



## MITCHELL-LAMA RESIDENTS COALITION

Vol. 14, Issue 3  
September 2009

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

# Victory for Stabilized Tenants with Vouchers

**L**ow-income tenants wishing to use Section 8 vouchers to pay part of their rent-stabilized rent won a victory against landlords recently, when Marcy S. Friedman, Acting Justice of New York State Supreme Court, ruled that the owners may not legally refuse to accept the vouchers.

In Tapia v. Successful Management Corp., Justice Friedman ruled that an amendment to New York City's human rights law prohibited landlords from discriminating against existing rent-stabilized tenants. The landlords, who did not want to accept the vouchers, had argued that the anti-discrimination provision of the law (Local Law 10 of the city's Administrative Code), only applied to prospective tenants, not to existing tenants. They argued further that the provision was preempted by federal and state law.

The case was actually a consolidation of two separate suits brought by tenants. In one, 28 plaintiffs cited the anti-discrimination clause of Local Law 10. In another, 19 rent-stabilized families brought a similar action, but their landlords had all received tax benefits under the J-51 program. Administered by the city's Department of Housing Preservation and Development (HPD), J-51 is technically designed "to encourage the renovation of residential properties by granting partial tax exemption and abatement benefits," according to HPD.

Justice Friedman ruled that both Local Law 10 and J-51 clearly prevented discrimination. In the first instance, she said, the refusal to accept the vouchers from existing tenants would lead to an "absurd" development: tenants could only use the vouchers if they first left their apartments, and then tried to move back in. She added that whatever additional "burden" the provision imposes on landlords is incidental to the prohibition on discrimination, and does not increase the state's rent-stabilization regulations.

Regarding the J-51 law, Friedman cited "substantial authority" holding that existing tenants in such buildings are likewise "entitled to the protections of the anti-discrimination provision...."

Attorneys for the landlords said their clients would weigh whether

to appeal. Among the defendants were 3130 Brighton 7<sup>th</sup> Avenue LLC; 231 Brightwater Court LLC; QP II 35-19 95<sup>th</sup> Street LLC; and Alco Realty I L.P.

Other defendants included Successful Management Corp; Arbern 315 Ocean Parkway LLC; and West 187<sup>th</sup> Street Properties.

## Lobby Set to Extend Rent Stabilization

**T**he Mitchell-Lama PIE Coalition (Protections for tenants, Incentives for owners, and Enforcement by supervisory agencies) and the Mitchell-Lama Residents Coalition is gearing up to lobby for S3326/A4359 to extend rent-stabilization to post-73 Mitchell-Lama developments and Project-based Section 8 developments when they are taken out of their subsidy program in the upcoming months. Want to be on a local lobbying team? We are targeting all Senators and Assembly members who have not signed on to the bill. Below are the Senators and

Assembly members who have signed on to the bill. If your representatives are NOT on this bill, please call Katie Goldstein at the New York State Tenants & Neighbors Coalition at 212-608-4320 ext. 400 or email [Kgoldstein@tandn.org](mailto:Kgoldstein@tandn.org).

**SENATORS:** Adams (D-Brooklyn), Addabbo (D-Queens), Diaz (D-Bronx), Hassell-Thompson (D-Bronx), Huntley (D-Queens), Klein (D-Bronx, Westchester), Krueger (D-Manhattan), Monserrate (D-Queens), Onorato (D-Queens), Perkins (D-Manhattan), Schneiderman (D-Manhattan), Serrano (D-Bronx, Manhattan), and Squadron (Brooklyn, Manhattan), Stavisky (D-Queens).

**ASSEMBLY MEMBERS:** Sponsor: Linda Rosenthal; Co-sponsors: Brian Kavanaugh, Linda Rosenthal, Naomi Rivera, Daniel O'Donnell, Michael Benjamin

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

### GENERAL MEMBERSHIP MEETING

SATURDAY, October 17, 2009

Time: 10:00 a.m. – 12:00 p.m.

(Refreshments at 10:00 a.m.)

PLACE: Musicians Union Local 802  
322 West 48<sup>th</sup> Street (near 8<sup>th</sup> Avenue) Ground Floor, "Club Room"

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

Topic: MLRC Lobby Updates  
Guest Speaker (to be announced)

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

## DHCR Rejects MCI Application at Columbus House

Residents at Columbus House, 95 West 95th Street, received a welcome notice from the state's Department of Housing and Community Renewal, denying an application for a sidewalk replacement that would have allowed the sponsor to raise rents.

The Witkoff Group, a large real estate investment and management company, had put in the application, known as a Major Capital Improvement request, for a \$158,000 replacement.

