

'Sharing'? There's a New Law in Town

You hear lots of footsteps and the sound of luggage wheels at all hours. You see befuddled strangers searching for one of our addresses. Are tourists using our apartments as hotels?

What is the law about short-term rentals in New York?

- No apartment can be rented for fewer than 30 days.
- You must live in your apartment while a guest is renting space.
- Rent-stabilized tenants (that's almost all of us) may not charge roommates more than 50% of the rent. If you are renting space based on a daily amount, that amount can't exceed 50% of the calculated daily rent for the apartment.

And what are the new penalties for tenants? It is illegal even to advertise a short-term rental. That includes online listings (think Airbnb) or ads, or flyers.

- First violation: up to \$1,000.
- Second violation: up to \$5,000.
- Third and subsequent violations: up to \$7,500.

Online rental sites—and there are many—have shown such situations here as a living room with four beds, a living room set up as a hookah lounge, and many apartments with no floor covering. Sometimes people have rented apartments here not to live in them but solely to rent them out short term. Every time that happens, a person or a family that needs housing loses out.

Even if you're using your apartment legally for short-term rentals, consider reasons not to:

- Security: More strangers having access to our buildings.
- Infrastructure: More wear and tear on our plumbing.
- Vermin: Increased chance of bed bugs.

If you know of apartments in your building being used illegally, you may call management or file a 311 complaint by phone or online (illegal use of a residential building, residential used as hotel) <https://www1.nyc.gov/apps/311universalintake/form.htm?serviceName=DOB+Illegal+Use+Residential+as+Hotel>. The Mayor's Office of Special Enforcement is responsible for enforcing the law. ■

QUESTIONS AND ANSWERS

As part of its mission to educate the public on legal issues concerning the rights of rent-stabilized tenants, the STPCV Tenants' Association Foundation, Inc., has provided answers to four frequently asked questions.

Q: Can a landlord of rent-stabilized units amend the house rules contained in a tenant's original lease?

A: If a landlord introduces a new house rule that imposes substantially new obligations on a rent-stabilized tenant, the new rule would likely be unenforceable—unless the landlord can demonstrate that the change is necessary in order to comply with a specific requirement of a law or regulation that applies to the building or to leases for rent-stabilized housing, or that the change has been approved by the state's Division of Housing and Community Renewal (DHCR).

The state's Rent Stabilization Code provides that a landlord must renew a tenant's lease on the same terms and conditions as the tenant's original lease. However, any change to a house rule that is materially

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ARE YOU ON OUR EMAIL LIST?

Let us keep you up-to-date. Add your email address at stpcvta.org.

Eligible for a Rent Freeze?

The city sponsors two programs that freeze the rent of eligible rent-regulated tenants: the Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE).

The basics:

You must have a total combined annual household income of \$50,000 or less and pay more than one-third of the household's total monthly income for rent. In addition, you must:

SCRIE

- Be at least 62 years old
- Be the head of household as the primary tenant or have been granted succession rights

DRIE

- Be at least 18 years old
- Be named on the lease or have been granted succession rights
- Receive federal Supplemental Security Income (SSI), federal Social Security Disability Insurance (SSDI), a VA disability pension or compensation, or disability-related Medicaid if you have received either SSI or SSDI in the past

If you qualify, your legal rent will be frozen and you will be exempt from MCI increases issued within 90 days of the date your initial application was received.

Total combined household income: This is the sum of the income of everyone living in the apartment, including all family members who lived in your apartment the year before your application. If you rent a bedroom to someone, you do not need to report that person's income, but you must include the rent received in your own income.

How is my income calculated? Both programs use taxable and nontaxable income. Gifts and inheritances are not included.

What can I deduct from my income? What can't I deduct? Federal, state, and local taxes, and Social Security taxes can be deducted. Medical expenses, Medicare premiums, and capital or business losses cannot be deducted.

What if I don't file taxes? If you don't file taxes, you must document how you and household members receive income, such as Social Security statements, pension statements, IRA/annuity statements, IRS forms 1099 and/or W2. If you receive financial assistance from family or friends, you must submit a letter from the individual(s) providing support detailing the amount and the situation.

What if I pay a preferential rent, which is lower than the maximum legal rent? In general, your rent will be frozen at the maximum legal rent, not the lower preferential rent.

Can my landlord evict me for paying a lower rent? No, but the programs do not protect from eviction for other, unrelated reasons.

Why is my landlord OK with these programs? Landlords get a property tax credit that covers the difference between the lower rent and the rent in the lease. There is no loss to them.

When does my benefit expire? The benefit expires on the expiration date of your current lease. You will then have to file to renew. The NYC Dept. of Finance should mail you a renewal about 60 days before your benefit ends.

