

Long Beach Proposal Has Tenants Concerned

Rent destabilization might push out elderly

By Samson Mulugeta

STAFF WRITER

Mention Long Beach to Jack Near and the 69-year-old who calls himself a ROADY (Retired On Active Duty) bubbles with enthusiasm like a teenager.

"Walking on the sand, the boardwalk, the air, the view, what can I tell you, everything's nice," said Near. "I don't want to go to Florida like some of my friends."

But after after 19 years of living in a five-room, two bath, rent-stablized apartment with his wife, Toba, Near feels his lifestyle is under attack by the Long Beach City Council, which is considering overhauling the city's rent-stablized apartments.

Near was one of 150 residents who met yesterday at the Long Beach Library to plot strategy for Tuesday's council meeting. Long Beach is the only municipality in the state considering destabilizing apartments that become vacant, said Michael McKee, spokesman for the New York State Tenants and Neighbors Coalition.

Despite assurances from council members that current tenants in rent-stablized buildings will not be affected, the plan has alarmed hundreds of older residents like Near who fear their rents would double.

Councilman Michael Zapson said yesterday that landlords have presented evidence that the vacancy rate is 5 percent, at which point all apartments would become non-stablized under state law.

"The issue is, if we do nothing, rent destabilization kicks in the city of Long Beach immediately as mandated by state law," said Zapson. "We're trying to protect the tenants by putting a law that protects them from evictions and unreasonable rent increases" even after destabilization takes place, he said.

Shirley Weber, a tenant organizer, argued the vacancy rate is nowhere near 5 percent.

"We sent twenty-two people out there asking for apartments to rent in different buildings and almost all of them were told nothing was available," she said. "Some of them were told to come back in two weeks. By then, [the landlords] hope the city council would have passed the vacancy decontrol and they could rent at market price."

Vacancy decontrol would affect apartment buildings built before 1974 with 60 or more units and ones that have not undergone substantial renovation. There are about 1,500 such units in 25 buildings in the city of Long Beach, according to the state Division of Housing and Community Renewal. The state's rent laws are not permanent. Every two years, they have to be renewed by the governor and state Legislature.

The Long Beach proposal has sparked state-wide interest. The tenants at the yesterday's meeting were offered organizational help from Michael McKee, director of the state-wide which represents 137 group and 6,500 individuals.

"If the Long Beach City Council votes for vacancy decontrol on Tuesday, it will have an enormous damaging impact on the fate of the rent laws in Albany" by setting a precedent, McKee said.

As for for Near, who is a retired social studies teacher from Lawerence High School, he works as a substitute teacher to supplement his income. Though torn cartilage makes walking difficult, he needs to work to make ends meet, he said.

Still, he knows he's lucky to pay \$1,200 for his oceanfront apartment. But he feels Long Beach needs people like him and not just those who could afford to pay \$2,000 a month.

"This city has always had a mixed bag of people," he said. "I just want to live here."

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
TUESDAY, APRIL 16 , 1996.

1. Approval of Minutes of Prior Meetings of February 6th, February 14th and February 20, 1996.
2. Bond Ordinance Authorizing the Reconstruction of Bulkheads in and for the City of Long Beach, Nassau County, New York, at a Maximum Estimated Cost of \$3,250,000 and Authorizing the Issuance of \$3,250,000 Serial Bonds of Said City to Pay the Cost Thereof.
3. Resolution Authorizing Budget Amendment to Capital Projects Fund Budget Year 1995-1996.
4. Bond Ordinance Authorizing the Issuance of \$200,000 Serial Bonds of the City of Long Beach, Nassau County, New York, to Pay the Cost of the Acquisition of Real Property and the Buildings Situated Thereon, Located at 100 West Pine Street, In and For Said City.
5. Resolution Authorizing Budget Amendment to Capital Projects Fund Budget Year 1995-1996.
6. Resolution Authorizing Publication of Notice of Further Hearing for the Formulation and Filing of the 1995/1996 Update of the Americans With Disabilities Act (ADA) Paratransit Plan.

* SEE 2ND PAGE ITEM # 15 *

April 16, 1996

Page 2
City Council Agenda

7. Resolution Authorizing the City Manager to Purchase Recycled Plastic Planters from the Lowest Responsible Bidder.
8. Resolution Authorizing Budget Amendment to Capital Projects Fund Budget Year 1995-1996.
9. Resolution Authorizing the City Manager to Purchase Norwich Litter Baskets from the Lowest Responsible Bidder.
10. Resolution Authorizing the City Manager to Purchase Paper Towels and Toilet Tissue From the Lowest Responsible Bidder.
11. Resolution Fixing and Providing for the 1996 Season of the Ocean Beach Park.
12. Resolution Authorizing Settlement of Certiorari Proceeding.
13. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 359 East Park Avenue, (street floor), Long Beach, New York.
14. Resolution Granting Waiver of Off-Street Parking Requirements Re: Premises 6 West Park Avenue, (street floor), Long Beach, New York.
15. Resolution Removing Vacant Apartments from the Emergency Tenant Protection Act of 1974, as Amended.

*

*

April 16, 1996

Page 2
Item No. 15
Resolution No.

WHEREAS, the City Council finds that a question of fact exists concerning the vacancy rate of multiple dwellings within the City of Long Beach subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, which if found to be greater than 5% would necessarily involve the City Council declaring that the housing emergency would be at an end; and

WHEREAS, the City Council believes it is in the City's best interest to keep stability for those residents currently residing in multiple dwelling buildings and to have the owners provide sufficient maintenance to the buildings in which they reside; and

WHEREAS, the City Council is vehemently opposed to landlords using harassing tactics to gain vacant apartments and will use such resources as the City or State have to stop such practices if they are found to exist; and

WHEREAS, the City Council has experienced numerous tax certiorari proceedings from owners of rent regulated buildings, resulting over the past several years in several million dollars in refunds and reduction of assessments, which impact upon the taxpayers of Long Beach; and

WHEREAS, the City Council believes that "vacancy decontrol" will decrease the tax certiorari proceedings and resulting refunds; and

WHEREAS, the City Council further finds that the regulation of rents, pursuant to the Emergency Tenant Protection Act of 1974, as amended, of apartments that are presently vacant with no tenant of record or his/her spouse, does not serve to abate the public emergency which required the regulation of rents in residential housing units;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH AS FOLLOWS:

1. That all current tenants within multiple dwellings whose apartments are subject to the Emergency Tenant Protection Act of 1974, as amended, shall continue to have their apartments be subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, for so long as the tenant of record and/or his or her spouse continue to reside in that apartment.

2. That all apartments within multiple dwellings subject to the Emergency Tenant Protection Act of 1974, as amended, which are vacant as of the effective date of this resolution and which have no tenant of record or spouse of the tenant of record residing therein as of the effective date of this resolution or which become vacant after the effective date of this resolution, shall be removed from regulation under the Emergency Tenant Protection Act of 1974, as amended.

3. That to the extent the City of Long Beach is empowered by statute, all current tenants of record and their spouses within multiple dwellings which are subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, shall have their apartments remain subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, regardless of whether any or all of the other apartments within the multiple dwelling building are deregulated.

4. That it is the intention of the City Council that all penalties contained in the Emergency Tenant Protection Act of 1974, as amended, concerning an owner's harassment of a tenant in order to obtain the vacancy of his or her apartment, including but not limited to statutory fines up to \$2,500 per violation, continued regulation of the apartment, injunctions and liens against the building, which must be removed by affirmative application of the owner, shall continue in Long Beach.

5. The terms used in this Resolution are defined and incorporated herein as follows:

A. Tenant of Record -- person(s) named on the lease in effect on the effective date of this Resolution.

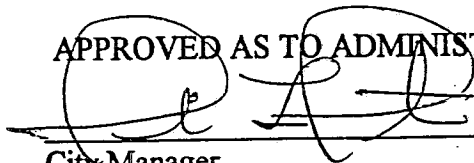
B. Spouse -- the husband or wife of a tenant of record.

6. That this Resolution shall apply to all multiple dwellings within the City of Long Beach which are subject to the Emergency Tenant Protection Act of 1974, as amended, including rental buildings, cooperatives and condominiums.

7. The Tax Assessor of the City of Long Beach shall be notified by the Landlord or building manager of each building with apartments or units subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, by October 1st of each year of the total number of units/apartments (a) in the building; (b) subject to the Emergency Tenant Protection Act of 1974, as amended; and (c) deregulated during the preceding year, together with such documentation concerning income and expenses as required by the Tax Assessor.

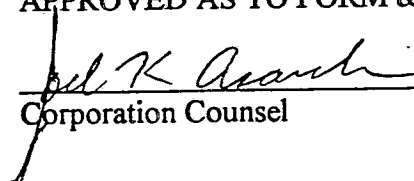
8. This Resolution shall be effective immediately upon its adoption.

APPROVED AS TO ADMINISTRATION:



City Manager

APPROVED AS TO FORM & LEGALITY:



Corporation Counsel

VOTING:

Council Member Crystal -

Council Member Kelly -

Council Member Weill -

Council Member Zapson -

President Buscemi -

April 16, 1996

Item No. 15
Resolution No.

The following Resolution was moved by
and seconded by

Resolution Removing Vacant Apartments from the
Emergency Tenant Protection Act of 1974, as Amended.

WHEREAS, on August 27, 1974, the City Council of the City of Long Beach found, pursuant to Section 3 of the Emergency Tenant Protection Act of 1974, that a public emergency existed requiring the regulation of rents for housing accommodations containing one hundred or more dwelling units in the City of Long Beach, and adopted a resolution invoking the provisions of said Emergency Tenant Protection Act with regard to said accommodations; and

WHEREAS, on April 24, 1979, the City Council of the City of Long Beach found, pursuant to Section 3 of the Emergency Tenant Protection Act of 1974, that a public emergency existed requiring the regulation of rents for housing accommodations containing not less than sixty nor more than ninety-nine dwelling units in the City of Long Beach, and adopted a resolution invoking the provisions of said Emergency Tenant Protection Act with regard to said accommodations; and

WHEREAS, many housing units which were occupied by tenants at the time of the adoption of the aforementioned resolutions are presently unoccupied; and

WHEREAS, on June 16, 1992, the City Council of the City of Long Beach found, pursuant to Section of the Emergency Tenant Protection Act of 1974, as amended, that a public emergency no longer existed with respect to rental apartments in buildings owned as cooperatives and condominiums which became vacant after the date of conversion to cooperative or condominium status; and

WHEREAS, the City of Long Beach has within its boundaries 1553 apartments presently subject to the Emergency Tenant Protection Act of 1974, as amended; and

WHEREAS, the City Council has specifically considered the number of vacant apartments as alleged by the landlords and by the tenants in buildings protected by the Emergency Tenant Protection Act of 1974, as amended; and

WHEREAS, the City Council finds that tenants of record and their spouses who presently occupy apartments in multiple dwellings subject to the Emergency Tenant Protection Act of 1974, as amended, should continue to be subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, and as adopted by sections 13-7.2 and 13-7.3 of the City of Long Beach Code of Ordinances; and

April 16, 1996

Page 2
Item No. 15
Resolution No.

WHEREAS, the City Council finds that a question of fact exists concerning the vacancy rate of multiple dwellings within the City of Long Beach subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, which if found to be greater than 5% would necessarily involve the City Council declaring that the housing emergency would be at an end; and

WHEREAS, the City Council believes it is in the City's best interest to keep stability for those residents currently residing in multiple dwelling buildings and to have the owners provide sufficient maintenance to the buildings in which they reside; and

WHEREAS, the City Council is vehemently opposed to landlords using harassing tactics to gain vacant apartments and will use such resources as the City or State have to stop such practices if they are found to exist; and

WHEREAS, the City Council has experienced numerous tax certiorari proceedings from owners of rent regulated buildings, resulting over the past several years in several million dollars in refunds and reduction of assessments, which impact upon the taxpayers of Long Beach; and

WHEREAS, the City Council believes that "vacancy decontrol" will decrease the tax certiorari proceedings and resulting refunds; and

WHEREAS, the City Council further finds that the regulation of rents, pursuant to the Emergency Tenant Protection Act of 1974, as amended, of apartments that are presently vacant with no tenant of record or his/her spouse, does not serve to abate the public emergency which required the regulation of rents in residential housing units;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH AS FOLLOWS:

1. That all current tenants within multiple dwellings whose apartments are subject to the Emergency Tenant Protection Act of 1974, as amended, shall continue to have their apartments be subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, for so long as the tenant of record and/or his or her spouse continue to reside in that apartment.
2. That all apartments within multiple dwellings subject to the Emergency Tenant Protection Act of 1974, as amended, which are vacant as of the effective date of this resolution and which have no tenant of record or spouse of the tenant of record residing therein as of the effective date of this resolution or which become vacant after the effective date of this resolution, shall be removed from regulation under the Emergency Tenant Protection Act of 1974, as amended.

April 16, 1996

Page 3
Item No. 15
Resolution No.

3. That to the extent the City of Long Beach is empowered by statute, all current tenants of record and their spouses within multiple dwellings which are subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, shall have their apartments remain subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, regardless of whether any or all of the other apartments within the multiple dwelling building are deregulated.

4. That it is the intention of the City Council that all penalties contained in the Emergency Tenant Protection Act of 1974, as amended, concerning an owner's harassment of a tenant in order to obtain the vacancy of his or her apartment, including but not limited to statutory fines up to \$2,500 per violation, continued regulation of the apartment, injunctions and liens against the building, which must be removed by affirmative application of the owner, shall continue in Long Beach.

5. The terms used in this Resolution are defined and incorporated herein as follows:

A. Tenant of Record -- person(s) named on the lease in effect on the effective date of this Resolution.

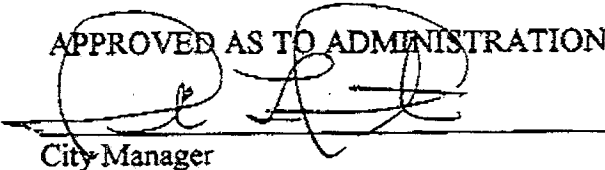
B. Spouse -- the husband or wife of a tenant of record.

6. That this Resolution shall apply to all multiple dwellings within the City of Long Beach which are subject to the Emergency Tenant Protection Act of 1974, as amended, including rental buildings, cooperatives and condominiums.

7. The Tax Assessor of the City of Long Beach shall be notified by the Landlord or building manager of each building with apartments or units subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, by October 1st of each year of the total number of units/apartments (a) in the building; (b) subject to the Emergency Tenant Protection Act of 1974, as amended; and (c) deregulated during the preceding year, together with such documentation concerning income and expenses as required by the Tax Assessor.

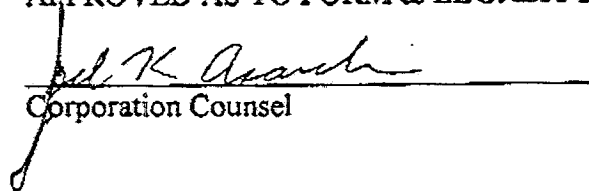
8. This Resolution shall be effective immediately upon its adoption.

APPROVED AS TO ADMINISTRATION:



City Manager

APPROVED AS TO FORM & LEGALITY:



Corporation Counsel

VOTING:

- Council Member Crystal -
- Council Member Kelly -
- Council Member Weill -
- Council Member Zapson -
- President Buscemi -

“(f) conspiring or combining to perform any of the foregoing or any other unlawful acts tending to accost, annoy, intimidate, disturb, frighten or molest residents of or visitors to the City of New York.”

The only question we pass upon is that of the validity of the stay obtained without notice to defendants.

In our opinion, the stay violates the constitutional rights of free expression guaranteed to these defendants, as well as to all other persons, by the First Amendment to the Constitution of the United States. The stay is, therefore, in all respects vacated.

Our vacatur of the stay is not to be deemed in any way approval of the conduct of defendants as portrayed in the moving papers.



48 A.D.2d 326

**CENTRAL PLAINS COMPANY et al., Respondents, v. CITY OF
WHITE PLAINS, Appellant.**

Supreme Court, Appellate Division, Second Department.

June 18, 1975.

Property owners and landlords brought action for declaration that a city rent control law was invalid. The Supreme Court, Westchester County, John C. Marbach, J., rendered judgment for the property owners and landlords and city appealed. The Supreme Court, Appellate Division, Christ, J., held that in calculating whether there were rental vacancies of five percent or less to warrant a declaration of housing emergency, the city was not required to exclude rental classifications exempt from rent control.

Reversed.

Landlord and Tenant ⇌ 200.11

In calculating whether there were rental vacancies of five percent or less to warrant declaration of housing emergency under Emergency Tenant Protection Act of 1974, city was not required to exclude rental classifications exempt from rent control. McK.Unconsol.Laws, §§ 8623, subd. a, 8625, subd. a.

Paul B. Bergins, Corp. Counsel, White Plains (Morton H. Zucker and Richard M. Gardella, White Plains, of counsel), for appellant.

Stuart R. Shamberg, P. C., Mt. Kisco, for respondents.

Before HOPKINS, Acting P. J., and MARTUSCELLO, CHRIST, MUNDER and SHAPIRO, JJ.

CHRIST, Justice.

In this declaratory judgment action the plaintiffs, property owners and landlords, claim to be aggrieved by a rent control law adopted by the Common Council of the City of White Plains which they seek to have nullified. There are no factual disputes involved in this appeal. After both sides moved for summary judgment, the Special Term granted judgment to the plaintiffs, declared the resolution illegal, and thereby abrogated the city's rent control law.

The authority which permits the city to declare a housing emergency and impose local rent control is embodied in the Emergency Tenant Protection Act of 1974 (Act) (L.1974, ch. 576, § 4, McKinney's Uncons. Laws of N.Y., Book 65, § 8621 *et seq.*). Specifically, subdivision a of section 3 of the Act provides:

" * * * A declaration of emergency may be made as to any class of housing accommodations if the vacancy rate for the housing accommodations in such class within such municipality is not in excess of five percent and a declaration of emergency may be made as to all housing accommodations if the vacancy rate for the housing accommodations within such municipality is not in excess of five percent."