Residents thanked their attorneys, Himmelstein *et. al.* and David Hershey Webb, Esq.

"We won this battle," said Leslie Burns, who chairs the MLRC steering committee. "Tenants need to know, including our own here at Columbus House, the importance of having an attorney."

## Regulation on Surcharges

*Thanks to Jeanne Poindexter for this information.*

While scanning the HPD Rules recently for a neighbor's unrelated question, I passed over section 3-03 Tenant Income Limitation,\* where it states in part:

"Where a tenant/cooperator anticipates a temporary reduction in income, such as job loss, temporary illness, or other such circumstances, said tenant/cooperator must submit documentation of such temporary reduction in income to the managing agent. The managing agent shall verify the documentation submitted, and if the interim change in income is so determined, shall reduce, eliminate or defer collection of surcharges for a reasonable period of time or shall arrange for an extended payment plan."

It seems to me that this is what is being requested: the term ELIMINATE is included in the alternative actions. I don't see it as different from DHCR's "reduction and/or

removal of the surcharge" wording.

On the other hand, I think it would behoove the Cooperative United for Mitchell Lama to press HPD to make all cooperatives aware of this regulation (and probably do it ourselves for our member co-ops), to guide them regarding how to manage the down-sizing of individual cooperators' income. I have a sneaky suspicion that most board members are no more familiar with their agency's regulations than with their own by-laws and other governing documents. That, too, could use some remedying!

*\*Part (f) Interim changes in income, at subsection (2) ,3-03(f)(2)*

## UPCOMING EVENTS

### GENERAL MEMBERSHIP

**Saturday, October 17, 2009**

10:00 a.m. - Noon  
Musicians Union Local 802  
322 West 48th Street  
NYC

### EXECUTIVE BOARD Meetings\*

**2009: October 3, November 14,  
December 5,**  
**2010: January 9**

10:00 a.m. - Noon

\*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.

**Co-chairs:** Ed Rosner  
Margo Tunstall

### MLRC NEWSLETTER STAFF

**Co-Editors:** Katy Bordanaro  
Bernice Lorde  
Judy Montanez  
Margo Tunstall

**Layout:** Nathan Weber

**Advertising Manager:**  
Bernice Lorde

Circulation: 5,000

Articles, letters, and photographs are welcome. Send to MLRC, P.O. Box 20414, Park West, New York, NY 10025  
Fax (212)864-8165  
Voice Mail: (212) 465-2619

### JOIN THE MITCHELL-LAMA RESIDENTS COALITION

2009

INDIVIDUAL \$10.00 per year & DEVELOPMENT 15 cents per apartment  
(\$25 Minimum; \$100 Maximum)

**NEW RATES Effective January 1, 2010**

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

NAME \_\_\_\_\_

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

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

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

Fax \_\_\_\_\_ E-Mail \_\_\_\_\_

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

**NOTE: Checks are deposited once a month.**

**Mail to: MLRC, PO Box 20414, Park West Finance Station, N.Y., N.Y. 10025**

# MLRC Bylaws Revised

*Vote required. MLRC's Executive Board has revised the Bylaws. Please review and be prepared to vote on the following version, or to make a motion for amendments prior to a vote.*

## ARTICLE I NAME

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

## ARTICLE II STATEMENT OF PURPOSE

The MLRC shall work for the preservation and future expansion of the Mitchell-Lama housing program, as well as, all other affordable housing programs. The Coalition shall work to identify, clarify, and solve common concerns of current and former Mitchell-Lama residents by working with these residents, elected officials and government agencies to:

- a. provide informational and educational services about issues concerning current & former ML residents, housing policy and legislation;
- b. promote friendly, cooperative and neighborly relations among residents of affordable housing programs;
- c. protect the rights of affordable housing residents;
- d. review & monitor government regulations as it relates to affordable housing.
- e. address maintenance, taxation, finance, privatization, management that affects ML Co-Ops
- f. address DHCR, HPD, HDC, HUD legislation and community issues of concern to ML residents and former ML developments.

## ARTICLE III MEMBERSHIP

### SECTION 1. Membership

Members of the MLRC MUST subscribe to the purpose of the Coalition set forth in Article II of these By-Laws, declare a willingness to work within the structure of these By-Laws; pay annual membership dues, and complete and submit a signed, dated membership application.

Membership in the Coalition shall be open to any individual who meets the following criteria:

- a. Resident Member  
Resides in a building constructed and currently operated under the Mitchell-Lama program.
- b. Non-Resident Member  
Resides in a building that is not now and nor was formerly operated under the Mitchell-Lama program.
- c. Former Resident Member  
Resides in a building formerly operated under the Mitchell-Lama program.