For more information, call 311 or go to the city's site: <http://www1.nyc.gov/nyc-resources/service/2424/senior-citizen-rent-increase-exemption-scrie>.

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Major Capital Improvement Update

MCI rent increase applications have been coming thick and fast. If they are finally approved by state agency Department of Housing and Community Renewal (DHCR), they will permanently become part of the legal rent. Some MCIs apply only to certain buildings. Some buildings have been hit with multiple MCIs.

In brief, these are the steps in fighting an MCI:

1. Tenants and the Tenants Association on behalf of tenants request an extension from DHCR to respond to the landlord's application for a rent increase.

2. The TA's attorneys file a Freedom of Information Law (FOIL) request so we can see the details of the landlord's application. Then the attorneys formulate a recommendation as to whether sufficient grounds exist to warrant a challenge to the MCI. If a challenge is authorized by the TA, the attorneys file legal objections to the application.

3. If DHCR rejects our objections, we can file a Petition for Administrative Review (PAR).

4. If DHCR accepts our objections and reduces the MCI in whole or in part, the landlord can file a PAR. If DHCR rejects our objections on PAR, we can file an Article 78, to be heard in State Supreme Court. If DHCR rejects the landlord's PAR, the landlord can file an Article 78.

Fighting MCIs is an expensive process, which is why your dues and financial support are so critical. Here's an update on the status of the MCIs of the past few years.

Exterior Restoration (Facade Work)—25 Buildings

Status: The TA's attorneys filed objections and submitted multiple supplemental objections on various dates from December 2014 to February 2017. There were 18 docket numbers for the 25 buildings. Pending.

Key objections: For some buildings, our attorneys alleged the landlord did not file within the two-year time limit from completion of work, that insurance proceeds may have paid for damage caused by Hurricane Sandy, and that the work was not depreciable according to the Internal Revenue Code.

During this process, DHCR granted, in part, four of the landlord's MCI applications:

2 Peter Cooper Rd 431 E 20
441 E 20 541 E 20

Status: Our attorneys submitted PARs on 9/15/2016 and supplemental PARs on various dates. Pending.

Key objections: Our attorneys alleged that DHCR violated the State Administrative Procedure Act, the statute of limitations on some of the MCIs had passed, insurance proceeds related to Hurricane Sandy may have paid for the work, and the work was not depreciable according to the Internal Revenue Code.

DHCR issued a second batch of exterior restoration applications:

4 Peter Cooper Rd 6 Peter Cooper Rd
7 Peter Cooper Rd 531 E 20
530 E 23

Status: Our attorneys filed six FOIL requests on 3/23/2017. Pending. While pending, DHCR granted the landlord's MCI for 4 Peter Cooper Road.

Key objections: On 3/27/2017 the attorneys filed a Request for Reconsideration and on 4/24/17 filed a PAR to challenge DHCR's Order, alleging "irregularity in a vital matter" because the TA and individual tenants submitted an extension request for 4 Peter Cooper Road prior to the MCI award, and the attorneys submitted a FOIL request.

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#ourtownourvillage #StuyTown #PCVST
twitter.com/ST_PCV_Tenants

Major Capital Improvement Update

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Video Intercom

This MCI was received by ten Peter Cooper Village buildings:

350 First Ave	360 First Ave
370 First Ave	390 First Ave
2 Peter Cooper Rd	3 Peter Cooper Rd
431 E 20	441 E 20
420 E 23	440 E 23

Status: Objections submitted 2/17/2017. Pending.

Key objections: Our attorneys allege that some of the MCIs were filed more than two years after the work was completed and that insurance proceeds for Hurricane Sandy damage may have covered the cost.

Hot Water Heaters

Eventually, all buildings will get this MCI. So far, 50 buildings have received it. Because each hot water heater acts as a hub for more than one building, an MCI docket number may include more than one building. For this MCI so far, there are eight docket numbers.

Status: FOIL requests for eight docket numbers

submitted 2/24/2017. Response received for six docket numbers.

Key objections: Tentatively, insurance proceeds due to upgrade of building systems following Hurricane Sandy. Our attorneys are waiting for the remaining FOIL responses to formulate any objections.

Accessibility Ramps

Four Stuyvesant Town building so far have received an MCI notice for recently constructed ramps to make the Terrace entrance accessible to all. (See article "About Those Ramps.")

The cost per room (approximately \$0.60) of this MCI, together with only four buildings receiving notice, meant that the legal cost of pursuing a challenge would far outweigh the costs to tenants. Considering the other MCIs in the hopper, the Tenants Association reluctantly decided not to challenge this MCI, but DHCR disallowed about a third of amount requested by the landlord. ■

Eligible for a Rent Freeze?

