already forbade it--but that it has an affirmative responsibility to generate housing for people of every income and color.

In 1975, the New Jersey Supreme Court held that zoning ordinances and land use regulations which render it physically and economically impossible to provide low and moderate income housing were unconstitutional. It further held that "every... municipality must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing." This decision was known as Mount Laurel I.

In 1983, the Court in Mount Laurel

II "created specific requirements that every town in New Jersey must provide its 'fair share' of the regional need for low- and moderate-income housing. Towns would have to provide a 'realistic opportunity' for such housing—not just zone wetlands or an isolated location in an industrial park, but actually show how their zoning and other affirmative measures would lead to construction of such housing," according to the Fair Share Housing Center.

### Benefits to the neighborhood

Eventually, affordable housing was constructed (although opposition remains high, and lawsuits continue to plague the township) in a subdivision known as the Ethel Lawrence Homes.

The upshot? As the Times noted, the subdivision is not only beautifully landscaped, but "in some ways more attractive than nearby developments for middle- and upper-income families. Its management has rigorously screened applicants and has tried to ensure an income mix by setting broader income guidelines. The subdivision managers have also focused on helping children who live in the development."

A clear message results from this history: that integrated affordable housing, far from blighting a neighborhood, will enhance it if the development consists of people from low to middle incomes and is managed properly.

An informative history of the Mount Laurel saga appears in the book "Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb," published by Princeton University Press. The authors are Douglas S. Massey, Len Albright, Rebecca Casciano, Elizabeth Derickson & David N. Kinsey. The book is available at <http://press.princeton.edu/titles/10024.html>

### More than a million overcrowded in NYC

Almost a million and a half of the city's residents live in homes that are either crowded or severely crowded, according to a report issued in October by City Comptroller Scott M. Stringer. Derived from Census Bureau data, the report shows that between 2005 and 2013, overcrowding citywide increased by over 18 percent, with the largest increase in Brooklyn. Further, overcrowding occurs across economic levels, although it increases as income declines. In a statement, Stringer said that "Crowding is an established predictor of homelessness and a critical indicator of negative health, safety and economic well-being."

## Housing Briefs

### Rising burdens for US renters

In its 2015 report on the state of the nation's housing, Harvard's Joint Center for Housing Studies found that although homeowners did better in terms of lower cost burdens, "The cost-burdened share of renters . . . held near record highs in the face of stagnating incomes and steadily rising rents. In 2013, almost half of all renters had housing cost burdens, including more than a quarter with severe burdens (paying more than 50 percent of income for housing). . . While long a condition of low-income households, cost burdens are spreading rapidly among moderate-income households."

### Crowley to retire from NLIHC

Sheila Crowley, the president and CEO of the National Low Income Housing Coalition, announced she will retire after April 2016, after serving seventeen years in the position. During her tenure, the coalition has won supporters in both major Congressional parties. She was instrumental in spurring the creation of the The National Housing Trust Fund (NHTF) in 2008, designed to build, preserve, rehabilitate, and operate rental homes for people with the lowest incomes.

### ANHD to serve on Fed's council

The Federal Reserve Board has appointed Benjamin Dulchin, ANHD's executive director, to its community advisory council. The council is "composed of individuals with consumer- and community development-related expertise who will provide information, advice, and recommendations to the Board on a wide range of relevant policy matters and emerging issues of interest."

In a related development, ANHD has received the Paul Davidoff Award honoring leadership in housing and equal opportunity. The award is given by the NY Metro chapter of the American Planning Association.

### Rent control wars

Although rent regulations are most commonly thought of as a New York City issue, bitter fights have been occurring on the West Coast as well. In California, tenants and landlords are engaged in furious battles, some entailing referenda, in San Francisco, Alameda County, Richmond County, and Los Angeles. Similar fights are ongoing in Portland, Oreg. and Seattle, Wash. A brief summary of these encounters appears in Shelterforce's Rooflines, November 20, 2015, available at <http://bit.ly/1Ih9uuH>

## 1,800 market rate tenants now protected by stabilization

Early in December 2015, 128 owners who benefited under the 421-a tax law registered over 1,800 market rate apartments as rent stabilized units. The tenants in those buildings, in all five boroughs, will now be protected from arbitrary increases for the first time.

