

Lenox Terrace Association of Concerned Tenants Winter 2018 Newsletter

LT-ACT, supporting a better quality of life, one tenant at a time.

A MESSAGE FROM THE PRESIDENT

Dear Residents,

As president, in conjunction with the Executive Committee of LT-ACT, I would like to thank the membership of the Association for your continued support. In these times, when it has become increasingly necessary to be vigilant about keeping Lenox Terrace as well as the surrounding area a safe, affordable and community focused environment for our residents, it is important that we continue to be a strong tenants' association, and a model for tenants in housing complexes across Harlem.

This quarterly newsletter focuses on two crucial issues facing Lenox Terrace residents: 1) Very serious apartment/building maintenance and quality of life issues; and, 2) the landlords' desire to rezone the property from residential to commercial.

First, the results of the LT-ACT survey of apartment issues complex-wide taken this fall will be detailed in a report under separate cover. What jumps out is that there are significant problems across the complex with roaches, mice, bed bugs and lack of responsiveness to tenants' complaints about serious maintenance issues. A 40+ year resident, Veronica Glasgow, tells her story on page 2.

Second, as you have been notified, the landlord is going before a hearing of the City Planning Commission as a prelude to the publication of their environmental impact study (EIS). That meeting will be held on Feb. 8 at 22 Reade Street at 6pm. This is the step that comes immediately before the ULURP process begins. (For more info on ULURP, visit: <https://www1.nyc.gov/assets/planning/download/pdf/applicants/applicant-portal/lur.pdf>)

Judging by your responses at the Schomburg meeting held in October, and a previous survey taken 3 years ago, the overwhelming majority of tenants in Lenox Terrace are NOT in support of this rezoning.

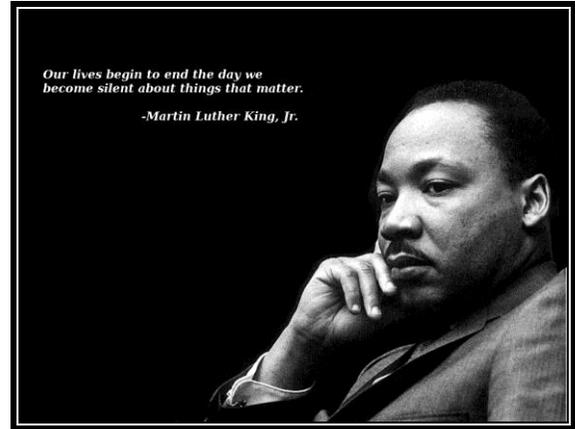
It is extremely important to attend this initial city planning meeting. Your concerns about the environmental impact of this infill project must be heard by the CPC. On February 1, 2017, LT-ACT will hold a town hall meeting at Bethel A.M.E. Church

(Cont'd on page 2)

Calendar

January

Martin Luther King, Jr. Day
January 15, 2018



Sunrise: Jan. 15, 1929 - Sunset: April 4, 1968
50th Anniversary

January 27th

LT-ACT Membership Drive Kick-off!

February

Feb. 1st

LT-ACT Town Hall Meeting

Topic: Proposed Rezoning by Olnick

Feb. 1 - Thursday, 6:30-8:30 pm

Bethel A.M.E. Church

60 W. 132nd St. (Btw. Lenox & 5th Ave.)

Feb. 8th

Lenox Terrace Public Scoping Hearing

before the NYC Dept. of City Planning

Feb. 8 - Thursday @ 6:00 pm

Spector Hall, 22 Reade St.

Public comments to the proposed rezoning by Olnick before the NYC Dept. of City Planning.

Come and let your voice be heard!



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so that residents and our friends in the community can come together to plan our response to this awful monstrosity being planned for our home.

Lenox Terrace tenants and the larger tenant community in Central Harlem must be aware of what this 9-year, massive excavation project will mean to the environment, the health of tenants and our neighbors in the surrounding community, and culture and peaceful enjoyment of our homes and the neighborhood.

As your president, I am pleased to continue this work on your behalf to support tenants' quality of life at Lenox Terrace including grounds and maintenance issues, individual tenant issues including apartment matters and leasing, and participation in tenants' rights and advocacy beyond the complex.

I look forward to your continued support and commitment to an exemplary quality of life both at Lenox Terrace and the surrounding community.

Sincerely,

Delsenia Glover
President, LT-ACT

Contact me through our website at www.ltact.org; or delseniag@yahoo.com



Membership Drive Save the Date!

The LT-ACT 2018 membership drive kicks off on Saturday, January 27, 2018. We appreciate your continued support of the tenants' association and our efforts!

