

# MITCHELL-LAMA RESIDENTS COALITION

Vol. 12, Issue 1  
March 2007

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

## Lobbying Effectively for Affordable Housing: MLRC's Tenants' Lobby Plan

The Mitchell-Lama Residents Coalition is please to initiate: "Tenants Lobbying in the Neighborhoods." This is our second year embarking on focusing our attention with personal contact as a housing organization, reaching out in our neighborhoods to our state, city, and federal legislative leaders.

We need tenant activists who participated in our past annual "Tenants Lobbying in the Neighborhoods" and additional Mitchell-Lama community members to join with us in visiting their representatives now and throughout the year. The middle of March until the middle of April 2007 is our designated month for lobbying.

We will have a few planning meetings for our LEGISLATIVE CAPTAINS: they will serve as the co-ordinators of their local development/neighborhood.

Sign up as a Legislative Captain and/or Paricipant; this began at our January 28, 2007 General Membership Meeting.

MLRC will have a legislative agenda, paper work, and additional items available for this campaign.

**Looking forward to your input and participation.**

More information on page 6

**May  
Starrett City's  
Success  
Spread!**

**Support  
MLRC  
Join  
Today!**  
Use Coupon on Page 2

## GENERAL MEMBERSHIP MEETING SATURDAY, March 24, 2007

**Time: 10:00 a.m. - 12:00 p.m.**  
(Refreshments at 10:00 a.m.)

**PLACE:** Goddard Riverside Community Room  
593 Columbus Ave. (Eastside of Columbus Ave.  
88-89th St.)

**TRAINS:** No. 1 train to 86th St., **BUSES:** M86 crosstown (or) M7, M11 to 88th Street

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



**NOMINATIONS COMMITTEE**

Lee Chong, Sonja Maxwell, Alice Mitchell

IF YOU ARE INTERESTED IN SERVING ON THE **EXECUTIVE BOARD** (2007-2009) OF MLRC OR KNOW SOMEONE YOU WOULD LIKE TO NOMINATE, PLEASE PROVIDE THE FOLLOWING INFORMATION:

NAME: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

DEVELOPMENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

PLEASE RETURN COMPLETED FORM TO: MLRC, POB 20414, Park West Finance Station, New York, NY 10025 or email to Lee Chong at Lychong@verizon.net

Elections will take place at the March 24th General Membership Meeting

**American Institute of Parliamentarians  
Meeting  
March 23 and May 25, 2007  
State Office Building  
West 125th Street 8th Floor Room 803  
6 pm to 8 pm  
Free**

**JOIN THE MITCHELL-LAMA RESIDENTS COALITION**

**INDIVIDUAL \$10.00 per year DEVELOPMENT 15 cents per apt.**

**(\$25 Minimum; \$100 Maximum)**

**2007**

Name \_\_\_\_\_

Address \_\_\_\_\_ Apt. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Evening Phone \_\_\_\_\_ Day Phone \_\_\_\_\_

Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Development \_\_\_\_\_ Check: Renewal \_\_\_ New Member \_\_\_

Mail to: MLRC, P.O. Box 20414, Park West Finance Station, N.Y., N.Y. 10025

MLRC fights for you and your right to affordable housing!

**UPCOMING EVENTS**

**GENERAL MEMBERSHIP Meeting**

**Saturday, March 24, 2007**  
10:00 a.m. - Noon  
**Goddard Riverside Community Room**  
**593 Columbus Avenue**  
**NYC**

**\*EXECUTIVE BOARD Meetings (Saturdays)**

March 10, 2007  
**“Kickoff for Lobby Days”**  
10:00 a.m. - Noon

April 14, 2007  
10:00 a.m. - Noon

**“Tenants Lobbying in the Neighborhoods”**  
Beginning March 10, 2007 to  
April 14, 2007

\*Executive Board Meetings are held at RNA House, 150-160 West 96th Street (between Columbus and Amsterdam).  
All dates are subject to revision. Please call the voice mail to confirm (212) 465-2619.

**Mitchell-Lama Residents Coalition, Inc.**

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Jackie Peters

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MLRC, P.O. Box 20414,  
Park West Finance Station, New York, NY 10025  
Voice Mail: (212) 465-2619

# Enhanced Vouchers

Enhanced vouchers are becoming an increasing problem for tenants in former Mitchell-Lama buildings. There are a number of reasons for this and there are steps that tenants can take to protect themselves.

It is important that tenants understand the enhanced voucher program. Congress created the enhanced voucher program to protect tenants living in federally subsidized buildings that left the federal subsidy program. Tenants in Mitchell-Lama buildings with a 236 mortgage may be eligible for enhanced vouchers. To be eligible, a family's income must be below 95% of area median income. Once a tenant has a voucher, her rent will be set at 30% of her family's income or the last Mitchell-Lama rent, whichever is higher. If a family's income decreases by 15%, the family's rent must be adjusted.

Tenants found eligible for enhanced vouchers have the right to remain in their apartment, as long as the apartment is the right size for their family size. In practice, this rule most often affects older residents whose families have grown up and left their homes. Landlords should allow tenants to transfer to an apartment that is the right size; however, often landlords prefer to rent apartments to "premium" tenants. Tenants with an enhanced voucher living in an apartment that is too large for their family size may stay in their apartment as long as they are able to pay an additional charge to remain.

Tenants living in Mitchell-Lama apartments are familiar with the requirements of living in an apartment subsidized by the federal government, but once they have a voucher, there are additional obstacles to keeping it. In New York City, there are three agencies that administer the voucher program, New York City Housing Authority (NYCHA), New York City Department of Housing Preservation and Development (HPD) and New York State Division of Housing and Community Renewal (DHCR). Tenants with vouchers must recertify their family composition and income to NYCHA, HPD or DHCR instead of reporting changes to management. One common mistake that tenants make is to continue to report changes in family income and composition to management.