The program to return the units, the Real Estate Tax Compliance Program, is a joint effort of Mayor Bill de Blasio, Governor Andrew Cuomo, and Attorney General Schneiderman.

According to a statement from the AG's office, the State's

Tenant Protection Unit "will begin enforcement actions to ensure the remaining 52 landlords who did not register their apartments fall into compliance."

In some buildings, the city's Department of Housing Preservation and Development can begin efforts to revoke the tax benefit, and simultaneously pursue overcharge actions, who may have to pay treble damages.

See article on page 6 for additional developments regarding 421-a.

## New application allows tenants to record and report heat violations

Heat Seek NYC, an organization concerned about tenants unable to stay warm in their apartments, has developed a new application that would enable tenants—even those without an internet connection—to easily record and report the temperature in their units to ensure that landlords do not cut down on heat.

Tenants can have a small Heat Seek NYC temperature sensor installed in a discreet location in their apartment at no cost. Each sensor talks to other sensors in the same building and a central hub to wirelessly transmit temperature readings. Tenants do not need an internet connection to use a Heat Seek sensor.

Heat Seek NYC compares

sensor data against outdoor temperatures and the minimum temperature requirements according to the NYC heating code in order to identify violations 24/7.

Tenants and advocates can review their temperature data by logging into Heat Seek NYC's powerful web app.

Heat Seek NYC reveals heating code violations as they occur.

The group tracks patterns of abuse, and works with responsible landlords to diagnose problems with their buildings' heating systems.

In terms of enforcement, Heat Seek NYC's temperature data provides the evidence needed in housing court.

## Online realty service lists eight no-fee apt rental sites

A popular real estate service, BrickUnderground, is promoting eight no-fee websites for tenants looking for an apartment. Traditional fees may run as high as two months' rent.

The eight websites are: NakedApartments.com;

NYBits.com; Craigslist; Listings Project; Facebook; Zumper; and StreetEasy.

For more information on each of these, plus other helpful hints, visit BrickUnderground at [www.BrickUnderground.com](http://www.BrickUnderground.com).

## Riverton, in city deal, keeps many units affordable for now

Middle-income residents at Harlem's famed Riverton houses can breathe a sigh of relief that their rents will remain reasonably affordable for the next three decades, in line with a deal reached between the new buyer, Douglas Eisenberg of A&E Real Estate Holdings, and the City of New York.

In exchange for keeping 975 units affordable (rents will vary in accord with tenants' income), the owner will pay no taxes—an effective subsidy of around \$100 million over thirty years—and will receive an additional nine million dollars worth of tax incentives. Eisenberg bought the 1,229-unit complex in December for

\$201 million.

Over the years, it has been home to many of Harlem's dignitaries including former Mayor David N. Dinkins, jazz great Billy Taylor, and Suzanne de Passe, a former executive of Motown Records, among others. It is located between 135th and 138th Streets on the East Side of Manhattan.

Riverton was built a few years after World War II by the Metropolitan Life Insurance Company, which also built Stuyvesant Town and Peter Cooper Village in Manhattan, and Parkchester in the Bronx. However, those complexes excluded African Americans and Hispanics.

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

## Study shows rents rising faster than wages in 504 U.S. counties

In a study analyzing rental data from HUD and wage data from the US Labor Department's Bureau of Labor Statistics, RealtyTrac, a real estate research firm, found that in 504 U.S. counties with a population of at least 100,000:

It is more affordable to buy than to rent in 58 percent of the counties (with a 3 percent down payment). Further, rents are rising faster than wages but slower than home prices. However, renting was more affordable than buying in 213 of the 504 counties analyzed (42 percent), including counties in Los Angeles, Houston, San Diego, New York City (Brooklyn), and Dallas. Nevertheless, Brooklyn was one of five counties that were "least affordable" during the year.

