



MITCHELL-LAMA RESIDENTS COALITION

Vol. 298
Winter 2023-24

WEBSITE: www.mitchell-lama.org

Massive tower proposed for IPN, a former Mitchell-Lama rental

Owners of Independence Plaza North, a multi-building former Mitchell-Lama complex that still houses hundreds of low-, moderate- and middle-income tenants, as well as an influx of market-rate newcomers, have proposed constructing a nine-hundred-foot tower smack in the center of the development.

Opened in 1975, the complex, consisting of three 39-story residences plus townhouses is now a partially rent-regulated, partially government-subsidized, partially free-market development, boasting around 1300 apartments.

In December, the owners—Stellar Management and Vornado Realty—announced a proposal to construct the tower in the center of the complex's open plaza, a stretch of walking, lounging and child-play space much used by residents. The plaza also hosts an empty low-level building that formerly housed a public school.

The tower would replace that former school, and soar upwards far beyond any building in the surrounding streets. To facilitate the construction, around fifty of IPN's townhouses—low level rentals that have the

appearance of houses rather than apartments—would be destroyed.

As of this writing, community opposition had just begun to coalesce.

In mid-December, some 80 residents, mostly from IPN but some from the surrounding community, attended a meeting where many expressed anger, if not disbelief, at the likely loss of light and air, the consequent expulsion of some tenants, and the years-long disruption entailed by such a major construction, among related issues.

At a Community Board 1 meeting a few days later, representatives of Stellar made their presentation. That included a rendering of the proposed project showing that the tower was not that different from corporate skyscrapers to the south, which includes Wall Street.

Reactions from tenants and other neighborhood residents who attended the meetings either in person or online, were overwhelmingly incredulous and angry.

"To compare this tower with the towers in Wall Street is disingenuous," said one furious resident.

(Continued on page 8)

US Supreme Court douses landlords' effort to undermine New York's tenant protections

Once again, the city's major landlord groups lost their years' long effort to eliminate the strongest protections afforded New York tenants in decades.

And this time, perhaps, for good.

At the start of October, the conservative US Supreme Court declined to hear a challenge to the state's Housing Stability and Tenant Protection Act of 2019. That refusal leaves intact several lower courts' decisions certifying the constitutionality of the Act.

In effect, the Court's decision reinforces the lower courts' rulings that the law does not violate the "takings act" prohibited by the Constitution's Fifth and or Fourteenth Amendments; on the contrary, the law merely embodies the state's "broad authority to regulate land use without running afoul of the" amendments.

It also lets stand the lower courts' argument that the legislature has determined that the Rent Stabilization Law "is necessary to prevent serious threats to the public health, safety and general welfare. No one can seriously contend that these are not important public interests, and courts are not in the business of second-guessing legislative determinations."

Provisions of the 2019 law

In summary, the 2019 law ends vacancy decontrol, under which an apartment
(Continued on page 8)

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

MLRC

General Membership Meeting

Saturday, January 27, 2024 at 10 a.m.

**Note: During the Covid-19
pandemic, the meeting will be
held online via Zoom.**

**Members will be
informed by regular mail**

CONTACT: Info@mitchell-lama.org

Mitchell-Lama Residents Coalition
PO Box 20414
Park West Station
New York, NY 10025

Setback in effort to prevent Brooklyn's Cadman Towers from becoming high-cost co-ops

The latest attempt to preserve Brooklyn's Cadman Towers Mitchell-Lama cooperatives as permanently affordable to low-, moderate- and middle-income New Yorkers was handed a setback in early November, when the NYS Attorney General decided that a co-op conversion plan put forth by some of the cooperators did not violate the state's Martin Act—which prohibits misrepresentation in an offer of securities and commodities.

As a result, the co-op's Proxy Statement, a document prepared by the co-op's Board to transform the M-L into another city-regulated cooperative, known as Article XI, will proceed.

Ultimately, that could vastly increase the purchase price of the cooperatives for future buyers.

AG: Proxy Statement meet's legal requirements

The AG had determined, following a state court's ruling to "reconsider" the issue, that the statement provided the shareholders with sufficient clarity to be in accord with both the Martin Act and with First Amendment protections.

The co-op's board has long sought to transform Cadman Plaza into an "Article XI" cooperative, which is under the purview of the city's Housing Development Finance Corporation.