Another problem that tenants encounter is that these agencies do not respond to phone calls and lose documents given to them. It is important that anything sent to the agencies is sent by certified mail with return receipt requested and that tenants keep copies of all documents sent. Further, tenants must take any letter sent to them very seriously. It is not unusual for an agency to terminate a tenant's voucher in error. Tenants have the right to an informal hearing prior to the termination of their subsidy. Tenants should demand informal hearings.

Lastly, HPD, DHCR, and NYCHA must inspect tenants' apartments once a year to ensure that the apartment meets housing quality standards. Tenants must allow inspectors to see their apartments. If the conditions in the apartment do not meet the housing quality standards, the agencies will suspend payment of the subsidy portion of the rent. By law, landlords may not ask the tenants to pay this money. Unfortunately, tenants end up in court fighting landlords over the subsidy portion of the rent all the time. Do not agree to pay this money.

It has become increasingly clear that HPD and DHCR do not follow the required law while administering the voucher program. If a tenant encounters a problem, please contact your elected officials and the local legal services office. If a tenant loses the voucher, the tenant loses her right to remain in her home.  
Ellen Davidson  
Staff Attorney  
Law Reform Unit  
The Legal Aid Society

# A Chronology of Struggle

The Saratoga Housing complex was constructed and occupied in the early seventies under the aegis of Mitchell-Llama program. It was nestled just outside of New York City in Mount Vernon where it was framed by the Cross County Expressway, the Bronx River Parkway and "Metro North". Its principle owner, the Lefrak Organization marketed it as a retreat of "Total Living" - swimming pool, tennis courts, sauna and of course a doorman.

Not long after its inception, problems of all sorts began to emerge. Principally among them was the fact that the rents were extravagant by Mitchell-Llama standards as the DHCR approved monstrous increases to meet the expressed deficits reflected on the budget. One such increase amounted to approximately fifty-one percent. This rental burden on the working-class occupants was exacerbated by the fact the complex, also known as Mount Housing Co., received no form of tax abatement. That made it one of only two such rentals under Mitchell-Llama to suffer that fate, the other was also owned by the Lefrak Organization, located in Hemstead. These conditions obliged the residents of the Saratoga to pay among the highest, if not the highest per room rents under the program, statewide.

By 1982, the residents were forced to organize for a rent strike based on numerous violations and attendant hardships. The Company acquiesced to the enumerated demands of the Tenant's Association thereby averting further action.

In 1984 the Tenants Association, once more, had to galvanize its efforts to resist another effort to raise an already oppressive rental obligation. Its legal team, which involved the legendary Mitch Kass, stopped the requested increase, cold. The Company didn't receive one cent. This achievement was the first of its kind, at the time.

By 1985, the complex was once more permitted to fall into disrepair and the tenants association went into action. It organized another rent strike and the case went to court where it was settled without a trial. Here again the demands of the tenants were met, the terms of agreement included the removal of the incompetent manager and the payment of tens of thousands of dollars to the striking tenants. Incidentally, the striking tenants were sued for hundreds of millions of dollars by the company in what appeared to have been a frivolous, mean-spirited lawsuit intended to intimidate the "strikers" but which simply fell on its face.

Just two years later in 1987, the Association was compelled to strike once more due to unbearable conditions. This case went to trial where the company was found in the breach and several tens of thousands of dollars were awarded to the strikers.

Even after the trial of '97, the residents continued to be confronted with hardships of all kind in the complex but they and their association were simply too exhausted to mount another strike and all that entails.

Somewhere after 2003, however the decision was reached to prepare and to file a lawsuit in the Supreme Court of White Plains against the company. During this preparation period, the company applied to leave the Mitchell-Llama program. We have been lead to believe that dissolution took place on December 15, 2006. One lawsuit of over fifty pages and containing more than ten "causes" and involving millions of dollars is moving "full steam ahead". - Stay tuned and be supportive.

Thank you- guest writer, for further information kindly contact  
M.L.R.C.

## Mitchell-Lama Conference: Co-Sponsored by Manhattan Borough President, Scott Stringer and the Mitchell-Lama Residents Coalition

These are impressions from the back of a large, packed hall with less-than-perfect acoustics. Only a couple of the panelists from the second half of the event are mentioned.

Mitchell-Lama Residents Coalition co-chair Jackie Peters and Manhattan Borough President Scott Stringer opened the event. Stringer noted that "it's obscene that we're losing the people who built these neighborhoods," and that those in trouble include tenants in Mitchell-Lama, rent stabilization, and rent control. He called for the construction of more affordable housing.

He then introduced Congressman Charles Rangel, chairman of the House Ways and Means Committee, who pointed out that Mitchell-Lama tenants were a victim of their own success, and underscored what has to be done to change the dearth of affordable housing, particularly on the federal level. The audience obviously loved Rangel, who has stood up for affordable housing for decades.

DHCR Commissioner Deborah Van Amerongen stated strongly that preserving and building affordable housing for a diverse New York City are a priority for her, and she and Gov. Spitzer want to stem the rising tide of Mitchell-Lama buyouts.

Noting the wide variation in Mitchell-Lama issues, from an aging building infrastructure to small clusters of individual artists' apartments, to large communities like Starrett City, she stressed the three "Cs":

**Coordination** among all the agencies holding Mitchell-Lama mortgages;  
**Collaboration** among the city, state, and federal agencies supervising Mitchell-Lamas, and

**Creativity** -- audaciously maintaining the affordability of the state's assets.

In particular, she noted that the Housing Finance Administration, headed by Priscilla Almodovar, is planning \$50 million (\$25 for downstate) to help fund loans that could keep developments in Mitchell-Lama.