Subdivision a of section 5 of the Act further describes that an emergency may be declared as to all or any class of housing accommodations in a local municipality except in 11 enumerated categories. These exempt categories include, among other things, housing owned by the United States, the State of New York, or their agencies or municipalities, housing already subject to rent regulation under other laws, and housing accommodations in a building containing fewer than six dwelling units.

The criteria for declaring an emergency is the percentage of housing units that are vacant. For example, the Act permits a local government to survey a particular class of housing accommodations and declare an emergency as to that class if less than 5% of the units therein are vacant (or, conversely, 95% or more of the units are occupied). Or, the municipality may survey the entire community and declare an emergency for the entire locality, if less than 5% of all units within the entire locality are vacant. The City of White Plains chose the latter alternative.

The city's Common Council, on June 20, 1974, adopted a "Resolution Fixing a Hearing Pursuant to the Emergency Tenant Protection Act of 1974 to Determine the Existence of a Public Emergency Requiring the Regulation of Rental Units." The resolution noted that according to a United States census report for 1970 the vacancy rate for rental units in the city was 2.2%. It further recited that additional and up-to-date facts were needed regarding the current vacancy rate for particular classes of rental units and all units within the city. The

Commissioner of Planning and Traffic was directed to conduct a survey. Accordingly, questionnaires were circulated throughout the city and a survey was compiled. The survey concluded that the vacancy rate for the entire city was less than 5%. A public hearing was held and the city declared a rent emergency under the authority of the Act.

The plaintiffs argue that the city's declaration of emergency is invalid because the survey included all housing within the city, including exempt housing under the Act. They claim that if the exempt housing is excluded from consideration the vacancy rate in the city will exceed 5% and will preclude a finding of a vacancy emergency. They further note that exempt housing is always full and, therefore, an emergency will constantly exist if exempt housing is included, a situation which they argue is unfair and not intended by the Legislature when the Act was enacted.

The Special Term agreed with the plaintiffs' arguments and construed the term "all housing" to mean "all rental housing, except that exempted by Section 5." In granting summary judgment to the plaintiffs and declaring the resolution of emergency invalid, the court held:

"It is agreed by all parties that the survey by the Common Council included exempt housing in determining the vacancy rate and that but for the inclusion of the exempt housing, that survey would have established a vacancy rate of in excess of 5% thus precluding a declaration of emergency. The issue then for this court is whether or not a municipality may under the Act survey exempt housing in determining a vacancy rate for that municipality's rental housing. For the reasons set forth below, this Court answers that question in the negative.

* * * * *

"* * * The inclusion of public, controlled housing in a vacancy survey, which housing is virtually vacancy-free, would lead to a perpetual finding of a housing emergency regardless of actual conditions in the private sector and would thus pervert the purpose and intent of Act.

* * * * *

"* * * [W]e would read the last sentence of Section 3, quoted above, to say that an emergency may be declared in any class of housing when the vacancy rate in that class is less than 5% and that an emergency may be declared as to all rental housing, except that exempted by Section 5, when the vacancy rate in the non-exempt rental housing is less than 5%. * * *"

We find, however, that the Act is clear and unambiguous and requires no such construction (see McKinney's Cons.Laws of N.Y. Book 1, Statutes, §§ 71, 76). The statute succinctly states that when the vacancy rate for "housing accommodations within such municipality is not in excess of five percent" an emergency may be declared. It makes no exclusions. When the statute speaks of all housing in a city and its concomitant vacancy rate, it means precisely that, all housing. The fact that the Act specifically precludes a local government from regulating certain enumerated housing as defined in subdivision a of section 5 simply embodies the legislative restriction that housing already regulated should not be burdened with additional local regulation. But this directive has no bearing on the total number of housing units which are in fact available in a local area. In order to determine this a municipality must, as the City of White Plains has, survey all units within its city confines. The term exempt housing means, therefore, exempt from regulation under the Act, not exempt from consideration in determining vacancies. Although there is not unanimity of opinion, letters from the State Rent Administrator and the State Commissioner of the Division of Housing and Community Renewal, contained in the record on this appeal, support this position. And Mr. Justice Beisheim, in a case very similar to the instant one, specifically rejected the argument that exempt housing may not be included in a companion survey conducted by the City of Yonkers (*Seasons Realty v. City of Yonkers*, 80 Misc.2d 601, 363 N.Y.S.2d 738).

The plaintiffs may be correct that the exempt housing is always fully occupied and therefore an emergency situation may exist at all times since the vacancy rate in the non-exempt housing would have to be extremely great to offset the zero vacancy rate in the exempt units (see *Amsterdam-Manhattan Inc. v. City Rent & Rehabilitation Administration*, 15 N.Y.2d 1014, 1015-1017, 260 N.Y.S.2d 23, 24-25, 207 N.E.2d 616, 617 [diss. opn.]). However, it should be noted that the alleged full occupancy in the exempt categories may be an indicator of the unavailability of housing in the non-exempt sector. And, as previously noted, it is the scarcity of housing in an entire community which triggers an emergency declaration for an entire city. In any event, the Act merely permits a municipality to declare an emergency when the rental units become scarce, but does not compel such a declaration. When a statute is clear, as this Act is, courts must effectuate its mandate.

Accordingly, the judgment should be reversed, on the law, with \$20 costs and disbursements, the plaintiffs' motion denied, the defendant's cross motion granted, and the city's declaration of emergency declared valid.

Judgment of the Supreme Court, Westchester County, dated February 18, 1975, reversed, on the law, with \$20 costs and disbursements, plaintiffs' motion denied, defendant's cross motion granted, and it is

declared that the declaration of housing emergency in a resolution entitled "Resolution Declaring a Public Emergency Requiring Regulation of Residential Rents Pursuant to the 'Emergency Tenant Protection Act of 1974'", adopted by the Common Council of the City of White Plains on July 29, 1974, is valid and lawful.

HOPKINS, Acting P. J., and MARTUSCELLO, MUNDER and SHAPIRO, JJ., concur.



48 A.D.2d 912

Marvin SUTTON, Respondent, v. Donald DeRIGGI, Appellant.

Supreme Court, Appellate Division, Second Department.

June 23, 1975.

Appeal was taken by defendant from an order of the Supreme Court, Nassau County, denying his motion for summary judgment in a defamation action. The Supreme Court, Appellate Division, held that defendant could not be held liable for alleged defamatory statement made in respect to plaintiff where there was no claim that defendant knew of any falsehood in statement and, similarly, plaintiff was unable to prove with convincing clarity that statement was made with reckless disregard of whether it was false or not.

Reversed, and motion granted.

Libel and Slander \Leftrightarrow 50½

Defendant could not be held liable for alleged defamatory statement made in respect to plaintiff where there was no claim that defendant knew of any falsehood in statement and, similarly, plaintiff was unable to prove with convincing clarity that statement was made with reckless disregard of whether it was false or not.

Curtis, Hart & Zaklukiewicz, Merrick (Edward J. Hart, Merrick, of counsel), for appellant.

Before RABIN, Acting P. J., and MARTUSCELLO, CHRIST, MUNDER and SHAPIRO, JJ.

MEMORANDUM BY THE COURT.

In a defamation action, defendant appeals from an order of the Supreme Court, Nassau County, dated May 1, 1974, which denied his motion for summary judgment.

Rent destabilization might push out elderly

By Samson Mulugeta

STAFF WRITER

Mention Long Beach to Jack Near and the 69-year-old who calls himself a **ROADY** (Retired On Active Duty) bubbles with enthusiasm like a teenager.

"Walking on the sand, the boardwalk, the air, the view, what can I tell you, everything's nice," said Near. "I don't want to go to Florida like some of my friends."

But after after 19 years of living in a five-room, two bath, rent-stabilized apartment with his wife, Toba, Near feels his lifestyle is under attack by the Long Beach City Council, which is considering overhauling the city's rent-stabilized apartments.

Near was one of 150 residents who met yesterday at the Long Beach Library to plot strategy for Tuesday's council meeting. Long Beach is the only municipality in the state considering destabilizing apartments that become vacant, said Michael McKee, spokesman for the New York State Tenants and Neighbors Coalition.

Despite assurances from council members that current tenants in rent-stabilized buildings will not be affected, the plan has alarmed hundreds of older residents like Near who fear their rents would double.

Councilman Michael Zapson said yesterday that landlords have presented evidence that the vacancy rate is 5 percent, at which point all apartments would become non-stabilized under state law.

"The issue is, if we do nothing, rent destabilization kicks in the city of Long Beach immediately as mandated by state law," said Zapson. "We're trying to protect the tenants by putting a law that protects them from evictions and unreasonable rent increases" even after destabilization takes place, he said.

Shirley Weber, a tenant organizer, argued the vacancy rate is nowhere near 5 percent.

"We sent twenty-two people out there asking for apartments to rent in different buildings and almost all of them were told nothing was available," she said. "Some of them were told to come back in two weeks. By then, . . . [the landlords] hope the city council would have passed the vacancy decontrol and they could rent at market price."

Vacancy decontrol would affect apartment buildings built before 1974 with 60 or more units and ones that have not undergone substantial renovation. There are about 1,500 such units in 25 buildings in the city of Long Beach, according to the state Division of Housing and Community Renewal. The state's rent laws are not permanent. Every two years, they have to be renewed by the governor and state Legislature.

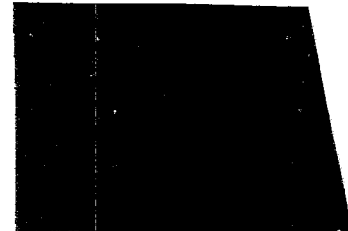
The Long Beach proposal has sparked state-wide interest. The tenants at the yesterday's meeting were offered organizational help from Michael McKee, director of the state-wide which represents 137 group and 6,500 individuals.

"If the Long Beach City Council votes for vacancy decontrol on Tuesday, it will have an enormous damaging impact on the fate of the rent laws in Albany" by setting a precedent, McKee said.

As for for Near, who is a retired social studies teacher from Lawrence High School, he works as a substitute teacher to supplement his income. Though torn cartilage makes walking difficult, he needs to work to make ends meet, he said.

Still, he knows he's lucky to pay \$1,200 for his oceanfront apartment. But he feels Long Beach needs people like him and not just those who could afford to pay \$2,000 a month.

"This city has always had a mixed bag of people," he said. "I just want to live here."



Aerial photograph shows Martha Stewart focus of a land dispute with her neighbor.

Long-Si Stewart spars

By Mitchell Freedman

STAFF WRITER

Martha Stewart's latest home project for her Georgia Pond is fighting with her neighbor — on City's biggest developers, Harry.

And it could drag the whole Hampton into the fray.

The angst between the powerful the ubiquitous arbiter of taste and circulation of Martha Stewart Lillian copies — grew and festered last year, when each declared ownership of a small piece of wetlands property on the boundary between their houses on Georgic Close Road.

Their different arboreal taste clashed when Macklowe apparently had grass and shrubs planted on a section of the property the Stewart had been nurturing.

"He has dug holes and planted shrubs right over the delicate roots of pepperidge trees and covered over the delicate ground covers which I so carefully was trying to uncover," Stewart wrote to East Hampton Village officials. "This is an area of great beauty, natural pepperidge grove with a undercover of wild lillies and ferns, and Mr. Macklowe is doing his best to suburbanize the area with inappropriate dark greener and soil berms on his land as we as my own land."

Now, Stewart wants to rebuild a bulkhead on her property, put in a 10- by 60-foot lap pool, selectively prune trees in a setback area and reconstruct a patio — all of which require a permit from the village Zoning Board of Appeals. She has also asked the board for remove shrubs, grass, lights and Macklowe had placed on the dispute.

Friday, at an East Hampton hearing, Stewart's lawyer, Leon was on hand to present Stewart her firm, Travertine Corp.

LONG BEACH TRIBUNE

A DIVISION OF NAUDUS COMMUNICATIONS

SOUTH SHORE

VOLUME ELEVEN, NUMBER 15

APR. 11-APR.

OFFICIAL NEWSPAPER OF THE CITY OF LONG BEACH

Long Beach City Council Moves To Protect Tenants Under Rent Stabilization

The City Council, caught in the middle between landlords and rent stabilization advocates, is seeking a compromise that will protect existing tenants in Rent Stabilized apartments.

Nine buildings, comprising of almost 1500 apartments, are currently covered by the Emergency Tenant Protection Act, more commonly known as ETPA or Rent Stabilization. The law was enacted by the State Legislature in 1973 and is due to expire in 1997. The City Council decontrolled co-ops and condominiums in 1992, voted by both Democrats and Republican Council Members.

The dilemma facing the Council is that both landlords and tenant advocates are requesting the City to do a vacancy survey. Under ETPA if the vacancy rate in Rent Stabilized Apartments is 5% or more, all apartments are deregulated and rents are allowed to rise to whatever the market will bear. Tenants in rent stabilized apartments will lose all protection and will most likely be faced with substantial rent increases.

The landlords, believing that the vacancy rate already exceeds the 5% threshold, approached the City Council, and exercising their rights under ETPA, requested the survey be conducted. The landlords claim that they are losing money on their buildings and can not afford to perform needed repairs and maintenance.

The tenants acting under the advice of a paid professional lobbyist, are also demanding the survey will show that the vacancy rate had been artificially inflated

by the landlords through a practice known as warehousing, where available apartments are kept vacant.

The problem, according to City Manager Ed Eaton is that, "If the tenants are wrong they will automatically lose all protection. Rent Stabilization will be over. Their paid Lobbyist may be willing to take that chance but the Council is not. Too many senior citizens and young families depend on Rent Stabilization. Our first obligation is to them not their advocated or their landlords."

According to Corporation Council Joel Asarch, "Proving warehousing is difficult at best and in the past has been unsuccessful. In addition you must consider that the landlords would never have approached the council in the first place if they were not confident they would exceed the 5% threshold."

The solution the City Council is considering is vacancy decontrol. Under vacancy decontrol as apartments become vacant they become decontrolled. Landlords will be able to raise their rents only on vacant apartments while occupied apartments remain rent stabilized. Landlords would continue to be prohibited from harassing tenants and would be subjected to heavy fines if found guilty before an administrative law judge.

"The only way to protect the tenants is to block the survey," said Council person Joel Crystal. "By decontrolling the vacant apartments the vacancy rate becomes zero and rent stabilization for the existing tenants is preserved."

THE S/S TRIBUNE • APRIL 11, 1996 • PAGE 6

* ALSO
SEE
REVERSE
SIDE *

City Beat

by Alan M. Symons

This is the first writing of this column so let me tell you what my objectives are and how I intend to reach them. I plan to seek out that which is true and present the facts in an accurate manner. I pledge to do this even if the information runs contrary to my personal point of view.

There is also another purpose and I'd be less than truthful if I did not reveal that purpose now. I will always endeavor to expose those who operate under the guise that you can fool all of the people all of the time. I will make public their private agenda and desire for self engrandizement.

Basically my boss desires that I cover the City Council meetings that occur the first and third Tuesday of each month. Frank Naudus has given me no guidelines or set of instructions save one. "Please no law suits." I can deal with that. Further there is one rule I have and that is no one shall be granted editorial review prior to reading the



Alan M. Symons

column in the *Long Beach Tribune*. Now onto and into the first column.

The City Council meeting of Tuesday, April 02, was attended by a capacity crowd of 600 people. The "hot" item on the agenda was the Emergency Tenants Protection Act (ETPA) which the council was about to renew with modification. The crowd, mostly seniors, was lead to believe that their rent stabilized apartments would be removed from the ETPA. Whoever told these people that had misled them. The

change proposed would only effect vacant units and those that would become vacant in the future. Mr. Mike McKee seemed to be the organizer of the crowd as well as the centering master. I say that because my limited discussion with him lead me to feel that he was not interested in reading the proposed changes. Also prior to the start of the meeting I briefly spoke with a Mr. John Kulik, his primary concerns was that any weakening (decontrol) would undermine the rent control laws within the City of Long Beach. Mr. Kulik also said he had come to the meeting to confront Councilman Zapsion on the subject of the Councilman's interests at 270 Shore Road. But when it came time to confront Councilman Zapsion face-to-face Mr. Kulik guts sank to his feet and no confrontation occurred. Mr. Kulik, Councilman Zapsion has never hid or denied his interest/involvement at 270 Shore Road.

The first speaker on the ETPA was Mr. Mike Roseningrave who was there to represent the views of Assemblyman Harvey Weisenberg. Mr. Roseningrave appealed to the council's obligation to protect the interest of the middle-class. Stating that "Long Beach is a middle-class community" he sited that "this City was built by and is inhabited by the middle-class."

By and large the crowd was skeptical that the landlords are telling the truth. There were a great many rude interruptions and cat type calls coming from the seniors. In particular when City Attorney Joel Asarch and/or City Manager Ed Eaton attempted to explain the ETPA modifications. There was no way that this crowd would listen. Ann Kayman got up to speak and it was well predicted that she would support no ETPA changes. Once again Mrs. Kayman took a position that would allow her to assault the Council with her tired out rhetoric "I'm on their side."

A survey of apartment vacancies might be called for. This onto itself is not a bad thought. In the end the City Council decided to postpone their voting on the ETPA for two weeks. The matter will be taken up again at the April 16 meeting.

There is always Good and Welfare after the first meeting of the month and this meeting was no different. The first gentlemen to get up was Mr. Mike McLaughlin who spoke on the matter of the Clark Street roller hockey facility staying open as a more permanent facility. Mr. McLaughlin spoke quite eloquently about the kids needing a place to play and have a healthy outlet for their youthful energies. He also presented the Council with a 1,000 signature petition.

Madge Heron once again riled at the fact that her favorite West end bar will open for business. Madge's position on Chauncey's is well known. Madge wants the "joint" closed yesterday. However, the ever articulate Ms. Heron would like to see the beach entrances near the bar also closed if Chauncey's is to be open. Mr. Eaton reminded Madge that she lives on Nebraska quite a distance away, and that he would like to hear from the residents nearer to Chauncey's as to their feelings.

Madge informed Mr. Eaton that she represented the people of Indiana, Kentucky, etc. and that they had called her at 11 o'clock at night requesting that she use her "assertiveness" to present their views about closing these entrances. I attempted to reach some people in that area and could get no confirmation nor could I get any information as whether or not Madge had any such prior mandate.

