

Metropolitan Council on Housing 339 Lafayette St. New York, NY 10012

PERIODICAL

Pinnacle Tenants Call Proposed Settlement a Sham

By Andrés Mares Muro and Kim Powell

On October 5, in a church packed to standing room only, some 300 Harlem tenants who live or have lived in Pinnacle-Praedium–owned buildings waited to hear lawyers, tenant representatives, and state Senator Bill Perkins inform them about a proposed settlement for a class-action lawsuit that began in 2007.

The suit, initiated by the grass-roots group Buyers and Renters United to Save Harlem (BRUSH), charged that the Pinnacle Group's predatory behavior towards its tenants was so criminal it qualified as a "racketeering influenced and corrupt organization" (RICO) under federal law. Five tenants were plaintiffs in the suit, representing the 60,000 people who lived in 21,000 apartments owned by Pinnacle.

A proposed settlement to the suit was announced in early September, but it left many tenants dissatisfied. Under its terms, Pinnacle will pay \$2.5 million to groups helping tenants sue for damages. However, none of the groups recommended by the five class representatives are included; the proposed list is made up of organizations selected by Pinnacle, agencies that don't serve Pinnacle tenants. While the company may have to follow stricter rules for raising rents or commencing evictions, and it may still be liable for damages, the proposal is unclear as to which tenants would be eligible for damages or rent reductions. In fact, whole categories of renters are definitely excluded.

The evening's discussion revolved around that proposal. Those present were the lucky ones. They would leave with at least some vague idea of their rights and options. Thousands of other Pinnaele tenants not present that

night were left completely in the dark—and facing a court deadline two days away that would affect their futures as tenants. They had to decide by Oct. 7 whether to stay in the lawsuit or opt out of it.

Pinnacle tenants had orginally received notice of the proposed settlement in mid-September. They were given only three weeks to decide whether it was a good deal or a bad deal. Within those three weeks, they had to request a copy of the settlement papers and then review them with or without advice of counsel. By Oct. 7, they had to choose whether to stay in the lawsuit, opt out, submit a written objection, or make a request to attend the Fairness Hearing scheduled for Oct. 20. Many said this left them in a quandary, because they were being asked to make a decision based on settle-



More than 15,000 people marched Oct. 5 to support the Occupy Wall Street protest. See page 5.

ment terms they have not been told, and the notices they received don't state who will ultimately be eligible to file a claim.

Tenant representatives had requested that a mailing be sent to all the affected tenants, so they could attend the meeting and learn what their rights were and what the proposed settlement's impact on the community would be. Neither Pinnacle nor the tenants' lawyers were willing to provide the mailing lists that would have assured full tenant participation. The attorneys said the full

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Judge OKs Aid Cutoff for Homeless Families

n September 13, a state Supreme Court judge gave New York City the go-ahead to cut off rental assistance to formerly homeless families participating in the Advantage program, which was designed to move people from shelters into permanent housing. The Bloomberg administration abruptly terminated the program in March, but the Legal Aid Society sued to compel it to continue making payments for families who were already using its vouchers to help pay their rent. A temporary order has forced the eity to do so thus far, but the administration vows it will seek to vacate that order in light of the recent ruling. The Legal Aid Society says it's preparing an appeal to force the city to continue paying. The Advantage program, which began in 2007, currently serves 12,000

households. To be eligible, individuals or families had to have resided in a city shelter for at least two consecutive months, and adults had to be employed at least 20 hours per week unless they were disabled. Under the current regulations, they were required to pay a third of their income towards rent for the first year and 40% of their income towards rent the second year. After two years, benefits were cut off entirely. The city sent rent checks for October, but only after mailing a letter days earlier saving that it would not. The courts will likely decide what happens next, but even if Legal Aid prevails, the program will still be phased out, as the people in it reach the twoyear limit. Patrick Markee, senior policy analyst at Coalition for the Homeless, says that when families

By Mario Mazzoni

lose their Advantage subsidies, whether it happens through the abrupt end of the program or its built-in two-year time limit, "many, if not most, will end up back in shelters."

He says the program "deeply flawed, primarily because of the unrealistic one- and two-year time limits," which for many amounted to "little more than a revolving door" to the shelter system. A report by Coalition for the Homeless in March found 37 percent of tenants whose Advantage subsidies expired applied for shelter soon thereafter, and 27 percent were already back in the shelter system. "Families who exit shelters need longer-term, more stable housing assistance," says Markee. "These are the poorest families in the city. Advantage families have an

average income of \$1,000 or \$1,100 a month. It's a math problem. They're doing the right thing. They just can't afford to pay the rents in the poorest parts of the city."

He says the program was from its inception "deeply flawed, primarily because of the unrealistic one- and two-year time limits," which for many amounted to "little more than a revolving door" to the shelter system. A report by Coalition for the Homeless in March

its \$140 million annual cost.

After Gov. Andrew Cuomo released his proposed budget in February with no funding for Advantage, the eity moved to terminate the program. It told the 16,000 households then

receiving aid that their rent checks would not be sent in April.

The Legal Aid Society argued that the city had to continue making the payments, because it was

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SCRIE Screwup

•he city's program that helps low-income elderly people pay their rent has failed to give some landlords tax credits for participating—while continuing to pay others rent for dead tenants, according to reports released in September.

Comptroller John Liu reported Sept. 26 that the Senior Citizen Rent Increase Exemption program, which subsidizes rents for almost 50,000 rent-regulated tenants who are 62 or older and make less than \$29,000 a year, had been covering the rent increases for 3,800 tenants who had died. Those payments cost the program \$11.8 million from July 2009 to November 2010, according to Liu's audit.

The SCRIE program's annual budget is about \$125 million, with an average benefit of about \$225 a month. It gives landlords tax credits in exchange for not charging tenants rent increases.

Liu's office has turned its find-

ings over to Manhattan District Attorney Cyrus Vance to determine if any cases warrant prosecution. Meanwhile, the city Finance Department, which took over the program in 2009, says it will now check the names of people in the program against the Social Security Administration's regularly updated master death list.