However, neither Commissioner Van Amerongen nor Deputy Commissioner David Cabrera was specific about any policy matters, including "unique or peculiar," which neither of them addressed. (Cabrera has been involved with DHCR staff Sheldon Melnitsky in each of the "negotiations"-under-duress about pending "unique or peculiar" applications.)

Comptroller William C. Thompson, Jr. cited a long string of figures of loss of affordable housing--- almost 1/4 of affordable housing units have been lost, another 13,000 on their way out, another 17,000 who have filed notice to leave . . . at a pace that was hard to follow but underscored the urgency of the situation. He too supported legislation for the:

\* State, to refinance mortgage and put all buildings leaving Mitchell-Lama into rent stabilization without "unique or peculiar" increases;

\* Federal government, to save existing homes (sorry - I missed the details

## Mitchell-Lama Residents' Coalition 2007 Lobby Agenda Protections, Incentives, Enforcement (P.I.E.)

Please join us in sharing this information with your elected officials. Save this page when lobbying your legislators.

**Key: Legislation and initiatives marked R pertain to rentals, marked C pertain to co-ops.**

### City

#### Protections

- Mayor – what is the status of A795 R
  - o Make sure that post-69 and pre-74 buildings are covered by rent stabilization. R
- Borough Boards – resolutions in support of repeal of Urstadt. Manhattan resolution is in place. R
- Tenant Empowerment Act (Local Law 79) R
  - o explore flexibility to use preservation funds for deals under Local Law 79
- Intros 203 & 204 – extension of 15 years in Mitchell-Lama with J-51 application R/C

#### Incentives

- Funding to preserve existing affordable housing. R/C

#### Enforcement

- Standardize New York City Department of Housing Preservation and Development and New York State Division of Housing and Community Renewal buy-out regulations to the level of best practice for tenants. Of particular concern: 1-year notice, reserve funds, legal funds. R/C

### State

#### Protections

- Governor: Moratorium on buy-out until preservation program is developed R.
- Repeal Urstadt, thereby reinstating Home Rule. R.
- Create a state right of first refusal. R
- (A795). Mayor Bloomberg's Mitchell-Lama legislation. Make sure that post-69 and pre-74 buildings are covered by rent stabilization. R Assembly Sponsor: Vito Lopez
- (A352). Prevent "unique or peculiar" rent increases from applying to buildings which move from Mitchell-Lama to Rent Stabilization. R Assembly Sponsor: Jonathan Bing
- Disabled Rent Increase Exemption. Increase income levels. R/C
- (A3372). Provides that all social security income would be excluded when calculating income for the purposes of determining SCRIE eligibility. R/C Assembly Sponsor: Jonathan Bing

#### Incentives

- Replicate the HDC loan programs through the state HFA.
- STAR. Tax parity for Mitchell-Lama co-ops. Currently, Mitchell-Lama co-ops only get 1/3 of the benefit available to other co-ops. C

#### Enforcement

- Governor: Standardize New York City Department of Housing Preservation and Development and New York Division of Housing and Community Renewal buy-out regulations to the level of best practice for tenants. R/C
  - o (A797). Requires that tenants receive notice of a buy-out, which will increase rents, 12 months before the buy-out occurs. R Assembly Sponsor: Vito Lopez
  - o Reserve funds for all Mitchell-Lamas should stay with the buildings after buy-out. R/C
  - o Require owners to contribute to legal defense fund for tenants during buy-out. R
- Legislate that the oversight agencies "shall" instead of "may" commence action to ensure enforcement of the ML regulations. R/C

Creation of new affordable housing: new initiatives needed

### Federal

#### Protections

- Create a National Housing Trust Fund for preservation and creation of affordable housing. R/C
- Conversion of RAP and Ret Supplement Programs to project-based Section 8. R
- Enhanced Vouchers – Issue enhanced vouchers at the time of pre-payment or expiration of mortgage. R
- Federal budget – We support full funding for all HUD programs in FY 08 HUD Appropriations Act. R

#### Incentives

- (HR 655). Allow local governments to acquire HUD buildings at below-market values for preservation. R
- Grant tax relief for any preservation sales or transfers. R

#### Enforcement

- (HR 44). Allows HUD to reject sales of buildings to buyers with outstanding code violations. R

## Remembering Bob

"Bob Woolis was a great friend who I will dearly miss not just for his wit and personality, but for his knowledge and activism. Thanks to the Mitchell Lama Residents Coalition, which he co-founded, thousands of New Yorkers have been able to afford to remain in the city they love so much."

U.S. Representative Charles B Rangel (NY 15)

"Bob was a great guy and close friend. He was one of the premiere tenant leaders of our time. In fact, Bob's Columbus House is the only Mitchell-Lama building that got periodic rent reductions due to his hard work. He and I worked to help tenants in many buildings and I will personally be forever grateful to Bob for supporting me in my first election to the New York State Assembly in 1976."

U.S. Representative Jerrold Nadler (NY 8)

"Bob Woolis was a great organizer, a brilliant political analyst, and a good friend. It is my fervent hope that his work will continue to inspire activists for many years to come."

State Senator Eric Schneiderman

"Bob Woolis had a brilliant mind, a heart of gold and a twinkle in his eye. As co-chair of the Mitchell-Lama Residents Coalition, he counseled thousands of tenants through the government bureaucracy. Bob patiently trained elected officials and staff on Mitchell-Lama issues. Like thousands of others, I will miss him tremendously. He was unique."

Councilmember Gale A. Brewer

## Dues-Paid Developments

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

**Individual Membership: \$10  
Development - 15 cents per apt. (\$25 minimum;  
\$100 maximum)**

Donations above the membership dues are welcome.