### SECTION 2. Standing

All members MUST be in good standing. A member is in good standing if he/she has paid their current annual dues.

## ARTICLE IV FISCAL YEAR AND BUDGETARY

### REQUIREMENTS

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

### SECTION 1. Fiscal Year

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

### SECTION 2. Annual Membership And Development Dues

Membership dues will be used to cover MLRC's operating expenses. Changes in the dollar amount of dues to be paid shall be attached to the By Laws noting the date of the General Membership Meeting, the motion made and the recorded vote.

### SECTION 3. Bank Documentation & Checks

There shall be three designated officers' signatures on file with the bank. All MLRC Checks written shall require the signatures of two designated officers.

## ARTICLE V EXECUTIVE BOARD

### I. EXECUTIVE BOARD MEMBERS

Executive Board members are elected by the General Membership at a general meeting, to make policy of the Coalition consistent with existing overall purposes of the Coalition as defined in Article II of these by-laws. An Executive Board member is in good standing if he/she has paid their current dues, have no MLRC outstanding debts,(newsletter ads, raffles, etc) and have participated in two Coalition activities or committees per year.

### SECTION 1. Composition of Executive Board

The Executive Board is comprised of no less than 9 members and no more than 21 members.

### SECTION 2. The Powers of Authority of The Executive Board

- a. To elect Officers of the Board;
- b. to implement the purposes and policies of the Coalition;
- c. to create special committees, appoint Co-Chairs for these committees and dissolve such committees, as deemed necessary;
- d. to monitor the fiscal affairs of the Coalition
- e. to take such other actions as provided in these by-laws;
- f. to implement decisions of the general membership;
- g. to appoint an Election Committee that is authorized to conduct the annual Executive Board elections
- h. to call special meetings when necessary.

### II. EXECUTIVE BOARD OFFICERS

The officers of the Coalition are elected by secret ballot at the first Executive Board Meeting that is held after the General Membership Election meeting. An officer may NOT hold more than one office. In order to become an officer, a person must serve one year on Executive Board.

### SECTION 1. Composition of Officers

The Officers of the Coalition is comprised of three Co-Chairs, a Recording Secretary, Corresponding Secretary, Treasurer and Financial Secretary, (seven Officers). All officers MUST be Executive Board members in good standing.

### SECTION 2. The Powers of Authority of The Officers

The officers shall meet a minimum of eight (8) times per year.

#### SECTION 2.1 Powers And Duties of Co-Chairs

The Co-Chairs shall confer with each other on all items in this section.

- a. act as the Chief Executive and "Spokesperson" of the Coalition;
- b. shall preside at all MLRC meetings and prepare agendas;
- 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 all committees;
- f. define goals, and make decisions, ensuring that members are involved;
- g. be responsible for the coordination of day to day tasks needed to run the Coalition;
- h. ensure that all meetings are conducted in an orderly, informative and efficient manner consistent with Robert Rules of Order;
- i. perform all other duties incidental to the office;
- j. with Treasurer, jointly sign and approve all MLRC expenditures and checks as approved by Executive Board;

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## DHCR to Rule on IPN Tenants J-51 Case

Tenants at Independence Plaza North (IPN) hope to see their rents reduced by the state's Department of Housing and Community Renewal (DHCR) within the next few months, when the agency is expected to rule on a case referred by the state's Supreme Court Judge, Marcy S. Friedman.

The case, similar to that involving tenants at Stuyvesant Town and Peter Cooper Village, was initially a lawsuit brought by the tenants against the landlord, Lawrence Gluck. As in the other case, Gluck, who had taken IPN out of the Mitchell-Lama program in 2004, had been receiving a tax abatement under the J-51 program. But instead of placing the rents under Rent Stabilization, as required by J-51, he simply began to charge market rents. (Although he was unable to place all apartments onto the unregulated market because of an agreement he signed with the tenants after a fierce four-year battle, some tenants fled the complex in fear. Others, of lower income, received federal rent vouchers, which helps to pay their market-rate rents.) Gluck never even informed the tenants of his participation in J-51, as required.

If DHCR establishes that all the apartments are to be under Stabilization, all categories of tenants are likely to benefit. This is espe-

cially true for those who filed a rent overcharge complaint last year. For example, tenants now paying rents similar to those under Rent Stabilization (a result of the agreement), may have their rents rolled back to 2004. Likewise, voucher tenants will be allowed to continue using their vouchers to pay their new stabilized rents; they will still pay no more than 30 percent of their income, but our government will save money, because the rent on the apartments will be reduced. And current free market tenants may see their rents reduced to Stabilization levels as well. Finally, tenants who use the building's parking garage should also see the parking fee reduced.