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You can download a guide to the program and an application. The guide contains much more information, including a list of the documents you will need to file with your application. The guide is available in Bengali, Chinese, French, Haitian Creole, Korean, Russian, and Spanish. You can also request additional information and applications in these languages by visiting the SCRIE/DRIE walk-in office at 66 John Street, 3rd floor, in lower

Manhattan. The office is open Monday–Friday, 8:30 a.m.–4:30 p.m.

Help is also available from our elected representatives: State Senator Brad Hoylman: (212) 633-8052
Assembly Member Brian Kavanagh: (212) 979-9696
SCRIE counseling is available Thursdays at 2 p.m. in the Community Center (First Avenue loop). ■

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ZEICHNER'S WINES & LIQUORS
279 First Avenue

COMMUNITY CENTER First Avenue Loop
OVAL SERVICES 17A Stuyvesant Oval

JOIN OR RENEW ONLINE AT STPCVTA.ORG/DONATE

Only \$50 a year per apartment/\$25 for SCRIE/DRIE

About Those Ramps...

Several buildings in Stuyvesant Town that have steps at the Terrace entrances now also have ramps to make the buildings universally accessible. If you live in one of those buildings, you are now paying a Major Capital Improvement (MCI) or have it included in your rent. Why are such ramps eligible for an MCI? Because in June 2016, the state's Division of Housing and Community Renewal (DHCR) decided they are.

DHCR decided that "such ramps are also helpful to a wide range of citizens and tenants. All generations benefit from the ramps: babies in strollers to the elderly who have some difficulty walking; individuals with temporary injuries and people toting luggage on wheels and disabled visitors. At any time a tenant or family member may become disabled."

Nevertheless, the Tenants Association thought it unfair to burden the tenants of only certain buildings with the forever cost of making their buildings accessible.

In a letter sent to Rick Hayduk, CEO and General Manager, we said:

"Consider other things that Blackstone has spent money on for the property at no cost to tenants: smoking urns at a unit cost of \$500,

elaborate harvest floral displays, multiple seasonal plantings, concerts free to tenants, and most of all, an \$800,000 signage package. None of these expenditures, however, even approaches the importance and life quality enhancement of accessibility ramps. These ramps signify Blackstone's recognition and support of the Americans with Disabilities Act. Indeed, they are a critical component of that act, serving the many residents in need of them.

"We ask you to consider the welfare of tenants and withdraw this MCI and not file for MCIs for future ramps or other essential accessibility equipment. The Americans with Disabilities Act mandates accessibility, and tenants in particular buildings should not be stuck with the bill. Leveling the playing field without charging tenants would be an act of goodwill and compassion."

Our City Council Member, Dan Garodnick, followed our request with a letter of his own, pointing out that the DHCR recent decision on ADA ramps was not in the spirit of the NYC Human Rights Law, which had no provision for charging tenants for ramp access. Management, however, declined our request. Ultimately, DHCR disallowed about a third of the costs that were submitted for the ramps. ■

2017 Board of Directors Election

The Annual Meeting of the Stuyvesant Town-Peter Cooper Village Tenants Association, Inc., will be held on Wednesday, May 31, 2017, at 7:00 p.m. at the Veterans Administration Medical Center, 423 East 23rd Street. At that time, members will vote to fill three seats on the TA Board of Directors. All members who are current in their dues as of May 22, 2017, the record date set for the meeting, are entitled to vote.

The Board of Directors, on the recommendation of the Nominating Committee, has endorsed the following persons to be elected to those seats:

Sherryl Kirschenbaum, who raised her two children in Stuyvesant Town, is now retired as a registered nurse at Beth Israel Medical Center. A longtime volunteer and building leader with the Tenants Association, she trains and oversees the activities of the volunteers who respond to resident inquiries to the TA's Message Center, keeping them abreast of the up-to-date information they need in responding to resident queries and complaints. Sherry became a board member in 2013.

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This bulletin has been funded in part by the STPCV Tenants' Association Foundation, Inc., a 501(c)(3) tax-exempt organization.

Rent Increases Coming

The city's annual process for determining rent increases for rent-stabilized apartments has begun. The increases will affect leases that renew between October 1, 2017, and September 30, 2018.

In the preliminary vote taken April 25, the Rent Guidelines Board recommended the following range of increases: 1%–3% for one-year leases and 2%–4% for two-year leases. Although the RGB's staff reports projected increased costs for landlords, they also showed that net operating income for landlords was far more than their costs.