Rents on three-bedroom proper-

ties are up 3.5 percent on average from the year before, whereas average weekly wages are up only 2.6 percent year-over-year.

Median home prices are up five percent year-over-year

The top five least affordable counties for renters are in Honolulu, Washington, D.C., New York City (Brooklyn), and Northern California metros of Salinas, Santa Cruz and San Francisco. Average rent requires more than 60 percent of average wages in all five least affordable counties.

The top five most affordable counties for renters are in Huntsville, Alabama; Peoria, Illinois; Davenport, Iowa; Atlanta; and Pittsburgh. Average rent requires 25 percent or less of average wages in all five most affordable counties.

## HPD unveils new website with info for tenants, landlords, vendors, others

New York City's Department of Housing Preservation and Development has issued a new informational website listing items of interest to tenants, cooperators, owners, developers, vendors and others.

Examples of information for tenants, or "renters," include guides on locating affordable housing, rental housing lotteries, Mitchell Lama opportunities, and eligibility guidelines.

Another section notes that HPD "partners with community-based service providers in New York City who help peo-

ple prepare and apply for affordable housing." Known as Housing Ambassadors, the groups provide assistance to renters in dealings with the agency. Eight groups are listed, included Asian Americans for Equality, Good Old Lower East Side (GOLES), and Bronx Pro.

The site also provides some information in languages others than English and Spanish.

The lead page on the site is available at <http://www1.nyc.gov/site/hpd/about/about-us.page>

## Expert on homelessness calls for major change in official policy

Ralph da Costa Nunez, president of Both Homes for the Homeless and the Institute for Children and Poverty, has suggested a new approach for dealing with homelessness in New York City.

"Our policymakers have to stop pretending that putting a roof over a family's head for a few months or even a year 'ends homelessness.' It doesn't," he wrote in the December issue of the Gotham Gazette. "Over 60 percent of the families rehoused by the city have returned to shelter."

According to Nunez, there are three types of homeless families: "[T]hose parents over 25 who have work, tenancy, and life experience; those parents under 25 who want to complete their education, start a work life, and get help with parenting; and those parents who are first and

foremost confronting severe challenges such as domestic violence, child welfare and neglect, substance abuse, and mental health issues."

Therefore, he argued, official homeless policy should consist of the following:

"1) [S]hort-stay shelters to rapidly rehouse families who have work and tenancy experience and the highest probability of a successful transition; (2) intermediate-stay sites would provide mandatory literacy and job training to improve job readiness and retention, as well as job placement; and (3) highly specialized facilities would be equipped to tackle the severe chronic social issues plaguing the most vulnerable homeless families who find themselves homeless over and over again."

## Q & A on tenants rights

*The following questions are frequently asked by residential and commercial tenants. Responses are based on those provided by a tenants rights attorney, Sam Himmelstein. His clients include the Metropolitan Council on Housing and the NYS Tenant and Neighborhood Coalition. More information on tenant rights is available at <http://www.brickunderground.com/blog/contributors/1198>*

**Q:** Can a landlord include an enforceable "non-sue" clause in my lease?

**A:** No. New York State's Warranty of Habitability law invalidates any agreement, even if signed, to waive one's right to sue. Such a clause is void.

However, owners can include an enforceable "no counterclaim" clause, which means that if he or she sues the tenant over, say, non-payment of rent, the tenant may only counter-sue on an issue that is inextricably connected to the landlord's suit, for example, non-provision of services. The tenant may not counter-sue, in response to the landlord's non-payment suit, for any other type of complaint, such as verbal or physical abuse.