The dead-tenants debacle was the second major problem SCRIE has suffered recently. In July, a Finance Department computer glitch meant that landlords participating in the program received

property-tax bills that did not include their tax credits, thus charging them the full amount normally due.

"We are getting calls from hundreds of seniors across the city who have to pay the full amount of rent," City Councilmember Dominic Recchia (D-Brooklyn), chair of the Finance Committee, told the New York Post in September. "The landlords are going nuts because their mortgage payments are increasing thousands of dollars."

"I'm not trying to excuse that

we screwed this up," Finance Commissioner David Frankel told the committee during a hearing on Sept. 27.

-Steven Wishnia



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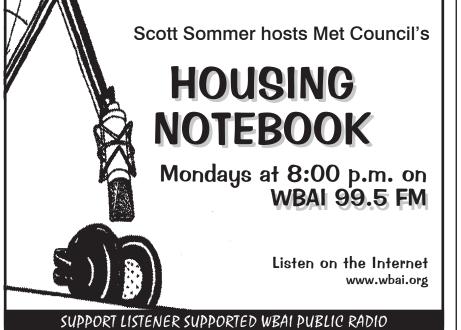
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> For more information call Met Council 212-979-6238





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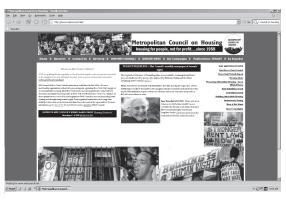
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and much more!

Get active in the tenant movement! Write to us at active@metcouncil.net



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EL INQUILINO HISPANO iAyude a Met Council! Necesitamos su apoyo a nuestro movimiento

El lema del Consejo Metropolitano de Vivienda (Metropolitan Council on Housing) es "Vivienda para el pueblo, no para lucrar". Creemos que esto se hará realidad cuando las políticas de vivienda surjan de los que viven en los edificios y no de los que les cobran el alquiler. Por eso, nuestro modelo de afiliación es clave: quienes se beneficiarán de los cambios que buscan son los que llevan a cabo y sostienen nuestro trabajo de organización.

Por más de 50 años, Met Council ha desempeñado un papel fundamental en hacer crecer y sostener el unívocamente dinámico movimiento de inquilinos en la Ciudad de Nueva York. Nos formamos para unir grupos de vecinos que se oponían al desplazamiento por renovación urbana, trabajaban para integrar viviendas públicas y otras reservas de vivienda asequible y luchaban para conservar los controles de alquiler de la posguerra que protegían a la gran mayoría de inquilinos en vivienda de propiedad privada durante una época en que se desmantelaban tales protecciones en la mayor parte del país.



Nuestras campañas para vivienda asequible y nuestros programas para ayudar a inquilinos siempre han sido dirigidos por nuestros miembros. La mayoría de las personas que llaman a nuestra línea de emergencia para los derechos de inquilinos suponen que somos una agencia gubernamental o un centro de trabajo social. Se sorprenden al enterarse de que este esencial y singular servicio está dirigido por voluntarios que son miembros de nuestra organización. Lo mismo va para nuestro programa de radio, nuestra clínica sin cita y este periódico.

Básicamente, casi todos nuestros fondos vienen de las cuotas pagadas por inquilinos: las pequeñas donaciones de neoyorquinos de bajos y moderados ingresos que creen en el trabajo que hacemos y entienden lo importante que es apoyar a una organización que lucha por su derecho a una vivienda asequible.

Ahora, estamos haciendo un llamado a nuestros seguidores que todavía no se han asociado con nosotros a que se inscriban hoy.

Si usted ya es uno de nuestros miembros, le pedimos que nos ayude a lograr nuestra próxima serie de victorias para los inquilinos en las siguientes maneras:

Primero, hacer una donación adicional para ayudar a apoyar nuestro trabajo;

Segundo, convencer a algún vecino o amigo que también cree en nuestra misión a unirse con nosotros como miembro; y

Tercero, participar más activamente, sea en nuestras campañas o entre bastidores, en cualquier manera que pueda.

Nuestro nuevo tipo de afiliación: Miembros Sustentadores

Le sugerimos que se una a nosotros o renueve su afiliación por medio de nuestro programa de Miembros Sustentadores. En vez de pagar su cuota anual con un cheque, usted puede distribuirla con pagos mensuales. Usted decide cuánto y cómo quiere pagar. Con su permiso, podemos cobrar la cantidad de su tarjeta de crédito cada mes o deducirla de su cuenta bancaria por medio de una Transferencia Electrónica de Fondos (Electronic Funds Transfer, EFT).

Usted puede inscribirse usando el formulario que aparece en este número.

Esto es el mismo sistema de pago automático que tal vez ya tenga para pagar la factura de electricidad y gas, de teléfono u otros pagos recurrentes, salvo que con nosotros, usted decide cuánto quiere donar. Es un sistema seguro, y si alguna vez usted quiere cancelarlo, simplemente avísenos por escrito, llamada telefónica o correo electrónico, y nosotros lo pararemos inmediatamente.

Preferimos este método por varias razones. Mucha gente se da cuenta que puede donar un poco más si los pagos se distribuyen durante todo el año. Si está planeando renovar como miembro básico por \$35 al año, ¿le alcanza para dar \$5 al mes en su lugar? Es menos del costo de un viaje de ida y vuelta en el metro y una barra de chocolate, pero para Met Council, totaliza \$60 en el curso del año.

De hecho, contamos con que algunos de nuestros miembros más entregados sean generosos y den más. Si le resulta difícil llenar un cheque por \$100 de un golpe, ¿qué tal \$10 al mes de su cuenta bancaria? Esto sería \$120 al año.

Los pagos recurrentes evitan la necesidad de renovar su afiliación. Continúan hasta que usted nos diga que los paremos. Esto nos ahorra tiempo y dinero en avisos de renovación. Nos hemos dado cuenta que cada año hay personas a quienes simplemente se les olvida mandar su renovación. Queremos evitar perderle a usted de esta manera.

Legados

Todos somos beneficiarios de los que vinieron antes y lucharon por la justicia e igualdad.

Aunque falte mucho para ganar una ciudad donde una vivienda decente y asequible sea un derecho y no un privilegio, las generaciones de lucha en este frente han producido un extraordinario legado de logros.