Check out our member discounts on our website at: www.LTACT.org

Apartment Issues

Following is an excerpt from an email sent by a Lenox Terrace resident to management after months of ineffective treatment:

Good Day,

After almost six months of bed bugs I'm at the point that I cannot take it anymore. On Monday, August 7, 2017, I was given the fourth treatment for bedbugs; the first treatment was on March 27th. On Tuesday, August 9th I put my 17-month old great grandson in his crib for a nap and when I checked on him a half hour later, he was swarmed with bed bugs. I now know I should have taken pictures, however my first thought was to get the baby out of the crib and into water. I sprayed the crib with store bought bed bug spray.

The next day the exterminator came to put down and check the mice traps. I told him what happened the day before and was informed that I could not put the baby back in the crib once I sprayed it, so I threw the crib away; this goes along with the sofa bed and a daybed that I had to pay to have wrapped up and thrown away a couple of weeks before. This situation has caused me a small fortune with no reimbursement, and it appears to have no end. The bed bugs have now spread to the bedroom.

The treatment that I'd been given did not work. If management can't offer me a better form of treatment that will get rid of them, I will be seeking another exterminator on my own and deducting payment from the rent.

I am also fed up with this continuous mice problem, which also seems to have no end. Although I may have had a small reprieve after the sink cabinet was moved, they are back in full force. The only way to address the mice now is with poison and find them when they start smelling. However, I have to be very mindful of the baby, who lives here, so that he does not get at the poison—this is a very dangerous position to be in. I would really like a solution.

Veronica Glasgow

Update: After six months, five chemical treatments, and the heat treatment the bedbugs were eradicated. We are still pressing management on the mouse problem in her apartment.

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Tenants Earn Free Right to Counsel At Housing Court

Tenants and Neighbors
www.TandN.org

On August 11, 2017 Mayor de Blasio signed into law the first ever bill in the nation providing legal counsel to low-income tenants in housing court. Guaranteeing low-income tenants legal representation is an essential step towards achieving the justice we deserve. Housing court has long been a site of immense injustice, and providing tenants with legal support is a key protection that will help to keep thousands of at-risk New Yorkers in their homes. This victory is a result of a multi-year campaign led by our allies at CASA-New Settlement Apartments and the Right to Counsel-NYC Coalition, and we are grateful for their leadership.

How will it work? The right to counsel will be implemented citywide over the course of a multi-year plan. It will be targeted by specific zip codes, and the initial 5 zip codes in which tenants will be able to access these services are 10025 (Manhattan), 10468 (Bronx), 11225 (Brooklyn), 11373 (Queens), and 11573 (Staten Island). As coverage expands, we will continue to keep you updated on the resources available in your neighborhood. You will qualify if you make under \$50,000 for a family of four to access these services or if you are under 200% of the federal poverty limit. For more information on federal poverty designations, see <http://familiesusa.org/product/federal-poverty-guidelines>

Those of you who have spent any time in housing court know how difficult it is to defend yourself in court against your landlord and his attorney. This inequity has led housing court to be used as an eviction machine. For decades, we repeated the statistic that 90% of landlords have lawyers and 10% of tenants have lawyers. Thanks to powerful organizing, we will soon see a day shortly in which that is no longer the case, providing needed protections to tenants at risk of eviction. For more information, contact Wanda Mercado at Wmercado@tandn.org

Bertha Lewis Inspires at Annual Meeting



The LT-ACT annual meeting was held on December 7, 2017 at The Joseph P. Kennedy Center. Bertha Lewis, Executive Director of The Black Institute, our keynote speaker, spoke eloquently to residents about the need to be organized and active in protecting our rights, as well as being engaged in the larger movement to resist economic gentrification and displacement in our community.

Residents also heard from Peggy Shepard, executive director of WE-ACT for Environmental Justice about the potential environmental impact of the Olnick's rezoning proposal, and activism tools and actions from Camille Sefu of Indivisible Harlem.

Rent Guidelines Board Approves 2018 & 2019 Rent Hikes

Tenants in the city's 1 million rent stabilized apartments will see their monthly payments rise according to a vote by the Rent Guidelines Board (RGB) last year. Tenants groups sought a rent freeze while landlord lobbyists sought significant increases. RGB tenant member Harvey Epstein said data shows that over the last 25 years, landlords costs have gone up 151%, while rent increases have totaled 187%. Rent increases are as follows:

For a one-year renewal lease commencing on or after October 1, 2017 and on or before September 30, 2018 the increase is 1.25%

For a two-year renewal lease commencing on or after October 1, 2017 and on or before September 30, 2018 the increase is 2%.

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Community Events

The New York City Department of Finance
in partnership with Manhattan Borough President Gale Brewer invite you to the

HOUSING ENROLLMENT EVENT



Homeowners

Apply for property tax exemptions

To apply please bring:

- Picture ID
- Tax returns; or
- Proof of income for 2016 or 2017 for all owners
- DD214 or discharge papers (for veterans)
- Trust documents (if applicable).