**Q:** Can a landlord force a tenant to pay his or her legal fees?

**A:** Yes, if the lease contains such a clause, as most do. However--and this is crucial--there's no need to worry that the owner will sue merely in the expectation of getting you to pay his or her lawyers. A New York State law [N.Y. R P LAW § 234: NY Code - Section 234] holds that those clauses must award legal fees *bilaterally*. Which means that if the tenant wins, the owner has to pay the tenant's legal fees. This has proven to be a strong disincentive for even the greediest of landlords from recklessly trying to evict on trumped up charges.

Nevertheless, lawsuits are not always decided on a simple win/lose basis. In some suits, both parties may win something and lose something, so the courts often rule that legal fee payments are a matter of negotiation.

## Stalemate by developers and labor on 421-a

Representatives of building developers and construction unions appear to be deadlocked in their negotiations on labor costs in one of the city's key affordable housing programs.

Known as 421-a, the program awards significant tax breaks to owners who develop luxury housing, so long as some of the units are set aside as affordable.

Unless the parties, represented by the Real Estate Board of New York and the Building and Construction Trades Council of Greater New York, can reach a deal on wages, the program will expire in June.

Although billed as crucial for renters who are not wealthy, the program has come under withering attacks by critics who argue that many developers have accepted the breaks without providing the affordable units.

For example, last February a coalition of progressive groups demonstrated outside the super-luxury building of One57, at 5th Street and Central Park, which received the breaks. Among the chants were: "Hey, hey! Ho, ho! 421-a has got to go!" "Subsidize our house, not your penthouse!"

In 2013, the program cost New York City around \$1.1 billion in foregone tax revenue, according to the city's Independent Budget Office.

Some critics warn that if the program ends because of an inability to reach a labor deal, Gov. Cuomo may feel some political heat, because he essentially directed the arrangement to have the government program resolved by private parties.

### **NY Fed Bank president to address ANHD confab**

Building the Equitable City," the theme of the Association for Neighborhood Housing Development's annual conference, will be held Monday, April 11, 2016, at the Grand Hyatt hotel (Empire Ballroom) in New York City.

Keynote speaker will be William C. Dudley, president of the Federal Reserve Bank of New York.

The event will feature panelists and workshops on affordable housing and equitable economic development issues impacting the city's low- and moderate-income communities and residents.

Ticket prices will be announced. For more information, visit <http://www.anhd.org>

## Racism in US education: AFT seeks national, state changes

In what is presented as the first large public sector union in the U.S. to methodologically address pervasive racism primarily in education--especially as it relates to black males--the American Federation of Teachers issued a report in October outlining a series of recommendations designed to "develop a policy in national and state legislation, at the school board level and inside the AFT itself."

The report, *Reclaiming the Promise of Racial Equity: In Education, Economics and Our Criminal Justice System*, is the outgrowth of a year of intense discussions on the issue, coordinated by a union task force. The force included both black and white AFT leaders and members.

Key educational recommendations of the report include:

- Funding programs that provide alternatives to out-of-school suspensions and offer meaningful educational opportunities for black male students.
- Ensuring that all schools are safe and welcoming spaces for students and educators by replacing zero-tolerance policies with restorative justice and fairer enforcement.
- Implementing programs to intentionally help identify, recruit, develop and retain black male educators and staff.
- Providing professional development and cultural competency training that helps teachers and other school staff understand their own personal biases.
- Creating review processes in schools to ensure that black male students are treated fairly.
- Developing funding strategies, mentoring and counseling to create greater opportunity for black males to attend college.
- Establishing partnerships with trade unions to develop apprenticeship programs that provide job training and placement in trade careers that open the door to economic opportunity and independence for black men.
- Continuing and expanding its work with the Conferences of Chief Justices to help establish engagement strategies to bridge the gap between minority and low-

income communities and court leadership through collaborative efforts that will increase public trust and confidence in the states' courts.

Recommendations on addressing economic and justice system inequities are also presented.

Among the methods to finance some of the proposals, the report urges "changes in tax policies so that the wealthy pay their fair share," and redirecting "revenue spent on prisons to provide more resources for local, state and federal budgets."