As explained by the group resisting the transformation, [Cooperators United for Mitchell Lama \(CU4ML\)](#), "Article XI of the PHFL [Public Housing Finance Law] is

intended to address the scarcity of decent, habitable, affordable housing in NYS.

"But unlike Article II which is directed towards low, middle and moderate income households, Article XI establishes Housing Development Funds expressly to enable *seriously deteriorating housing* to be converted to habitable, well-managed housing affordable for low-income households, families with incomes well below Area Median Income (AMI)." [Emphasis added.]

As CU4ML notes, however, "Mitchell-Lama cooperatives do not fall within the definition of 'seriously deteriorating housing' nor are they limited to the low-income households that Article XI allows funds to be expended for."

'Windfall profit' for current shareholders

In effect, CU4ML notes, "Only a thin slice of New Yorkers would benefit from such a conversion, namely, current shareholders who move out immediately following conversion either by selling their apartments at prices much higher than ML equity or by passing them to their heirs, who thereby acquire the (now much higher-priced) apartments with no payment to the corporation.

"A windfall profit for such families is the principal driver of the attempts to privatize ML cooperatives, and it is incapable that exactly the same people would reap that windfall by conversion to Article XI."

UPCOMING EVENTS

MLRC General Membership Meeting

Note: During the Covid-19 pandemic, the meeting will be held online via Zoom.

Members will be informed by regular mail

Saturday, January 27, 2024
10:00 a.m. - noon

Members will be notified regular mail

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

Mitchell-Lama Residents Coalition, Inc.

Officers

Co-chairs:	Jackie Peters Ed Rosner Sonja Maxwell
Treasurer:	Carmen Ithier
Corresponding Sec'y:	Katy Bordonaro

MLRC NEWSLETTER STAFF

Editor:	Ed Rosner
Assistant editors:	Katy Bordonaro Sonja Maxwell Jackie Peters
Managing editor:	Nathan Weber

Circulation: 5,000

Articles, letters and photographs are welcome. Send to MLRC, PO Box 20414, Park West, New York, NY 10025. Fax: (212) 864-8165. Voice Mail: (212) 465-2619. E-mail: information@mitchell-lama.org



JOIN THE MITCHELL-LAMA RESIDENTS COALITION 2023-24

INDIVIDUAL: \$15 per year; DEVELOPMENT: 25 cents per apt
(\$30 Minimum; \$125 Maximum)

Name _____

Address _____

City _____ State _____ Zip code _____

Evening phone _____ Day phone _____

Fax _____ E-mail _____

Current ML: Co-op _____ Rental _____

Former ML: Co-op _____ Rental _____

Development _____

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, NY 10025

New AG report: Vast gulf between Black and white home ownership

White people in New York State are twice as likely to own their own homes as Black people or Latinos, and a quarter more likely than Asians.

How surprising.

This is the finding of a [report](#) issued at the end of October by the office of Letitia James, the Attorney General of New York State.

Further, these disparities, which include access to home financing, occur in every region of the state, even when controlling for credit scores, income, and size of loans, among other factors.

As a consequence, the "probability of a Black or Asian applicant's purchase application being rejected in 2021 remained 43% higher than for a white applicant; Latino applicants were 33% more likely to be rejected than a white applicant."

Nor are the disparities manifest only among individuals of the different ethnic backgrounds, but "across neighborhoods: Black and Latino neighborhoods have fewer applications, higher rates of denial, and costlier loans" than white areas.

Impact on life options

The barriers to home-ownership faced by Black, Latino and Asian Americans impose a negative effect on their own lives and the prospects of their children, the report notes.

"Owning a home provides borrowers with an asset that can accumulate wealth. . . Homeownership can provide financial flexibility to not only withstand financial emergencies, but also support opportunities for economic growth, like providing for children's higher education."

Also, "children of homeowners are more likely to receive financial support from parents and information about the home buying process. Through these and other mechanisms, homeownership and wealth can reinforce each other and can also be transferred down to future generations within a family."

The consequences of disparities in home ownership and financial discrimination, much of which can be attributed to a historic pattern of pervasive discrimination, can be severe. According to the report, "In 2019, white families in the United States had a

median wealth of \$188,200, while Latino families had a median wealth of \$36,100, and Black families had a median wealth of \$24,100."