Tenants

Apply for the SCRIE or DRIE Program

To apply please bring:

- Picture ID
- 2017 tax returns, W2, or 1099 Statements
- Income documents for all household members
- Copies of your 2 most recent leases and
- Social Security disability award letter (if applicable).

****NYCHA AND SECTION 8 RECIPIENTS ARE NOT ELIGIBLE****

Tuesday, January 9th **Tuesday, April 10th**
Tuesday, February 6th **Tuesday, May 8th**
Tuesday, March 13th **2:00pm - 5:00pm**

Gale Brewer's Northern Manhattan office
431 West 125th St New York, NY, 10027
To RSVP, please call 212-531-1609



Open Enrollment in a Qualified Health Plan continues through January 31st, 2018.

Enrollment in the Essential Plan, Medicaid and Child Health Plus is open all year. For information on enrollment eligibility or to enroll in a health plan, visit nystateofhealth.ny.gov, call the Customer Service Center at 1-855-355-5777 or contact an enrollment assister. NY State of Health representatives will be available at many events across the state to educate New Yorkers about the Marketplace, and to enroll consumers in health plans.

Community Board 10 Free Legal Clinic

Legal Help for Manhattan Tenants
Free legal assistance to:

- Prevent eviction
- Get repairs
- End harassment

215 W. 125th.
3rd Floor Conference Room

Wed., Feb. 21, 2018
6-8 pm

MOVEMENT SPEAKS® CENTRAL HARLEM SENIOR CENTERS

Celebrate Moving in Strong
and Creative Ways
All Fun. All Welcome!

Central Harlem Senior Center at Kennedy Center,

34 West 134th Street (btw Lenox and 5th)
Tuesdays, 1:30-3:00 PM
Jan 23, 30, Feb 6, 13, 20, 27, March 6, 13, 20,
27, April 3, 10, 17, 24,
May 1, 8, 15, 22, 29, June 5, 12

St. Nicholas Senior Center

210 West 131st Street
(off Adam Clayton Powell)
Thursdays, 10:00-11:30 AM
Jan 25, Feb 1, 8, 15, 22, March 1, 8, 15, 22, 29,
April 5, 12, 19, 26, May 3, 10, 17, 24, 31,
June 7, 14





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Why LT-ACT Opposes Olnick's Proposed Re-zoning

Last Fall, Olnick unveiled their "Updated Plan" to residents. The construction plan seeks to rezone the Lenox Terrace property from residential zoning to commercial zoning. Under the commercial zoning Olnick is looking to roughly double the number of apartments within our complex. We would go from our current 1700 apartments to 3300 apartments within our complex! There would also be a significant increase of large scale commercial in-fill that will add even greater congestion.

LT-ACT vehemently opposes rezoning of the Lenox Terrace property in the strongest possible terms.

The negative impact to the quality of life for Lenox Terrace residents would be immediate and irrevocable:

- 9+ years of construction complex-wide
- Health impacts: Escalation of respiratory diseases to residents, especially our senior citizens and children from the continuous stream of construction truck exhaust, dust, and debris from a project of this scale
- Impact to current infrastructure: Unsustainable impact to the current subway station, streets, schools, and hospital. Imagine double the number of commuters at our current subway station, double the number of cars, more than double the number of residents between W. 132nd & 135th, Lenox & Fifth Ave.
- Added to the proposed massively scaled buildings that will in-fill the property by Olnick, a 16-story building has been approved for construction at the site of Metropolitan A.M.E. Church under a separate development deal (not Olnick). This will add another 200-300 apartments to the complex.
- Significant decrease of existing tenants' apartments access to direct air and sunlight including commercial building heights blocking driveway access, air and nearly total light to lower floors in building 470 Lenox, and additional air and light blockage to lower floors facing Lenox Avenue in buildings 40 West and 45 West, full building air and light blockage of the east and

west sides of 10 West; north & south sides of 2186, east side of 25 West, since all buildings are projected to be the height of Harlem Hospital.

- Escalating rents in the Lenox Terrace complex and attendant increases throughout the surrounding community causing displacement pressures.
- Sets a precedent for developers to consider commercially rezoning other complexes like Esplanade, Savoy, and Riverton, further increasing unsupportable density in Harlem.

In the past year Olnick has been on a charm offensive to try to persuade tenants to forget their past egregious behavior and to ignore the calamitous changes they are looking to bring to our complex and our community. **Olnick can do responsible in-fill construction under the current residential zoning.** As Brian Benjamin (our new state Senator) said at the Community Board 10 meeting in 2015 when Olnick brought their rezoning proposal, "This plan is disappointing...What are you giving back to the community in exchange [for a zoning change]?"