### **Impact on members**

In announcing the report's publication, the union noted that the pervasiveness of the injustices described had an effect on every member of the task force, regardless of color.

"It was staggering to me to read that one-third of the black men in America will go to jail," said Jerry Jordan, who is black, a task force member, president of the Philadelphia Federation of Teachers and an AFT vice president. "One-third! Look to your left, look to your right. One of us is going to jail. That has to stop."

In a preface, the union's leadership noted that two years after the AFT was founded in 1918, it organized for equal pay for African American teachers, election of black Americans to local school boards, and compulsory school attendance for black children.

It was also the only education group to provide an amicus brief in support of the plaintiffs in *Brown v. Board of Education*, the landmark ruling outlawing "separate but equal" schooling.

Reflecting on racism within their own organization those days, the leaders noted that the decision to offer the amicus brief "led to the loss of thousands of members in the southern region."

The report will be a key topic of discussion at regional meetings in the fall.

The full report is available online at [http://www.aft.org/sites/default/files/racial\\_equity\\_taskforce\\_10-8-15.pdf](http://www.aft.org/sites/default/files/racial_equity_taskforce_10-8-15.pdf)

**MLRC wishes all its members  
a happy, safe and prosperous  
new year**

# Zoning for affordable housing: Mayor's plans and critics' concerns

(Continued from page 1)

By allowing just five feet of additional height, ZQA promotes ground floors that are more inviting to neighborhood retail space in commercial districts. This change also allows for apartments slightly above sidewalk level, for additional privacy. A cap will be set on the number of stories in a building--in no instance may additional floors be added.

ZQA will *not*:

Increase residential densities, create new market-rate floor area, or encourage teardowns or displacement.

Remove any protections for historic districts or landmarked buildings, without approval from the Landmarks Preservation Commission, as at present.

Impose one-size-fits-all solutions: every zoning district that exists today, including Special Districts, will be treated individually.

## Mandatory Inclusionary Housing

MIH requires any developer who seeks a zoning change to include a percentage of affordable units in the new development.

By creating housing for low- and moderate-income households, MIH will Preserve and promote economic diversity; Stabilize neighborhoods by *permanently* protecting the affordability of a significant amount of housing; Protect lower-income families from displacement as neighborhoods change.

The City Council, working with the City Planning Commission, will choose between two options for a particular rezoning:

1) 25 percent of housing affordable for households with incomes averaging to 60 percent Area Median Income (AMI) (\$36,300 for an individual or \$46,620 for a family of three); or

2) 30 percent of housing affordable for households with incomes averaging to 80 percent AMI (\$48,350 for an individual or \$62,150 for a family of three).

The household incomes served by the affordable housing must average to the specified AMI, with some lower and some higher. A household with an income of \$30,250 and a household with an income of \$42,350, for example, would average to the required \$36,300.

The affordable housing will be required to remain permanently affordable. Even if the building is demolished and rebuilt, the affordability requirement

will never go away.

The proposal does not itself rezone any neighborhood. It simply authorizes the City Planning Commission and City Council, working with individual neighborhoods, to apply the affordable housing requirements to any future rezoning.

Most affordable housing will be built on-site. If it is built off-site, it will be within the same Community District or within 1/2 mile of the zoning lot that contains the affordability requirement.

Residential developers of small buildings (11-25 units) will have the option to pay a fee in lieu of building affordable housing. The fees will be used to supply or preserve affordable housing in the Community Board where the funds were generated.

The City Council and the City Planning Commission may offer a workforce option, in addition to one or both of the two basic options they choose. This option would require 30 percent of the housing to be permanently affordable for households with an average income of \$93,240 for a family of three. It could not be used in Manhattan Community Districts 1-8.