To be sure, no one can predict how the DHCR will decide. But under a Democratic administration, tenants have reason to believe the agency will do the right thing.

*Note: In a related development, the Mitchell-Lama Residents Coalition filed an amicus curiae (friend of the court) brief, by Seth Miller, of Collins, Dobkin & Miller, in support of the tenants, in the Stuyvesant Town/Peter Cooper Village J-51 case (Roberts v. Tishman-Speyer), that will be argued in the NY Court of Appeals, the state's highest court, on September 10.*

## Council Members File Brief in Support of Stuy Residents

**F**ollowing is a letter from the office of Council Member Daniel Gardnick to the public. In it, he describes his and his colleagues support of Stuyvesant Town Tenants in their J-51 Case. The tenants argue that the owners' [Tishman Speyer's] acceptance of tax abatement bars them from taking apartments out of rent stabilization when the tenants' income exceeded \$175,000 per year and the rent topped \$2,000; and bars the owners from taking vacant apartments out of rent stabilization by renovating them. The case is now on appeal at the Court of Appeals after the Appellate Division ruled in the tenants favor.

Dear Neighbor:

As you may recall, the New York State Appellate Division unanimously ruled in favor of the tenants in the case on March 5, 2009. Tishman Speyer appealed the decision to the Court of Appeals, the highest court in New York State. That case will be heard next month.

To bolster the tenants' case, Council Member Garodnick, Speaker Christine Quinn, and 35 other Council Members submitted a friend of the court brief on their behalf. Drawing on the language and legislative history of the J-51 law, the Members made a strong argument that the owners of buildings that receive J-51 tax benefits may not deregulate apartments in those buildings. The full brief, which was filed on July 23, is found at <http://save-ml.org/files/Stuy%20Town%20J51%20Council%20Amicus%20Brief.pdf>.

Other advocates also filed briefs on behalf of the tenants, including Borough President Scott Stringer, The Legal Aid Society, The Urban Justice Center, The Mitchell-Lama Residents Coalition and the New York State Tenants & Neighbors Coalition, Inc., which filed a joint brief with Metropolitan Council on Housing.

As for the case itself, oral arguments before the Court of Appeals will be heard September 10, starting at 2:00 p.m. The case will be heard in Albany, but those of us in New York City can watch the action live online at <http://www.nycourts.gov/ctapps>. There is a button on the right side of the homepage that brings you to the live court room.

Finally, Council Member Gardnick has started a Facebook

group that will be updated regularly with new developments and advocacy related to this case. The link to the group can be found here at <http://www.facebook.com/group.php?gid=180396665281&ref=ts> or by searching for the words in the group name, "Support the Landmark StuyTown J-51 Decision"

As always, please feel free to contact our office at 212-818-0580.

## 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 2009 dues-paid members of the Mitchell-Lama Residents Coalition

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

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.

# MLRC Bylaws Revised

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k. In the absence of the Recording Secretary, the presiding officer may appoint any officer or member to act as recording secretary of the meeting.

## SECTION 2.2 Recording Secretary, Powers and Duties

The Recording Secretary shall:

- a. take, maintain and distribute to the Board members, the minutes of the Executive Board meetings, 7 days before the next scheduled Board meeting;
- b. take, maintain and distribute to the Officers the notes of the General Membership meetings;
- c. record and maintain the official attendance of General and Executive Board members at all meetings & send a copy of the Executive Board Attendance sheet to Co-Chairs & Correspondence Secretary;
- d. maintain the official list of Board members' with home and e-mail addresses, telephone numbers, with start and expiration dates of term of office; distribute this list to all Bd. Members. The information contained in this list shall not be given to any individuals or organizations without the approval & written consent of the officers;
- e. in the absence of Co-Chairs may preside at all MLRC meetings and appoint an officer or member to act as recording secretary of the meeting;
- f. notify Board members when their term of office has expired, with a copy to officers.

## SECTION 2.3 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.
- e. in the absence of a Co-Chairs, and Recording Secretary, may preside at all MLRC meetings.

## SECTION 2.4 Treasurer, Powers and Duties

The Treasurer shall:

- a. be the chief fiscal officer of the Coalition;
- b. have the care of all the funds and securities of the Coalition;
- c. deposit all funds in the name of the Coalition within 30 days of receipt in the financial institution 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 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 written draft budget for submission to the Exec. Board;
- h. at the end of each fiscal year, present a written 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 2.5 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 Exec. 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; in the absence of the Treasurer give the prepared written monthly Treasurer's Report.
- e. with Co-Chairs, preparing the necessary documentation for reimbursement for awards and/or grants.