Sarah Nichols once again addressed the incinerator. Ms. Nichols is the President of the Coalition to Close the Incinerator. Ms. Nichols ran afoul of Mr. Eaton who at several points was at logger's head with her over the facts she was presenting. I spoke with Ms. Nichols by phone on April 03. She was very clear that she was relating her interpretation of the EPA guidelines. At any rate I will be in future contact with her, hopefully after she takes Eaton up on his offer to meet with her.

Linda King also spoke to the City Council about closing the incinerator. At one point Ms. King wanted the Council to validate the Coalition to Close the Incinerator's flyer entitled "High Score Losses." Ms. King attempted to do this by asking the Council to stand by the numbers in the stack test report. Well, the numbers in the flyer are correct but the comparison of a 50 year old ESP facility to those less than 5 years old and using baghouse technology is bogus. And that is what the Coalition's flyer attempts to do.

Beth Glazer also spoke on the closing of the incinerator. Ms. Glazer's primary issue is that compliance is not good enough. That Long Beach should look to establish an advocacy position with the State for stronger laws and regulations. She pointed to "declining sperm counts" as an issue for her argument.

But there is ample evidence that such an undertaking has already begun. The proof of that is the tougher EPA proposed guidelines. Ms. Glazer told me that she can not establish a direct linkage to any illness and the Long Beach incinerator.

The "forces" to close the incinerator numbered about 10 people. Unfortunately for them the 550 or so seniors had left immediately after the vote to postpone the ETPA decision. It is the view of this reporter that unless the coalition begins to exhibit more community support their issue is of little interest. The people of Long Beach are not from Brentwood, Ca. and have real daily problems to solve.

That is it for now except to say that on Saturday, March 30, I went to the incinerator and had a meeting with Matt Gaskin (Tech Manager, PE) and Marc McMennamin (Operations Manager). In brief their main point is that ERD intends to make their facility a State-of-the-Art operation. It will take time and that they have a five year plan that has been approved by the State DEC. Quite frankly the proof is in their deeds not words. It might also be pointed out that both Matt and Marc are professionals whose butts are on the line everyday. I intend to write more about the people who work at the incinerator. Remember folks the ERD employees are people they require oxygen and a safe, clean environment to work in too. I think Karen the 25 year old unmarried receptionist summed it up fairly well. She said, "I intend to have children someday. I'm not going to place at risk having healthy babies in the future for a paycheck today. If I thought working here would jeopardize that, I'd find another job."

Newsday April 2, 1996
Long Beach Rent Vote

By Sid Cassese

STAFF WRITER

The Long Beach City Council is expected to pull the plug on rent controls tonight, according to city officials, but will allow the regulations to continue for present tenants and their spouses until they vacate their apartments.

Thousands of tenants in about 1,200 units in six apartment complexes will be protected, but their apartments, on becoming vacant, will be thrown on the market at whatever rent their landlords want to charge.

City officials call this "vacancy decontrol," which is expected to be adopted at tonight's meeting.

"Their [a number of landlords] claim — and it has been supported by the courts — is that whenever there is a vacancy rate of five percent or more, by law, rent stabilization would cease to exist," said City Manager Edwin Eaton. He said vacancy decontrol will protect present tenants.

Four communities on Long Island — Roslyn, Manorhaven, Flower Hill and Stewart Manor — have dropped from the state rent controls, according to Martin Shlufman, a lawyer for two of the major Long Beach landlords who have threatened a suit against the city under the five percent law.

In the City of Glen Cove, where about 320 units are involved, a court settlement is being negotiated.

Long Beach May Lift Housing Rent Controls

By Sid Cassese
STAFF WRITER

Despite the city's avowed support for them, thousands of Long Beach apartment tenants face the very real possibility that rent regulations will be lifted in the near future, prompting fears that housing costs will rise out of their reach.

There are about 1,200 apartment units in the city that come under rent controls. In the past 22 years, only Roslyn, among 26 municipalities on Long Island, all in Nassau County, has defected from the controls.

Sam Walton, a leading Long Beach landlord who has opposed rent controls in the city even before their establishment in 1974, argued forcefully last week before the city council for the repeal of such control.

"It is a total anomaly that has no economic justification and results in the progressive deterioration of the City of Long Beach," Walton said.

Even city officials concede his arguments have some merit.

"The landlords have requested, and presented several good arguments for Rent Stabilization to be eliminated in the City of Long Beach," said a letter sent yesterday by the city to the half-dozen apartment complexes under rent control, but it did not specify those arguments.

The strongest argument — the one on which the law seems clearest — is the 5 percent vacancy rule: "In order for rents to be placed under regulation, there has to be a rental vacancy rate of less than 5 percent for all or any class or classes of rental housing accommodations," says a document from the state Department of

Housing and Community Renewal.

"The vacancy rate in Long Beach far exceeds five percent," said Walton, whose 276-unit Executive Towers in two seven-story buildings on East Broadway have more than 20 vacant apartments.

But a number of Walton's tenants have accused him of "warehousing" apartments for nearly a year, that is, allowing them to remain empty when they could have been rented.

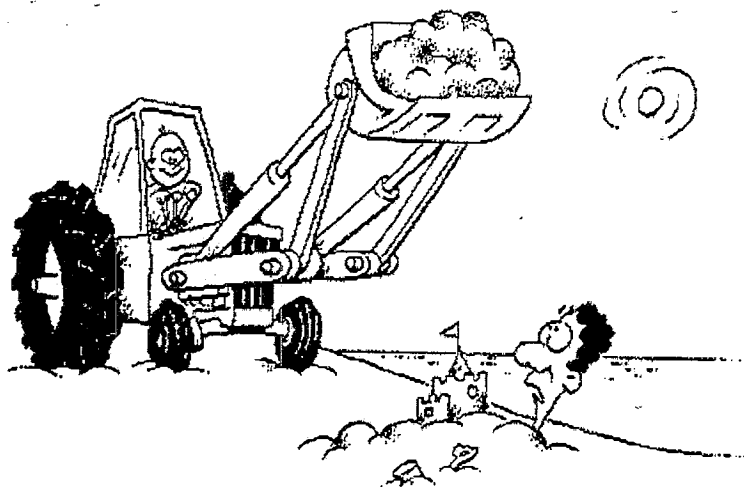
Julie Schechter, an 11-year tenant at Executive Towers and a vocal opponent of the move to cancel rent controls in the city, said he believed Walton was intentionally holding back the apartments from being rented. "I inquired of the superintendent about an apartment for a friend of mine," said Schechter, "and was told nothing was available for rent even though I knew better."

But Walton vehemently denied any intention of keeping the apartments off the market. "It is absolutely false," he said. "The apartments have been under renovation for perhaps the past four months — major renovations."

Walton, who said he believes that he has the state law on his side, as well as the law of business economics and the best interests of the city, said he is prepared to defend his legal rights.

Yesterday's letter that was hand-delivered to tenants, and which was signed by all five city council members, said: "We will not let it [rent stabilization] be discarded to allow landlords to make more money and leave tenants unprotected."

The city council is expected to announce its decision at its regular meeting at 8 p.m. Tuesday.



Don't let the landlord's bury us!

**WE WON THE
BATTLE...
BUT WE
HAVEN'T WON
THE WAR, YET!!!**

CITY COUNCIL BACKS DOWN... FOR NOW

Because of the huge tenant turnout at the April 2nd, meeting at City Hall, the City Council delayed their vote to impose vacancy de-control in Long Beach for two weeks.

We must increase the pressure on the City Council

We each need to do the following:

- Call or write all members of the City Council and demand that they take a survey in order to disprove the landlord's claim of a more than 5% vacancy in Long Beach.

Reinforce the fact that you put them in office and expect that they take this action!

- Come to our Long Beach Tenant's special meeting to be held on (TBA). At this meeting, we will plan strategies to halt vacancy de-control and talk about forming a city-wide Tenant's association.

- Come to the next meeting of the City Council on Tuesday April 16th at 8PM.

{We need an even larger turnout at this meeting to stop vacancy de-control.}

Additionally, we want to thank everyone who attended the April 2nd meeting and showed their overwhelming support. *We are proud of you!* It is clear that the council would have voted for de-control had you not been there.

We need to keep the pressure on. Call or write:

Council Members

Edmund A. Buscemi {Pres.}-----432-5170

Pearl Weil (Vice-Pres.)-----432-3330

Joel Crystal----- (h) 431-9411 (w) 897-2040

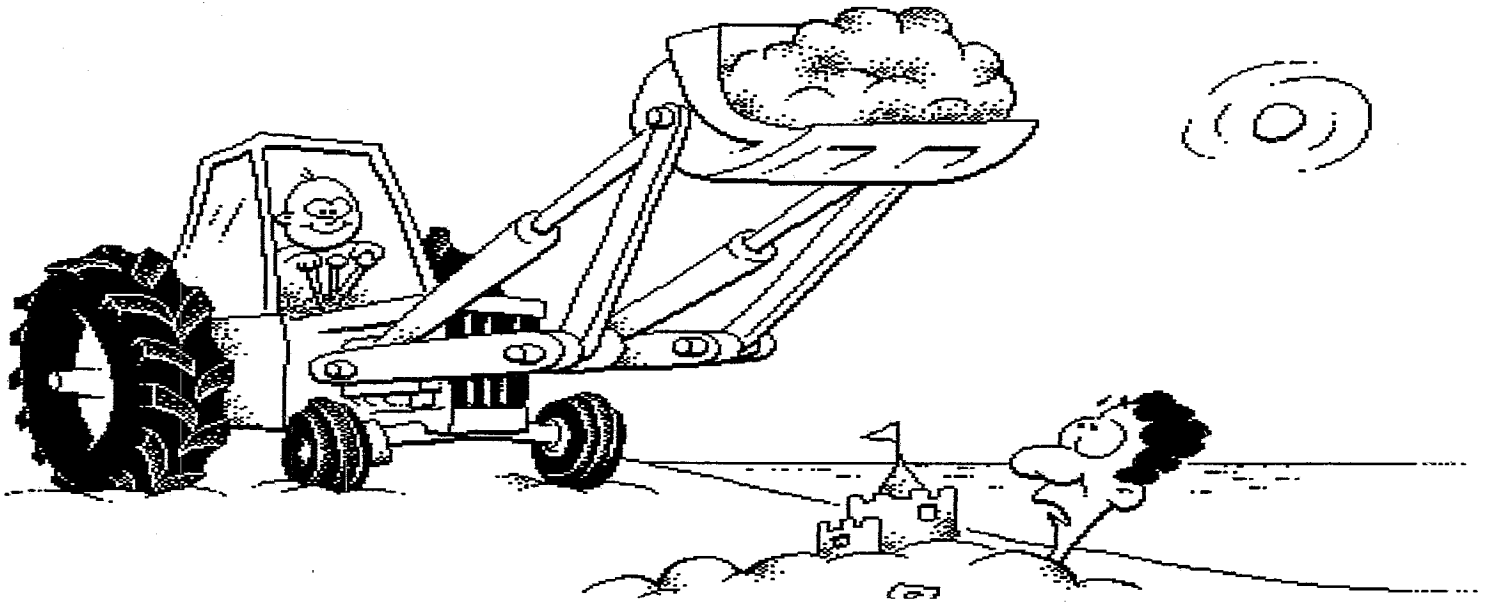
Michael Zapson----- (h) 432-5772 (w) 212-279-3467

David Kelly-----Call City Hall

Edwin L. Eaton (City Manager)--

Corporation Council

Joel Asarch-----431-2464



AGAIN, DON'T LET YOUR LANDLORDS OR THE CITY COUNCIL BURY YOU !!!!!

• OUR LAST CHANCE •

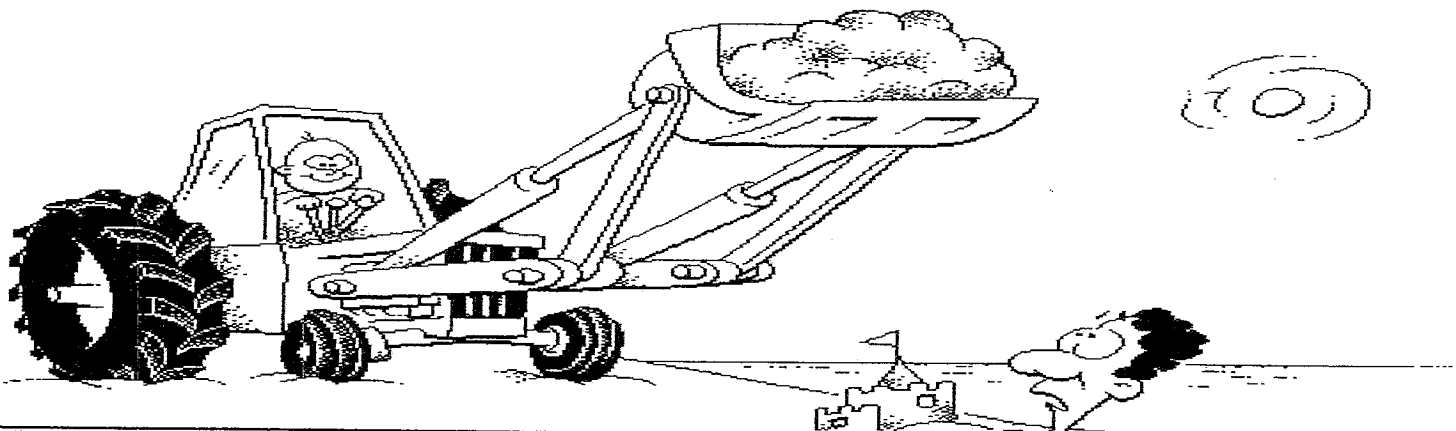
- We must get the City Council to keep rent stabilization, in spite of the landlords demands.

Our strength is in numbers !

- We must fill the council room to the rafters...
Come and bring friends, acquaintances and neighbors to this most important meeting.

OUR VOICES WILL & MUST BE HEARD

DATE: Tuesday April 16th
PLACE: City Hall- Sixth Floor
TIME: 8:00 p.m.



ATTENTION ALL TENANTS !!

THERE IS GOING TO BE A MEETING OF THE LONG BEACH TENANTS COALITION ON TUESDAY, JUNE 11th, AT 8 PM AT THE LONG BEACH PUBLIC LIBRARY.

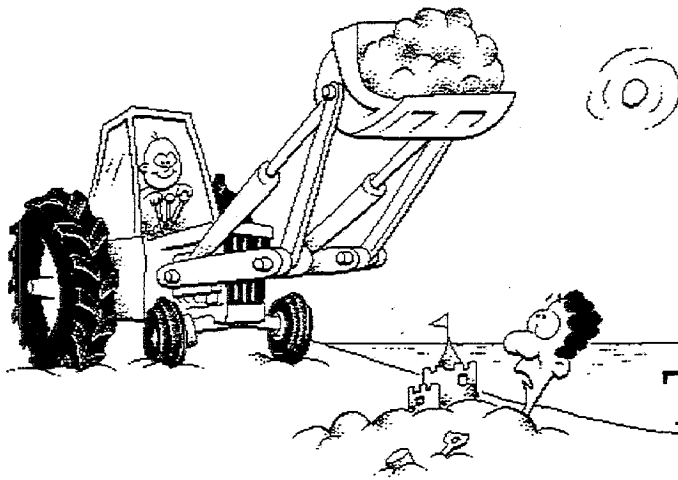
SPECIAL GUEST SPEAKERS WILL BE :

- County Legislator ••••• Bruce Nyman
- NY Tenants Coalition Head •• Michael McKee

WE NEED YOUR HELP ONCE AGAIN!!

- Do you know that some Long Beach Landlords are suing the City Of Long Beach for 50 million dollars and also to eliminate ALL RENT CONTROLS.
- We can not sit by and let this happen.....You all know that our voices can be a powerful force and "this time around" we must show up in MASS to show our support for the Long Beach City Council.

ONCE AGAIN " DON'T LET OUR LANDLORDS BURY US " IT IS VITAL THAT YOU ATTEND THIS MEETING AT THE LIBRARY ON JUNE 11th, AT 8 PM..



**WE WON THE
BATTLE...
BUT WE
HAVEN'T WON
THE WAR, YET!!!**

Don't let the landlords or the City Council bury us!

CITY COUNCIL BACKS DOWN... FOR NOW

Because of the huge tenant turnout at the April 2nd, meeting at City Hall, the City Council delayed their vote to impose vacancy de-control in Long Beach for two weeks. *We must increase the pressure on the City Council.*

We need you to do the following:

- Call or write all members of the City Council and demand that they take a survey in order to disprove the landlord's claim of a more than 5% vacancy rate in Long Beach.

Remind them that, although the landlords may be heavy contributors to the Democratic Party, we elected the council to office, not the landlords (they don't even live in Long Beach). Demand that they, The Council, take this survey or the consequences will be felt at the next election. We are not afraid of a survey.

- Come to our Long Beach Tenant's special meeting on **SATURDAY, APRIL 13th at the LONG BEACH PUBLIC LIBRARY, [111 W. PARK AVE], AT 11:30 AM.** At this meeting, we will plan strategies to halt vacancy decontrol and talk about forming a city-wide Tenant's association.

- **COME TO THE NEXT MEETING OF THE CITY COUNCIL at CITY HALL on TUESDAY, APRIL 16th at 8 PM.** We need an even larger turnout at this meeting to stop vacancy decontrol !!

Additionally, we want to thank everyone who attended the April 2nd meeting and showed their overwhelming support. *We are proud of you!* It is clear that the council would have voted for de-control had you not been there.