## Critics' concerns

Among concerns of various neighborhood groups and community planning boards are the following:

**1) Current residents:** New housing created under the rezoning will be largely unaffordable to existing residents. For example, the Coalition for Community Advancement, in Brooklyn's East New York area, maintains that neither the HPD subsidies nor the MIH will meet the housing needs of the area's current residents.

**2) Displacement:** Rezoning is likely to increase displacement pressure in a neighborhood's existing affordable housing stock, where there are many small unregulated buildings. Further, the Administration's new focus on integrating economic and workforce development (into the plan for East New York), while commendable and vital, will have little value if the residents they aim to serve can no longer afford to stay in their community.

**3) Affordability:** The current MIH proposal does not guarantee housing for households making less than 60% of AMI, or \$51,780 for a family of four. The HPD subsidy proposed by the City does not fully solve the problem. Nor is there

any guarantee that private developers will take city subsidy. Finally, while units created under MIH will be permanently affordable, those built under HPD subsidy programs will be only for a particular period of time, with no guarantee that the subsidy commitment will remain into the future, as any new administration's priorities shift.

**4) Hyper-density.** A group called New Yorkers for a Human Scaled City, affiliated with the Tribeca Trust, fears that the zoning proposals will ultimately add to the relentless increase of super-high, super-dense buildings and neighborhoods--"glass-deadened high-rises with corporatized streetscapes"--riding rough-shod over neighborhoods.

## Call for more housing options for ex-prisoners

Some 6,000 federal prisoners will be released slightly early in the next year or two, but upon release they face the prospect of a different kind of imprisonment: no housing.

In a blog on Shelterforce's "Rooflines," Doug Ryan, a former official at a large public housing authority responsible for developing a fair appeals process for ex-convicts denied applications, noted that while some are former sex offenders or drug dealers, the "vast majority of those who are turned away by public housing authorities and other providers are denied for other offenses, many of which don't act as a threat to future neighbors, the property or the larger community."

He added that the goal of denial may be safety for families and crime reduction, but that "this is exactly the wrong approach. Research shows that housing, along with other services, reduces recidivism."

The federal Department of Housing and Urban Development recently instructed housing providers to "comply with common-sense rules, including that arrests alone are not a legal basis for an application denial or eviction." But the problem continues.

A lack of decent housing for ex-convicts reduces their "ability to develop relationships with [the] community, which offer the benefit of 'social buffers,' which are known to reduce crime, provide role models and organize communities," he said.

He also urged ending unnecessary incarcerations, reducing sentences and offering alternatives to prison.

"They are investments in all of us, in children and in communities. And these are irreplaceable assets on which we can all build."

## Two tenant groups offer guides on forming a tenants' union

Two excellent guides on forming a tenants' union are now online.

One is by Metropolitan Council on Housing, the oldest existing tenant association in New York City. The other is by TenantNet, an online service for tenants.

Although there is understandably some overlap between the two, it is helpful to review each and follow the recommendations as they apply to your particular building.

Tenant unions have existed in New York City as far back as the early 1900s, when immigrants searching for "streets paved with gold" found instead unheated, rodent-infested, decrepit tenements and ever increasing rents. As the Met Council guide notes, "A strong tenant association can force a landlord to listen; as a group, the tenants can have more leverage to negotiate, file complaints with the city and state agencies that oversee housing, get help from elected officials, go to court, or—if push comes to shove—call a rent strike."

The Met Council guide addresses the following questions:

What is a tenants' association for?

Do I need to formalize the tenant association?

How can I open up a bank account for the tenants' association?

How can I start a tenants' association?

How can I get more people in my building involved in the tenants' association?

How can I make sure that tenant association meetings are productive and useful?

What kinds of officers would we want to elect in our tenants' association?

What advice do you have regarding tenant association elections?

The guide discusses such issues as

getting more people involved, using flyers and newsletters, insuring that meetings are productive and useful, and bylaws.

The TenantNet guide goes into specific detail on such basic issues as:

When, where and how to conduct a meeting, and whom to invite. On this issue, at the first meeting, TenantNet suggests taking a "vote on whether to form a tenants' association. If the group votes in favor of having a tenants' association, you are ready to begin working together as a group."

