

## We Are Still Waiting and the Legal Issues Are Not Over

### DHCR'S J-51 Decision

We are still awaiting DHCR's J-51 decision. (DHCR is the State Agency, Division of Housing & Community Renewal.) When we get it, it will be posted on our web site and publicized immediately.

### Landlord Lawyer's Threats

In a newspaper article "Feds Say Gluck is Gouging I.P.N." in the February 5, 2010 edition of the Downtown Express, Stephen Meister, Lawrence Gluck's law-

yer, threatened to "make it my personal business" to make things worse for I.P.N. tenants if they win their case and are declared rent-stabilized. "Everyone gets screwed if [I.P.N. tenants' attorney] Miller wins."

These threats are nonsense, since if the tenants win their J-51 claims I.P.N. will be rent stabilized and neither Meister nor Gluck will be able to take the buildings to market. We hope no one has been frightened by these unprofessional threats. When Meister was re-contacted

by the Downtown Express, he did not identify any quote that he thought was inaccurate, nor did he respond to a subsequent request for elaboration.

Our landlord has stated in the past that if we win, he plans on appealing. Whether or not he will appeal remains to be seen.

In the meantime, we must continue our legal fight — with representation from our attorney, Seth Miller.

## J-51 and Rent Stabilization at Independence Plaza

How the decision affects each tenant:

**1) For all tenants who filed** the overcharge papers, as suggested in March 2008, your rent will be rolled back to when we left the Mitchell Lama program.

**2) All others** must file overcharge papers NOW. You can find the form on our website <http://ipnta.org>. You can also get a form from DHCR. (If you are an IPNTA member and do not use a computer, we can print some forms for you.)

**If you have not filled out the form yet – but will:**

◆ **Voucher Tenants...** Your rent will be stabilized according to your share of the rent, as it was 4 years prior to the filing of overcharge papers. Your apartment's rental value, stated on your lease will be lowered to that amount. If you have a challenged financial situation, if it fluctuates or your rent is more than 30% of your salary, you can remain on a federal Section 8 voucher. The difference is that the government will be subsidizing your rent at the new stabilized rental value (i.e., if your lease said your apartment was \$3,500.00, it will now state the stabilized rent, and the voucher will pay that difference).

Or, you may opt to drop your voucher. This is an important decision that only you can make. Once you drop your voucher, you will be out of the voucher program and cannot get another

voucher. You will then be responsible to pay your rent which will include additional increases the Rent Guidelines Board decides each year. If you drop your voucher, you will not be required to file income papers each year.

◆ **LAP Tenants...** Your rent has already mimicked stabilization (if you filed the overcharge papers, as above, you will be rolled back to when we left the Mitchell Lama program). If you will be filing now, you will be rolled back 4 years prior to the filing date.

◆ **Original Free Market Tenants...** If you moved in right after a Mitchell Lama resident moved out, your rent will also be stabilized. Your rent will also probably have an additional charge based on the owner's renovation of your apartment.

◆ **Non-Original Free Market Tenants...** If you moved in after a free market tenant moved out (April 2006 or later), this needs to be discussed. There is a chance you can also be stabilized. You will probably need to organize and hire an attorney to fight for this. We recommend Seth Miller, the attorney who represents the Tenant Association and we will help organize and support your fight.

We know the owners made new free market tenants sign leases stating that their rent will not be affected by a J-51 decision. We believe this does not hold up legally.

### In This Issue

Status of Legal Issues  
J-51 and Rent Stabilization  
Future Rent Increases  
Electricity Issues  
HEAP  
What IPNTA Does

IPNTA is dedicated to helping all residents of Independence Plaza.

### Electricity Issues

Aside from the J-51 situation, we have also been addressing many other issues - including the electricity charges and lack of energy efficiency. We have tried to work with Stellar Management to obtain energy-efficient appliances for all tenants. We have notified Stellar of funding available to pay for energy-efficient appliances for each tenant, but Stellar seems to have dropped the discussion.

In our search for mitigating this situation, we have discovered that the method Stellar used to submeter Independence Plaza was not done according to statutes set forth by governing agencies. Therefore, we have spoken to the Public Utility Law Project, who informs us that if we fight, we can have the submetering cease, be refunded all of our electric charges, and Management would

*(continued on reverse)*

### Home Energy Assistance Program (HEAP)

On a cold day in December, Daniel Squadron, Deborah Glick, Margaret Chin, and representatives from Alan Gerson, Jerry Nadler and Scott Stringer's offices came to IPN for a press conference requesting our landlord's participation for HEAP at IPN. Led by Squadron's office, our landlord agreed and registered. We want to thank our elected officials for their great support on this and other issues!