Thus, the report concludes, discriminatory practices in mortgage loans and homeownership are "correlated with disparities in educational opportunities, income, healthcare, support for small businesses, and infrastructure investments, among other things."

Attorney General's recommendations

To address and reverse the homeownership and financing disparities, the report offers the following suggestions:

- Subsidize down-payment support and interest rates for first-generation homeowners.
- Fund Community Development Financial Institutions that actively deliver responsible, affordable lending to low-income and historically excluded communities.
- Pass legislation permitting local public banking, which can reinvest money locally. Also, support financial entities providing housing loans and funding of affordable housing.
- Strengthen the state's resources and tools to address discriminatory lending practices.
- Explore new forms of retail banking at public institutions that ensure all New Yorkers have access to basic local banking services; this enables mortgage seekers to build credit required by lenders.

A summary of the report is available from the Attorney General's [press release](#).

HCR issues monthly newsletter for M-L co-ops and rentals

A brief monthly newsletter on issues dealing with M-L developments is available from the State's Homes and Community Renewal.

The [current issue](#) notes that M-L co-op boards are legally required to hold at least four meetings annually, and must be open to all shareholders and residents with the exception of executive sessions for discussions of "limited confidential issues."

NYS passes 3 new laws to spur affordable units

Owners of affordable residential buildings in New York State who lobbied unsuccessfully earlier this year for a continuation of the J-51 tax credit received a consolation prize of a sort in October, when Gov. Kathy Hochul signed into law a series of bills that included another tax credit program.

The new tax abatement applies to renovations completed between June 29, 2022 and June 30, 2026. To receive the benefit, at least fifty percent of the apartments must be "affordable," or the building must be either a Mitchell-Lama development or receive significant government funding.

Controversy over J-51

The old J-51 tax credit program had become the subject of heated controversy, as tenant advocate groups argued that owners were reaping huge tax benefits after, among other things, harrasing tenants to leave their apartments, resulting in an increase in market-rate or luxury units rather than improved affordable apartments. Landlords had counter-argued that without the tax write-off, they would be unable to afford renovations.

A second law signed by the governor increases the City's Housing Development Corporation's bonding capacity to \$19 billion—essentially, upping the amount of money HDC can borrow to re-lend to developers for affordable housing.

The third law in the package, known as the Housing Affordability, Resiliency, and Energy Efficiency Investment Act of 2023, revises various "outdated and rigid rules that have long hampered the Department of Housing Preservation and Development's ability to build and maintain affordable housing," according to Assemblymember Linda B. Rosenthal. It also enables the City to offer down payment funds to prospective homeowners.

Another e-bike battery fire at NYCHA kills one, injures six

Seven people were injured, one fatally, in a fire at NYCHA's Bronx River Houses in December.

The cause of the fire was an exploding lithium-ion battery, the type used to power e-bikes, a mode of transportation that has been growing in popularity because of ease of use and relatively affordable price. The battery has been the cause of numerous fires; the person who recently died in it was the 18th so far this year, according to a report in the *New York Post*. Several M-L [coop boards](#) have been debating lately on whether to ban the bikes from their developments.

City agencies to create new five-year housing plans for each CB district

Housing and planning agencies in the city government will now be required to develop five-year-plans for new housing in each of the city's 53 community board districts.

Under a bill sponsored by Council Speaker Adrienne Adams in November, and approved by the Council, the city's Housing Preservation and Development and City Planning plus other agencies will be charged with creating a "fair housing network" projecting targeted housing production goals for each area, plus plans to counter displacement and improve the availability of affordable units.

The overall purpose is to address "the city's housing cri-

sis, while accounting for unique community needs," according to a Council [statement](#).

"At the end of the day, the legislation is about building more housing and uplifting New Yorkers to give working families across the five boroughs a real chance at building their legacy in this city," Adam said.

The plans will also be coordinated with requirements of the federal Fair Housing Act.

The statement, however, did not include any reference to enforcement procedures, which may mean that agencies not meeting the legislation's intent will not be penalized.

HUD, Transportation Department announce help for office-to-apartment conversions

Two federal agencies have announced programs to spur the conversion of vacant or near-vacant office buildings in urban areas into housing, including below-market rate units.