Olnick has not sought to negotiate a fair and comprehensive Community Benefits Plan with the Tenants' Association for any additional construction on the property – a Community Benefits Plan that every resident in the complex should have an opportunity to weigh in on and vote on. Olnick's current strategy is to replace kitchens that have the old metal cabinets with updated cabinets – something they should be doing anyway.

In several surveys, tenants have overwhelmingly voted against the rezoning. LT-ACT will continue to fight the landlord's proposal to re-zone the property to commercial rezoning. As Councilmember Bill Perkins stated, "The residents of Lenox Terrace have my total and unwavering support in their efforts to secure the future, preserve their health and advocate for sustainable, community-driven development by opposing another massive commercial rezoning in Harlem. The proposed rezoning and redevelopment plan is not in the best interest of the Harlem community...It is time to put our collective foot down and preserve the livable character of our neighborhoods, not turn them into Times Square north."

We agree.

LT-ACT Fights for You!



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David Hershey-Webb Class Action Lawsuit Update

In October, David Hershey-Webb, the attorney for the Lenox Terrace residents class action lawsuit held a meeting at Bethel A.M.E. Church to update residents on the progress of the lawsuit. The lawsuit is ongoing. We have won every appeal the landlords have made.

Background

LT-ACT has been fighting the landlord's increased displacement of tenants due to the illegal rent increases they instituted around 2004. For several years Olnick, and other landlords throughout the city, renovated empty apartments, illegally removed them from Rent Stabilization and, in the case of Lenox Terrace, tripled the rent while receiving J-51 Tax Abatement benefits.

The J-51 Tax Abatement benefits were agreed upon tax benefits to the landlord to off-set the costs of rent-stabilization.

In 2009, Stuyvesant Town Tenants' Association took their landlord to court for this illegal de-regulation and won their class action lawsuit, with the courts coming down on the side of the tenants – what the landlords were doing was illegal.

In 2010, with the support of LT-ACT, a class action lawsuit was filed against Olnick to return Lenox Terrace apartments back to rent stabilization and return rents back to rent stabilized rates. In 2012, with pressure from LT-ACT and the lawsuit, Olnick returned illegally de-regulated apartments back into rent stabilization. This was a huge victory for tenants. Yet, even though Olnick returned these apartments back to rent-stabilization, they did not reduce the rents back to their rent stabilized amounts. The class action lawsuit against Olnick seeks to reduce the rents back to their pre-market rate amount.

For tenants who Olnick started out as market rate (particularly buildings 25 and 45 – who maintained their J-51 status until last year), Division of Homes & Community Renewal (DHCR), the regulatory body for rent stabilized apartments, ruled that Olnick could NOT sign dual Preferential/Legal rents for these apartments. These tenants began with one amount and Olnick had to return these leases to their “preferential” amount, which is also their “legal” amount – there should not be two different amounts on these leases. DHCR was unambiguous about this.

Yet Olnick has continued this illegal practice. If you began as a market rate tenant and your apartment was returned to rent stabilization – you should only have one amount on your lease. If your lease does not, file a rent overcharge claim with DHCR. Forms are on the front page of our website (www.LTACT.org).

LT-ACT has been pressuring the Tenant Protection Unit (TPU) to do a complete audit of Olnick's books from the time they began illegally deregulating apartments. Olnick has claimed they have spent \$65,00-\$75,000 per one-bedroom apartment on renovations allowing them to capture illegal MCI increases to apartments. Using their own construction company, Signature Construction, we have looked at these non-supported itemizations (they provide no receipts, invoices, timecards, etc.) and have found these charges have absolutely no basis in fact.

Timeline

2004 (Approximately) – Olnick begins removing vacant apartments from rent stabilization illegally.

2008 - J-51 Expires for 4 Lenox Terrace Buildings - 10 & 40 West 135th Street, 470 Lenox Avenue & 2186 Fifth Avenue

2009 - Stuyvesant Town – Roberts Settlement
- The tenants won their Class Action and received damages. Some rents went up, however, and apartments are to be deregulated after J-51 expires. This was not considered to be a good precedent for Lenox Terrace.

2010 - Lenox Terrace Class Action Filed

2012 – Lenox Terrace Apartments Returned to Rent Stabilization

2013 – Legal Rents as registered with HCR are reduced:

In response to the Class Action, Olnick reduced the Legal Rent (not preferential rate) of the apartments by approximately 22% (varies by apartment) to equal:

Base Preferential Rent - When tenant first moved into newly renovated apartment PLUS, Rent Guidelines Board increase percentages corresponding to each subsequent lease renewal.

2017 – J-51 Expired for 25 & 45 West 132nd Street - All buildings in Lenox Terrace are now out of J-51 Tax Abatement. Tenants with rent stabilized leases remain under the protection of rent stabilization.