## III REMOVAL

A board member may be removed for cause, by a majority vote of the Executive Board. Board members not in good standing as defined in Article III, Section 2b may be subject for removal. The member in question has the right to appeal, in consultation with the Co-Chairs, the Executive Board's decision of removal. The Co-Chairs shall review the member's appeal and bring it back to the Executive Board for a final vote.

## IV TERMS OF OFFICE

### SECTION 1. Executive Board Members

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 2. Executive Board Officers

Officers shall serve for a term of two (2) years. The terms of office for members of the Executive Board will be staggered.

## V ATTENDANCE

Executive Board members are required to attend a minimum of seven executive board meetings per year and a minimum of three general meetings per year.

### SECTION 1. Excused Absences

A board member must notify, in writing (mail/email/fax), an Executive Officer of an anticipated absence three days prior or subsequent to a scheduled meeting. In cases of emergency, oral notification is acceptable.

### SECTION 2. Unexcused Absences

A board member who misses three consecutive Executive Board 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.

## VI RESIGNATIONS OF EXECUTIVE BOARD MEMBERS

All resignations must be done in writing. A written resignation via mail, e-mail, or fax, delivered to a Co-Chairs or the Secretary of the Board, is considered a valid resignation.

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# Bylaws Revised

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## VII. VACANCIES

### SECTION 1. Executive Board

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. Once the term has expired, the General Membership at the next General Election meeting must elect the successor, in order to serve the next two years of office.

### SECTION 2. Officers

In case of any vacancy, a successor to fill the remainder of the term may be elected by the Executive Board. Once the term has expired, the Executive Board members, at the next executive board meeting must elect the successor, in order to serve the next two years of office.

## ARTICLE VI REQUIRED MEETINGS

### SECTION 1. Parliamentary Procedures (Rules of Order)

All meetings of the Coalition shall be governed by Robert's Rules of Order. At every Executive Board and General Membership meeting, the presiding officer may appoint a Parliamentarian.

### SECTION 2. Date, Time, and Place of Meetings

The Executive Board shall set the date, place and time of all Coalition meetings, 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.

### SECTION 3. Special Meetings

Notice of special meetings must indicate the purpose for which they are called and the person(s) calling the meeting. Announcements of special meetings requiring prompt action must be sent no less than 48 hours before the date of such meeting.

### SECTION 3.1. Calendar of Events

Every June and January, the officers will prepare and distribute to all board members a tentative calendar of events.

### SECTION 4. General Membership Meetings (GM)

#### a. Number of Meetings

Coalition shall have a General Membership meeting not less than four times (4) each calendar year. All GM meetings will be open to the public.

#### b. Annual General Membership Meeting (AGM)

The AGM meeting (where the election of executive board members will take place) will be held in June.

### SECTION 5. Executive Board Meetings

#### a. Executive Session

Executive Board Meetings not held in Executive session (privately) are open to all MLRC members in good standing.

#### b. Number of Meetings

The Executive Board shall meet not less than eight (8) times each year.

#### c. Year End Meeting of the Executive Board

The last meeting of the year for the Executive Board shall be held in June.

#### d. Officers Meetings

The Officers shall meet not less than eight (8) times each year, which includes conference calls.

### SECTION 6. Notice of Meetings

#### a. Regular Meetings

The Executive Officers shall provide notice of the date, time, and place of all Executive and General MLRC meetings to Board members in good standing, not less than 10 days before the meeting,

## ARTICLE VII COMMITTEES

All board members are required to serve on no less than two committees.

### SECTION 1. Standing Committees

A member of the Coalition in good standing may join any committee. Each committee will designate chairs of standing committees. The Executive Board before implementation must approve all actions of

the committees. Chairs of standing committees must submit a written report of their plan of action to the Officers PRIOR to the Executive Board Meetings.

### SECTION 1.2 Names And Function of Standing Committees

#### a. Fund Raising Committee

Responsible for seeking financial support for the MLRC, as well as planning, organizing and implementing fundraising events.

#### b. Public Relations /Outreach Committee

Responsible for the professional maintenance of a favorable MLRC public image.

- Recommending activities & or events that the MLRC should partake in to include speaking at conferences;
- monitoring & encouraging mutually beneficial relationships with other ML organizations.

#### c. Newsletter Committee

Responsible for the publication, distribution, and prompt posting on MLRC Website of the MLRC newsletter issued periodically to the general members, and other individuals.