### These developments are 2006 and 2007 dues-paid members of the Mitchell-Lama Residents Coalition

BETHUNE TOWERS (2006 & 2007)	MICHELANGELO (2006 & 2007)
CASTLETON PARK (2006 & 2007)	NOBLE MANSION
CENTRAL PARK GARDENS (2006 & 2007)	PRATT TOWERS
CLAYTON APARTMENTS (2006 AND 2007)	PROMENADE APARTMENTS (2006 & 2007)
COALITION TO SAVE AFFORDABLE HOUSING OF CO-OP CITY	R.N.A. HOUSE (2006 & 2007)
COLUMBUS HOUSE	RIVERBEND HOUSES (2006 & 2007)
CONCERNED TENANTS OF SEA PARKS EAST (2007)	RIVER TERRACE (2006 & 2007)
CONCOURSE VILLAGE	RYERSON TOWERS
COURT PLAZA	CONCERNED TENANTS OF SEA PARK EAST
DENNIS LANE APARTMENTS	St. JAMES TOWERS
ESPLANADE GARDENS	SEA PARK EAST (2006 & 2007)
FORDHAM TOWERS (2006 & 2007)	SKYVIEW TOWERS (2006 & 2007)
JEFFERSON TOWERS	SOUTHBRIDGE TOWERS (2007)
KNICKERBOCKER PLAZA	STARRETT CITY (2007)
LAKEVIEW APARTMENTS	STRYCKERS BAY (2007)
LINCOLN AMSTERDAM HOUSE (2006 & 2007)	TIVOLI TOWERS
LINDEN PLAZA	TOWER WEST
MANHATTAN PLAZA	VILLAGE EAST TOWERS
MASARYK TOWERS (2006 & 2007)	WASHINGTON SQUARE
MEADOW MANOR (2006 & 2007)	SOUTHEAST APARTMENTS (2007)
	WESTVIEW APARTMENTS (2006 & 2007)
	WOODSTOCK TERRACE

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.

# BYLAWS of Mitchell-Lama Residents Coalition, Inc.

## Adopted and Approved by MLRC Executive Board on February 10, 2007

### ARTICLE I NAME

The name of this organization shall be the Mitchell-Lama Residents Coalition Inc., hereinafter referred to as the "Coalition."

### ARTICLE II STATEMENT OF PURPOSE

The Coalition shall work to identify, clarify and solve common concerns of current and former Mitchell-Lama residents by working with elected officials and government agencies. It shall also provide informational and educational services for current and former Mitchell-Lama residents and promote friendly, cooperative and neighborly relations among residents of current and former Mitchell-Lama housing. The priority of the Coalition shall be to work for the preservation and future expansion of Mitchell-Lama housing and the preservation and expansion of affordable housing.

### ARTICLE III VOTING PROCEDURES

#### Section 1. Voting

Except where otherwise prohibited in these By-Laws, all issues shall be decided by a simple majority of votes cast by members present.

#### Section 2. Announcement and Recording of Votes

The result and numerical tally of all votes of the Executive Board and General Membership meetings, whether by secret ballot or open vote, shall be announced by the presiding officer and so recorded in the minutes.

### ARTICLE IV MEMBERSHIP

**Section 1. Membership in the Coalition shall be open to any individual who meets the following criteria:**

#### A. A Resident Member

1. Resides in a building constructed and currently operated under the Mitchell-Lama program;
2. Subscribes to the purposes of the Coalition set forth in Article II, Section 1 of these By-Laws and declares a willingness to work within the structure of these By-Laws;
3. Pays annual membership dues as recommended by the Executive Board and approved by the general membership;
4. Completes and submits a signed, dated membership application.

#### B. A Non-Resident Member

1. Resides in a building this is not now and was nor formerly operated under the Mitchell-Lama program;
2. Subscribes to the purposes of the Coalition set forth in Article II, Section 1 of these By-Laws and declares a willingness to work within the structure of these By-Laws;
3. Pays annual membership dues as recommended by the Executive Board and approved by the general membership;
4. Completes and submits a signed, dated membership application.

#### C. A Former Resident Member (Amendment passed at the June 2004 General Membership meeting)

1. Resides in a building formerly operated under the Mitchell-Lama program;
- 2.

Subscribes to the purposes of the Coalition set forth in Article II, Section 1 of these By-Laws and declares a willingness to work within the structure of these By-Laws;

3. Pays annual membership dues as recommended by the Executive Board and approved by the general membership;
4. Completes and submits a signed, dated membership application.

#### Section 2. Standing

A member is in good standing and is entitled to all benefits thereof, so long as the member participates in two Coalition activities per year.

### ARTICLE V GENERAL MEMBERSHIP MEETINGS

#### Section 1. Meetings

The organization shall have a membership meeting not less than four times each calendar year and the meetings will be open to the public.

The Executive Board shall set the date, place and time of each meeting, or a meeting may be set by a written petition to the Executive Board signed by 5% of the Coalition members in good standing. Petitioned meetings must be convened not less than fourteen days following receipt of such petition.

The spring meeting will be called the Annual General Membership Meeting.

#### Section 2. Notice of Meetings

The Executive Board shall provide notice of the date, time and place of all meetings to each member in good standing, not less than 10 days before the meeting. Notice of special meetings must indicate the purpose for which they are called and the person or persons calling the meeting.

#### Section 3. Quorum and Voting

At all membership meetings, 10% of paid members will constitute a quorum. Each eligible member is entitled to one vote. A new member is eligible to vote if his/her membership has been in force at least 60 days prior to the vote. There will be no proxy voting. A vote by unanimous consent will be accepted.

#### Section 4. Organization

If present, a co-chairperson of the Coalition shall preside at all meetings. In the absence of a co-chairperson, one of the officers shall preside. In the absence of the Recording Secretary, the presiding officer may appoint any officer or member to act as Secretary of the meeting.