Si le importa mantener a la Ciudad de Nueva York dinámica, diversa e inclusive para todos, yo quisiera animarle a ayudar a

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Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 43)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2011 hastá el 30 de septiembre de 2012.

Renovación de Contrato Los caseros tienen que ofrecer a los inquilinos de renta estabilizada una renovación de contrato dentro de 90 a 120 días antes de que venza su contrato actual. La renovación de contrato tiene que mantener los mismos términos y condiciones que el contrato que vencerá, excepto cuando refleje un cambio en la ley. Una vez que se haya recibido el ofrecimiento de renovación, los inquilinos tienen 60 días para aceptarlo y escoger si van a renovar el contrato por uno o dos años. El propietario tiene que devolver la copia firmada y fechada al inquilino dentro de 30 días. La nueva renta no entrará en vigencia hasta que empiece el nuevo contrato, o cuando el propietario devuelva la copia firmada (lo que suceda después). Ofrecimientos retrasados: si el casero ofrece la renovación tarde (menos de 90 días antes de que venza el contrato actual), el contrato puede empezar, a la opción del inquilino, o en la fecha que hubiera empezado si se hubiera hecho un ofrecimiento a tiempo, o en el primer pago de renta fechada 90 días después de la fecha del ofrecimiento del contrato. Las pautas de renta usadas para la renovación no pueden ser mayores que los incrementos de la RGB vigentes en la fecha en que el contrato debía empezar (si se lo hubiera ofrecido a tiempo). El inquilino no tiene que pagar el nuevo

Tipo de Contrato	Contrato de 1 Año	Contrato de 2 Años		
Renovación del Contrato	3.75%	7.25%		
Contratos para Apartamentos Vacíos	17.75%	20%		

Hoteles y SROs No se permite ningún aumento del alquiler, para todas categorías.

Exceso de cobro Los inquilinos deben estar al tanto de que muchos caseros se aprovecharán

aumento de renta hasta 90 días después de que se haya hecho el ofrecimiento.

Asignación de Subarriendo

Los caseros podrán cobrar un aumento de 10 por ciento durante el término de subarriendo que comience durante este período de las pautas.

Programa de Exención de Incrementos de Renta para las Personas de Mayor Edad Las personas de mayor edad con renta estabilizada (y los que viven en apartamentos de renta controlada, Mitchell-Lama y cooperativas de dividendos limitados), con 62 años o más, y cuyos ingresos familiares disponibles al año sean de \$29,000 o menos (para 2009) y que paguen (o enfrenten un aumento de renta que les haría pagar) un tercio o más de tal ingreso en renta pueden ser elegibles para una congelación de renta. Solicite a: v o llame al 311 o visite su sitio Web, nyc.gov/html/ dfta/html/scrie_sp/scrie_sp.shtml.

Programa de Exención de Incrementos de Renta para Minusválidos

Inquilinos con renta regulada que reciben ayuda económica elegible relacionada con discapacidad, que tengan ingresos de \$19,284 o menos para individuales y \$27,780 o menos para una pareja y enfrenten rentas iguales o más de un tercio de sus ingresos pueden ser elegibles para un congelamiento de renta. Solicite a: NYC Dept. of Finance, SRIE/DRIE Exemptions, 59 Maiden Lane, 19th floor, New York, NY 10038. Llame al 311 para una solicitud o vaya al sitio Web en www. nyc.gov/html/dof/html/property/ property_tax_reduc_drie.shtml

Las unidades desvanes

Los aumentos legalizados para unidades de desván son un 3.75 por ciento por un contrato de un año y 7.25 por ciento por dos años. No se permiten incrementos para las unidades de desván vacías.

de las complejidades de estas pautas y concesiones adicionales, además del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar una renta ilegal. Los inquilinos pueden impugnar los aumentos de renta sin autorización en las cortes o al presentar una impugnación con la agencia estatal de vivienda, la División de Vivienda y Renovación Comunitaria (Division of Housing and Community Renewal, DHCR). El primer paso en el proceso es ponerse en contacto con la DHCR para ver el registro oficial del historial de renta. Vaya a www. dhcr.state.ny.us o llame al 718-739-6400 v pida un historial de renta detallado. Luego, hable con un abogado o defensor experto antes de seguir.

Para las pautas previas, llame a la RGB al 212-385-2934 o vaya al www.housingnyc.com

El "Otro 99 Por Ciento" protesta contra la avaricia de Wall Street

oreando "Somos el 99 por ciento", más de 2,000 personas mar-Charon hacia One Police Plaza el 30 de septiembre para protestar por la brutalidad policíaca contra los manifestantes de "Ocupa Wall Street", quienes han acampado en un parque en el distrito financiero desde el 17 de septiembre. El sábado anterior, un supervisor de policía había rociado con gas pimienta a manifestantes pacíficos que marchaban cerca de Union Square.

El 1º de octubre, más de 700 manifestantes fueron detenidos durante una marcha que cruzó el Brooklyn Bridge. El 5 de octubre, más de 15,000 personas, muchas de ellas de los sindicatos de la ciudad, marcharon desde Foley Square hasta Zuccotti Park, el sitio de la ocupación.

La ocupación está tratando de hacer estallar la indignación contra la avaricia del imperio financiero. Aun antes de la recesión, el 1 por ciento de neovorquinos más ricos recibieron un 44 por ciento de todos los ingresos en la ciudad.

Varios activistas y grupos de inquilinos y de defensa de vivienda se han unido a las manifestaciones, incluidos varios miembros de la junta directiva de Met Council, el abogado Sam Himmelstein y otros de su bufete, Inquilinos y Vecinos (Tenants and Neighbors) y el Consejo Comunitario del Area Pratt (Pratt Area Community Council).

iayude a Met Council!

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la creación de un nuevo legado al incluir Met Council on Housing en su testamento. Para saber cómo hacerlo, envíenos una carta a nuestro despacho, llámenos durante los horarios de nuestra línea de emergencia para hablar con un miembro o envíenos un correo electrónico a legacies@ metcouncil.net.