- Solicit articles, and ads for the newsletter, & include reporting of all ML news;
- Whenever possible, published proposed amendments of MLRC By Laws in the newsletter, thirty days prior to the general meeting at which it is to be introduced.
- Newsletter announcements are to include the names of all Executive Board Members and dates of general meetings.

#### d. Membership Committee

Responsible for recommending activities that would increase MLRC membership, maintain and update membership list on a regular consistent basis, and develop and distribute welcome package to all new members.

- Distribute to all new members a dated membership application to complete, sign and return to the membership committee with a copy to Financial Secretary;
- include in welcome package a copy of the MLRC By Laws, current newsletter, list of MLRC Executive Board members and Officers, a glossary of terms used by MLRC, and a resource list.

#### a. Legislative Lobbying Committee

- Responsible for the development of the MLRC legislative agenda and organization of the lobby activities.
- Lobby reports are to be written and submitted to MLRC Chairperson(s)

#### b. Event Committee

Responsible for the planning, organizing and implementation of all special events (holiday luncheons, Breakfast appreciation affair, workshops, etc.)

### SECTION 2. Ad-Hoc Committees

The Executive Board may create additional committees as needed. The Co-Chairs 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 VIII OFFICIAL DOCUMENTS AND RECORDS

### SECTION 1. Original Documents

All original official documents and records of the Coalition shall be placed in a locked fireproof 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, checkbooks, bank statements, and all other documents consistent with prudent fiscal policies.

### SECTION 2. ARCHIVE FILES

All computer files will be backed up on a flash drive and given to the designated keeper of archive files. These files shall include, but not be limited to, MLRC correspondence, bylaws, official minutes of General Membership and Executive Board meetings, membership list, treasury reports, annual financial reports, and all other documents consistent with prudent fiscal policies.

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### SECTION 3. Correspondence

Any correspondence, reports, testimonies and contracts sent on behalf of the Board, MUST have the PRIOR approval of at least two of the three Co-Chairs, or the majority of the Executive Board. All MLRC documents MUST be kept on file.

### SECTION 4. Minutes

There shall be recording of minutes of all MLRC meetings. All minutes must be kept on file.

## **ARTICLE IX QUORUM AND VOTING PROCEDURES**

### SECTION 1. Voting Procedures

Except where otherwise prohibited in these By-Laws, all issues shall be decided by a simple majority of votes cast by members present at meetings. Only paid members are allowed to vote. There will be no proxy voting.

### SECTION 2. Quorum

#### a. General Meetings

At all membership meetings, 10% of paid members will constitute a quorum.

#### b. Executive Board Meetings

Fifty-one percent (51%) of the Executive Board membership constitutes a quorum for the transaction of all business.

#### c. Absentee Voting

Absentee voting by mail can be used for election of Executive Board Members. Voting by mail cannot be a secret ballot, as it is necessary for the Election Committee to know by whom each vote is cast. A printed copy of the "Ballot for Executive Board Members" is mailed before the election to every qualified MLRC member in good standing

requesting an absentee ballot with the words "yes" and "no" printed next to each candidate's name. Directions will be given to cast their vote by crossing out yes or no (one of them) and return their ballot in a sealed envelope that contains the signature of the voter on it. That sealed envelope shall be enclosed in another envelope addressed to the Election Committee Chair, so that the inner envelope will not be opened except by the election committee Chair when the votes are counted at the Annual General Membership meeting.

### SECTION 3. Announcement and Recording of Votes

Except as otherwise provided in these By-Laws, 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. Voting with a dated, signed absentee ballot received in advance of an election for Executive Board Members, and Officers of the Coalition, shall be permitted.

## **ARTICLE X ELECTIONS**

### SECTION 1. Election of Board Members

The Executive Board will be elected at the Annual General Membership meeting by a majority of the votes cast. Only members in good standing may vote in the election of the Executive Board.

### SECTION 2. Nominations

A nominee for the Executive Board must be a Coalition member in good standing and give his/her written acceptance of the nomination to the Election Committee, PRIOR to the closing of nominations. Nominations will be announced in the newsletter or by special mailing. Nominations will be closed one month prior to the Annual General Membership Meeting.

### SECTION 3. Election Committee

At least one month prior to, but not later than, the Annual General Membership Meeting, the Executive Board shall Identify an Election Committee of at least three non-candidate members that is authorized to conduct the annual Executive Board elections and appoint a "chief" (Chair).

### SECTION 3.1 Responsibilities of Election Committee

#### a. Notification

The Election 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. Confirmation of Candidate Good Standing

Consult with the Financial Secretary and/or Treasurer to confirm all candidates have paid their annual dues. If a candidate is found not to be in good standing, they are automatically disqualified.