### ARTICLE VI EXECUTIVE BOARD

#### Section 1. Authority and Powers

The Executive Board has the following authority and powers

- a. Between General Membership meetings, to make policy of the Coalition consistent with existing overall purposes and policies;
- b. To implement the purposes and policies of the Coalition;

- c. To create special committees, appoint chairpersons and dissolve such committees, if necessary;
- d. To monitor the fiscal affairs of the Coalition;
- e. To take such other actions as are provided in these By-Laws;
- f. To implement decisions of the general membership.

All meetings of the Executive Board are open to all members of the Coalition.

#### Section 2. Composition

The Executive Board is comprised of no less than 15 members and no more than 30 members.

#### Section 3. Terms of Office

Executive Board members shall serve for a term of two years. The terms of office for members of the Executive Board will be staggered.

#### Section 4. Nominations

The Executive Board shall appoint a Nominating Committee that is authorized to conduct the annual Executive Board elections. A nominee for the Executive Board must be a Coalition member in good standing and give his/her written or oral acceptance of the nomination. Nominations for the Executive Board will be accepted from the floor on the day of the elections.

#### Section 5. Elections

- a. Notification: The Nominating Committee will announce the nominees and the election process to all members not less than one month prior to the Annual General Membership Meeting.

- b. Elections and Board Members: The Executive Board will be elected at the Annual General Membership meeting by a majority of the votes cast. All members in good standing may vote in the election of the Executive Board.

#### Section 6. Vacancies

Vacancies on the Executive Board may be filled by a majority vote of the current board members. The elected board member shall complete the term of the office vacated.

#### Section 7. Resignations

A valid resignation must be in writing and delivered to a Co-Chairperson or a Secretary of the Board.

#### Section 8. Removal

A board member may be removed for cause, by a majority vote of the Executive Board. A board member who misses three consecutive meetings *without providing a valid excuse* shall be automatically removed from the Board, but may be reinstated by a majority vote of the Executive Board.

#### Section 9. Meetings

- a. The Executive Board shall meet not less than eight times each year. A special meeting of the Executive Board may be called at any time by a Chairperson and three board members, or by eight board members. The annual meeting of the Executive Board will be held immediately following the Annual General Membership Meeting.
- b. Absences – A board member must notify the Corresponding Secretary or other officer of an anticipated absence three days prior or subsequent to a scheduled meeting.

#### Section 10. Date, Notice of Meetings

The Executive Board shall communicate notice of the time and place of Executive Board meetings, together with a written agenda the corresponding secretary to each board member at least 10 days prior to the date on which the meeting is to be held. Notice of special meetings requiring prompt action must be sent no less than 48 hours before the date and time of such meeting.

#### Section 11. Quorum and Voting

Fifty-one percent of the Executive Board membership constitutes a quorum for the transaction of all business. There is no proxy voting.

### ARTICLE VII OFFICERS

#### Section 1. Number

The officers of the Coalition consist of up to three Co-Chairpersons, one Corresponding Secretary, one Recording Secretary, one Financial Secretary, and one Treasurer. An officer may not hold more than one position simultaneously.

#### Section 2. Election and Term of Office

The officers of the Coalition are elected by secret ballot at the first Executive Board Meeting after the election for a term of two years.

#### Section 3. Recall

A petition of recall against an officer must set forth the cause and be signed by not less than 20% of Executive Board members in good standing. A recall hearing will take place at a meeting designated for that purpose. The hearing must commence not later than 45 calendar days following presentation of such petition to a co-chair, or if a co-chair is the subject of such petition, to another officer. Upon receipt of a recall petition the Executive Board shall elect a recall committee consisting of two officers and three Executive Board members. The Recall Committee must notify all affected parties at least 20 calendar days prior to the date of the hearing. The recall hearing will include properly notified witnesses and written documentation both in support of and in opposition to the recall petition. The recall hearing will be an *in camera* hearing.

The recall committee must submit their findings and recommendation to the Executive

Board members within 15 calendar days after the hearing ends. Upon presentation of the Recall Committee's findings of facts and recommendations, implementation requires a two-thirds vote of the Executive Board by secret ballot.

#### Section 4. Vacancies

## DOES RENT STABILIZATION GUARANTEE AFFORDABLE RENTS?

By Robert Woolis, Co-Chair and founder, with Congressman Charles Rangel, of the Mitchell-Lama Residents Coalition (reprinted from January 2006 newsletter)

Landlords of Mitchell-Lama housing are buying out of the Mitchell-Lama program in bulk, with more to come. If a development was occupied prior to 1974, it will fall under the supervision of DHCR. Developments occupied after 1973 will simply revert to the vagaries of an open market that guarantees bad times for residents. Pre-1974 housing will have rents regulated by the percentage increases announced annually by the Rent Stabilization Commission. This article will detail the percentages since 1991, draw an average, and then project this average into the next fifteen years. Major capital increases will not be included, although we know that the effect on rents is substantial.

History of annual percentage increases: 1991/6.5; 1992/6.5; 1993/5.0; 1994/5.0; 1995/4.0; 1996/4.0; 1997/4.0; 1998/4.0; 1999/4.0; 2000/4.0; 2001/6.0; 2002/6.0; 2003/7.5; 2004/7.5; 2005/5.0 to a total of 79.5 and an average of 4.5. Reviewing the above, it would seem that using a going-forward percent of 4.5 errs in not taking into account the higher percentages of the last four years. However, the 4.5 percent will be used to project the effect on rents for the next fifteen years.

Year 1,	104.5																	
Year 2,		109.2																
Year 3,			114.1															
Year 4,				119.3														
Year 5,					124.6													
Year 6,						130.2												
Year 7,							136.1											
Year 8,								142.2										
Year 9,									148.6									
Year 10,										155.3								
Year 11,											162.2							
Year 12,												169.5						
Year 13,													177.1					
Year 14,														185.1				
Year 15,															193.4			

Accumulated rent increases after 5 years are 24.6%, after 10 years 55.3%, and after 15 years 93.4%. Keep in mind that the going-forward 4.5% was conservative and not included is the accumulated Major Capital improvement increase. This latter increase will staggeringly increase rents. The profits landlords accrue are far in excess of any profits to be made in the "market." So much for those who own for a living. It is now understandable why so few buyouts have been converted to coops or condos.