¿Por qué cuotas?

Nuestros miembros proveen casi todos los fondos de Met Council. Pagan el alquiler de nuestro despacho, nuestra factura de teléfono (que suele ser alta para mantener abierta nuestra línea de emergencia para los derechos de inquilinos), nuestros salarios de personal, los gastos relacionados con nuestras campañas para fortalecer las protecciones de inquilinos y este periódico.

Durante los últimos años, al ejercer presión para conseguir leyes de regulación de alquileres más fuertes, hemos gastado miles de dólares solamente para llevar a inquilinos en autobuses a manifestaciones en Albany. Cada asiento en un autobús o camioneta a Albany cuesta alrededor de \$30, y por principios no hemos requerido que los miembros paguen para subir a los vehículos. Sabemos que algunos no tienen con qué sufragar el costo y sin embargo son apasionados por la causa, y que todos nuestros miembros quieren que sus cuotas se utilicen para hacernos lo más eficaces posible en nuestra lucha para leyes de alquiler más fuertes. En una ciudad donde la industria de bienes raíces es tan lucrativa, los caseros y especuladores gozan de una influencia increíble en la política. Gastan millones de dólares al año (dinero que ganaron cobrándonos los alquileres) para trabajar en debilitar las protecciones para inquilinos.

Los inquilinos de bajos y moderados ingresos no pueden compararse con caseros acaudalados en la compra de influencia política; de todos modos, esto violaría nuestros ideales democráticos. Lo que sí tenemos a nuestro favor es el poder del pueblo, y lo hemos hacerse sentir.

El amplio sistema de regulación de alquileres y la reserva de vivienda pública en Nueva York quedan en marcado contraste con los de otras ciudades estadounidenses, donde han sido desmantelados en su mayoría. Su afiliación con Met Council apoya una infraestructura para el poder de los inquilinos que sigue siendo clave para conservar y ampliar nuestra vivienda asequible.

Las cuotas también nos mantienen independientes de la estructura política. Cuando los políticos están demasiado débiles en torno a alguna cuestión o se suman al lado equivocado, nosotros no quedamos con las manos atadas, ya que no dependemos de becas gubernamentales para mantener abiertas nuestras puertas. Dependemos de los miembros como usted.

Por favor, recorte o haga una copia de nuestro formulario de afiliación y únase a nosotros hoy, o si ya es miembro, déselo a un amigo que usted crea que debe inscribirse. También, por favor haga una donación adicional para apoyar nuestro trabajo en el año que viene. Agradecemos todo lo que usted pueda dar.





inquilinos en su edificio que pueden firmarlo. Reclame una orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (idisculpe lo de "congelen"!) todas las rentas.

Necesitarán una fuerte asociación de inquilinos para obligar al casero a proporcionar calefacción y agua caliente. Escriban y llamen al casero para demandar reparaciones y aceite. Prepárense para una huelga de renta (sobre todo con asesoría legal)-de relámpago si es necesario.

Las leyes sobre la calefacción establecen también:

- Que el Departamento de Reparaciones de Emergencia de la ciudad le proporcione la calefacción si el casero no lo hace. (No se siente en un bloque de hielo—otra vez, idisculpe!—mientras espere que lo haga.)
- * Una multa de \$250 to \$500 al casero por cada día que se produzca la violación. (Pero la verdad es que la Corte de Vivienda raras veces impone las multas, y menos aun las cobra).

Puede enviar cheques y formularios de afiliación a: Metropolitan Council on Housing 339 Lafayette Street, Suite 301 New York, NY 10012

Missed an issue of TENANT?

Check us out on the Web:

www.metcouncil.net

inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.

ORGANIZESE

La ley requiere que su casero pro

porciona calefacción y agua caliente

a las temperaturas siguientes, des

de el 1ro de octubre hasta el 31 de

Desde las 6 a.m. hasta las 10 p.m.: } Si la temperatura afuera es de menos

de 55 grados, la temperatura adentro

debe ser al menos de 68 grados en

Desde las 10 p.m. hasta las 6 a.m.:

Si la temperatura afuera es de menos

de 40 grados, la temperatura adentro

Se tiene que proporcionar aqua calien-

grifo las 24 horas del día, todo el año.

debe ser al menos de 55 grados en

te a un mínimo de 120 grados en el

Si su casero no mantiene estas

* Comenzar una "Acción HP" (HP

* Llamar al Buro Central de Que-

jas (Central Control Bureau) de

la ciudad de Nueva York al 311

(Order to Correct)

Action) en la Corte de Vivienda.

Pida una inspección por orden de

la corte y una Orden de Corrección

temperaturas mínimas, usted

todo el apartamento.

todo el apartamento.

mayo:

debe:

- Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tengan problemas con la calefacción.
- Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en ingles) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consigue la participación de todos los

- * Una multa de \$1,000 al casero si algún aparato de control automático se instala en la caldera para mantener la temperatura por debajo del mínimo legal.
- * Si el tanque de combustible de la caldera está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción y también sin obtener ninguna respuesta del casero. Esto no se aplica si la caldera está rota y necesita tanto reparación como combustible.

iCuidado! iproteja su dinero! Si los inquilinos deciden comprar el combustible, hay que seguir los procedimientos legales cuidadosamente. Consiga la ayuda y el consejo de un organizador de inquilinos. La existencia de leyes de calefacción y agua caliente vigentes no garantiza que el gobierno las implemente. No se quede helado por esperar que la ciudad o el estado actúe. iOrganízese!

Support Met Council

continued from page 8

your bank account? That's \$120 per year.

Recurring payments avoid the need to renew your membership. They continue until you tell us to stop. This saves us time and money on mailing membership renewal notices. And we've found that every year some people simply forget to send in their memberships. We want to avoid losing you this way.

Bequests

We're all the beneficiaries of those who have come before us and struggled for justice and equality.

While there's a long road ahead to winning a city where decent, affordable housing is a right, not a privilege, the generations of struggle on this front have produced a remarkable legacy of achievements.

If keeping New York City a vibrant, diverse, and inclusive of all is important to you, I encourage you to help create a new legacy by including Met Council on Housing in your will. To find out how to do this, send a letter to our offices, call during our hotline hours to talk with a member, or e-mail us at *legacies@metcouncil.net*.