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### Future Rent Increases



Each year, the Rent Guidelines Board votes on whether or not to increase stabilized rents and by how much. The people on the RGB are appointed by Mayor Bloomberg and so far, each year, they have voted to increase rents by varying percentages. We will have to become more pro-active to keep these increases down.



## How You Can Help the Tenant Association Continue Helping You

### Support IPNTA

In order to make sure all tenants are receiving what is rightfully theirs, we need all tenants to support the tenant association.

Until now we have used a combination of funds from the plaintiffs (two legal cases, including original IPN tenants and the first IPN free-market tenants who brought the case to court regarding whether the J51 constitutes IPN being rent-stabilized), contributions, membership dues and money left over from our legal fund from several years ago.

All tenants have benefited from those funds -- although some tenants did not even contribute initially, and others never paid their dues to the IPNTA.

We understand this is a depressed economy, however, in the end tenants will save money and we have no choice but to start collecting.

It is now imperative that EVERY TENANT contribute something. We need all tenants to join the IPNTA (yearly dues) and we need tenants to contribute to the legal fund. (Hardship cases can pay less.)

**Open Book Policy** — Our books are always open to members upon request. No tenant association wants the landlord to see the books.

### IPNTA works for every tenant and we need every tenant's support

We would like to take this opportunity to thank our seven free market tenants who became the plaintiffs in the J-51 case.

#### HEAP Quick Reference for IPN

You may qualify for a regular HEAP benefit if you:

- (1) Are a U.S. citizen or qualified alien; and
- (2) Either have responsibility for heating costs or make undesignated payments for heat in the form of rent; and
- (3) Live in a HEAP eligible living arrangement; and
- (4) Your income is at or below a certain income or you receive Food Stamps, Temporary Assistance, or Code A Supplemental Security Income (SSI Living Alone)

**Income Eligibility** You may be eligible for HEAP if your gross monthly household earnings total an amount less than or equal to the figures shown:

Number of Persons:  
1 = \$2,030 2 = \$2,654 3 = \$3,279  
4 = \$3,903 5 = \$4,528 6 = \$5,152

Please note that individual eligibility determinations are made by the NYC Human Resources Administration (HRA). If you think you may be eligible, you should contact an HRA HEAP office at one of the numbers listed below.

Contact Information:  
NYC HRA HEAP Line - 800-692-0557  
NYC HRA Homebound HEAT Line - 212-331-3150

Manhattan HRA HEAP Offices:  
2 Washington Street, 8th Floor 340A  
West 34th Street (Lobby)  
32 West 125th Street (Lobby)

Applications can be found online at <http://www.otda.state.ny.us/main/heap/application.asp>

**Detailed HEAP information is on the IPNTA web site: <http://ipnta.org> or ask your Building VP to print it for you.**

### What IPNTA Does

The IPNTA is doing the work that must be done to keep our apartments affordable and to keep our friends and neighbors together.

1. The IPNTA Executive Board, a group of elected tenants from various professions, meets frequently to review progress of the continuing effort to keep IPN affordable for all residents and to improve living conditions for all.
2. IPNTA is in constant contact with our attorney, Seth Miller, and keeps a pulse on all legal decisions and pending cases that relate to tenants' rights and affordable housing.
3. IPNTA meets with management, and advocates for tenants and often for workers on a wide range of maintenance and security concerns.
4. IPNTA meets often with elected officials to get their support on issues affecting quality of life at IP.
5. Many IPN tenants are union members and the IPNTA has developed contacts with unions to gain their support.
6. IPNTA has gained the support of important community groups, including Community Board #1, The LMCCC, Neighbors Against Noise, local political groups, etc.
7. IPNTA has built and maintains coalitions with groups such as Tenants & Neighbors, and other large complexes like Gateway Plaza and West Village Houses.
8. IPNTA has been represented at major seminars on community response in an emergency.
9. IPNTA keeps all tenants informed -- through its web site, at general tenants' meetings, in our newsletters and letters from the IPNTA Executive Board, and committee meetings.

The IPNTA has not and will not give up on protecting our homes -- for every IPN tenant.

### Electricity (continued)

have to apply again, following the proper procedure. The correct procedure includes 60-day notification with a comment period. During that comment period, we can address energy-efficient appliances and can check on possible cross wiring. We need your donations to help us start these proceedings.



IPNTA Executive Board: Pres: Diane Lapson • Secretary: Judy Bernstein • Treasurer: Jean Hartman • Vice Presidents: Ed Rosner, Diane Stein, BJ Berti, Alan Howard, John Lynch and Marnee May. Committee Heads: Elissa Krauss (Legal) • John Scott (Political), • Mariette Bailey (Environmental) • June Grancio (Holiday collection) • Elizabeth Saenger (Nominating)