**Note:** The Rent Stabilization Commission issues annual rent increase percentage figures. To someone looking at any one year in isolation, the figures appear innocent. The cumulative effect of these figures, however, would substantially impact affordable housing in New York City. The Met Council on Housing deserves our gratitude and kudos for battling the annual rent increases applied to developments leaving the Mitchell-Lama program and to the other New York City housing programs supervised by the Rent Stabilization Commission.

### Continued From Page 3: ML Conference

here)

\* City, to work with financial programs and unions to produce more Mitchell-Lamas, and to establish a new Mitchell-Lama program.

In a spirited speech, Rita Popper of the PIE Coalition talked about:

\* **Protection** for tenants in buildings that are leaving or have left Mitchell-Lama. She noted that those in post-1973 buildings are at the mercy of their landlords since they go directly to market rate. Those in pre-1974 buildings go into rent stabilization but need protection from "unique or peculiar" increases that could raise their initial rent stabilized rents to market rate.

She pointed out that we need a repeal of vacancy decontrol in order to preserve the city's stock of affordable housing. Further, we need a repeal of the Urstadt Law, the law that took control over rent regulation and evictions away from the city and gave it to upstate New York Senators who are not accountable to New York City tenants.

Pulling no punches, she noted that while the Mayor talks about preservation, "Who is he kidding?!" Moderate-income New Yorkers still have no place to move to.

\* **Incentives** - keeping Mitchell-Lama owners in the program may cost money, but it will be less expensive than building all new developments.

\* **Enforcement** - the supervising and mortgage agencies should not permit landlords to buy out where there are violations of the law, of regulations, and of individual agreements. Landlords should not be rewarded for simply hanging onto their buildings.

Council Speaker Chris Quinn spoke about working with what she termed a cooperative City Department of Housing Preservation and Development. She noted two bills, Intro 203 and 204, on keeping buildings affordable if they get J-51 tax breaks, and other bills that would penalize landlords harassing tenants, or whose buildings are full of violations.

Council Member Gale Brewer spoke to great acclaim about keeping buildings livable, and getting new laws passed to do so. (She spoke at the end, and I was distracted by other conversations -- but I'd be glad to post more specifics once I get them.)

Dr. Ingrid Gould Ellen, co-director of the Furman Center at NYU, moderated the final portion of the program. A panel of elected officials and agency heads, including Assemblymember Jonathan Bing; Assemblymember Vito Lopez; HPD First Deputy Commissioner John Warren; DHCR Deputy Commissioner for Housing Operations David Cabrera; HFA Vice President for Housing Policy Coordination Francine Kellman; HDC Senior Vice President and Chief Counsel Richard Froehlich; and HUD NY/NJ Regional Director Sean Moss, discussed preserving Mitchell-Lama and providing incentives for remaining in the program. Assemblymember Lopez said he would work with Assemblymember Bing to

introduce legislation that would require that affordable housing remain as such for 50 years or permanently. Ms. Kellman mentioned that HFA was exploring a second mortgage loan fund program similar to that at HDC.

In the panel discussion that followed, Assemblymember Vito Lopez noted that he has no interest in passing one-house bills, and suggested that tenants pressure the Republicans (the majority party in the state Senate) to enact bills like A.795. He noted that while A.795 protects Mitchell-Lamas built from 1974 on, he may add it to protect buildings taken out of the federal Section 8 program. He did not promise to protect pre-1974's from the same "unique or peculiar circumstances" from which the bill protects later buildings.

Housing Committee Chair Lopez introduced Assemblymember Jonathan Bing, head of the Mitchell-Lama subcommittee and author of a bill to stop "unique or peculiar" increases for the pre-1974 Mitchell-Lamas. Assemblymember Bing told a group of tenant leaders in the pre-1974 group later that he would support a bill that would put all Mitchell-Lamas into rent stabilization upon leaving the program, and protect them all from "unique or peculiar circumstances".

A panel of Mitchell-Lama residents including Louise Sanchez, Rita Popper, Joan Meyler, Eleanor Bailey, and JoAnn Lawson, joined the panel of elected officials and agency representatives on the stage. Resident panelists asked follow-up questions and questions were submitted by the audience. Ms. Meyler suggested that a windfall tax be imposed on coops that leave Mitchell-Lama, while Ms. Sanchez encouraged greater agency accountability. Councilmember Gale Brewer closed that conference with an appeal for keeping New York livable for all New Yorkers.

One tenant panelist noted that when buildings leave the Mitchell-Lama program, the owners often reap a windfall profit (particularly in Co-ops). She urged -- to great audience enthusiasm -- that there be a stiff tax on these windfall profits to deter privatization. This position was obviously supported by the many tenants present who wore "No to Privatization" buttons.

The turnout was spectacular, and virtually every speaker mentioned ending "unique or peculiar" increases. Let's hope that the large numbers, if nothing else, impressed our new DHCR Commissioner.

Reported by Sue Sussman and other Mitchell-Lama Residents

# Continued From Page 5: ByLaws

In case of any vacancy, a successor to fill the unexpired portion of the term may be elected by the Executive Board.

### Section 5. Co-Chairpersons, Powers and Duties

The Co-Chairs shall each:

- a. Act as the Chief Executive and "Spokesperson" of the Coalition;
- b. Preside at all meetings of the Executive Board and General Membership;
- c. With another officer, be empowered to sign all contracts authorized by the Executive Board;
- d. Serve as an Ex-Officio member of all committees;
- e. Appoint a convener for each committee;
- f. Perform all other duties incidental to the office.