#### c. Announcement of Candidates & Secret Ballot

Create a flyer that contains names of all candidates to be used as the official secret ballot form for the election, distribute this Ballot form to all members present at the general membership election meeting. Ballots will not be accepted by any other means.

#### d. General Election Meeting

The Election Committee Chair and its members shall run the General Election portion of the meeting and shall open and count all secret ballots in the presence of the general membership. The result and numerical tally of all votes shall be announced by the Chair of the Election Committee and so recorded in the minutes. After the ballots are tallied, the candidates with the most votes will be announced. Once the new board members are elected the meeting will be turned over to the designated presiding officer present, to continue with other MLRC business.

NOTE: Names of Newly Elected Board members shall be posted in the next MLRC newsletter.

### SECTION 4. Recall of Votes

#### a. Petition of Recall

A recall against an officer must set forth the cause and be signed by not less than 20% of Executive Board members in good standing.

Upon receipt of a recall petition, the Executive Board shall elect a recall committee consisting of two officers and three Executive Board members.

#### b. Responsibilities of the Recall Committee

- Must call a meeting designated for the sole purpose of hearing such cause for a recall of the votes. This meeting will be referred to as a Hearing.
- Commence the hearing no later than 45 calendar days following presentation of such petition to Chair(s) or other officers, who are NOT the subject of such petition.
- Must notify by certified mail, all affected parties at least 20 calendar days PRIOR to the date of the hearing.
- Shall properly notify by certify mail, witnesses and collect written documentation both in support of and in opposition to the recall petition.
- Arrange for an in camera recall hearing.

#### c. Findings

The Recall Committee shall submit their findings & recommendations with any dissenting and concurring findings & recommendations in writing 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.

## **ARTICLE XI AMENDMENTS OF BY LAWS**

### SECTION 1. Proposal of Amendments

Members in good standing at any General Membership or Executive Board meeting may propose amendments to these by-laws. Any amendments made and voted in to these by-laws become effective immediately upon termination of the meeting at which they are adopted.

### SECTION 2. Notification of Proposed Amendments

Notice of the proposed amendment must be published thirty days prior to the meeting at which it is to be introduced, , unless there is a need for an emergency vote, then a special GM meeting will be called.

### SECTION 3. Ratification of Amendments

Amendments shall be ratified upon a 2/3 vote cast by members in good standing present at a General Membership meeting.

## **ARTICLE XII 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.

# HUD Tenants Optimistic on Legislative Priorities

By Judy Montanez

**A** new climate on Capitol Hill has raised hopes among HUD tenants that their priorities for the 2009-2010 legislative session will generate crucial political support.

As presented at the recent National Alliance of HUD Tenants (NAHT) conference, priorities include: enactment of a national right of first purchase in Congressman Barney Frank's Housing Preservation and Tenant Protection Act of 2009; an end to "predatory equity" investors in rental housing; provision of resources for tenant empowerment; and ratification of the International Covenant on Economic, Social and Cultural Rights Treaty (adopted in 1966, and in force since 1976) to affirm the right to adequate housing.

The goals were released at NAHT's 15<sup>th</sup> Annual Save Our Homes Conference on June 20-23, in Washington, D.C.

The first goal, pertaining to the right of first purchase in buildings slated for the private market, includes a section to empower tenants as partners with the federal department of Housing and Urban Development (HUD); and to eliminate federal preemption of local tenant protections.

Concerning resources for tenant empowerment, NAHT reinforced its support of the 2007 Mark to Market Reform Act, with the "green amendment" language to require HUD to distribute the \$10 million annually currently authorized by Congress in Section 514 of the Multifamily Assisted Housing Reform and Affordability Act for tenant organizing assistance. (The Mark to Market act pertains to certain projects where rents are actually higher than they would be on the open market. The Act "cuts the amount of money" the projects receive from HUD "while reducing the loan obligations owed by the projects owners," according to NAHT.

Prior to the conference, NAHT received a commitment from HUD that the agency will assign an assistant secretary or other officials to participate in regional meetings organized by tenant groups at local HUD Field Offices. It also received a commitment for three meetings a year with NAHT's board of directors in Washington, DC.

## Dialong on Information, Organizing, Preservation

At one panel discussion with HUD's new Deputy Assistant Secretary for Multifamily Housing, Carol Galante, the dialog focused on access to information, regulations concerning the right to organize, and preservation of at-risk housing, among other issues.

Tenants sought enforcement of the Right to Organize regulations, and extension of regulations to buildings with Project-Based Voucher and Use Agreements beyond the original HUD mortgage. They also sought to extend the sanction authority, that is, imposition of civil monetary penalties on buildings without HUD Insurance.