We need to keep the pressure on **BY CALLING OR WRITING THE CITY COUNCIL**

• Edmund A. Buscemi {Pres.}-----432-5170	• Joel Crystal-----{H} 431-9411 {W} 897-2040
• Pearl Weil {Vice-Pres.}----- 432-3830	• Michael Zapson-{H} 432-5772 {W} 212 279-3467
• Edwin L. Eaton {City Manager}--431-1000	• David Kelly-----431-1000

••• REMEMBER •••
**"VACANCY DECONTROL" IS THE FIRST
 STEP TO COMPLETE DE-STABILIZATION**

**¡¡ GANAMOS LA BATALLA... PERO NO HEMOS GANADO
LA GUERRA TODAVIA!!**

**¡ NO DEJEN QUE LOS DUEÑOS DE EDIFICIOS NOS PONGAN
BAJO TIERRA!**

EL CONCEJO MUNICIPAL SE ECHA ATRAS DE MOMENTO

=====

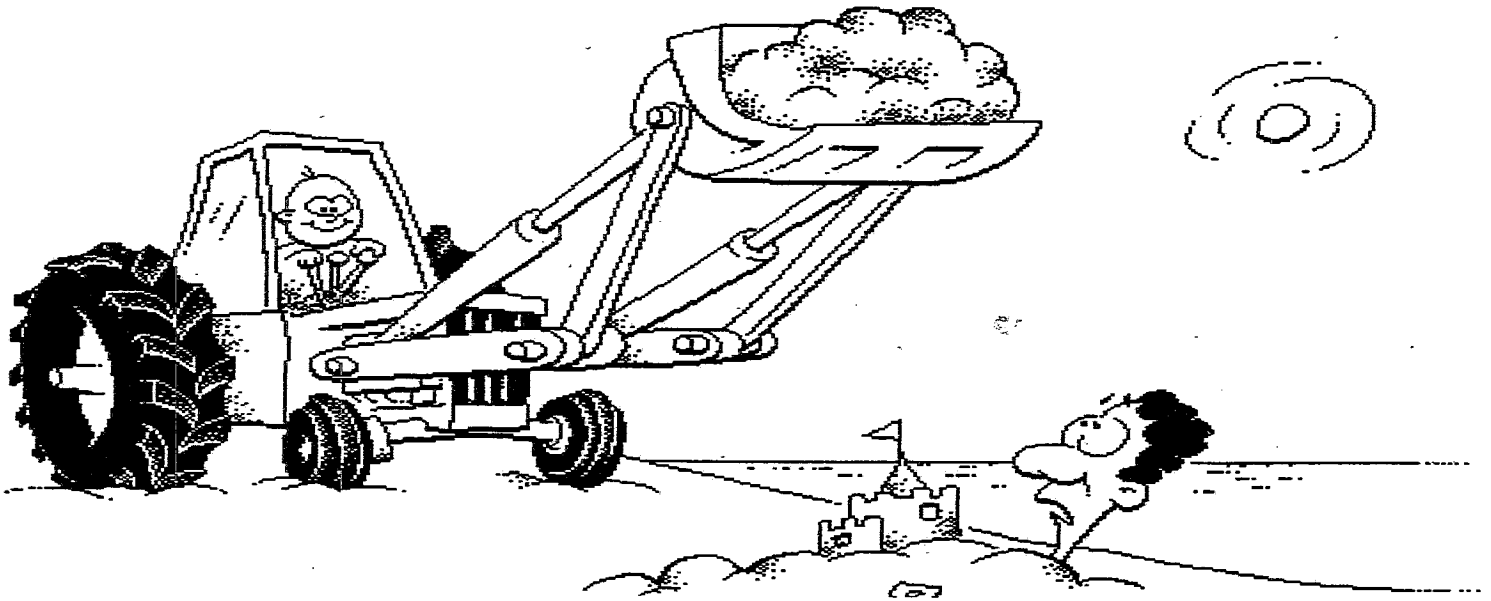
El Concejo Municipal quiere eliminar el control de alquiler en los edificios de 60 unidades o más basándose en el argumento de que hay mas de un 5% sin alquilar y también como respuesta a las amenazas de demanda judicial de algunos dueños de edificios.

Si esto ocurriera los alquileres de estos edificios aumentarían y los inquilinos que ahora están, tarde o temprano, también serían afectados.

EL SABADO, 13 DE ABRIL, EN LA BIBLIOTECA DE LONG BEACH, 11:30 A.M. HABRA UNA REUNION SOBRE ESTA SITUACION ORGANIZADA POR LA ASOCIACION DE INQUILINOS.

¡ Es importante la participación de todos!

Participen en la reunión del Concejo Municipal, el martes 16 de abril, 8:00 p.m. en el sexto piso de la alcaldía.



AGAIN, DON'T LET YOUR LANDLORDS OR THE CITY COUNCIL BURY YOU !!!!!

• OUR LAST CHANCE •

- We must get the City Council to keep rent stabilization, in spite of the landlords demands.

Our strength is in numbers !

- We must fill the council room to the rafters...
Come and bring friends, acquaintances and neighbors to this most important meeting.

OUR VOICES WILL & MUST BE HEARD

DATE: Tuesday April 16th
PLACE: City Hall- Sixth Floor
TIME: 8:00 p.m.

Turnout/Political Power 16 votes

Meaning of Vacancy Decentral

Albany

Tenant Lobby Day

Pataki

City-wide organization/long haul
NEXT ELECTION -

TUESDAY - even larger turnout

/ Move testimony

Personal Don't leave - stay till end

Contact

“
VACANCY DECONTROL”
THE BEGINNING OF THE END
FOR
RENT STABILIZATION!

VOICE OPPOSITION TO:

LONG BEACH CITY COUNCIL MEMBERS

EDMUND BUSCEMI (PRESIDENT)	(H) 432-5170	(W)	431-1000
PEARL WEIL (VICE PRESIDENT)		432-3830	
JOEL CRYSTAL	(H) 431-9411	(W)	897-2040
MICHAEL ZAPSON	(H) 432-5772	(W) 212	279-3467
TOM KELLY		(W)	431-1000
EDWIN EATON (CITY MANAGER)			431-1000

NEW YORK STATE REPRESENTATIVES

* ASSEMBLYMAN *

HON. HARVEY WEISENBERG
20 W. PARK AV.
LONG BEACH N.Y. 11561
431-0500

CONTINUED ON REVERSE SIDE →

NEW YORK STATE REPRESENTATIVES (CONTINUED)

* SENATOR *

DEAN SKELOS
55 FRONT ST.
ROCKVILLE CENTRE N.Y. 11570
766-8383

* ATTORNEY GENERAL *

DENNIS VACCO ESQ.
STATE CAPITOL (RM 326)
ALBANY N.Y. 12224
(212) 416-8000
(518) 474-5525

* GOVERNOR *

GEORGE PATAKI
EXECUTIVE CHAMBERS
ALBANY N.Y. 12224
(212) 417-2100
(518) 474-8390

FOR TENANT INFORMATION & ASSISTANCE CALL:

TENANT LEADER

DAVID SOREN - PRESIDENT - ASSOC. OF SAN REMO TENANTS (ASRT) 889-5450

TENANT ACTIVISTS

JOHN KULIK (ASRT MEMBER)	432-5085
ANN KAYMAN - COMMUNITY ACTIVIST & ATTORNEY	897-2811
SHIRLEY WEBER - 854/860	889-4983
JULIE SCHAFFER - " " " "	432-1183

April 16, 1996

Item No. 15
Resolution No.

The following Resolution was moved by
and seconded by

Resolution Removing Vacant Apartments from the
Emergency Tenant Protection Act of 1974, as Amended.

WHEREAS, on August 27, 1974, the City Council of the City of Long Beach found, pursuant to Section 3 of the Emergency Tenant Protection Act of 1974, that a public emergency existed requiring the regulation of rents for housing accommodations containing one hundred or more dwelling units in the City of Long Beach, and adopted a resolution invoking the provisions of said Emergency Tenant Protection Act with regard to said accommodations; and

WHEREAS, on April 24, 1979, the City Council of the City of Long Beach found, pursuant to Section 3 of the Emergency Tenant Protection Act of 1974, that a public emergency existed requiring the regulation of rents for housing accommodations containing not less than sixty nor more than ninety-nine dwelling units in the City of Long Beach, and adopted a resolution invoking the provisions of said Emergency Tenant Protection Act with regard to said accommodations; and

WHEREAS, many housing units which were occupied by tenants at the time of the adoption of the aforementioned resolutions are presently unoccupied; and

WHEREAS, on June 16, 1992, the City Council of the City of Long Beach found, pursuant to Section of the Emergency Tenant Protection Act of 1974, as amended, that a public emergency no longer existed with respect to rental apartments in buildings owned as cooperatives and condominiums which became vacant after the date of conversion to cooperative or condominium status; and

WHEREAS, the City of Long Beach has within its boundaries 1553 apartments presently subject to the Emergency Tenant Protection Act of 1974, as amended; and

WHEREAS, the City Council has specifically considered the number of vacant apartments as alleged by the landlords and by the tenants in buildings protected by the Emergency Tenant Protection Act of 1974, as amended; and

WHEREAS, the City Council finds that tenants of record and their spouses who presently occupy apartments in multiple dwellings subject to the Emergency Tenant Protection Act of 1974, as amended, should continue to be subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, and as adopted by sections 13-7.2 and 13-7.3 of the City of Long Beach Code of Ordinances; and

April 16, 1996

Page 2
Item No. 15
Resolution No.

WHEREAS, the City Council finds that a question of fact exists concerning the vacancy rate of multiple dwellings within the City of Long Beach subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, which if found to be greater than 5% would necessarily involve the City Council declaring that the housing emergency would be at an end; and

WHEREAS, the City Council believes it is in the City's best interest to keep stability for those residents currently residing in multiple dwelling buildings and to have the owners provide sufficient maintenance to the buildings in which they reside; and

WHEREAS, the City Council is vehemently opposed to landlords using harassing tactics to gain vacant apartments and will use such resources as the City or State have to stop such practices if they are found to exist; and

WHEREAS, the City Council has experienced numerous tax certiorari proceedings from owners of rent regulated buildings, resulting over the past several years in several million dollars in refunds and reduction of assessments, which impact upon the taxpayers of Long Beach; and

WHEREAS, the City Council believes that "vacancy decontrol" will decrease the tax certiorari proceedings and resulting refunds; and

WHEREAS, the City Council further finds that the regulation of rents, pursuant to the Emergency Tenant Protection Act of 1974, as amended, of apartments that are presently vacant with no tenant of record or his/her spouse, does not serve to abate the public emergency which required the regulation of rents in residential housing units;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH AS FOLLOWS:

1. That all current tenants within multiple dwellings whose apartments are subject to the Emergency Tenant Protection Act of 1974, as amended, shall continue to have their apartments be subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, for so long as the tenant of record and/or his or her spouse continue to reside in that apartment.

2. That all apartments within multiple dwellings subject to the Emergency Tenant Protection Act of 1974, as amended, which are vacant as of the effective date of this resolution and which have no tenant of record or spouse of the tenant of record residing therein as of the effective date of this resolution or which become vacant after the effective date of this resolution, shall be removed from regulation under the Emergency Tenant Protection Act of 1974, as amended.

April 16, 1996

Page 3

Item No. 15

Resolution No.

3. That to the extent the City of Long Beach is empowered by statute, all current tenants of record and their spouses within multiple dwellings which are subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, shall have their apartments remain subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, regardless of whether any or all of the other apartments within the multiple dwelling building are deregulated.

4. That it is the intention of the City Council that all penalties contained in the Emergency Tenant Protection Act of 1974, as amended, concerning an owner's harassment of a tenant in order to obtain the vacancy of his or her apartment, including but not limited to statutory fines up to \$2,500 per violation, continued regulation of the apartment, injunctions and liens against the building, which must be removed by affirmative application of the owner, shall continue in Long Beach.

5. The terms used in this Resolution are defined and incorporated herein as follows:

A. Tenant of Record -- person(s) named on the lease in effect on the effective date of this Resolution.

B. Spouse -- the husband or wife of a tenant of record.

6. That this Resolution shall apply to all multiple dwellings within the City of Long Beach which are subject to the Emergency Tenant Protection Act of 1974, as amended, including rental buildings, cooperatives and condominiums.

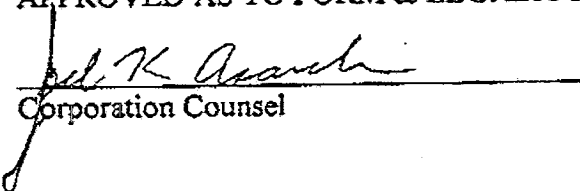
7. The Tax Assessor of the City of Long Beach shall be notified by the Landlord or building manager of each building with apartments or units subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, by October 1st of each year of the total number of units/apartments (a) in the building; (b) subject to the Emergency Tenant Protection Act of 1974, as amended; and (c) deregulated during the preceding year, together with such documentation concerning income and expenses as required by the Tax Assessor.

8. This Resolution shall be effective immediately upon its adoption.

APPROVED AS TO ADMINISTRATION:


City Manager

APPROVED AS TO FORM & LEGALITY:


Corporation Counsel

VOTING:

Council Member Crystal -

Council Member Kelly -

Council Member Weill -

Council Member Zapson -

President Buscemi -

Rent destabilization might push out elderly

By Samson Mulugeta

STAFF WRITER

Mention Long Beach to Jack Near and the 69-year-old who calls himself a ROADY (Retired On Active Duty) bubbles with enthusiasm like a teenager.

"Walking on the sand, the boardwalk, the air, the view, what can I tell you, everything's nice," said Near. "I don't want to go to Florida like some of my friends."

But after after 19 years of living in a five-room, two bath, rent-stabilized apartment with his wife, Toba, Near feels his lifestyle is under attack by the Long Beach City Council, which is considering overhauling the city's rent-stabilized apartments.

Near was one of 150 residents who met yesterday at the Long Beach Library to plot strategy for Tuesday's council meeting. Long Beach is the only municipality in the state considering destabilizing apartments that become vacant, said Michael McKee, spokesman for the New York State Tenants and Neighbors Coalition.

Despite assurances from council members that current tenants in rent-stabilized buildings will not be affected, the plan has alarmed hundreds of older residents like Near who fear their rents would double.

Councilman Michael Zapson said yesterday that landlords have presented evidence that the vacancy rate is 5 percent, at which point all apartments would become non-stabilized under state law.

"The issue is, if we do nothing, rent destabilization kicks in the city of Long Beach immediately as mandated by state law," said Zapson. "We're trying to protect the tenants by putting a law that protects them from evictions and unreasonable rent increases" even after destabilization takes place, he said.

Shirley Weber, a tenant organizer, argued the vacancy rate is nowhere near 5 percent.

"We sent twenty-two people out there asking for apartments to rent in different buildings and almost all of them were told nothing was available," she said. "Some of them were told to come back in two weeks. By then, . . . [the landlords] hope the city council would have passed the vacancy decontrol and they could rent at market price."

Vacancy decontrol would affect apartment buildings built before 1974 with 60 or more units and ones that have not undergone substantial renovation. There are about 1,500 such units in 25 buildings in the city of Long Beach, according to the state Division of Housing and Community Renewal. The state's rent laws are not permanent. Every two years, they have to be renewed by the governor and state Legislature.

The Long Beach proposal has sparked state-wide interest. The tenants at the yesterday's meeting were offered organizational help from Michael McKee, director of the state-wide which represents 137 group and 6,500 individuals.

"If the Long Beach City Council votes for vacancy decontrol on Tuesday, it will have an enormous damaging impact on the fate of the rent laws in Albany" by setting a precedent, McKee said.

As for for Near, who is a retired social studies teacher from Lawrence High School, he works as a substitute teacher to supplement his income. Though torn cartilage makes walking difficult, he needs to work to make ends meet, he said.

Still, he knows he's lucky to pay \$1,200 for his oceanfront apartment. But he feels Long Beach needs people like him and not just those who could afford to pay \$2,000 a month.

"This city has always had a mixed bag of people," he said. "I just want to live here."

Aerial photograph shows Martha Stewart focus of a land dispute with her neighbor

Long-Si Stewart spars

By Mitchell Freedman

STAFF WRITER

Martha Stewart's latest home project for her Georgica Pond — fighting with her neighbor — on City's biggest developers, Harry

And it could drag the whole Hampton into the fray.

The angst between the powerful ubiquitous arbiter of taste and circulation of Martha Stewart Lillian copies — grew and festered last year, when each declare ownership of a small piece of wetlands property on the boundary between their houses on Georgica Close Road.

Their different arboreal taste clashed when Macklowe apparently had grass and shrubs planted on a section of the property the Stewart had been nurturing.

"He has dug holes and planted shrubs right over the delicate roots of pepperidge trees and covered over the delicate ground covers which I so carefully was trying to uncover," Stewart wrote to East Hampton Village official. "This is an area of great beauty, natural pepperidge grove with a undercover of wild lillies and ferns, and Mr. Macklowe is doing his best to suburbanize the area with inappropriate dark greener and soil berms on his land as we as my own land."

Now, Stewart wants to rebuild a bulkhead on her property, put in a 10- by 60-foot lap pool, selectively prune trees in a setback area and reconstruct a patio — all of which require a permit from the village Zoning Board of Appeals. She has also asked the board for remove shrubs, grass, lights and Macklowe had placed on the dispute.

Friday, at an East Hampton hearing, Stewart's lawyer, Leonard was on hand to present Stewart her firm, Travertine Corp.



City of Long Beach

KENNEDY PLAZA

LONG BEACH, NEW YORK 11561

TEL: (516) 431-1000

FAX: (516) 431-1389

CITY COUNCIL

EDMUND A. BUSCEMI, PRESIDENT

PEARL WEILL, VICE PRESIDENT

JOEL CRYSTAL

THOMAS M. KELLY

MICHAEL G. ZAPSON

March 27, 1996

Dear Neighbor:

In the last several days a flyer was distributed with misinformation regarding the removal of Rent Stabilization for current tenants.

The landlords have requested, and presented several good arguments for Rent Stabilization to be eliminated in the City of Long Beach. Pursuant to the Rent Stabilization Laws of New York State they believe the City of Long Beach can no longer legally maintain Rent Stabilization. They have advised us that they may in fact sue the City to destabilize the City.

We are aware that thousands of residents of Long Beach live in Rent Stabilized apartments. Paying stabilized rents is the only way many can afford to continue to live in Long Beach. We have therefore, advised the landlords that any lawsuit to destabilize the City will be vigorously fought by the Long Beach City Council.