The department of Housing and Urban Development will enable its long-established Community



Development Block Grant (CDBG) program to offer ten billion dollars to "boost housing supply – including acquisition, reha-

bilitation, and commercial-to-residential conversions," as noted in a [HUD statement](#).

At the same time, the Department of Transportation is offering around \$13.4 million in a pilot program to "support local planning and investment near transit hubs to promote sustainable, livable, and equitable communities." In addition, transit agencies will now be [allowed](#) to "transfer properties to local governments, non-profit, and for-profit developers of affordable housing at no cost."

Other federal agencies are also involved in the project.

Critics of such programs, however, argue that office-to-housing conversions are difficult because, as [Bloomberg News](#) opined, "Blocky office floorplates don't lend themselves well to regulatory requirements for apartments, namely bedroom windows. Vacancies aren't evenly distributed, and hardest-hit buildings tend to be clustered in downtown areas with few amenities such as grocery stores and restaurants."

Not too many of these concerns, however, were voiced when the Macklowe Properties, a giant NYC real estate firm, converted One Wall Street, a designated city landmark, "into 566 luxury condominiums of varying sizes, many featuring unique layouts, lofty terraces, and spectacular views of the skyline and the harbor. . . ." as reported by [Cityrealty](#).

Advocates argue that if it is feasible to convert unused office space to housing for the wealthy with limited or resolvable problems, it should be equally feasible to transform the office space to housing affordable to the non-wealthy.

Bronx fire erupts at second former Mitchell-Lama building

The former Mitchell-Lama development known as Twin Parks South East erupted in flames in October, eerily reflecting the fire that erupted a year earlier a mile away in the M-L complex known as Twin Parks North, where seventeen people died.

Although nobody died in October's South East fire, thirteen residents were hospitalized for life-threatening injuries. Firefighters extinguished the flames after about two hours.

Both complexes are owned by a group of companies comprised of firms known both as Bronx Park Phase I Preservation Company and Bronx Park Phase III Preservation LLC.



MLRC Developments

These developments are members of the Mitchell-Lama Residents Coalition

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

Donations above membership dues are welcome

Adee Towers	Masaryk Towers Tenants Assn
Albany Executive House Apartments	Meadow Manor
Amalgamated Warbasse	Michangelo Apartments
Arverne Apartments	109th St. Senior Citizens Plaza
Atlantic Plaza Towers	158th St & Riverside Dr. Housing
Bethune Towers	Parkside Development
Castleton Park	Pratt Towers
Central Park Gardens	Promenade Apartments
Clayton Apartments	RNA House
Coalition to save Affordable Housing of Co-op City	Riverbend Housing
Concerned Tenants of Sea Park East, Inc.	River Terrace
Concourse Village	River View Towers
Dennis Lane Apartments	Rosedale Gardens Co-op
1199 Housing	Ryerson Towers
Esplanade Gardens	Starrett City Tenants Assn
Franklin Plaza	St. James Towers
Independence House Tenants Assn	St. Martins Towers
Independence Plaza North	Strykers Bay Co-op
Inwood Towers	Tivoli Towers
Jefferson Towers	Tower West
Knickerbocker Plaza	Trinity House
Linden Plaza	Village East Towers
Lindsay Park	Washington Park SE Apts
Lindville Housing	Washington Square SE Apts
Lincoln Amsterdam House	Westgate Tenants Assn
Manhattan Plaza	Westgate
Marcus Garvey Village	Westview Apartments
	West View Neighbors Assn

MLRC members testify for bill adjusting rent increase exemptions for seniors, disabled

Two members of the Mitchell-Lama Residents Coalition presented testimony before the New York City Council on November 13 in support of Resolution 0791 to adjust upwards the rent-increase exemptions afforded to seniors and people with physical disabilities, both renters and homeowners. Following are their testimonies.

Katy Bordonaro
MLRC Corresponding Secretary

The Mitchell-Lama Residents Coalition (MLRC) has supported the passage of this legislation at the state level for many years. We are very grateful that Councilmember Gale Brewer has introduced this resolution in order to communicate to the State Legislature and the Governor the importance of providing for annual increases in the maximum income threshold eligibility for the above exemptions. Many of the residents of Mitchell-Lama developments are senior citizens, some are disabled. These groups need the protection from rent increases that these exemptions provide.