### Section 6. Treasurer, Powers and Duties

The Treasurer shall:

- a. Be the chief fiscal officer of the Coalition;
- b. Have the care and custody of all the funds and securities of the Coalition;
- c. Deposit said funds in the name of the Coalition in such bank or trust company or several of them as the Executive Board may designate;
- d. As duly authorized by the Executive Board, sign and execute all contracts in the name of the Coalition, when countersigned by a Co-Chair;
- e. Maintain books and records of account of all income and expenditures of the Coalition;
- f. At all reasonable times, exhibit such books and records of account to any member of the Executive Board, any duly authorized representative or a member in good standing;
- g. In advance of the beginning of each fiscal year, prepare a draft budget for submission to the Executive Board;
- h. At the end of each fiscal year, present an annual report of the income and expenditures of the past year and the financial condition of the Coalition.
- i. Be accountable for creation of financial systems, subject to the approval of the Executive Board;
- j. At each regularly scheduled Executive Board meeting, prepare a written report detailing expenditures and income.

### Section 7. Recording Secretary, Powers and Duties

The Recording Secretary shall:

- a. Take, maintain and distribute the minutes of the meetings of the Executive Board and the general membership;
- b. Record and maintain the official attendance of Executive Board members at all meetings;
- c. Maintain the official list of Board members' home and e-mail addresses and telephone numbers.

### Section 8. Corresponding Secretary, Powers and Duties

The Corresponding Secretary shall:

- a. Attend to such correspondence as may arise from the business of the Coalition;
- b. Have custody of the seal of the Coalition (if any), and affix and attest the seal to documents when duly authorized by the Executive Board;
- c. Attend to the receiving, giving and serving of all notices of the Coalition;
- d. Have charge of such books, papers and other records of the Coalition, as the Executive Board may direct.

### Section 9. Financial Secretary, Powers and Duties

The Financial Secretary shall:

- a. Be responsible for maintaining dues collection and billing;
- b. Assist the Treasurer at the beginning of each fiscal year to prepare a draft budget for submission to the Executive Board;
- c. Assist the Treasurer in preparing an annual report of the income and expenditures of the year past, the financial condition of the Coalition and a quarterly report of income and expenses of the Coalition;
- d. Assist the Treasurer in the execution of his/her responsibilities.

## ARTICLE VIII COMMITTEES

### Section 1. Standing Committees

- a. A member of the Coalition in good standing may join any committee.
- b. All actions by committees must be approved by the Executive Board before implementation. Standing committees of the Coalition shall be:

- Fund Raising
- Public Relations/Newsletter
- Membership and Outreach
- Legislative Lobbying

Chairs of standing committees will be designated by each committee.

### Section 2. Ad-Hoc Committees

The Executive Board may create additional committees as needed. The Chairperson of such a committee may be appointed by the Executive Board or elected by members of the newly created committee. Non-Coalition members may participate in committees with approval of the Executive Board.

## ARTICLE IX OFFICIAL DOCUMENTS AND RECORDS

All original copies of official documents and records of the Coalition shall be placed in a locked fire-proof container in a secured location. Those documents shall include but not be limited to articles of incorporation, bylaws, annual financial reports, official minutes of General Membership and Executive Board meetings, check books, bank statements and all other documents consistent with prudent fiscal policies.

## ARTICLE X FISCAL YEAR AND DUES

### Section 1. Fiscal Year

The fiscal year of the Coalition shall be the calendar year January 1 through December 31.

### Section 2. Annual Dues

The annual membership dues shall be determined by the Executive Board and presented at the General Membership meeting for adoption.

## ARTICLE XI INDEMNIFICATION

The Coalition may, to the fullest extent now or hereafter permitted by law, indemnify any person made, or threatened to be made, a party to any action or proceeding by reason of the fact that such person, his or her testator or intestate, was an executive board member, officer, employee or agent of the Coalition, against judgments, fines, amounts paid in settlement and reasonable expenses, including attorneys' fees.

## ARTICLE XII AMENDMENTS

Members in good standing at any General Membership or Executive Board meeting may propose amendments to these by-laws. Amendments shall be ratified upon a 2/3 vote cast by members in good standing present at a General Membership meeting. Notice of the proposed amendment must be published thirty days prior to the meeting at which it is to be introduced. Any amendments made and voted in to these by-laws become effective immediately upon termination of the meeting at which they are adopted.

## ARTICLE XIII PARLIAMENTARY PROCEDURES

### Section 1. Rules of Order

All meetings of the Coalition shall be governed by Robert's Rules of Order.

### Section 2. Parliamentarian

At every Executive Board and General Membership meeting, the presiding officer may appoint a Parliamentarian.

Continued from Page 1: "Tenants Lobbying in the Neighborhoods"

## MITCHELL-LAMA RESIDENTS COALITION

### "TENANT LOBBY DAYS IN THE NEIGHBORHOOD"

# Lobby with your neighbors-communicate with your legislators!

## March 10 to April 14<sup>th</sup>

### Legislative Captains will contact you. Call for more information (212) 465-2619

Development\_\_\_\_\_

City Councilman \_\_\_\_\_

State Assemblyman \_\_\_\_\_

State Senator \_\_\_\_\_

U.S. Congressman \_\_\_\_\_

U. S. Senators \_\_\_\_\_

## MLRC – Tenants’ Associations’ Support System

Three years ago, Sharon Valentin and I decided to attend one of the Mitchell-Lama Residents’ Coalition (MLRC) Executive Board Meetings. One of our tenants, Shirley Zavín, was insisting that someone from the tenants association needed to learn more about the history and future of Mitchell-Lama as we were coming near to the 20 year mark for Opt out. We did not have a clue what “opt out” or “buy out” meant. When we attended the MLRC meetings, we were welcomed with open arms, and after a few meetings asked to become Executive Board Members. We soon realized there was a lot to learn, absorb, and that we, as an association, would be facing a serious struggle to keep our affordable housing.