While many believe Rent Stabilization to be a thing of the past, this council will protect all Long Beach Residents who are under rent stabilization. We will not let it be discarded to allow landlords to make more money and leave tenants unprotected.

Please attend our next council meeting on Tuesday, April 2, 1996 at 8:00 pm and voice with us opposition to the removal of rent stabilization to current lease holders.

Edmund Buscemi
President

Joel Crystal
City Council Person

Very truly yours,

Pearl Weill
Vice President

Tom Kelly
City Council Person

Michael Zapson
City Council Person

NEW YORK STATE **TENANTS & NEIGHBORS** COALITION

New York City Office: 505 Eighth Avenue, 18th Floor, New York, NY 10018-6505
(212) 695-8922 ■ FAX (212) 695-4314

In Opposition to Vacancy Decontrol In the City of Long Beach

What the ETPA allows

The Emergency Tenant Protection Act of 1974 (ETPA) gives local governments wide discretion in defining classes of housing subject to rent stabilization. Indeed, the City of Long Beach, unlike other municipalities which regulated all buildings with 6 or more apartments, initially (1974) enacted ETPA only for buildings with 100 or more units, then in 1979 lowered the threshold for the regulated class to 60 or more.

The ETPA requires that the vacancy rate for the *class* of housing to be regulated be 5 percent or less to justify a declaration of emergency, and that the vacancy rate for the *class* remain 5 percent or less for the emergency to continue. The ETPA further requires that the municipality declare the emergency at an end if the vacancy rate for the *class* of housing that is regulated exceeds 5 percent. The municipality is under no obligation to consider the vacancy rate in non-regulated buildings.

Not only is the statute clear on this point, but the courts have upheld the statute. Among numerous cases concerning landlord challenges to the local declaration of emergency, the Town of Haverstraw in Rockland County declared an emergency only for buildings with 120 units or more based on a survey of such buildings. The landlords sued, claiming that the town was required to survey all rental housing. The Appellate Division, Second Department (the same department which covers Nassau County) ruled against the landlords, stating unequivocally that the ETPA requires a survey of only the class of housing subject to regulation (*Mountainside Apartments v. Town of Haverstraw, Appellate Division, 2nd Department, January 1987*).

Does any member of the Long Beach City Council genuinely believe that the over-60's have a vacancy rate in excess of 5 percent? Especially if the warehoused units are discounted?

According to the NYS Division of Housing and Community Renewal, there are approximately 1500 apartments in 25 buildings subject to the ETPA (rent stabilization) within the City of Long Beach.

....continued....

The Net Vacancy Rate

There are two ways of defining a vacancy rate, the gross and the net.

The gross vacancy rate is comprised of all vacant apartments at the time of a survey, no matter what the condition of the apartments and no matter why they are vacant.

The net vacancy rate is determined by subtracting from the gross vacancy rate all apartments which are (a) uninhabitable and (b) unavailable for rent. Put another way, the net vacancy rate is comprised of all apartments which at the time of the survey are vacant, habitable, and available for rent.

The reason an apartment is unavailable for rent is irrelevant in terms of determining the net vacancy rate. It doesn't matter if the landlord is warehousing for speculative reasons, as is clearly the case with Executive Towers (where tenants report there are now almost 30 empty apartments), or if the landlord is renovating an apartment, or if he is holding it vacant for a friend or relative who is moving in three months from now. The important fact is the apartment is off the market, not available to renters who are looking for a place to live. It should therefore not be counted as vacant for purposes of determining the supply of rental housing in a municipality.

The United States Bureau of the Census uses the net vacancy rate as the valid indicator of a housing emergency, as does the City of New York. The courts, including the New York State Court of Appeals, have consistently upheld the use of the net vacancy rate as justification for a continuing housing emergency, in the face of landlord lawsuits insisting that the City should use the gross vacancy rate. For example, in 1967 the gross vacancy rate was 5.14 percent and the net vacancy rate 3.19 percent. The landlord lawsuit to overturn rent regulation on this basis was rejected by the courts (*Lampert v. Berman*, 284 N.Y.S.2d 657). The City Council's legal advisor, Mr. Asarch, points out that the ETPA is silent about this issue, referring merely to the "vacancy rate." True. But the same is true of every other rent control law in effect in New York State.

What is the logic of allowing landlords to warehouse apartments in order to reach a vacancy rate of more than 5 percent, then declaring that the emergency must be ended? In Long Beach, Sam Walton would have to warehouse slightly more than 75 apartments to achieve this result.

If sued by landlords, the City of Long Beach should conduct a survey of the class of housing that is subject to rent stabilization, meaning the 1500 or so apartments in buildings with 60 or more units. Any apartment that is uninhabitable or unavailable for rent should be excluded from the count. In the face of testimony from tenant after tenant on April 2 that their buildings have no vacancies, or no vacant apartments available for rent, and that many buildings have waiting lists, can there be any doubt that the vacancy rate for the over-60's is well below 5 percent?

....continued....

ADDITIONAL ISSUES:

1. The resolution being considered by the City Council does not preserve all current rights under rent stabilization. By restricting ongoing coverage under the ETPA to the "tenant of record" and his or her spouse, the resolution seriously curtails the right of succession, which under the ETPA applies to children, parents, siblings as well as spouses, as well as "non-traditional" family members who are not related by blood or marriage but who live together as family units, such as gay couples, unmarried heterosexual couples, and seniors and disabled persons who function in family-type relationships without any romantic or sexual involvement.
2. Councilman Zapson, despite his denials, has a clear conflict of interest and should excuse himself from voting on this resolution. As the owner of 270 Shore Road, he has filed an application to remove the 62 apartments from coverage under the ETPA. DHCR has granted this application in part, and the remaining 11 tenants are appealing the DHCR decision. For Mr. Zapson to claim that he is not affected by the Vacancy Decontrol resolution and that there is therefore no conflict of interest is downright dishonest.
3. Finally, and most importantly, the enactment of Vacancy Decontrol will have a devastating effect on current tenants, future tenants, the rental housing market, and the long-term health of the City of Long Beach. Current tenants paying a reasonable rent--\$700 to \$900 per month seems to be typical of current rents under ETPA, which are hardly low--will be sitting ducks for harassment. Much of what reasonable persons would consider harassment (for example, suing a tenant leader who complains about building conditions for defamation) does not meet the stringent definition of harassment under the state rent laws, but is nevertheless harassment. No apartment will ever again be available to any household that cannot pay a market rent, and tenants moving into the destabilized apartments will have no right to an initial lease or to an automatic lease renewal as under ETPA. Tenants moving into destabilized apartments will be afraid to complain of bad conditions because the result will be no lease renewal. Middle income tenants will be forced out of Long Beach just as many low income tenants have been forced out in the past, to be replaced by people who can pay \$2,000 a month or more. Increased real property tax revenues resulting from this rent spiral would certainly swell the municipal coffers. But destroying the rental housing market and forcing middle income tenants out is too high a price to pay for increased revenues.

*Prepared by Michael McKee
4/4/96*

Tenants trash rent control plan

By Kevin E. O'Neill

Either you protect us or we might just evict you.

That was one message made loud and clear to the Long Beach City Council by the fired-up tenants who attended last week's meeting. Angered by the all-Democratic council's vacancy decontrol proposal, a couple of the tenants threatened to vote the council members out of office if they went ahead with such a move.

"Whenever I vote, I vote Democratic because you people are supposed to protect us," said tenant Cy Weber. "But I may vote Republican after this."

The remark elicited a roar of approval from many of the nearly 300 tenants packed into the City Hall auditorium for the Tuesday, April 2, council meeting. Ultimately, the council members voted to put their vacancy decontrol resolution on hold pending further review.

The resolution, if approved, would have repealed part of the city's 20-year-old Emergency Tenant Protection Act

(ETPA), a rent regulation law that covers apartment buildings containing 60 or more units. Under the resolution, current tenants would still be protected but any apartment that becomes vacant would no longer be subject to the rent controls of the ETPA. Rents for apartments covered by the ETPA are set by state-run rent guidelines boards.

When the ETPA was originally adapted by the council during the 1970s, city officials proclaimed that there was an apartment vacancy rate of less than five percent, constituting a housing "emergency." But local landlords have petitioned the council to either repeal or revise ETPA, claiming that the current vacancy rate is above five percent. They said the rent increases authorized by the guidelines boards, a one-and-a-half or two-and-a-half percent hike depending on the length of the lease, do not provide them with enough revenue to properly maintain their buildings.

"There's no way a landlord can make any kind of a profit," said Garden City

attorney Martin Shlufman. "The landlords can't maintain a building on that kind of money."

However, tenant advocates are worried that the proposed revisions of the ETPA, which covers 1,500 apartments in Long Beach, will eventually lead to a wholesale repeal of rent controls. With apartments becoming rent decontrolled through vacancies, they said, certain landlords will engage in campaigns of "harassment" to force out tenants in the remaining rent-stabilized units.

Michael Rosengrave, an aide to Assemblyman Harvey Weisenberg (D-Long Beach), said vacancy decontrol could encourage an "unscrupulous landlord to do anything he can to get tenants out of the apartments."

"People, this is the first step to eliminating rent control," Mr. Rosengrave said.

Michael McKee, an organizer for the New York State Tenants and Neighbors Coalition, warned council members that vacancy decontrol would give landlords an "enormous incentive" for pressuring tenants to move out. "I will give you the benefit of the doubt and say you are genuinely concerned about protecting tenants but this is not the way to do it," Mr. McKee said.

Community activist Ann Kayman, an attorney, recommended that council members do their own survey of the city's vacancy rate rather than accept the

landlords' statistics. Referring to the city's anxieties about a possible lawsuit by the landlords, Ms. Kayman urged the council to "vigorously defend" the tenants' rights.

"Don't just bend over and let them legislate for you," said Ms. Kayman. "Make them prove their case."

Over the past several years, the landlords have filed tax certiorari lawsuits seeking reductions in their taxes. One of the stated fears of Long Beach officials is that the landlords will sue the city to force a total repeal of rent controls. Trying to fight the landlords in court, city counsel Joel Asarch said, would be like playing "Russian roulette" with the current tenants' homes.

"The landlords are not stupid and they have good counsel," Mr. Asarch said. "This resolution keeps the landlords at bay and protects every tenant as long as that tenant stays at that apartment."

But city counsel members did agree to temporarily table the decontrol resolution, saying they wanted to further study the issue and consider tenant Margaret DeBries Poretz's suggestion for including a provision to punish landlords abusing vacancy decontrol.

Meanwhile, the tenants are planning a meeting for Saturday, April 13, to plan further protests. Those interested in attending can call tenant Julie Schechter at (516) 432-1183.

Councilman denies ethics conflict charge

Supports vote on rent issue despite investment

By Kevin O'Neill

In the ongoing debate over the Long Beach City's rent regulation policies, a member of the city council is coming under fire for his position as a landlord.

Tenant advocates are asking Councilman Michael Zapson, a part owner of the Monroe Beach garden apartments in Long Beach, to excuse himself from voting on a proposed resolution that would remove rent controls from vacant apartments. One tenants rights' organizer charged Mr. Zapson with having "a clear conflict of interest" because he and his Monroe Beach partners are currently embroiled in a dispute over whether or not their building should be exempt from rent controls.

"It's an outrage that he can sit up there and say this doesn't effect him," said Michael McKee, a spokesman for the New York State Tenant and Neighborhood Coalition, which is assisting Long Beach's tenants in fighting vacancy decontrol.

"It's to his direct advantage if vacancy decontrol goes into effect," said John Kulik, one of the tenants of Monroe



Councilman Michael Zapson says his investment in an apartment complex should not disqualify him from voting on a rent control law.

Beach. "He should abstain."

Currently, only 11 of Monroe Beach's 62 apartments are occupied by tenants. Although buildings of 60 units or greater

Continued on Page 12

12

Councilman denies ethnic's charge

Continued from Page 3

are normally under the Emergency Tenant Protection Act's rent controls, the owners of the complex at 270 Shore Road successfully applied for a so-called "new building" exemption from the two-decades-old ETPA.

The exemption was granted by the New York State Division of Housing and Community Renewal in February 1996 after they proved that 84 percent of the mostly vacant building had undergone "substantial rehabilitation" since their purchase of the former San Remo Garden Apartments in 1992, according to a copy of the decision. In the decision, a state rent administrator ruled that the leftover tenants "shall remain subject to the ETPA for the duration of their occupancy" after which their apartments will be deregulated.

The tenants are in the process of

appealing the decision in order to restore the building's status as an ETPA-regulated entity.


Under the city's proposed vacancy decontrol plan, vacant apartments in ETPA-regulated buildings will no longer be subject to the ETPA's rent rules. But current tenants and their spouses will continue to have rent protections as long as they live in their apartments.

Reached for comment, Councilman Zapson denied any conflict of interest, citing the decision and saying he is not directly involved in the building's affairs anyway.

"I don't run it. I don't manage it. I'm only an investor," said Mr. Zapson. Referring to the vacancy decontrol resolution, he added, "None of them [the tenants] would be effected one way or the other by this."

Long Beach

Oceanside
Island Park



Independent Voice

Since 1932

SERVING LONG BEACH, OCEANSIDE, ISLAND PARK, LIDO BEACH, ATLANTIC BEACH AND PT. LOOKOUT

VOLUME 65, NO. 13

THURSDAY, MARCH 28, 1996

NEWSSTAND PRICE 35¢

Tenants Fear Losing Protection Council Hearing on Amending Rent Stabilization Law

by Michelle Gotthelf
and Eleanor Scigliabaglio

Apartment landlords are lobbying for the Long Beach City Council to repeal its Emergency Tenant Protection Act, which has stabilized rents for two decades on apartment buildings containing more than 60 units.

One of five discontent building owners requesting the change, Samuel Walton, owner of Executive Towers at Lido on East Broadway, Long Beach, a 276-unit complex, said the ETPA is deterring owners like himself from renovating buildings, because the money will not be recouped in rent-controlled apartments. Walton said, at the March 19 meeting of the city council, if landlords are not permitted to raise rents

to cushion the loss, then they could not afford even basic upkeep of the buildings.

"Buildings in Long Beach . . . are particularly vulnerable to the ravages of wind, water, rain and sand. As such, they require extraordinary maintenance and capital infusions in order to avoid deterioration . . . Owners are discouraged and have no financial incentive to undertake major capital improvements," Walton stated.

Norman Weissman, a 42-year resident of Long Beach, said he started renting 10 years ago and believes abolishing the ETPA will decimate the population of Long Beach, because most of the renters are seniors on single and fixed incomes.

Continued on Page 4

Council to Consider Amending Rent Stabilization Law

Continued from Page 1

"If recinded, rental increases will be 15 or 16 percent," he said. "A large section of the population will not be able to afford it and must go elsewhere. You must keep a cap on landlords."

As for problems associated with the ETPA, Walton claims it has caused an increase in tax certiorari cases in Long Beach, because owners believe their properties have been over-assessed and are being over-taxed as a result. Walton pointed out that rent restrictions are non-existent in some areas surrounding Long Beach, such as Oceanside and Baldwin.

Shirley Weber said Baldwin, Oceanside and Merrick have little or no rentals; however, Rockville Centre has rentals and rent stabilization.

"Everytime a nail goes into the wall, Mr. Walton gives us an increase. Everything that's repaired, we pay for in perpetuity. It's not a flat thing, each rent increase is compounded," she said. "Tenants feel powerless to do anything about this. They are afraid of repercussions. Out notices about this meeting were not allowed up on the bulletin board. Mr. Walton would not allow it."

According to Joel Asarch, corpora-

tion council for the city, the ordinance can be repealed by individual apartment owners if they can prove their complexes have more than a five percent vacancy rate.

"If that becomes the case, then it would have to come up before the council and they would have to say that the ETPA is no longer in need...But we're trying to protect the residents of those buildings, and we are considering 'Vacancy Decontrol.'"

Describing what might be the city's next step, Asarch said, "With vacancy decontrol, so long as a tenant remains in the apartment, it is subject to rent stabilization."

The ETPA controls 12 apartment complexes in Long Beach. Asarch said vacancy decontrol will be added to the Long Beach City Council agenda within the next couple of months.

Sandy Fiedler said she would like to see the landlords' books to see if they're making a profit.

"I sympathize with seniors, but singles are also having economic problems," she said. "They raise rents through new appliances, whether it's needed or not, in order to get more money. There's no way these rent control apartments are losing money."

The general feeling of tenants is that most will gladly give a fair rent increase, but fear skyrocketing

increases if landlords are not regulated by the ETPA.

Landlord Elaine Cassimatis said at 740 E. Broadway, 19 apartments out of 95 are vacant and at her building at 210 E. Broadway, 16 out of 74 apartments are vacant, as of March.

"Availability of qualified tenants has nothing to do with market value," she said. "With the freedom of deregulation [a landlord] can negotiate a lower rent to fill apartments."

Currently, landlords may increase rents by one-and-a-half percent for one-year leases and two-and-a-half percent on two-year leases, which landlords say is less than the cost of living, forcing them to file certiorari proceedings to lower the tax payments on buildings. Walton said businesses and homeowners have to make up the deficiency in taxes on litigation and refunds won through certiorari litigation.

Because of the inclement weather, the council deferred decision on the issue until the April 2, meeting, when another public hearing will be held.

EXHIBIT 1 - CURRENT MEDIA + OPPOSITION INFO TO V.D.

EXHIBIT 1A - ESTABLISHES LONG BEACH (L.B.) CITY COUNCILMAN MICHAEL ZAPSON AS OWNER OF REAL ESTATE LOCATED AT 270 SHORE RD L.B. N.Y.

EXHIBIT 2 - ESTABLISHES 270 SHORE RD. L.B. N.Y AS A TOTALLY RENT STABILIZED BLDG.

(M.Z.)
EXHIBIT 3 - MICHAEL ZAPSON STATES 270 SHORE RD WILL CONTINUE TO BE RENT STABILIZED

EXHIBIT 4 - M.Z. APPLIES FOR DE-STABILIZATION (DHCR) OF 270 SHORE RD - WITH DEPT. OF HOUSING + COMM. RENEWAL

EXHIBIT 5 - M.Z. GRANTS PARTIAL DESTABILIZATION OF 270 SHORE RD. BY AN ORDER + DETERMINATION (O+D) ISSUED BY THE DHCR

EXHIBIT 6 - APPEAL TO EXHIBIT #5 MADE BY TENANTS IN FORM OF PETITION FOR ADMINISTRATIVE REVIEW (P.A.R.) STAYS O+D OF EXHIBIT #5 UNTIL A NEW O+D ISSUED BY DHCR ON P.A.R.