Why Have Membership Dues?

Memberships provide nearly all of Met Council's funding. They pay the rent for our office, our phone bills (which runs high to keep our tenants' rights hotline open), our staff salaries, the expenses related to our campaigns to strengthen tenant protections, and for this newspaper.

Over the past few years, as we've pushed hard for stronger rentregulation laws, we've spent thousands of dollars just on busing tenants to rallies in Albany. Each seat on a bus or van to Albany costs about \$30, and out of principle, we haven't required that members pay to get on board. We know that some cannot afford this expense but are passionate about the cause, and that all of our members want their dues to be used to make us as effective as possible in our fight for the strongest rent laws.

In a city where real estate is so lucrative, landlords and developers have incredible influence over politics. They spend millions of dollars per year working to undermine tenant protections—money they made collecting *our* rents. Low and moderate-income tenants cannot match deep-pocketed landlords in buying political influence—and this would go against our democratic ideals. What we do have going for us is people power, and we *have* flexed it.

New York's expansive rent-regulation system and public-housing stock stand in contrast to other American cities, where they have been largely dismantled. Your Met Council membership supports an

The '99 Percent' Protest Wall St. Greed



infrastructure of tenant power that is vital to maintaining and expanding our affordable housing.

Membership dues also keep us independent of the political structure. When politicians are too weak on an issue or come out on the wrong side, our hands are not tied, as we don't depend on government grants to keep our doors open. We rely on members like you.

Please clip or copy our mem-

bership form and join today, or if you're a member, give this to a friend whom you think should sign up. And please make an additional gift to support our work in the coming year. We appreciate whatever you can give.

Checks and membership forms can be sent to:

Metropolitan Council on Housing 339 Lafayette Street, Suite 301 New York, NY 10012

Become a Sustaining Member of the Metropolitan Council on Housing!

Join or renew your membership as a Sustaining Member and have your dues automatically billed to your credit card or bank account each month or quarter.

Step 1: Choose your membership level:

Step 2: Select your payment method:

Bank account:

Deduct the above amount from my bank account through an Electronic Funds Transfer (EFT) - *preferred*!

Enclose a check and write VOID on it:



- OR -

Credit Card:

Charge my credit card the above amount

□ Visa □ MasterCard □ Discover

Account Number

Expiration Date

Name As It Appears On The Card

Step 3: Authorize with your signature:

Signature

Date

Step 4: Provide your contact information:

Chanting, "We are the 99 percent," more than 2,000 people marched to One Police Plaza Sept. 30 to protest police brutality against the "Occupy Wall Street" demonstrators who have camped out in a financial-district park since Sept. 17. The previous Saturday, a police supervisor had pepper-sprayed peaceful protesters marching near Union Square.

On Oct. 1, more than 700 demonstrators were arrested during a march across the Brooklyn Bridge. On Oct. 5, more than 15,000 people, many from the city's labor unions, marched from Foley Square to Zuccotti Park, the site of the occupation.

The occupation is trying to spark outrage against financial-empire greed. Even before the recession, the top 1 percent of New Yorkers received 44 percent of all income in the city.

Several tenant and housing-advocate groups and activists have joined the protests, including several members of Met Council's board, lawyer Sam Himmelstein and others from his firm, Tenants and Neighbors, and the Pratt Area Community Council.

Address		Apt No:	
City	State	Zip	····
Home Phone	Cell Phone		
Email			

NOTE: If you're paying by credit card and the billing address on your card is different from your mailing address, please let us know.

I	Your type of housing:	Mail this form to: Met Council on Housing
1	 public housing Mitchell-Lama own coop/condo/home other 	339 Lafayette Street, Suite 301 New York, NY 10012

Advantage

continued from page 1

bound by contracts it had signed with tenants and landlords to provide subsidies for two years. Lawyers for the city responded that it should not be obligated to continue the program when the bulk of its funding had been cut.

Justice Judith Gische sided with the city, writing in her decision that Advantage "is nothing more than a social-benefit program, which [the city] had the right to terminate, based upon the lack of funding available for its continuation."

Legal Aid attorney-inchief Steve Banks told Reuters after that ruling that this is "a case in which the city loses when it wins, since it will have to pay far more to shelter these families and individuals than by continuing to make the rental payments."

Markee agrees, noting that Advantage subsidies usually cost the city between \$700 and \$1,000 a month, whereas the city pays \$3,000 per month for each unit of scattersite housing—apartments rented from private landlords that accommodate the overflow of people seeking emergency shelter.

Last winter saw record numbers of people staying in city homeless shelters nearly 40,000 one night at its peak in February, and over 113,000 different individuals over the winter, more than a third of whom were children.

Now, with Advantage on its way out, there is no open rental assistance program for many of the people who were placed in apartments through the Advantage program, or for those who now live in shelters. The waiting list for Section 8 vouchers is closed, and there are no plans to reopen it anytime soon. The waiting list for cally disqualifies them for public assistance), and people who don't have children.

For tenants who do qualify, FEPS may be a relief compared to Advantage, says Fatoma Djabakatié, a borough assistant with Housing Court Answers. He has seen numerous tenants in Bronx Housing Court facing eviction when their subsidies expired. Some Advantage clients could "find stable employment, but not a job that can sustain them," he says. With FEPS, they are "not given a time frame to do what is not reasonable."

The biggest problem he sees with FEPS is that many people who need it don't fit the program's narrow criteria. "It's not fair that you discriminate based on having kids or not having kids," he says. "To have a roof over your head, the requirement should not be, 'go get pregnant.'"

Even when families qualify for FEPS, the apartment they live in may not. The Advantage program paid higher rents than the FEPS program allows, and many landlords who rented to tenants with Advantage vouchers set rents at the program's maximums.

Sometimes tenants can convince their landlords to lower the rents to meet the FEPS guidelines, because getting on the program is the only way that tenants who owe back rent will qualify for assistance to pay it. Other times, owners won't budge.

"They will agree to lower the rent when it makes sense" says Djabakatié. "They will lower the rent a couple of dollars, but not a couple of hundred dollars."