Taking minutes of meetings.

Securing tenant consensus as to which building issues are primary. For example, general maintenance and repairs, garbage collection, pest extermination, security, etc. Then prioritizing the issues.

Researching, representing each floor (through the establishment of "floor captains"), and finance. Regarding the latter, the guide notes: "NEVER collect money from tenants unless the tenants understand and agree to its use. Give expense reports at meetings, and keep records and receipts."

The Met Council guide is available at [http://metcouncilonhousing.org/help\\_and\\_answers/tenants\\_associations](http://metcouncilonhousing.org/help_and_answers/tenants_associations)

The TenantNet guide is available at <http://tenant.net/Organize/Lenox/lh-1.html>

### Legal advice

Neither of these two guides profess to offer legal advice. However, tenants can secure legal opinions at the website *BrickUnderground.com*, sponsored by the law firm of Himmelstein, McConnell, Gribben, Donoghue & Joseph. The firm represents tenants, cooperators and condo associations.

## Attorney General issues comprehensive summary of NY tenant rights

Eric T. Schneiderman, New York State's Attorney general, has posted a 36-page Tenants Rights guide on the AG website.

The guide goes into specific detail on a wide variety of issues of concern to tenants. Among them are:

Rent protections, including rent control and rent stabilization.

Mitchell Lama, public housing, section 8 vouchers, lofts, and residential hotels.

Lease provisions, renewals, month-to-month rentals, successions, and sublets.

Rent overcharges.

Sale of regulated buildings.

Housing issues pertaining to seniors, veterans, and domestic violence.

Habitability and safety.

The full guide is available at:

[https://www.ag.ny.gov/sites/default/files/pdfs/publications/Tenants\\_Rights.pdf](https://www.ag.ny.gov/sites/default/files/pdfs/publications/Tenants_Rights.pdf)

## Cash and influence in Albany detailed by WNYC report

Following the conviction last month of former New York State Senate Majority Leader Dean Skelos and his son Adam Skelos, on all counts of federal corruption challenges, radio station WNYC issued a telling commentary on the relationship between cash and influence in Albany.

The report discusses the ease with which wealthy real estate leaders had access to Sen. Skelos, while tenant groups and other organizations concerned with social justice were usually excluded.

For example, at the Skelos trial, Charles Dorego, a top official at the luxury real estate firm Glenwood, testified that he had attended meetings in the Governor's office during negotiations on rent and real estate issues, and "had easy access to the legislative leaders — who looked forward to Glenwood's big checks."

In contrast, the report continued, Benjamin Dulchin, executive director of the Association for Neighborhood and Housing Development, said that real estate interests "spend a thousand dollars for every one dollar that the tenant movement can spend." "We can send buses up there and we can sort of be optimistically democratic, you know, gosh darn, as we want to be, but in the end, the money is very persuasive."

Likewise, a member of Environmental Advocates sought a meeting with Sen. Skelos on the issue of hydraulic extraction of natural gas, known broadly as fracking. They wanted to emphasize to the senate leader the procedure's dangers, but the senator's son was in a position to secure financial benefits if fracking was allowed to proceed in New York.

As the report noted, "Skelos's staff rejected that face-to-face meeting with the environmentalists."

According to Politico, a company known as AbTech industries, which makes sponge filters to remove pollutants from water, sought a NYS contract, and "retained Adam Skelos as a government relations specialist." Politico continues that "In return for his business connections, Adam Skelos was paid \$10,000 a month for his services."

WNYC cited a prosecutor's document that said that "Adam Skelos stood to make \$1 per barrel of waste" from fracking.

In the end, Gov. Cuomo banned the practice—which social groups attribute to their own ongoing publicity about the procedure's dangers, a reason for tenant and other local groups not to recede before the big dollars of corporate and real estate interests.