The importance of this annual cap increase has been shown in the last few years when inflation has driven up so many prices. MLRC is hearing of annual increases in rent and maintenance of 9%. The groups covered by these exemptions are on fixed incomes which are already stretched thin by the rising cost of food and other necessities.

The income cap was last raised to \$50,000 in 2014. In today's dollars \$50,000 is closer to \$69,000. If this legislation had been in place then the cap would have risen

Diane F. Stein
Board Member, Independence Plaza
North Tenants Association

Ilive in Independence Plaza, a former Mitchell-Lama rental whose eligible tenants have only recently been able to apply for SCRIE [Senior Citizens Rent Increase Exemption] and DRIE [Disabled Rent Increase Exemption].

I would like to urge the City Council to support Resolution 0791, Council Member Brewer's resolution telling the New York State legislature that New York City supports NYS S2960/A5741 which will automatically raise the cap for SCRIE/DRIE and SCHE/DHI [senior and disabled homeowners] by the Consumer Price Index on an annual basis. The Mitchell-Lama community has been urging this change, among

accordingly. Instead the cap has been stuck as prices have increased and those on fixed incomes are finding it harder and harder to make ends meet.

Providing for annual increases in the income threshold eligibility is the first step in allowing more of our residents to stay in their homes.

Founded in 1972, the Mitchell-Lama Residents Coalition has as its mission to work and organize for the preservation and future expansion of the Mitchell-Lama housing program (both co-op and rental), as well as all other affordable housing programs; and to identify, clarify, and solve common concerns of current and former Mitchell-Lama residents working with elected officials and government agencies at all levels.

We are the only Mitchell-Lama group representing both Co-ops and Rental buildings statewide. Over the years, we have worked with the federal department of Housing and Urban Development (HUD); New York State Department of Housing and Community Renewal (DHCR); and New York City Department of Housing Preservation and Development (HPD) as well as local advocacy groups.

others, for many years.

On July 1, 2014, the maximum income threshold increased from \$29,000 to \$50,000 per household. The proposed legislation would allow increases to occur automatically. It would also prevent seniors and disabled people from losing their eligibility if their Social Security annual cost-of-living increase pushed them a few dollars over the limit.

New York City is losing its housing affordability. Independence Plaza is a case in point [as long-time tenants age out, their apartments revert to market rents for all incoming tenants—Ed.].

We need to help seniors and disabled people remain in the communities they helped build and have put down roots. I hope the City Council will support this resolution.

Firm monitoring NYCHA will be replaced in 2024

Guidepost Solutions, the private firm specializing in security, technology and legal compliance, will soon end its tenure monitoring the New York City Housing Authority, according to a report by Greg Smith in [The City](#).

It will be replaced by **Jenner & Block**, which defines itself, among other things, as "the investigators and compliance monitors restoring public confidence following high-profile legal, economic, and reputational threats; and the advocates advancing clients' interests and shaping policy."

Guidepost's head, **Bart Schwartz**, had been appointed in 2019 following an agreement among the federal department of Housing and Urban Development, former Mayor Bill de Blasio, and the Manhattan US Attorney "to confront years of neglect and mismanagement endured by public housing tenants," and to foster good "living conditions for NYCHA's tenants."

For its services, Guidepost received \$58.8 million, towards its contract's price of \$74.4 million.

A spokesperson for Guidepost noted that during its tenure, NYCHA achieved "the reduction of mold complaints by over 50%, a system in place to identify and protect children under 6 from lead exposure, air ducts not cleaned for 60 years have been cleaned and NYCHA has learned to apply modern analytic methods which result in greater productivity without additional cost."

Nevertheless, NYCHA's problems relating to "failing elevators and faltering boilers" were "far from improvement under Guidepost's tenure," according to officials.

Bronx agency receives \$13 mil. for homeless and abuse victims

Urban Rebound Initiatives, a Bronx nonprofit offering shelter and services for the homeless, domestic abuse victims and runaway youths received a grant of \$13.7 million from the Department of Homeless Services, according to a report in [NYN Media](#).

The group, founded in 2014, works with both government agencies and other nonprofits. It currently has the capacity to house more than 1,200 clients.