ALSO DETAILED DOCUMENTATION OF HOW O+D OF EXHIBIT #5 WAS IMPROPERLY REACHED

EXHIBIT 7 - M.Z. PROCLAMATION AS A PUBLIC OFFICIAL STATING HE WILL "PROTECT ALL L.B. RESIDENTS WHO ARE UNDER RENT STABILIZATION." AFTER PREVIOUSLY PERFORMING THE ABOVE

(CONTINUED)

" VACANCY DECONTROL " (CONTINUED)

EXHIBIT 8 - V.D. IS ANOTHER OCCURENCE M.Z VOTING AS PUBLIC OFFICIAL WITH CONFLICT OF INTEREST & STANDS TO ECONOMICALLY GAIN FROM HIS POLITICAL POSITION AT EXPENSE OF TENANTS HE IS SUPPOSE TO BE REPRESENTING THE BEST INTERESTS OF & NOT HIS OWN BEST INTEREST.

OTHER IMPROPRIETIES

EXHIBIT 9 - L.L. BURIED OIL TANK WITH APPROXIMATELY 50 GALLONS OF OIL IN SAME AFTER BLDG WAS CONVERTED FRM OIL TO GAS FIRED FURNACES IN FEDERAL. I BELIEVE A VIOLATION OF ENVIRONMENTAL LAWS!

04-09-96

INFORMATION ORDERED BASICALLY
FROM BOTTOM TO MOST CURRENT
INFORMATION ON TOP.

FOR FOLLOW UP INFORMATION CONTACT:

- 1) DAVID SOREN
PRESIDENT - ASSOCIATION OF SAN REMO TENANTS (ASRT)
MONROE BEACH APT. BLDG.
270 SHORE RD. LONG BEACH N.Y.
(516) 889-5450

MAILING ADDRESS

P.O. BOX 445
LONG BEACH N.Y. 11561-0445

OR ALTERNATIVELY

- 2) JOHN KULIK
ASRT ACTIVIST
(516) 432-5085

SAME MAILING ADDRESS AS ABOVE

ATTENTION

Apartment House Residents:

FACT: Certain apartment house landlords in Long Beach are lobbying the City Council to eliminate rent-stabilization laws.

FACT: Many apartment house landlords have contributed thousands of dollars to the Long Beach **DEMOCRATIC PARTY.**

ACCORDING TO
PUBLIC DOCUMENTS*

Paulsen Real Estate

Contributed \$1500

854-860 Executive
Towers

Contributed \$1000

Eagle Property
Management

Contributed \$1000

AND MANY OTHERS

Are contributing
to Democratic
candidates

*Nassau County Board of Elections
Candidate Financial Disclosure Forms

It's time for a change.

On Tuesday, November 7th, let's elect a new majority.

Vote all 3 on Row B

Jim MORIARTY Francesca CAPITANO

Rita ALBERTI

For Long Beach City Council



VOTE REPUBLICAN



TENANTS UNITE!

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
L. SHAPIRO	854 E. BROADWAY	
ANGELA TANcredi	210 Shore Rd - Apt. 3N	889-7606
Gerardine Niklas	210 Shore Rd Apt. 20	889-3313
Annast Ward	465 Shore Rd Apt. 3A	432-3209
Peter Glasser.	800 Park Broadway	889-4790
Bertine Schlossberg	860 East Broadway	889-0492
Mrs Mrs Sam Levy	860 E. Bway	431-5802
Mr. & Mrs. C. Weiss	25 Franklin Blvd.	889-4085
Mr + Mrs Howard R. Fuller	860 E Bway	889 0339
Carol Goldberg	10 Monroe Blvd	889-2334
Mr & Mrs Jack Neer	854 E. Bway	432-2519
Kel Schryer	- 10 Monroe Blvd	431-3023
STANLEY BEITLER,	10 MONROE BLVD	889-8293
Marie. Fuchs,	10 Monroe Blvd	431-9497
MARLA ROWE	854 E. BROADWAY	889-5851
Mr & Mrs Larry Schlossberg	854 E. Broadway	unlisted
Jackie Philips	-465 Shore Rd.	431-0241
Leah Berman		889-4037
Jay Castle		431-8033
Mrs Mrs Bode	270 Shore Rd #582B	431-5098
Julie S. Schechter	-854 E Broadway	432-1183
W. Weiss	25 Franklyn Blvd Long Beach, N.Y.	
Dorothy Weber	860 E. Broadway	889-4983
CY WERER	10 MONROE BLVD	889-2421

TENANTS UNITE!

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Betty + Alan SCHNEIDERMAN	10 MONROE	889-4775
FRANK + Nancy LOPEZ	410 E. Bway 6-S	897-2604
Jayce Soubzki	65 Lincoln Blvd	889-3135
Mike Casengrave	630 Shore Rd	432-1170
IRV ROSEN	465 Shore Rd	889-2638
TINA ROSEN	465 Shore Rd	889-2638
Helen Di Guard	210 Shore Rd	-
Ann Green	750 Shore Rd	
Sally Roman	465 Shore Rd	
Jo Finnegan	10 Monroe Blvts	431-1394
Annette Hochlein	" 3L	431-7494
SHIRLEY EBERSON	" - 7m	889-5283
Valerie Cammisio	10 Monroe Blvd. #55	889-0021
R. Wilson	450 Shore Rd.	432-9732
Ally Wilson	860 E. Broadway	889-3539
Carol Miller	10 Monroe Blvd	889-2334
Cl. W. Ross	" "	889-2424
Gloria Goldberg	65 Lincoln Blvd	889-6218
DA		
Don Mersel	10 Monroe Blvd 5A	431-8475
Joe Mersel	711 Shore Rd 36	431-4650
Carolyn A PLAKS	10 Monroe Blvd 5A	431-8475
Dorothy PLAKS	711 Shore Rd 30	432-4455

TENANTS UNITS

NAME	ADDRESS	PH #
Norman Weissman	854E Bway	431-479
Janette Moore	210 Shore Apt 52	432-6201
Glenn & Judy Sellen	860 E Bway	431-1399
Martin Kane	630 Shore Rd	431-9257
Norman & Estelle Marran	804 E Bway	889-8886
Edward Bode	270 Shore Rd - Long Beach	431-5098
Roy Lester	124 Coolidge LB	889-2903
Victor Poretz	65 Lincoln Blvd. LB	431-9815
Margaret Poretz	65 Lincoln Blvd. LB	431-9815
Donna Piperno	25 Franklin Blvd - 2ULB	432-3050
Francis Taunantino	465 Shore Rd	
Mary Sollitto	465 Shore Rd	
Michelle Lambrecht	10 Monroe #5J	431-6791
Buddy Tarallo	860 E Bway 7M	432-3324
Michael Dereze	210 Shore Rd 4-m	889-1147
John Kulik	270 Shore Rd #60 P.O. Box 445	432-5085

TENANTS UNITE!

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Sharon Becker	210 Shore	516-432-8744
Al Pascoello	210 Shore	516-432-8744
MURIEL CHATZINOFF	465 Shore	516-431-5149
SYLVIA PHILLIPS	465 SHORE RD	432-7638
Rosalind Davis	465 Shore Rd.	431-2579
Domena Pupeno	25 Franklin Blvd.	432-3050
Elaine Dufour	25 Franklin Blvd.	- 432-6238
HARRIET GREENE	630 SHORE RD	431-9852
DIANA ZIMBARO	630 SHORE RD	431-9852
Kelly James Langille	465 Shore Rd 7k	432-2369
Domiciana Bruegas	65 Lincoln Blvd B14	432-6765
Alan M. Symms	PO Box 602	—
Leonard Barashick	854 2-D	889-1915
David Herman	210 Shore Rd 5C	432-6201
Jeanette Moore	210 Shore Rd 5C	432-6201
Lisa Herman	210 Shore Rd 5C	432-6201

REPORTER FOR L.B. TRIBUNE

N/G

Facsimile **TRANSMITTAL**

From: NASSAU COMMUNITY NEWSPAPER GROUP
216 EAST SECOND ST. MINEOLA, N.Y. 11501
PHONE-516-739-6400/FAX-516-739-5404

To: Michael McKee

Message: Here's a copy of my
article, as promised I thank you
again for your assistance!

Michelle

Long Beach

Oceanside
Island Park

Independent Voice

Since 1932

SERVING LONG BEACH, OCEANSIDE, ISLAND PARK, LIDO BEACH, ATLANTIC BEACH AND PT. LOOKOUT

VOLUME 65, NO. 15

THURSDAY, APRIL 11, 1996

NEWSSTAND PRICE 35¢

Getting Out of Control

Tenants Fume Over Proposed Lifting of Rental Law Protection

by Michelle Gotthelf

Pressured by a room full of disgruntled and unyielding apartment tenants, the city council adjourned its decision to abolish rent control regulations in nine apartment buildings in Long Beach, citing its must re-evaluate all possible repercussions.

An overwhelming turnout of opposers at the April 2 meeting appeared to sway the council in its direction, if only until April 16, when the council plans to formally vote on the issue. Some tenants de-

nounced the council's consideration of putting in place a Rent Decontrol ordinance to protect residents already living in the apartments from raises in rent.

Speaking on Rent Decontrol, Corporation Counsel Joel Asarch said, if implemented, the law would "keep the landlords at bay," and yet allow them to renovate and fill vacant apartments. Samuel Walton, owner of Executive Towers at Lido on East Broadway, Long Beach, a 276-unit complex, said the Emergency Tenant Protection Act

(ETPA) is deterring owners like himself from renovating buildings, because the money will not be recovered in rent-controlled apartments.

Michael McKee, director of the New York State Tenants and Neighbors Coalition, said if the ETPA lift is decided, "Long Beach will have a new class of un-

protected tenants," who will be forced to pay market rents running anywhere from \$12,000 to \$15,000 a month. "How appealing will Long Beach be then?" he questioned.

A Long Beach landlord legally may have rent control lifted from his building, while the ETPA is in effect, if he can prove he has more

Continued on Page 4

Insurance for Coastal Homes

Legislature Passes Law for Coverage Availability

by Eleanor Scigliobaglio

A new law enacted by the state Legislature and signed by Governor George Pataki, allows coastal homeowners to obtain insurance or maintain insurance coverage.

Senate Deputy Majority Leader Dean Skelos, a member of both the NYS Senate Majority Task Force on Catastrophe Insurance and the Senate Insurance Committee, said:

insurance companies should be encouraged to create policies addressing the needs of coastal homeowners with both quality and affordable insurance.

According to Assemblyman Harvey Weisenberg, the original Senate bill did not include people in high-rise condominiums and co-ops. It took continuous meetings to get the Senate

Continued on Page 2

Breast Cancer is Daily Concern

Sponsors to Reveal Calendar of Events and Screenings

Despite the success of last year's Breast Cancer Awareness Month, its organizers have decided a month is not enough.

Nassau County Legislator Bruce Nyman (D-Long Beach) and John White, director of Project Challenge, a drug-free, alcohol-free, community outreach program and the Long Beach Breast Cancer Coalition, are conducting a joint effort to make a greater portion of the population aware of the risks of breast cancer. They will present an entire calendar of breast cancer

screenings and events Thursday, April 11, from 10:30-11:30 a.m., at the Long Beach Public Library, 111 West Park Ave., Long Beach.

"Breast Cancer Awareness Month is a fine idea, but what we really need is Breast Cancer Awareness Year," Nyman said.

"We see a real need among the Hispanic and African-American communities for cancer screenings and information," White said. "We want to extend an invitation to them as well. Breast cancer is an issue for all women to be concerned about."



GO FOR THE GOLD: Long Beach Medical Center has supported Long Beach High School "Morning Madness," since its inception. The program provides after-prom celebration for high school seniors in a safe and healthy environment. Recently, the Morning Madness committee met with LBMC Chief Executive Officer, Martin Nester, J., to receive a \$500 Gold Sponsor check. Pictured here, left to right are, Co Chair, Joy Caline and Gina Guma, LBHS PTSA President Mary Volosevich, and Nester.

Gifts Galore
103 Main St., East Rockaway
593-8625
2 Doors Down From Golden Coach Diner
(Diagonally Across From Foodtown)
Extra Special Watch Batteries
No Limit **\$1.99** (limited)
We Buy Gold & Diamonds -
LICENSED & BONDED
All Major Credit Cards Accepted

TRUMP TRAVEL
660 Merrick Road
Baldwin
546-0300

#1 WALLPAPER & HOME CENTER
25% OFF
ANY IN STOCK
WALL COVERING
(Not to be combined with any other offer)
#1 WALLPAPER & HOME CENTER
2914 LONG BEACH RD., OCEANSIDE
594-WALL

VCR REPAIRS
All Makes **\$58.00**
All Models
NO CHARGE
If We Can't Repair It
TV REPAIRS
10% OFF WITH THIS AD
HOME SERVICE AVAILABLE
PICK UP & DELIVERY AVAILABLE
A-1 RIVOLI • 763-4848
2983 LONG BEACH RD., OCEANSIDE

bagelry
Corner Park Avenue and Merrick Road
Baking the BEST bagels
in Rockville Centre
for over 28 years
Buy 12 Bagels Get 3 FREE

(212) 645-4314

Winter... Spring... Summer... Fall

Camp DeBaun Has It All!

THE FUTURE IS NOW
Call Today For 1996 Summer Registration
Part Time Programs Available for Pre-Schoolers



Over 10 Acres of Fabulous Facilities

**REGISTER NOW
For 1996-97
Nursery &
Kindergarten**

Early Bird thru April 15th

Our Family
Caring For Your Family
For Over 46 Years

**465 ATLANTIC AVENUE, OCEANSIDE
764-1044**

Office Hours: Mon-Fri 9-12 & 1-4 • Sat & Sun Office Open 1-4pm

Lifting Rent Control Protection

Continued from Page 1

than a 5-percent vacancy rate. Walton claims his apartment complex falls under this category. McKee, however, said Walton and other landlords in Long Beach are warehousing apartments to keep percentages high. Warehousing, he said, is purposely keeping apartments open when they can be rented.

Richard Nunziata, a broker manager for Century 21 Petrey Real Estate on West Beech Street, Long Beach, said the availability of apartments depends on which season the customer wants to rent. He said it's "usually pretty easy" to find an apartment in Long Beach, and has not heard of apartments being warehoused to deter occupancy.

Attempting to influence the city council, McKee said that along with warehousing apartments, owners are using the gross number of vacancies they have available to calculate their vacancy rates, when they should be using net numbers. The gross number is "comprised of all vacant apartments at the time of the survey, no matter what the condition of the apartments and no matter why they are vacant," McKee said.

The net vacancy is determined by subtracting all apartments which are uninhabitable and unavailable for rent from the gross vacancy rate.

Walton denied warehousing apartments to elevate his vacancy rate.

Questioning Councilman Michael Zapson's credibility, a resident suggested Zapson might have a special interest in quashing the law. Zapson owns an apartment complex at 270 Shore Road.

McKee believes Zapson should recuse himself from voting on the issue, because he has filed an application to remove his 62 apartments from being covered under the ETPA. The request was partially granted and 11 tenants are appealing the New York State Division of Housing and Community Renewal decision. "For Mr. Zapson to claim that he is not affected by the Vacancy Decontrol resolution and that there is, therefore, no conflict of interest is downright dishonest," McKee stated.

To dispel the accusation, Zapson said his building will remain unaffected regardless of the council's decision.


The city's ETPA has stabilized rents in Long Beach for two decades on buildings containing more than 60 units.

THE REAL ESTATE COOPERATIVE

We Have:

- CONDOS
- CO-OPS
- TOWN HOUSES

LIVE AT THE BEACH



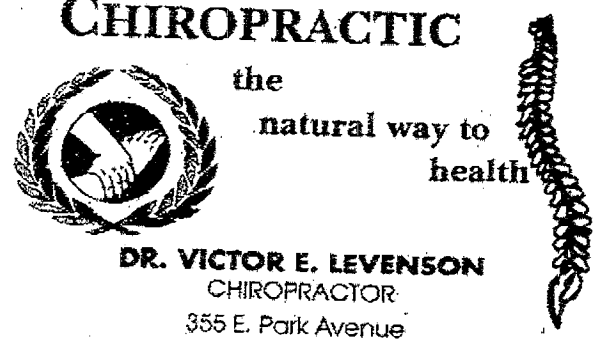
Arthur Zimmerman
Real Estate Cooperative
78 West Park Avenue, Long Beach
897-7300

(516) 431-1440

BY APPOINTMENT

CHIROPRACTIC

the natural way to health



DR. VICTOR E. LEVENSON
CHIROPRACTOR
355 E. Park Avenue
Long Beach, N.Y. 11561

Long Beach Oceanside Island Park

Independent Voice

Please Enter (My) Gift Subscription To The Independent Voice
Make check or money order payable to: Independent Voice

1 year for \$15 Name _____

2 years for \$23 Address _____

3 years for \$29 Town _____

1 year Out of State _____ Zip _____

Town \$17 Sign my gift card: "From _____"

All payments, changes in name or address are to be mailed to:
The Independent Voice, P.O. Box 360, Lynbrook, N.Y. 11563

4/10/96

Long Beach

Status report

- Bruce Naiman (no pull)

Eaton's mother lives @ 225 West Park Avenue -

Pearl Weill

Gene Cammarata

Fran Caputano - former Council member
(Republican)

her uncle a big-wig in Republican apt.

25 West Broadway - currently under
renovation (>10 years)
75 apts, going on the market?

Fleetwood - (Golden Gate) 39 East Broadway

New York State Tenants & Neighbors Coalition

□ 505 Eighth Avenue, New York, NY 10018-6505, Phone: (212) 695-8922

FAX Cover Sheet

DATE: 4/8/96
TO: John Kulik (phone: 516-432-5085)
FAX #: 516-432-0375
FROM: Michael McKee
RE: Excerpts DHCR book

Number of pages, *including* this cover page: 7

COMMENTS:

JOHN:

Per your request.