The MLRC members consist of city-wide tenant leaders who lobbied and were extremely knowledgeable and active in educating themselves and others on the issue of the possible loss of affordable housing. After one year we heard many stories of buildings that have been bought out of the Mitchell-Lama Program and faced high rents, harassment, litigation, and fear of losing their homes. We were introduced to legal terminology we knew nothing about, and realized that we had to lobby with our local politicians if we wanted change and protection.

The MLRC afforded us the opportunity to be trained which allowed us to educate our tenants at Castleton Park Apartments on Staten Island about Mitchell-Lama and what was going to happen to us in the very near future. Through the MLRC we developed city-wide contacts, resources and obtained organizing assistance on protecting our rights. MLRC’s lobby activities and the MLRC’s “Lobbying in the Neighborhoods Breakfast” was an opportunity for us to document the lack of support and response by our local politicians.

As members of the MLRC Executive Board, we visited all of our local politicians to discuss the issue of the loss of affordable housing and extended invitations to them to come to the MLRC breakfast. Not one politician accepted the invitation, nor did they bother to send one of their staff members. This brought to the surface the fact that our local Staten Island politicians did not care about us, their constituents. We were outraged.

Sharon and I have become well versed on the issue of Mitchell-Lama affordable housing and the consequences of losing it thanks to MLRC. Our Tenants Association has become more organized and stronger because of the education we received from the MLRC which we are imparting to our tenants. MLRC informed us about conferences, rallies, city hall meetings and provided us with the “Buy Out” handbook created by a MLRC member, tenant activist. The contacts we established at these events gave us more names in the city of people who were willing to meet with us to discuss our complex and what we needed to do to prepare ourselves for when the time comes that our landlord opts out.

Without MLRC, we would have been lost, struggling to survive and to understand the process. As a result of everyone’s emotional, educational, political and unified support we have decided to embark onto a bigger task. Sharon and I have decided to organize not just Castleton Park Apts., but all of Staten Island tenants. The visible loss of affordable housing on Staten Island is evident with the loss of 360 low income units at Markham Gardens; the New Stapleton Waterfront Development Project which will offer market rate housing; the conversion of Castleton Park Apartments out of Mitchell-Lama housing to high market rate rentals; the building of condominiums as well as the renovation and changes in rental rates from low to high in the St. George area. To address the city-wide loss of affordable housing and the effect of this loss to Staten Island tenants, we have formed a Staten Island Tenants Coalition for Affordable Housing (SITCAH) consisting of tenant leaders dedicated to the preservation and development of Affordable Housing. Sharon and I are Co-Chairs and organizers of the newly formed

SITCAH.

We have 3 members on our Executive Board but hope to have 5 to 10 by October. We have had two planning committee meetings with other groups on SI as advisors (Housing committee members; Commission on Human Rights; SI against Bigotry; Markham Gardens Previous Tenant Leader and current NYCHA tenant; and a rent stabilized tenant. SITCAH is charged with the responsibility of raising the consciousness level of the Staten Island population regarding the need for affordable housing and educating, as well as, organizing tenants in developments who are facing the loss of affordable housing.

Our immediate priority is to develop a list of Staten Island tenant leaders, get our local Staten Island Advance newspaper interested in publishing articles on the issue of the loss of affordable housing on Staten Island and the lack of political response and interest, to become visible and vocal and rally on the housing needs and concerns of SI tenants.

SITCAH plans to represent Staten Island at City-wide meetings, rallies, and organizing events. For the past two years, Staten Island has not been mentioned, nor included at any of the city meetings or city-wide events we attended on affordable housing. It is as if we are not part of the city. We need to change this.

We have requested assistance of the Tenants and Neighbors organization, and the United Homesteading Assistance Board (UHAB) with this endeavor.

We have lobbied with Congressman Vito J. Fossella, Councilman Michael E. McMahon, Senator Diane Savino and Assemblyman John W. Lavelle. Senator Savino and Assemblyman Lavelle have shown interest and are responsive to our requests. We updated the politicians on all of Castleton Park Apartments’ legal document research and were very specific in addressing the needs of Castleton Park as well as why the issue of preserving and creating affordable housing on Staten Island as a whole is important. We expressed our extreme disappointment and embarrassment with the lack of political support for affordable housing on Staten Island. We have asked each of them for assistance with the following:

- \* Supporting the Repeal of Urstadt “Home Rule” laws
- \* Reinstating true Home Rule by passing Assemblyman Vito Lopez’ bill
- \* Supporting us in Preserving our affordable housing
- \* Improving the Quality of Life at Castleton Park
- \* Obtaining needed Castleton Park legal documents, assistance with Board of Estimate and J51 information
- \* *Urging the Castleton Park landlord to negotiate a Landlord Assistance Plan (LAP) agreement that will benefit current tenants for the duration of their tenancy at the complex*
- \* Using the influence of their offices to keep us with DHCR as the administrator of the Enhanced Voucher Program
- \* Helping us find a “Pro-Bono” attorney to assist us in applying for Non-Profit 501-C3 status

In September, there will be a city-wide rally for affordable housing organized by Community Service Society. In October, there will be an Affordable Housing Conference on Staten Island, where we have been invited to be panelists alongside the politicians. For both these events, we are listed among the sponsors.

Sharon and I wish to express our thanks and sincere appreciation for Mitchell-Lama Resident Coalition’s support and expertise on the issue of preservation and restoration of affordable housing. Our success is a direct result of your members’ dedication and commitment.

**Submitted by Judy Montanez (9/06) On behalf of  
Co-Chairpersons of Castleton Park Tenants Association &  
Co-Chairpersons of SITCAH**