NIMBY vs YIMBY battles erupt in Manhattan and Brooklyn

An empty, fenced off lot at 388 Hudson Street in Manhattan's Greenwich Village, and a uniform-and-tablecloth factory dating to the 1940s on Brooklyn's Prospect Avenue in the Windsor Terrace area have become the latest zones of contention between advocates of low-rise housing preservation and advocates of affordable housing—otherwise known as NIMBY [Not in My Backyard] versus YIMBY [Yes in My Backyard].

Proposed 350 foot tower

In the Village, the City-owned lot could become the site of a tower rising to 350 feet, containing close to three hundred apartments, all of which would be affordable. Because the structure would be the highest in the area, a group known as Village Preservation is opposing the proposal. But Manhattan Community Board 2 is supporting it.

In Brooklyn, when the Arrow Linen Company declared its intention to demolish its factory and construct two residential towers containing affordable units, the Windsor Place Block Association immediately declared its opposition to the required rezoning.

But as if on cue, another group, Open New York, began its

own petition drive. According to a report by Greg David in *The City*, as of early November the drive had collected more than 370 signatures.

Dueling petitions

The Brooklyn NIMBY group of tenants and homeowners claims it wants affordable housing, but only if it retains the scale of its historic neighborhoods. "We think there's a responsible way to develop the Arrow Linen site to create more affordable housing that fits into the neighborhood," the petition noted. "We support changes to zoning policy through a comprehensive, considerate process — not Arrow Linen's one-off, development-rights cash grab."

Immediately, Open New York released its own petition, arguing that "Windsor Terrace and South Slope have become increasingly unaffordable in recent years, and it is imperative that we come together to ensure that housing growth keeps up with demand.

"By standing in the way of new homes, we perpetuate the displacement that is occurring in our community and make our neighborhoods less inclusive and welcoming."

New Legal Aid unit set up solely for NYCHA tenants

Residents of the city's public housing projects now have a new resource when facing problems prevalent among people of low-to-moderate incomes.

The resource is a five-member legal unit, recently established by the Legal Aid Society, to focus solely on services to NYCHA tenants.

A report by Tatyana Turner in *City Limits* said the new team will consist of three attorneys and two paralegals, who will provide service not only to traditional NYCHA residents, but to those in developments that have converted, or are in the process of converting, to either of the two alternative programs: Permanent Affordability Together (PACT) or Preservation Trust.

PACT is a program under which projects are managed by private and non-profit entities rather than by NYCHA itself; residents in PACT projects will receive Section 8 subsidies, and will continue to "have the same basic rights as they possess in the public housing program."

Preservation Trust is a relatively new NYCHA entity set up to issue bonds—that is, borrow funds—for repairs, freeing NYCHA to use its own money for repairs elsewhere. Residents in Trust projects will also keep all their previous rights.

The new legal team will help residents who, according to City Limits, are facing "loss of employment, barriers to accessing public benefits, accumulation of rent arrears, poor living conditions, and involvement with the criminal justice system."

The Mitchell Lama Residents Coalition



wishes all our members,
tenant and co-operator activists,
public officials
and all who support affordable housing



**A very happy and healthy
new year**



Affordable housing news from around the nation

National: Fannie Mae announces new workforce housing program

Fannie Mae, a federally-sponsored institution that buys mortgage loans from banks—thereby freeing up bank funds to lend additional mortgage loans—has announced a new [funding program](#) for developers who agree to preserve or create at least twenty percent of units in new multi-family buildings at lower than market rate rents.

Under the Sponsor-Dedicated Workforce Housing program, the units must be available to people earning up to 80% of the applicable metropolitan area median income.

National: New HUD policy promotes 'accessory dwelling units' [ADUs]

A new [policy](#) from the federal Department of Housing and Urban Development will theoretically generate additional affordable housing accommodations by legitimizing accessory dwelling units—granny flats, small cottages, garages, etc. attached to traditional homes, which tend to charge low rents. Under the policy, banks, for the first time, will be allowed to count the rental income from such units when considering to provide mortgage loans.

NYC pilot: In a related development, NYC's department of Housing Preservation and Development announced a [pilot program](#) to encourage homeowners to build ADUs through converting "backyard cottages, garage studios, attached in-law suites, basement apartments, and attic space" into liveable apartments. The project is funded by HPD and the state's Homes and Community Renewal.