Michael

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL 212-695-8922

OUR FAX NUMBER IS (212) 695-4314

□ 248 Hudson Avenue,
Albany, NY 12210-1802
Phone: (518) 465-1813
FAX: (518) 465-1815

□ P.O.Box 6908
Syracuse, NY 13217-6908
Phone: (315) 475-8092
FAX: (315) 475-8274

□ 121 No. Fitzhugh St.#325
Rochester, NY 14614-1214
Phone: (716) 325-5957
FAX: (716) 546-3777

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
TUESDAY, APRIL 2 , 1996.

1. Resolution Authorizing Publication for Hearing of a Bond Ordinance Dated April 16, 1996, Authorizing the Reconstruction of Bulkheads in and for the City of Long Beach, Nassau County, New York, at a Maximum Estimated Cost of \$3,250,000 and Authorizing the Issuance of \$3,250,000 Serial Bonds of Said City to Pay the Cost Thereof.
2. Resolution Authorizing Publication for Hearing of a Bond Ordinance Dated April 16, 1996, Authorizing the Issuance of \$200,000 Serial Bonds of the City of Long Beach, Nassau County, New York, to Pay the Cost of the Acquisition of Real Property and the Buildings Situated Thereon, Located at 100 West Pine Street, In and For Said City.
3. Resolution Authorizing the City Manager to Enter into a Contract for the Purchase of Real Property.
4. Resolution Removing Vacant Apartments from the Emergency Tenant Protection Act of 1974, as Amended.

Legislative Memo: Under the proposed Resolution, current tenants of record and their spouses will continue to be protected by the ETPA. Only vacant apartments on/after the effective date of this Resolution will be removed from regulations under ETPA.

April 2, 1996

Page 2
City Council Agenda

5. Resolution Authorizing Budget Amendment to Capital Projects Fund Budget Year 1995-1996.
6. Resolution Authorizing Transfer of Funds.
7. Resolution Authorizing the City Manager to Participate to the Extent of up to 100% of the Non-Federal Share in the Cost of a Transportation Enhancement Federal-Aid Project.
8. Resolution Authorizing the City Manager to Enter Into a Contract for the Installation of a Motorless Hermetic Pump and a Used Solution Pump Motor for City Hall.
9. Resolution Authorizing Budget Amendment to Community Development Fund Budget Year 1995-1996.
10. Resolution Authorizing the City Manager to Execute a Change Order Relating to the Contract with Astro Air Corporation for the Mechanical Work for the Construction of a Senior Community Center.
11. Resolution Authorizing the City Manager to Execute a Change Order Relating to the Contract with APC, Inc. for the Construction of a Senior Community Center.
12. Resolution Authorizing the City Manager and the City Comptroller to Transfer Funds Within the 1995/1996 Budget.
13. Resolution Authorizing Settlement of Certiorari Proceedings.
14. Resolution Authorizing Publication of a Notice of Public Hearing on an Application to Waive the Off-Street Parking Requirements for Premises 359 East Park Avenue, (street floor), Long Beach, New York.

April 2, 1996

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Bond Ordinance Dated April 16, 1996, Authorizing the Reconstruction of Bulkheads in and for the City of Long Beach, Nassau County, New York, at a Maximum Estimated Cost of \$3,250,000 and Authorizing the Issuance of \$3,250,000 Serial Bonds of Said City to Pay the Cost Thereof.

WHEREAS, there has been presented to this Council the following proposed Ordinance:

“BOND ORDINANCE DATED APRIL 16, 1996.

AN ORDINANCE AUTHORIZING THE RECONSTRUCTION OF BULKHEADS IN AND FOR THE CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,250,000 AND AUTHORIZING THE ISSUANCE OF \$3,250,000 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF.”

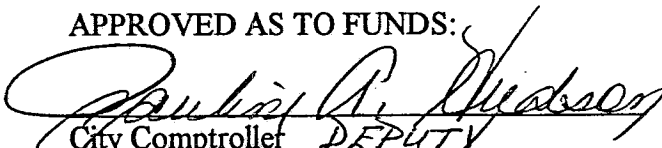
(See Proposed Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach, the title and the full text of said ordinance; and be it further

RESOLVED, that the said ordinance shall be on the calendar for public hearing at a meeting of the Council to be held at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on April 16, 1996, at 8:00 p.m. on that day.

APPROVED AS TO FUNDS:


City Comptroller DEPUTY

VOTING:

Council Member Crystal -

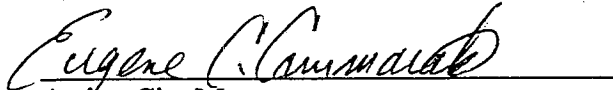
Council Member Kelly -

Council Member Weill -

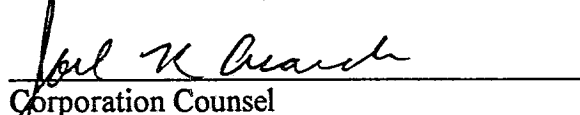
Council Member Zapson -

President Buscemi -

APPROVED AS TO ADMINISTRATION:


Acting City Manager

APPROVED AS TO FORM & LEGALITY:


Corporation Counsel

April 2, 1996

Page 2
Item No. 1
Resolution No.

BOND ORDINANCE DATED APRIL 16, 1996.

AN ORDINANCE AUTHORIZING THE RECONSTRUCTION OF BULKHEADS IN AND FOR THE CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$3,250,000 AND AUTHORIZING THE ISSUANCE OF \$3,250,000 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF.

BE IT ENACTED by the Council of the City of Long Beach, Nassau County, New York, as follows:

Section 1. The reconstruction of bulkheads in and for the City of Long Beach, Nassau County, New York, is hereby authorized at a maximum estimated cost of \$3,250,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of the \$3,250,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision 22(a) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Long Beach, Nassau County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not raised from assessments against benefited abutting property pursuant to Section 6-69 of the Long Beach Code, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in full in the Long Beach Tribune, the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

April 2, 1996

Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Bond Ordinance Dated April 16, 1996, Authorizing the Issuance of \$200,000 Serial Bonds of the City of Long Beach, Nassau County, New York, to Pay the Cost of the Acquisition of Real Property and the Buildings Situated Thereon, Located at 100 West Pine Street, In and For Said City.

WHEREAS, there has been presented to this Council the following proposed Ordinance:

“BOND ORDINANCE DATED APRIL 16, 1996.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF THE CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF REAL PROPERTY AND THE BUILDINGS SITUATED THEREON, LOCATED AT 100 WEST PINE STREET, IN AND FOR SAID CITY.”

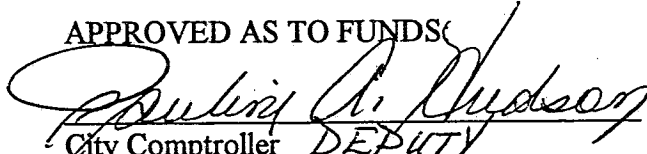
(See Proposed Ordinance Attached)

NOW, THEREFORE, be it


RESOLVED, by the City Council of the City of Long Beach, New York, that the City Clerk shall cause to be published in the official newspaper of the City of Long Beach, the title and the full text of said ordinance; and be it further

RESOLVED, that the said ordinance shall be on the calendar for public hearing at a meeting of the Council to be held at City Hall, 1 West Chester Street, in the City of Long Beach, New York, on April 16, 1996, at 8:00 p.m. on that day.

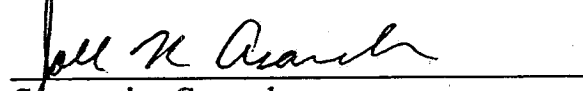
APPROVED AS TO FUNDS:


City Comptroller DEPUTY

APPROVED AS TO ADMINISTRATION:


Acting City Manager

APPROVED AS TO FORM & LEGALITY:


Corporation Counsel

VOTING:

- Council Member Crystal -
- Council Member Kelly -
- Council Member Weill -
- Council Member Zapson -
- President Buscemi -

April 2, 1996

Page 2
Item No. 2
Resolution No.

BOND ORDINANCE DATED APRIL 16, 1996.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF THE CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF REAL PROPERTY AND THE BUILDINGS SITUATED THEREON, LOCATED AT 100 WEST PINE STREET, IN AND FOR SAID CITY.

BE IT ENACTED by the Council of the City of Long Beach, Nassau County, New York, as follows:

Section 1. The acquisition of real property and the buildings situated thereon, located at 100 West Pine Street, in and for the City of Long Beach, Nassau County, New York, including improvements in connection therewith as well as original furnishings, equipment, machinery or apparatus required for the purposes for which such buildings are to be used, is hereby authorized at a maximum estimated cost of \$200,000.

Section 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under the SEQR regulations of the State of New York which, by definition, will not have a significant adverse impact upon the environment.

Section 3. The plan for the financing of such total maximum estimated cost is by the issuance of the \$200,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years pursuant to subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The faith and credit of said City of Long Beach, Nassau County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the City Comptroller, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This ordinance, which takes effect immediately upon the final passage thereof, shall be published in full in the Long Beach Tribune, the official newspaper of said City, together with a notice of the City Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law.

April 2, 1996

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter
Into a Contract for the Purchase of Real Property.

WHEREAS, the City of Long Beach is desirous of purchasing a parcel of real property located at 100 West Pine Street, in the City of Long Beach, County of Nassau, State of New York, which property is known and designated as Section 59, Block 278, Lot 32, inclusive on the Land and Tax Map of Nassau County; and

WHEREAS, the owner, Helen Rotkowitz as surviving tenant by the entirety, of 711 Shore Road, Long Beach, New York, has offered to sell said parcel to the City for \$200,000.00; and

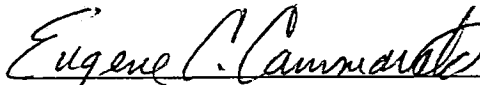
WHEREAS, it has been determined that the purchase of said parcel will enable the City to house its paint shop and lifeguard materials at the premises which are next door to an existing City owned building; and

WHEREAS, the City has determined that the price asked is fair and reasonable;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the City Manager be and he hereby is authorized to purchase from Helen Rotkowitz as surviving tenant by the entirety, of 711 Shore Road, Long Beach, New York, on behalf of the City of Long Beach, the piece or parcel of real property known as 100 West Pine Street, and designated on the Nassau County Land and Tax Map as Section 59, Block 278, Lot 32, for the sum of \$200,000.00, with usual closing adjustments, and title company charges, and that a contract be executed containing such other terms as the City Manager and Corporation Counsel shall deem proper in the premises. Funds for payment of said purchase price, adjustments and title company charges will be available from the sale of Bonds.

APPROVED AS TO ADMINISTRATION:


Acting City Manager

VOTING:

Council Member Crystal -

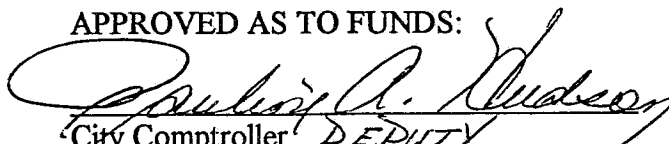
Council Member Kelly -

Council Member Weill -

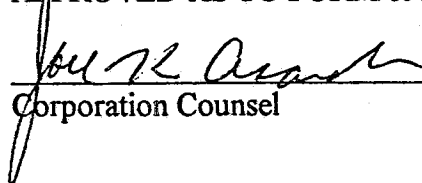
Council Member Zapson -

President Buscemi -

APPROVED AS TO FUNDS:


City Comptroller DEPUTY

APPROVED AS TO FORM & LEGALITY:


Corporation Counsel

April 2, 1996

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Removing Vacant Apartments from the
Emergency Tenant Protection Act of 1974, as Amended.

WHEREAS, on August 27, 1974, the City Council of the City of Long Beach found, pursuant to Section 3 of the Emergency Tenant Protection Act of 1974, that a public emergency existed requiring the regulation of rents for housing accommodations containing one hundred or more dwelling units in the City of Long Beach, and adopted a resolution invoking the provisions of said Emergency Tenant Protection Act with regard to said accommodations; and

WHEREAS, on April 24, 1979, the City Council of the City of Long Beach found, pursuant to Section 3 of the Emergency Tenant Protection Act of 1974, that a public emergency existed requiring the regulation of rents for housing accommodations containing not less than sixty nor more than ninety-nine dwelling units in the City of Long Beach, and adopted a resolution invoking the provisions of said Emergency Tenant Protection Act with regard to said accommodations; and

WHEREAS, many housing units which were occupied by tenants at the time of the adoption of the aforementioned resolutions are presently unoccupied; and

WHEREAS, on June 16, 1992, the City Council of the City of Long Beach found, pursuant to Section of the Emergency Tenant Protection Act of 1974, as amended, that a public emergency no longer existed with respect to rental apartments in buildings owned as cooperatives and condominiums which became vacant after the date of conversion to cooperative or condominium status; and

WHEREAS, the City Council has specifically considered the number of vacant apartments as alleged by the landlords and by the tenants in buildings protected by the Emergency Tenant Protection Act of 1974, as amended; and

WHEREAS, the City Council finds that tenants of record and their spouses who presently occupy apartments in multiple dwellings subject to the Emergency Tenant Protection Act of 1974, as amended, should continue to be subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, and as adopted by sections 13-7.2 and 13-7.3 of the City of Long Beach Code of Ordinances; and

WHEREAS, the City Council finds that a question of fact exists concerning the vacancy rate of multiple dwellings within the City of Long Beach subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, which if found to be greater than 5% would necessarily involve the City Council declaring that the housing emergency would be at an end; and

WHEREAS, the City Council believes it is in the City's best interest to keep stability for those residents currently residing in multiple dwelling buildings; and

WHEREAS, the City Council further finds that the regulation of rents, pursuant to the Emergency Tenant Protection Act of 1974, as amended, of apartments that are presently vacant with no tenant of record or his/her spouse, does not serve to abate the public emergency which required the regulation of rents in residential housing units;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONG BEACH AS FOLLOWS:

1. That all current tenants within multiple dwellings whose apartments are subject to the Emergency Tenant Protection Act of 1974, as amended, shall continue to have their apartments be subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, for so long as the tenant of record and/or his or her spouse continue to reside in that apartment.
2. That all apartments within multiple dwellings subject to the Emergency Tenant Protection Act of 1974, as amended, which are vacant as of the effective date of this resolution and which have no tenant of record or spouse of the tenant of record residing therein as of the effective date of this resolution or which become vacant after the effective date of this resolution, shall be removed from regulation under the Emergency Tenant Protection Act of 1974, as amended.
3. That to the extent the City of Long Beach is empowered by statute, all current tenants of record and their spouses within multiple dwellings which are subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, shall have their apartments remain subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, regardless of whether any or all of the other apartments within the multiple dwelling building are deregulated.

April 2, 1996

Page 3
Item No. 4
Resolution No.

4. The terms used in this Resolution are defined and incorporated herein as follows:

A. Tenant of Record -- person(s) named on the lease in effect on the effective date of this Resolution.

B. Spouse -- the husband or wife of a tenant of record.

5. That this Resolution shall apply to all multiple dwellings within the City of Long Beach which are subject to the Emergency Tenant Protection Act of 1974, as amended, including rental buildings, cooperatives and condominiums.

6. The City of Long Beach shall be notified by the Landlord or building manager of each building with apartments or units subject to the provisions of the Emergency Tenant Protection Act of 1974, as amended, in January of each year of the number of units/apartments (a) in the building; (b) subject to the Emergency Tenant Protection Act of 1974, as amended; and (c) deregulated.

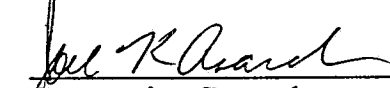
7. This Resolution shall be effective immediately upon its adoption.

APPROVED AS TO ADMINISTRATION:



Acting City Manager

APPROVED AS TO FORM & LEGALITY:



Corporation Counsel

VOTING:

Council Member Crystal -

Council Member Kelly -

Council Member Weill -

Council Member Zapson -

President Buscemi -

April 2, 1996

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

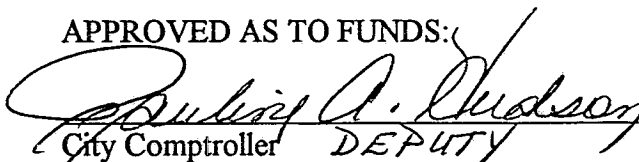
Resolution Authorizing Budget Amendment to
Capital Projects Fund Budget Year 1995-1996.

BE IT RESOLVED, by the City Council of the City of Long Beach, New
York, that the following amendment to the Capital Projects Fund for the Budget Year
1995-1996 be and it hereby is authorized:


CAPITAL PROJECTS FUND
BUDGET YEAR 1995-1996

Increase Estimated Revenues H10510		\$33,000.00
H0040.44072 Federal Aid - Beautification - West Bay Drive	\$26,400.00	
H9956.59907 Interfund Transfer from General Fund	\$ 6,600.00	
Increase Appropriations H20960		\$33,000.00
H1000.52045 Beautification - West Bay Drive		

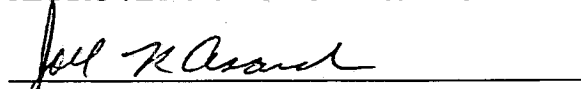
APPROVED AS TO FUNDS:


City Comptroller DEPUTY

APPROVED AS TO ADMINISTRATION:


Acting City Manager

APPROVED AS TO FORM & LEGALITY:


Corporation Counsel

VOTING:

Council Member Crystal -
Council Member Kelly -
Council Member Weill -
Council Member Zapson -
President Buscemi -

April 2, 1996

Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Transfer of Funds.