A Bronx woman named Lopez, a mother of three who asked that her first name be omitted, was able to move from the shelters to an apartment on Bainbridge Avenue in 2009 using Advantage subsidies. When her time on the program ran out, she immediately fell behind in the rent. Her landlord agreed to lower her \$1,400 per month rent to \$1,100, the maximum that FEPS will pay for a family of fourbut only if she paid him the \$300 difference in cash every month.

ford other basic needs. She says she knew what her landlord was demanding wasn't legal, but she was afraid that if she refused, he'd find a way to kick her out.

"Side deals," as they're known to advocates, were a condition of moving into an apartment using Advantage vouchers "more often than not—that's almost certain," according to Markee. He said that many social workers told their clients that paying extra, at least when they first moved in, was the only way to get a landlord to accept them as a tenant.

Paying the side deal is no longer an option for Ms. Lopez, who says she doesn't have enough money after rent to pay for groceries and her electric bill. Her electric bills are high because she has emphysema and needs to run a breathing machine on all night. She's hoping her Housing Court judge will be willing to stay her eviction until her FEPS application is processed, which can take months.

Patrick Markee says that the Bloomberg administration's worst move regarding homeless policy was to stop allocating a certain number of public-housing units and Section 8 vouchers to homeless families, city policy since homelessness mushroomed in the 1980s.

"It was a policy that worked," he says, "because it not only moved people out of the shelters—it kept them out of the shelters."

But in 2005, Bloomberg replaced that approach with what Markee calls "a series of flawed, time-limited programs," the last being Advantage. Why is the Bloomberg administration continuing down the path of failure? Department of Homeless Services commissioner Seth Diamond gave one clue when he told *City Limits* in March that Advantage required tenants to work and pay an increasing share of their rent not as a strategy for keeping people out of shelters, but because "it sends the right message."

Markee says that the Bloomberg administration had enough data to know that Advantage was fatally flawed. "The city's own studies show that such time limits don't work." But instead of looking at data on what works and what doesn't, he says, this mayor seems intent on "crafting policies in an ideological way."

NYC Rent Guidelines Board Adjustments (Order No. 43)

for Rent Stabilized Leases commencing Oct. 1, 2011 through Sept. 30, 2012 Order No. 40, covering leases commencing prior to October 1, 2009, is available at http://www.metcouncil.net/campaigns/RGB.htm

Lease Type		One-year Lease	Two-year Lease
Renewal Leases	All	3.75%	7.25%
Vacancy leases	If no vacancy allowance charged within last year	17%	20%

Renewal Leases Landlords must offer a rentstabilized tenant a renewal lease 90 to 120 days before the expiration of the current lease. The renewal lease must keep the same terms and conditions as the expiring lease, except when reflecting a change in the law. Once the renewal offer is received, the tenant has 60 days to accept it and choose whether to renew the lease for one or two years. The owner must return the signed and dated copy to the tenant in 30 days. The new rent does not go into effect until the start of the new lease term, or when the owner returns the signed copy (whichever is later).

cent increase during the term of a sublease that commences during this guideline period.

Senior Citizen Rent Increase Exemption Program Rent-stabilized seniors (and those living in rent-controlled, Mitchell-Lama, and limited equity coop apartments), 62 or older, whose disposable annual household income is \$29,000 or less (for 2009 tax year) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a rent freeze. Apply to: NYC Dept. of Finance, SCRIE/DRIE Exemption, 59 Maiden Ln., 19th Floor, NY, NY 10038 or call 311 or visit their Web site, www.nyc.gov/html/ dfta/html/scrie/ scrie.shtml. Disability Rent Increase Exemption Program Rent-regulated tenants receiving eligible disability-related financial assistance who have incomes of \$19.284 or less for individuals and \$27,780 or less for a couple and are facing rents equal to more than onethird of their income may be eligible for a rent freeze. Apply to: NYC Dept. of Finance, DRIE Exemptions, 59 Maiden Lane, 19th floor, New York, NY 10038. Call 311 for an application or go to the Web site at www.nyc.gov/ html/dof/html/property/ property_tax_reduc_drie.shtml.

Loft Units

Legalized loft-unit increases are 3.75 percent for a one-year lease and 7.25 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

3% increase unless fewer than 85% of the units are occupied by rent-regulated tenants.

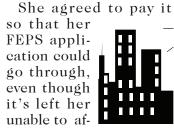
Rent Overcharges

Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses—and the tenant's unfamiliarity with the apartment's rent history-to charge an illegal rent. Tenants can challenge unauthorized rent increases through the courts or by filing a challenge with the state housing agency, the Division of Housing and Community Renewal (DHCR). The first step in the process is to contact the DHCR to see the official record of the rent history. Go to www.dhcr.state. ny.us or call (718) 739-6400 and ask for a detailed rent history. Then speak to a knowledgeable advocate or a lawyer before proceeding.

public housing is said to average about nine years.

The only rent-subsidy program left is the Family Eviction Prevention Supplement, known as FEPS, which replaced a program known as Jiggetts. Only families who receive public assistance, have a child under 18 living with them, and are currently facing an eviction in Housing Court are eligible for it.

This leaves out a huge portion of the very poor, including those who don't have an apartment or are not facing eviction yet, low-wage workers and people collecting disability benefits(which automati-



Late offers: If the owner offers the renewal late (fewer than 90 days before the expiration of the current lease), the lease term can begin, at the tenant's option, either on the date it would have begun had a timely offer been made, or on the first rent payment date 90 days after the date of the lease offer. The rent guidelines used for the renewal can be no greater than the RGB increases in effect on the date the lease should have begun (if timely offered). The tenant does not have to pay the new rent increase until 90 days after the offer was made.

Sublease Allowance Landlords can charge a 10 perFor previous guidelines, call the RGB at (212) 385-2934 or go to www.housingnyc.com.

Pinnacle

continued from page 1

lists were not accessible.

Many tenants did not receive the notice of the proposed settlement in the mail. BRUSH affiliates determined that the notice letters were not posted in all buildings either currently or formerly owned or managed by Pinnacle. The notices were not delivered to tenants in any languages other than English.