California: First state to pass 'social housing' law

In October, California became the nation's first state to pass a social housing law, that is, a law imposing on the state the obligation to sponsor perpetually affordable housing (low- to moderate-income) under public or community, rather than private or corporate, ownership or management. In other words, housing that is permanently insulated from profit.

To start on that ambitious goal, the law authorizes a multi-year study to "identify tools to help achieve the state's goals for lower and moderate-income housing by creating social housing through both new production and pres-

ervation of existing units." The study is to be completed by 2026.

Detroit, Mich: New building houses formerly homeless vets

A building operated by a local nonprofit, Detroit Rescue Mission Ministries, has been welcoming homeless veterans who have less than stellar credit ratings, a record of eviction, or other factors that prevent them from attaining regular apartments.

The program under which the new building was developed is part of a nation-wide effort to deal with the issue. As a result of the program, according to a report in [Next City's Back Yard](#), the number of homeless veterans in Detroit "dropped from 348 in 2017 to 119 as of September [2023], representing about a 70% decline, according to an analysis by Community Solutions."

Los Angeles: Owners challenge new eviction protection law

Owners of apartment buildings in the city and county are challenging regulations that limit evictions for rent arrears, and offer financial assistance to residents in need.

Under the evictions rule, tenants will have to be in arrears with a higher amount than previously before being subject to a "just cause" eviction procedure. The previous amount was one dollar; the new amount is "one month of the fair-market rate as set by the United States Department of Housing and Urban Development," as reported in [Court-house News Service](#).

In their legal challenge, the apartment owners argue that the local law conflicts with state law, which holds that owners "may serve three-day notice to pay rent or leave 'at any time within one year after the rent becomes due' — no matter how much is actually due."

Washington, DC: Affordable units offered by Howard University

Representatives of Howard University in the nation's capitol celebrated the renovation of an old brick building on campus in December, offering affordable units for families earning at or below 60 percent of the median family income for the area, or \$85,400 for a family of four. [The Washington Post](#) reported that the renovation was funded by a \$31.3 million low-interest loan from a unit owned by Amazon.

Local Housing Briefs

New residential construction in NYC to decline by nearly a third this year

New residential construction in the city is expected to drop from an estimated thirty thousand buildings to an estimated 11,300, according to a new [report](#) from the New York Building Congress. The report attributes the decline to the phasing out of the 421-a tax credit in 2022. That credit, like the J-51 credit applied to renovations, had become an issue of intense dispute, with critics arguing that it served mainly to promote market-based, rather than affordable housing.

63,000 apply to Bronx Point lottery offering 542 affordable units

The starting phase of Bronx Point, a massive proposed development around the Universal Hip Hop Museum (Hip Hop/Rap originated more than fifty years ago in an M-L building), was celebrated in October with the unveiling of a 542-unit affordable development.

A report in [The City](#) noted that developers had received over 63,000 applications for the units offered through the NYC housing lottery. Eighty-two units have been reserved for the formerly homeless. The building will contain retail spaces and an early child care center.

New free resource available for co-op and condo boards

A new free guidebook for Mitchell-Lama and other cooperative and condominium boards has been made available by Brick Underground and The Folsom Group.

The kit provides examples of appropriate house rules, policies concerning pets, codes of ethics, meeting agendas, minutes templates, proxy voting forms, and questions to ask when switching vendors. Free copies can be requested at Brick Underground's [website](#).

Worst of the 'worst' landlords fined over \$4 million for violations

The man who topped the Public Advocate's "Worst Landlords" list last year was fined nearly \$4.2 million for massive housing code violations and for illegally removing tenants from rent-regulated Manhattan apartments so that he could charge hotel prices. Inspectors found wall fungus, collapsing ceilings and non-working locks on doors in apartments owned by Daniel Ohebshalom, as reported in [The Gothamist](#).

Mushrooming older population in US faces crisis of housing & service affordability

As the older population in the United States continues to soar—up 34 percent in the last decade, now totaling around 58 million—affordable housing and services for them are increasingly unattainable. The following is taken from a release by the [Harvard Joint Center for Housing Studies](#), perhaps the most authoritative source on all aspects of housing in the country.