NAHT also called for a "policy to preserve," in which HUD would announce a clear policy to preserve at-risk housing—with tenant involvement—when HUD has discretion to do so. Specifically, the discussion centered on NAHT's Troubled Policy Recommendations; ceasing its Section 8 contract terminations; and assumption of mortgage in possession in substandard housing. NAHT also wanted HUD to spend money from the mortgage insurance fund on repairs; and to reverse the Medina Village displacement plan. Other issues at the panel included resources for organizing, environmental policy, and outreach to displaced tenants in five illegal mortgage prepayment buildings. Finally, the group sought standards for transferring project-based Section 8 contracts.

The last day of the conference was dedicated to lobbying our senators with a rally and march for housing rights. The rally was held at the Mott House. Marchers were joined by local Washington housing rights activists to demand Senate ratification of housing rights and other treaties, passage of national legislation to save our homes, and action to stop "predatory" speculators.

Warm appreciation must be given to Senator Diane Savino of Staten Island and the MLRC who paid for all of the NAHT Conference expenses and gave me the opportunity to attend this conference. Invited speakers were Michael Passant, Majority Staff, Sen. Robert Menendez (D-NJ), Chair, Senate Banking Subcommittee on Housing

and Transportation; Nick Christiansen, Staff, Sen. John Kerry (D-MA), Chair Sen. Foreign Relations Committee; Beth Cooper, Majority Staff, Sen. Banking Committee; David Stooper, Staff, Sen. Charles Schumer (D-NY), Sen. Banking Subcommittee on Housing and Transportation; Grace Katabaruki, Staff, Sen. Jack Reed (D-RI).

## City Gains Voting Seats on NAHT Board

As a result of increased New York City tenant associations in NAHT membership, this year we gained an extra voting seat on the NAHT Board, bringing the city's total to three voting seats. Charlotte Rodgers, who has dedicated over 19 years of extemporary service as a board member, resigned, but will continue to participate in NAHT Events. Judy Montanez and Lonene Crawford are the newly elected board members representing New York. Judy, Lonene and Ricky look forward to working with NYC ML residents and protecting the rights of all ML tenants.

The following individuals and organizations represented New York City at the Save Our Homes conference. (To participate this year, attendees needed to raise approximately \$750 to cover expenses.)

**Judy Montanez** – Staten Island Castleton Park Tenants Assoc (CPTA) & MLRC Board Member

**Charlotte Rodgers** - NAHT Board Member & President of Medgar Evers Houses Tenants Association in Brooklyn

**Ricky Leung** - NAHT Board Member & Tenant Leader 265/275 Cherry St. Manhattan

**William Anovegas** - Tenant Leader Bronx Borinquen Court

**Emanuel Hickson** – United We Stand Association

**Lonene Crawford** -Tenant from Upaca Terrace, Lexington Avenue Tenants & Neighbors

**Urban Homesteading Assistance Board** (UHAB) organizers.

## Howse Receives Coveted Sojourner Truth Award

**M**arie Howse, a member of the Mitchell-Lama Residents Coalition and the Fordham Towers Tenants Association, received the Sojourner Truth award in April from the Bronx chapter of the National Association of Negro Business and Professional Women's Clubs.

The award is granted "as a reminder of the endless effort which freedom demands of those who would be free," according to the sponsor's website. The award also serves as a reminder of "the fact that slavery comes in many forms: enveloping the spirit as well as the body."

Ms. Howse, who was born in Southland, Arkansas, has long been active in community and church affairs. In 1974, she organized the Fordham Towers Youth Association, and over the years has led fundraising efforts for the group. She has also served on Community Board 6, and worked on various ad hoc committees with associates of New York State Senators Ephraim Gonzales and Joseph L. Galiber.

Upon her arrival in New York City, Ms. Howse joined the Union Baptist Church and served on the church's Hattie Hutchins Circle as secretary. Over the years she has received official acknowledgment for her quality work from community groups, elected leaders, private industry, and organized labor. These include a certificate from the former Sachs Quality Department Store for interior design; a certificate from UAW District 65 for fashion design and sewing; and a citation of merit from former Bronx Borough President Fernando Ferrer for community service.

Sojourner Truth (1791-1883) was born into slavery as Isabell Baumfree in upstate New York. She became a freed person at the age of 36, with the passage of the New York State Emancipation Act. Eventually, she traveled around the country preaching abolitionism, women's rights, and non-violence. During her campaigns, she worked with such well known abolitionists as William Lloyd Garrison and Frederick Douglass.