The historic class-action suit arose out of a series of community campaigns aimed at holding the Pinnacle Group, along with its president and CEO, Joel Wiener, accountable for being an extremely aggressive predatory landlord. The company started as a small business and mushroomed into a large conglomerate real-estate investment business backed by funding from the Praedium Group, a \$7 billion real-estate investment company that specializes in "underperforming and undervalued assets."

Praedium had once boasted on its Web site that it encouraged its client to do "proactive leasing, strategic capital improvements, and reduce expenses." Tenant advocates interpreted this as code language for raising rents through displacement, harassment, and trumped-up major capital improvements; driving rent-regulated tenants out; and cutting back essential building services.

The RICO suit outlined basic facts. In 2005, after buying up more than 400 buildings in Manhattan, the South Bronx, central Brooklyn, and Queens, the Pinnacle Group began a strategy of removing lowincome, working-class, longtime, and elderly tenants, using tactics including rent overcharges, harassment, lack of repairs, frivolous court actions, challenging tenant succession rights, and outright intimidation. In one two-year period, the company issued 5,000 eviction notices in Housing Court. Rentregulated tenants were identified as obstacles to lucrative profits.

In 2006–2007, Daily News reporter Juan Gonzalez wrote an investigative series exposing Pinnacle and Wiener's misdeeds. Public anger, multiple tenant demonstrations, and petitions yielded an investigation by the state attorney general's office under Eliot Spitzer and Andrew Cuomo. In 2008, Pinnacle was forced to pay \$1 million in rent overcharges to 300 tenants. Jenner & Block, a Chicagobased firm, took the case on a pro bono basis. In 2010-11, it negotiated the proposed settlement under the supervision of federal Magistrate Judge Ronald Ellis. Ellis was appointed as mediator by federal judge Colleen McMahon, who initially approved the class certification. The five tenants who represented the class strongly oppose the settlement. "How can you say the settlement is fair, reasonable, and adequate," asked one of them, Marge Charron, "when you cannot quantify the number of tenants who will benefit or not benefit

from the proposed settlement, since little or no information was gathered directly from the files of the Pinnacle Group?"

They assert that the proposal compromises away the legal rights of most of the affected tenants. For example, tenants who live or used to live in "carryover buildings," which Pinnacle bought from landlords who illegally overcharged tenants, are excluded from the proposed settlement claim process. They will not receive compensation and will not have their rent reduced—and by staying in the lawsuit, they in effect give up all their rights to sue Pinnacle.

The proposed settlement also excludes tenants who signed leases before 2004. These tenants will also neither collect damages nor have their rents reduced. This could leave their apartments with illegally high rents for future tenants.

The settlement's oversight plan is inadequate, says Kim Powell, a class representative and cofounder of BRUSH. If it were more carefully crafted, she says, it would "ensure that the court-ordered notice was given to both former and current tenants and properly posted in all Pinnacle buildings, strictly adhered to by Pinnacle under the proposed protocol agreement terms. This is particularly important given their alleged deceptive practices. It's like asking a burglar to watch the money in the vault."

Unless there is an oversight plan that requires Pinnacle to submit written reports, she adds, the settlement would enable the company to continue its pattern of deceit and fraud. "This is not the first or second time they're being accused of such practices," she says. "It could not be the last, if no carefully crafted oversight plan is created and implemented and they're not adequately reprimanded for their poor and potentially illegal management practices."

During the October 5 forum, the Jenner & Block lawyers suggested that the groups of tenants excluded from the settlement could opt out of the lawsuit and seek recourse from another agency or judicial forum. However, in some instances, the agreement may already have precluded them from filing a complaint or case against the company. The lawyers argued that the tenants should accept the proposed settlement, saying it would spare them the trouble of a protracted legal process. Tenants said the lawyers had difficulty explaining to them how they would actually benefit from the proposed settlement, since there were few records or answers from Pinnacle. While Pinnacle's lawyers had all nine of the original plaintiffs file depositions, no Pinnacle employees were questioned-and neither was Joel Wiener. Many tenants at the meeting opposed the proposed settlement, stating that it is flawed, inadequate, and a mere slap on the wrist for Pinnacle. Other tenants believe that the tenant lawyers have already decided the settlement was final, although they have had limited dialogue with the class representatives and have not heeded their objections to some of the agreement's terms.

As a result, many of the Pinnacle tenants believe the proposed settlement should be extinguished or modified, and that they should get more time to consult with attorneys. On Oct. 7, staff attorneys from the Northern Manhattan Improvement Corporation and the Urban Justice Center filed a motion with Judge McMahon to delay the process so tenants have more time to weigh their options.

Many tenant advocates believe the proposed settlement surrenders renters' rights. They want to pursue the case against Pinnacle until they achieve a resolution that truly benefits tenants.

Share Your Success Story with Us!

Please share your story of how Met Council on Housing

- Helped you organize your building
- Assisted you on our tenants' rights hotline or clinic
- Inspired you to fight back through our organizing campaigns, radio show, or newspaper

We're collecting stories - new and old, big and small - from our 50+years of struggle for affordable housing rights.

Email your story to: success@metcouncil.net

Or mail your story to

Metropolitan Council on Housing 339 Lafayette Street, Suite 301 New York, NY 10012



The law requires your landlord to provide hot water at a minimum 120 degrees at the tap 24 hours a day, year round, and from October 1 through May 31, heat at the following levels:

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.

If your landlord does not maintain those minimum temperatures, you should:

Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.



Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

You'll need a strong tenant association to force the landlord to provide heat and hot water. Write and call the landlord and demand repairs or fuel.

Prepare to go on rent strike—but get legal advice first.

The heat laws also provide for:

- * The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- * A \$250 to \$500 a day fine to the landlord for every day of violation. (But the Housing Court rarely im-
- Call the New York City Central Complaints Bureau at 311 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- * Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- * Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- * Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat and Hot Water complaint form.

poses these tines, let alone collects them.)

* A \$1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

If your boiler's fuel tank is empty, tenants have the right to buy their own fuel after 24 hours of no heat and no response from the landlord. But this provision does not apply if the boiler is broken and needs both repairs and fuel.