Older adults, whose incomes are often fixed or declining, increasingly face the twin challenges of securing affordable housing and the services they need to remain in the home of their choice. In 2021, an all-time high of nearly 11.2 million older adults were cost burdened, meaning they spent more than 30 percent of their income on housing.

Cost burdens severe for those most in need

Cost burdens are particularly high for renters, homeowners with mortgages, and households whose members' ages are eighty and over. Accessible housing is also in short supply; fewer than four percent of US homes offered the three key features of accessible housing—single-floor living, no-step entries, and wide hallways and doorways—at last measure.

The costs of long-term care (LTC) services are also high, averaging over \$100 per day nationwide.

The majority of older adults will need these services. Yet those with very low incomes, who are most likely to require them, have the fewest resources to pay for them. When LTC services are added to housing costs, only fourteen percent of single people seventy-five and over can afford a daily visit from a paid caregiver, and just thirteen percent can afford to move to assisted living.

Government-funded rental assistance provides crucial support to older adults with very low incomes, but demand dramatically outstrips supply, and with homelessness on the rise among this population, assistance is more important than ever.

Those with slightly higher incomes also struggle to qualify for as-

sistance; twenty-nine percent of people living alone who are 75 and over have incomes above fifty percent of area median income, but cannot afford the cost of assisted living. Just eight percent of this group can afford a daily visit from a home health aide.

Black homeowners have lowest housing equity

While some older adults have home equity that can be tapped to pay for care or services, many do not. Older renters have only two percent of the net wealth of older homeowners and there are steep inequalities among owners as well; older Black homeowners have the lowest housing equity at \$123,000, compared to \$251,000 for older white homeowners, \$200,000 for older Hispanic owners, and \$270,000 for older owners who are Asian, multiracial, or another race.

Between 1989 and 2022, the share of homeowners 65 to 79 with a mortgage increased from 24 to 41 percent and the median mortgage debt shot up over 400 percent, from \$21,000 in 1989 to \$110,000.

Climate change contributes to affordability crisis

Some states long favored by older adults because of their warmer weather are increasingly experiencing extreme heat and harsh storms. Beyond health risks, property damage is a rising concern, particularly for the increasing number of older people without insurance. Severe storms in Florida caused \$228 billion in property damage from February 2020 through April 2023, a state that is home to 8.3 percent of the nation's older population.

As the US population ages, more older adults will struggle to afford either the home of their choice or the care they need. With subsidies for housing and LTC services scarce, many older adults will have to forgo needed care or rely on family and friends for assistance. More funding would be a start, but there is tremendous need for creative alternatives to existing models of care and housing to better support the country's rapidly aging population.

US Supreme Court douses landlords' effort to undermine New York's tenant protections

(Continued from page 1)

with a rent that reached a certain level (\$2,775 a month) shed all regulations. In addition, it:

- Eliminates the vacancy bonus, which allowed owners to up the rent twenty percent for a newly vacant apartment that had not earlier reached the higher rent level;
- Prohibits owners from charging for repairs in perpetuity, that is, even after the cost of the repairs had been paid by the tenants;
- Prohibits owners who have offered tenants a "preferential rent" below the legal regulated rent from raising the rent to the full legal rent upon lease renewal;
- Prevents landlords from charging more than one month's rent as a security deposit;
- Requires owners to wait for at least five days before charging a tenant a late fee; and limits the fee itself to either \$50 or five percent of the monthly rent, whichever is less;
- Imposes numerous protections for tenants before and during an eviction process.

Massive tower proposed for IPN, a former M-L rental

(Continued from page 1)

Others questioned the construction quality of any new tower, noting that existing apartment renovations by Stellar have proven shoddy, with plumbing backed up, thin walls allowing tenants in one unit to hear tenants in adjoining units, unresponsive management, and the like.

Councilman Christopher Marte, who represents the district, addressed the audience at both meetings, announcing his opposition (to wide applause), often explaining some of the technical issues, such as various zoning applications and municipal agency involvement.

A key issue regarding the proposal is whether the project constitutes a "major" or "minor" revision of the existing zoning category of IPN. If it is considered major, the project would have to go through a review process (ULURP, or Uniform Land Use Review Procedure), a long process involving various city agencies, especially the City Planning Commission. If minor, a much less involved procedure would be entailed.

At the CB1 meeting, both members of the board and the public often expressed astonishment that the proposed project could be considered anything but "major."