Not happy with the results of the preliminary vote? On Wednesday, June 14, 2–8 p.m., anyone can give testimony—two-minute limit—to the RGB at the U.S. Customs House at 1 Bowling Green (4 and 5 trains to Bowling Green). You must sign up to speak. Before the hearing, call 212-669-7480. You can also

sign up at the public hearing. Interpretation available in Spanish and Mandarin. Similar meetings are taking place around the city on other days. If you need a sign language interpreter or an interpreter for a language other than those mentioned, you must make a request by June 1 by calling 212-669-7480 or writing to the RGB at 1 Centre Street, Suite 2210, New York, NY 10007.

Other ways you can submit comments by June 22:

Website: <http://rules.cityofnewyork.us>

Email: board@nycrgb.org

Mail: NYC Rent Guidelines Board, 1 Centre Street, Suite 2210, New York, NY 10007

Fax: NYC Rent Guidelines Board, 212-669-7488

Final vote: Tuesday, June 27, at 7 p.m. at Baruch College's Mason Hall, at 17 Lexington Avenue (corner of 23rd Street).

2017 Board of Directors Election

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Judith Preble Miller has lived in Stuyvesant Town since 1975. A practicing attorney and supervisor for the Legal Aid Society's Criminal Practice for nearly 40 years, she serves on the TA's Legal Committee and as the Board Chair of the STPCV Tenants' Association Foundation, Inc. Judy joined the Board in 2010.

Sandro Sherrod, a technology director at NYU Medical Center, has been a resident of Stuyvesant Town for 25 years. A past chair of Community Board 6 and past president of the Samuel J. Tilden Democratic Club, he serves on the Board's Communications and Outreach Committees. Sandro was elected to the Board in 2013.

Other TA members interested in being elected to the Board were provided the opportunity to be nominated by submitting a petition signed by 30 current members of the Tenants Association no later than April 11, 2017. Because no such petitions were submitted, only the three persons endorsed by the Board have been nominated. All three are incumbents on the Board. Since the election is uncontested this year, in an effort to minimize expenses, no proxies or ballots will be

distributed. The election will be conducted at the Annual Meeting.

The Nominating Committee consists of the following members of the Tenants Association: Kevin J. Farrelly, Soni Fink, Gary Ireland, Keith Powers, and Patricia Sallin. ■

Facebook— Yeah, We're There

Need neighborhood tips? Want to share?

Know what your neighbors are thinking?

(They don't hold back!)

Check us out at [facebook.com/groups/stpcvta](https://www.facebook.com/groups/stpcvta)

Twitter

We're at twitter.com/ST_PCV_Tenants

#ourtownourvillage #StuyTown #STPCV

MAINTENANCE ISSUES? CALL (212) 420-5000

Not happy with the result? Call again and ask to speak to your property manager.

How We Can Represent You in Housing-Related Legal Matters

When it's time to negotiate a settlement outside of a government agency ruling, you want the TA's attorneys to be working for you. They may not be able to do that unless you're a member of the Tenants Association and you've signed a Public Membership Pledge.

That's right—to be certain of benefiting from a settlement negotiated with the landlord, you must sign the pledge. And to be a member of the Tenants Association, you must have paid dues.

What sort of settlements have been negotiated? Most recently, the TA's attorneys got our previous landlord, CWCapital, to waive retroactive MCI charges—an estimated \$30 million that tenants never had to pay. The smallest amount per apartment was more than \$2,000.

When we're fighting, we don't want to be representing only some of you. And we want to be able to negotiate a good financial settlement for as many of our neighbors as

possible. New York's Real Property Law § 223-b explicitly protects the right of tenants to participate "in the activities of a tenant's organization." Tenants signing PMPs may not be harassed, denied renewal leases, or deprived of services because of their participation in the Tenants Association.

Even if you decide not to sign a Public Membership Pledge, you can still be a member of the TA. We'll continue to keep you up-to-date on important tenant issues, alert you to our meetings, welcome you to our Facebook page, and field your calls to our Message Center or online.

But don't you want to get the most out of your membership?

If you're not already a member, please join us by filling out the coupon on the last page or going online to stpcvta.org/donate. Then sign the enclosed PMP and return it to us by mail or by placing it in one of our convenient drop boxes. ■

Questions and Answers

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equivalent to the house rule in effect at the start of the tenancy is likely to be enforceable.

Landlords are permitted to offer renewal leases on terms and conditions more favorable to tenants.

Q: Are there any limits on what a landlord can charge a rent-stabilized tenant for such services as unclogging a drain or replacing a light bulb?