Caution! Protect your money! If you decide to buy fuel, you must follow special lawful procedures very carefully. You should get help and advice from a tenant organizer.

Because the heat and hot water laws are in the law books does not mean they are enforced by government. Don't freeze to death waiting for the city or state to act. Organize!

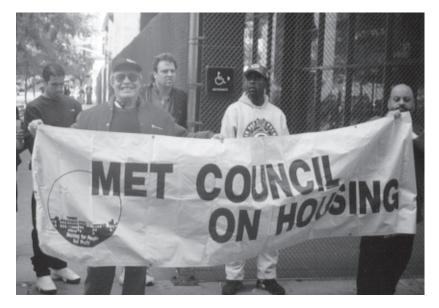
Help Met Council! We Need You to Sustain Our Movement

The Metropolitan Council on Housing's motto is "Housing for people, not for profit." We believe that this will become a reality when housing policies emerge from people who live in buildings, not the people who collect rent from them. That's why our membership model is so crucial: Our organizing is carried out and supported by people who will benefit from the changes they're working for.

For more than 50 years, Met Council has played a pivotal role in growing and sustaining New York City's uniquely vibrant tenant movement. We formed to unify neighborhood groups that were resisting displacement through urban renewal, working to integrate public housing and other "affordable" housing stock, and fighting to preserve the postwar rent controls that covered the vast majority of tenants in privately owned housing, at a time when these protections were being eliminated in most of the country.

Our campaigns for affordable housing and our tenant-assistance programs have always been run by our members. Most people who call our tenants' rights telephone hotline assume that we are a government agency or socialwork center. They are surprised to find that this vital and unique service is run by volunteers from our membership. The same goes for our radio program, our walk-in clinic, and this newspaper.

Crucially, we're funded almost entirely through the membership dues paid by our tenants—the



small contributions of low- and moderate-income New Yorkers who believe in the work we do and understand the importance of supporting an organization that's fighting for their right to affordable housing.

Right now, we're making a special appeal to followers who have not yet joined as members to sign up today.

If you already are one of our members, we're asking that you help us achieve our next round of victories for tenants in the following ways:

First, by making an additional donation to help support our work;

Second, by getting a neighbor or friend who also believes in our mission to join as a member; and

Third, to get more involved, whether in our campaigns or behind the scenes, in whatever ways you are able.

Our New Membership Type: Sustaining Members

We encourage you to join or renew through our Sustaining Member program. Instead of paying your annual membership dues by check, you can spread them out with monthly payments. You decide how much, and how you want to pay. With your authorization, we can bill that amount to your credit card every month, or deduct it from your bank account through Electronic Funds Transfer (EFT).

You can sign up using the form on page 5 of this issue.

It's the same automatic payment system that you may already use to pay your utility bill, phone bill, or another recurring payment except that with us, you decide how much you want to give. It's safe and secure, and if you ever want to cancel, just let us know by letter, phone call, or e-mail, and we'll stop it immediately.

We prefer this method for a few reasons. Many people find that they're able to give a bit more if it's spread out throughout the year. If you're planning to renew as a basic member at \$35 per year, can you afford \$5 per month instead? That's less than one round trip on the subway and a candy bar, but to Met Council, it adds up to \$60 over the course of the year.

We really rely on some of our dedicated members being generous and giving more. If it's hard to write a \$100 check all at once, how about \$10 per month from

continued on page 5

WHERE TO GO FOR HELP

MET COUNCIL ON HOUSING CLINIC at Cooper Square Committee 61 E. 4th St. (btwn. 2nd Ave. & Bowery) Tuesdays6:30 pm

GOLES (Good Old Lower East Side) 171 Avenue B (between 10 and 11 St.) by appointment only except for emergencies. 212-533-2541.

MIRABAL SISTERS

618 W. 142nd St., 212-234-3002 Saturdays.....1 - 4 pm

PRATT AREA COMMUNITY COUNCIL Central Brooklyn

VILLAGE INDEPENDENT DEMOCRATS 26 Perry St. (basement), 212-741-2994 Wednesdays6 pm

WEST SIDE TENANTS UNION

HOUSING CONSERVATION COORDINATORS 777 10 Ave.; 212-541-5996 Mondays......7-9 pm

NEIGHBORS HELPING NEIGHBORS Covers Sunset Park and surrounding neighborhoods 443 39 St., Ste. 202, Brooklyn By appointment only. 718-686-7946, ext. 10

NYC TENANTS RIGHTS CLINIC 305 Broadway (Corner of Duane), Suite 201, 212-571-4080 Tuesdays.......4:30-7:30pm

QUEENS COMMUNITY HOUSE Forest Hills Community Center, 10825 62nd Dr., Forest Hills (718) 592-5757, ext. 280 Mondays and Wednesdays ... 9:30-11 am

QUEENS COMMUNITY HOUSE Pomonok Community Center, 6709 Kissena Blvd., Flushing (718) 591-6060 Fridays 10 am-12 pm

METROPOLITAN COUNCIL ON HOUSING

Met Council is a citywide tenant union.

Our phones are open to the public Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

We can briefly answer your questions, help you with organizing or refer you to other help.

212-979-0611

Membership: Individual, \$35 per year; low-income, senior, and student discount rate, \$20 per year; family (voluntary: 2 sharing an apartment) \$50. Sponsor Circle, \$100 and up. Please give more if you can. Met Council on Housing depends on membership dues and extra donations from tenants like you for nearly everything we do. Memberships for tenant associations, community organizations, trade unions, firms, etc. begin at \$100. For more info, and to receive bulk issues of Tenant/Inquilino with your group membership, call 212-979-6238.

Join Met Council

My apartment Controlled Stabilized unregulated other____

☐ I am interested in volunteering my time to Met Council. Please call me to schedule times and duties. I can □ counsel tenants, □ do office work, □ lobby public officials, □ attend rallies/ protests.

Name				
Address		Apt. No.		
City	State	Zip		
Phone Number	Email			
Send your check or money order with this form to: Metropolitan Council on Housing, 339 Lafayette St., NY, NY 10012				