A: A landlord cannot charge a tenant for performing general maintenance required under the warranty of habitability. (The landlord warrants that the premises are fit for human habitation; that the condition of the premises is in accord with the uses reasonably intended by the parties; and that the tenants are not subjected to any conditions endangering or detrimental to their life, health, or safety.)

Unclogging toilets and sinks is typically considered general maintenance that falls under the warranty of habitability, and so the landlord is responsible to perform that service without charge to the tenant. But if the fixture became clogged by other than ordinary use or by improper use, the landlord may charge a fee to repair it.

Unless otherwise provided for in the tenant's lease, changing light bulbs is not generally considered a required service, and so the landlord may charge for that service. When a landlord performs a service that is not required, there are no restrictions on the amount of the fee the landlord may charge, and it is subject to the tenant's negotiations with the landlord.

Q: Are there regulations as to the maximum number of people who may reside in an apartment?

A: Real Property Law § 235-f, commonly known as the "Roommate Law," protects tenants from unlawful occupancy restrictions in a lease. It permits an apartment with one named tenant to be occupied by the tenant, the tenant's immediate family, one roommate, and the dependent children of the roommate. Immediate family includes spouse, child, stepchild, parent, stepparent, sibling, grandparent, grandchild, mother- and father-in-law, and daughter- and son-in-law.

RPL § 235-f(4) permits an apartment with two or more named tenants to be occupied by the tenants, the tenants' immediate families, roommate(s), and the dependent children of the roommate(s)—but the total

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Questions and Answers

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number of tenants in occupancy and roommates cannot exceed the total number of named tenants on the lease, excluding the immediate families of the tenants and dependent children of the roommate(s). For example, if three tenants are named on a lease but one moves out before the lease expires, the remaining two tenants could have one roommate.

Both RPL § 235-f(3) and (4) provide that at all times either the tenant or the tenant's spouse must maintain the premises as his or her primary residence (generally, where you live at least 183 days a year). Roommates do not have the right to continue to live in the apartment if the tenant vacates it, and they don't have any other rights of tenancy.

RPL § 235-f(5) provides that the tenant shall inform the landlord of the name of any occupant within thirty days following commencement of occupancy or a request by the landlord.

Although a landlord cannot restrict occupancy to anything less than provided in RPL § 235-f, section 8 of RPL § 235-f permits a landlord to restrict occupancy in order to comply with federal, state, or local law, regulations ordinances, or codes.

In New York City, the Multiple Dwelling Law and the Housing Maintenance Code require that each

individual in an apartment have a livable area of at least 80 square feet. The "livable area" does not include private halls, foyers, bathrooms, or water closets but does include the kitchen.

Q: Sometimes a tenant receives a Golub notice—a nonrenewal of lease—because the landlord claims the apartment is not the tenant's primary residence (generally, where you live at least 183 days a year). No renewal lease is given, but neither does the landlord start an eviction action. Rather, the landlord drags out an investigation, which causes the tenant considerable expense if the tenant wishes to prove the apartment is his or her primary residence. Does a tenant have a way to stop the investigation and force the landlord to renew the lease?

A: Where a Golub notice is served, a tenant cannot generally compel the landlord to either issue a renewal lease or initiate a holdover proceeding (a court action in which a landlord tries to evict a tenant). But if a landlord waits too long (nine months or more) to bring a holdover proceeding after the lease expires, a judge may dismiss the proceeding and order the landlord to offer a renewal lease. ■

We welcome your support. You may renew your membership securely at: <http://stpcvta.org/donate>

Primary Member: _____ E-mail: _____

Additional Member: _____ E-mail: _____

Additional Member: _____ E-mail: _____

Address: _____ Apt: _____ Phone: _____ (H) (W) (C)

Move-in year: _____ *By submitting my email address, I authorize you to add my email address to the Tenant Update List.*

Dues are \$50 (\$25 for SCRIE/DRIE) per apartment per calendar year January 1 through December 31, 2017.

If you are able to add to that, it will be a big help:

\$50 \$75 \$100 Other \$ _____ SCRIE/DRIE \$25

Make checks payable to: ST/PCV-TA

Mail to: P.O. Box 1202, New York, NY 10009-1202

(Dues and contributions are NOT tax deductible)

17-135-NB

CONVENIENT TA DROP BOX LOCATIONS

Zeichner's Wines & Liquors, 279 First Ave., near 16th St.,
9AM – 9:30 PM. shorter Sun. hours

Oval Services, 17A Stuyvesant Oval (First Ave. Loop),
M-F 8AM-8PM, Sat, Sun 9AM-5PM

Community Center, 449 E. 14th St. (First Ave. Loop),
MWF, Sat & Sun 8AM-5PM, Tu, Th 8AM-8PM