BE IT RESOLVED, by the City Council of the City of Long Beach, New York, that the following transfer of funds be and it hereby is authorized:

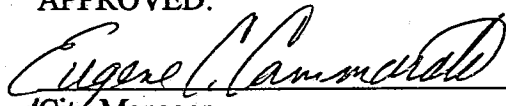
TRANSFER FROM:

A1990.54406 General Fund - Contingency \$6,600.00

TRANSFER TO:

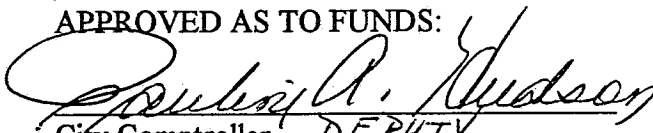
A9950.59903 Interfund Transfer to Capital Projects \$6,600.00

APPROVED:



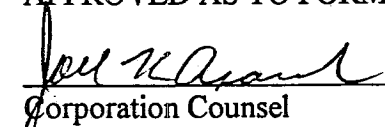
Acting City Manager

APPROVED AS TO FUNDS:



City Comptroller DEPUTY

APPROVED AS TO FORM & LEGALITY:



Corporation Counsel

VOTING:

- Council Member Crystal -
- Council Member Kelly -
- Council Member Weill -
- Council Member Zapson -
- President Buscemi -

April 2, 1996

Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Participate
to the Extent of up to 100% of the Non-Federal Share
in the Cost of a Transportation Enhancement Federal-Aid
Project.

WHEREAS, a project for the improvements along West Bay Drive,
between Magnolia Boulevard and Washington Boulevard including the construction of a
bicycle lane, installing bicycle racks, tree planting and landscaping, P.I.N. 0806.09, funded
for in Title 23 U.S. Code, as amended, calls for the apportionment of the costs for such
program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the City Council of the City of Long Beach desires to
advance the above project by making a commitment of 100% of the non-Federal share of
the costs in the sum of Six Thousand Six Hundred Dollars (\$6,600.00);

NOW, THEREFORE, be it

RESOLVED, that the City Council of the City of Long Beach, New York
hereby approves the above subject project; and be it further

RESOLVED, that the City Council of the City of Long Beach, New York
hereby authorizes the City Manager to pay 100% of the non-Federal share of the cost of
the above-referenced work for the subject project or portions of the subject project; and
be it further

RESOLVED, that the sum of \$6,600.00 hereby appropriated to cover the
cost of participation in the above phase of the project; and be it further

RESOLVED, that in the event the full non-Federal share costs of the
project exceed the amount appropriated above, the City Council of the City of Long
Beach shall convene as soon as possible to appropriate said excess amount immediately
upon the notification by the Department of Transportation; and be it further

RESOLVED, that the City Manager of the City of Long Beach, New York
be and he hereby is authorized to execute all necessary agreements on behalf of the City of
Long Beach with the New York State Department of Transportation approving of the
above subject project and providing for the municipality's administration of the project
and its participation in the cost of the local share of the subject project, that funds will be
available in Account No. H1000.52045 (Beautification - West Bay Drive); and be it
further

April 2, 1996

Page 2
Item No. 7
Resolution No.

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreements in connection with the project.

APPROVED:

Paul Goodman
Director of Transportation

APPROVED AS TO ADMINISTRATION:

Eugene Cannata
Acting City Manager

APPROVED AS TO FUNDS:

Pauline A. Hudson
City Comptroller DEPUTY

APPROVED AS TO FORM & LEGALITY:

Paul H. Asarch
Corporation Counsel

VOTING:

Council Member Crystal -
Council Member Kelly -
Council Member Weill -
Council Member Zapson -
President Buscemi -

April 2, 1996

Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Enter
Into a Contract for the Installation of a Motorless
Hermetic Pump and a Used Solution Pump Motor for City Hall.

WHEREAS, due to ongoing problems with the air conditioning system
(specifically the Carrier Absorption Chiller unit- model 16E252) located in City Hall, the
City is in need of replacement parts; and

WHEREAS, the City of Long Beach currently has a Service Agreement
with Carrier Corporation of 60 Bethpage Road, Hicksville, New York 11801, for
preventative maintenance and service of the air conditioning system in City Hall and which
service agreement specifically excludes repair by others; and

WHEREAS, to repair the system Carrier Corporation will supply and
install in connection with Carrier's preventative maintenance work, a motorless hermetic
pump and a used solution pump motor for a total cost of \$35,250.00; and

WHEREAS, the nature and magnitude of the necessary repairs require the
special skill and expertise of Carrier as manufacturer and servicer of the Absorption Chiller
unit, and therefore is exempt from competitive bidding;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York
that the City Manager be and he hereby is authorized to enter into a contract for the
purchase of a motorless hermetic pump and a used solution pump motor from Carrier
Corporation, 60 Bethpage Road, Hicksville, New York 11801, for a total cost of
\$35,250.00 Funds are available in Account No. A1620.52220 (Machinery & Equipment).

APPROVED:



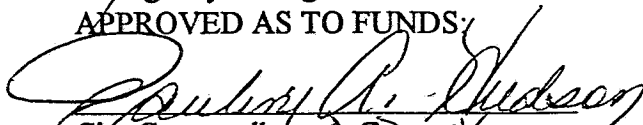
City Purchasing Agent

APPROVED AS TO ADMINISTRATION:



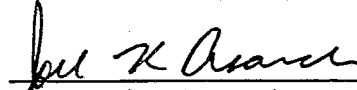
Acting City Manager

APPROVED AS TO FUNDS:



City Comptroller DEPUTY

APPROVED AS TO FORM & LEGALITY:



Corporation Counsel

VOTING:

Council Member Crystal -

Council Member Kelly -

Council Member Weill -

Council Member Zapson -

President Buscemi -

April 2, 1996

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by

Resolution Authorizing Budget Amendment to
Community Development Fund Budget Year 1995-1996.

BE IT RESOLVED, by the City Council of the City of Long Beach, New
York, that the following amendment to the Community Development Fund for the Budget
Year 1995-1996 be and it hereby is authorized:

COMMUNITY DEVELOPMENT FUND
21st YEAR PROGRAM
1995-1996 FISCAL YEAR

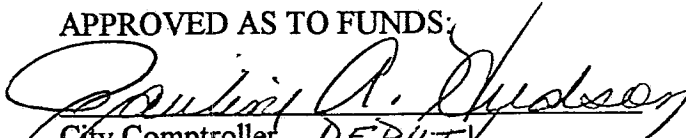
Increase Estimated Revenues SG10510	\$960,000.00
SG070.47100 Nassau County Grants	

Increase Appropriations SG20960	\$960,000.00
S9677.54495 Residential Rehab Loans	50,000.00
S9678.51101 Regular Salaries	70,665.00
S9678.54417 Office Supplies	2,400.00
S9678.54440 Contracted Services	4,500.00
S9678.54462 Travel Expense	500.00
S9678.54463 Training Expense	2,000.00
S9678.54458 Senior Center Facility	350,000.00
S9678.54483 Riverside Blvd Reconst Debt Service	75,000.00
S9678.54484 Martin L. King Facility Improvement	60,000.00
S9678.54498 National & Magnolia Reconst Debt Service	325,000.00
S9678.57700 State Retirement	2,402.00
S9678.57702 Social Security	5,405.00
S9678.57706 Health Insurance	11,708.00
S9678.57709 Technological Expense	200.00
S9678.57711 Disability Insurance	100.00
S9678.57712 Legal Services Plan	120.00
	<u>\$960,000.00</u>

April 2, 1996

Page 2
Item No. 9
Resolution No.

APPROVED AS TO FUNDS:


City Comptroller DEPUTY

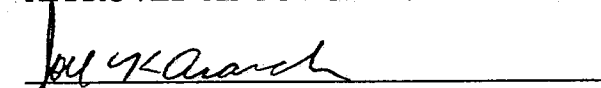
APPROVED:


Director of Community Development

APPROVED AS TO ADMINISTRATION:


Acting City Manager

APPROVED AS TO FORM & LEGALITY:


Corporation Counsel

VOTING:

Council Member Crystal -

Council Member Kelly -

Council Member Weill -

Council Member Zapson -

President Buscemi -

April 2, 1996

Item No. 10
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager to Execute
a Change Order Relating to the Contract with Astro
Air Corporation for the Mechanical Work for the
Construction of a Senior Community Center.

WHEREAS, pursuant to Resolution No. 174/95, duly adopted by the City
Council on May 16, 1995, a contract was entered into by and with Astro Air Corporation
of 27 Stewart Circle N., Centereach, New York 11720 for the mechanical work for the
construction of a Senior Community Center; and

WHEREAS, due to additional mechanical work required at the site,
specifically in order to relocate existing exhaust fans by furnishing and installing new
exhaust fans for the swimming pool and men's locker room, at an additional cost of
\$13,270.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach New York,
that the City Manager be and he hereby is authorized to execute a change order with Astro
Air Corporation of 27 Stewart Circle No., Centereach, New York 11720, for an additional
cost of \$13,270.00 and increase the total agreement from \$173,000.00 to \$186,270.00.
funds are available in Account No. S9678.54458 (21st Year Community Development
Senior Center).

APPROVED:

Paul Goodman
Director of Community Development

APPROVED AS TO ADMINISTRATION:

Eugene C. Cannata
Acting City Manager

APPROVED AS TO FUNDS:

Pauline A. Hudson
City Comptroller DEPUTY

APPROVED AS TO FORM & LEGALITY:

John R. Beach
Corporation Counsel

VOTING:

- Council Member Crystal -
- Council Member Kelly -
- Council Member Weill -
- Council Member Zapson -
- President Buscemi -

April 2, 1996

Item No. 11
Resolution No.

The following Resolution was moved by
and seconded by

Resolution Authorizing the City Manager to Execute
a Change Order Relating to the Contract with APC, Inc.
For the Construction of a Senior Community Center.


WHEREAS, pursuant to Resolution No. 173/95, duly adopted by the City Council on May 16, 1995, a contract was entered into by and with APC, Inc. of 51 Church Street, Freeport, New York 11520 for the construction of a Senior Community Center; and

WHEREAS, due to additional work required in regards to improvements of site conditions, specifically to furnish and install a new water main at the location, at an additional cost of \$57,571.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the City Manager be and he hereby is authorized to execute a change order to the contract with APC, Inc. of 51 Church Street, Freeport, New York 11520 for an additional cost of \$57,571.00 and increase the total agreement from \$1,125,234.00 to \$1,182,985.00. Funds are available in Account No. S9678.54458 (21st Year, Community Development Fund Senior Center).

APPROVED:



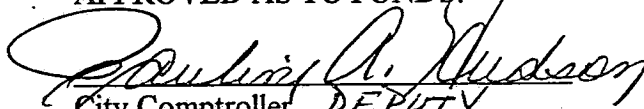
Director of Community Development

APPROVED AS TO ADMINISTRATION:



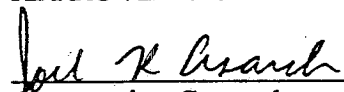
Acting City Manager

APPROVED AS TO FUNDS:



City Comptroller DEPUTY

APPROVED AS TO FORM & LEGALITY:



Corporation Counsel

VOTING:

Council Member Crystal -

Council Member Kelly -

Council Member Weill -

Council Member Zapson -

President Buscemi -

April 2, 1996

Item No. 12
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the City Manager and the City
Comptroller to Transfer Funds Within the 1995/1996 Budget.

WHEREAS, it has been determined that there are unexpended funds in
various accounts, and that other accounts require funds to be transferred to them for the
remainder of the 1995/1996 fiscal year; and

WHEREAS, Section 101(c)(d) of the City Charter states that the City
Council may only approve transfers exceeding \$1,500.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York,
that the City Comptroller and the City Manager are hereby authorized to transfer any
funds exceeding \$1,500.00 within the 1995/1996 budget as required, except that no funds
so transferred shall be used to pay any allotment or appropriation or obligation heretofore
made or incurred in violation of Section 102-a(2) of the Charter of the City of Long
Beach.

APPROVED AS TO ADMINISTRATION:


Acting City Manager

VOTING:

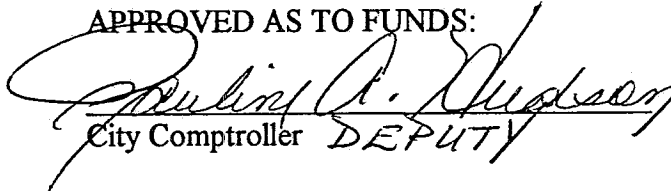
Council Member Crystal -

Council Member Kelly -

Council Member Weill -

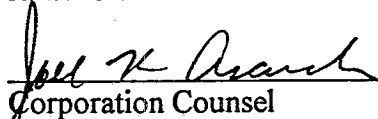
Council Member Zapson -

APPROVED AS TO FUNDS:


City Comptroller DEPUTY

President Buscemi -

APPROVED AS TO FORM & LEGALITY:


Corporation Counsel

April 2, 1996

Item No. 13
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Settlement of Certiorari Proceedings.

WHEREAS, Nor-Stan Realty Corp. has commenced an action in the Supreme Court, Nassau County, against the City of Long Beach to compel a reduction in the assessed valuation of the property known as Section 59, Block 120, Lot 29, on the Land and Tax Map of the County of Nassau, and also known as 606 Long Beach Road, Long Beach, New York for the fiscal years of 1990/91 through 1995/96; and

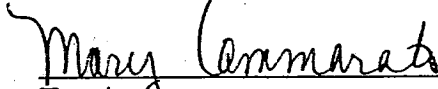
WHEREAS, the Tax Assessor of the City of Long Beach has reviewed petitioner's legal papers, the income and expenses for the subject property and the County of Nassau's settlement of the same subject matter, and after extensive negotiation has agreed to settle the certiorari proceedings for a lump sum payment of \$4,000.00 covering the tax years 1990/91 through 1995/96; and

WHEREAS, the Board of Assessors of the City of Long Beach has determined that the settlement, without further litigation, is in the best interests of the City of Long Beach;

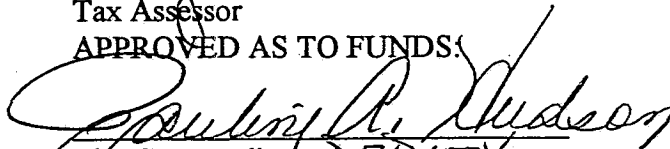
NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, that the Corporation Counsel be and he hereby is authorized and directed to enter into a stipulation settling the certiorari proceedings for the fiscal years 1990/91 through and including the 1995/96 tax years for a lump sum payment of \$4,000.00 and providing for the discontinuance of the proceeding for fiscal years 1990/91 through 1995/96. Funds will be available in Account No. A1930.54403 (Judgments and Claims).

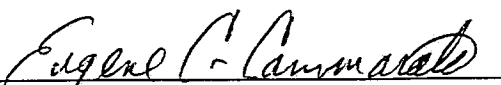
APPROVED:


Tax Assessor

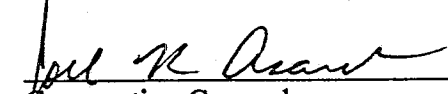
APPROVED AS TO FUNDS:


City Comptroller DEPUTY

APPROVED AS TO ADMINISTRATION:


Acting City Manager

APPROVED AS TO FORM & LEGALITY:


Corporation Counsel

VOTING:

Council Member Crystal -

Council Member Kelly -

Council Member Weill -

Council Member Zapson -

President Buscemi -

April 2, 1996

Item No. 14
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication of a Notice of Public Hearing on an Application to Waive the Off-Street Parking Requirements for Premises 359 East Park Avenue, (street floor), Long Beach, New York.

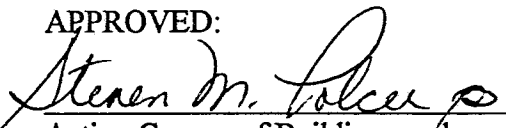
WHEREAS, there has been presented to this Council an application pursuant to Section 9-112(18)(c) of Appendix A (Zoning Law) of the Long Beach Code of Ordinances, for waiver of off-street parking requirements for the premises located at 359 East Park Avenue (street floor), Long Beach, New York (Section 59, Block 139, Lots 26/30), between Monroe and Lincoln Blvds., having frontage of less than 20 feet, on behalf of the owner, Herb Schwarz, 186 Grandview Boulevard, Yonkers, New York 10710, to be used as an Art Studio; and

NOW, THEREFORE, be it

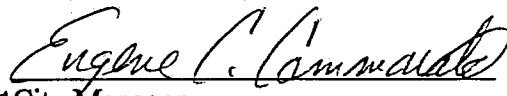
RESOLVED, by the City Council of the City of Long Beach, New York, that a public hearing will be had before this Council upon said application at City Hall, No. 1 West Chester Street, in the City of Long Beach, New York, on April 16, 1996 at 8:00 p.m. on that date; and be it further

RESOLVED, that the City Clerk be and she hereby is authorized to cause a notice of said hearing to be published in the official newspapers of the City of Long Beach.

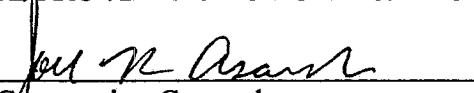
APPROVED:


Acting Comm. of Buildings and
Property Conservation

APPROVED AS TO ADMINISTRATION:


City Manager

APPROVED AS TO FORM & LEGALITY:


Corporation Counsel

VOTING:

- Council Member Crystal -
- Council Member Kelly -
- Council Member Weill -
- Council Member Zapson -
- Council Member Buscemi -

ETPA

~~significant~~ law gives municipality
wide discretion in defining class
(>60)

+ 5% or less in all housing or
any class of housing

+

SUCCESSION must end regulation if vacancy
rate of CLASS $>5\%$ (not all housing)
Haverstraw case

+ does any of you really believe
vacancy rate in $>60s = >5\%$?

1500 apts in 25 bldgs

Net vacancy rate

- define
 - methodology used by US Census Bureau
 - consistently upheld by courts
- (Cambeck v. Berman)

Do a survey of $>60s$ —

- eliminate apts not available for
rent

Why V.D. bad
Political impact
Behind-the-scenes deal

Nassau

15 Lafayette Ave.
 103 Lawson St
 1 Lincoln Blvd.#
 21 Lincoln Blvd.
 105 Long Beach Rd
 115 Long Beach Rd
 133 Main St
 298 Main St
 17 Maple Ave.
 31 Miller Place
 35 Miller Place
 32 Moore Ave.
 14 Mulford Place*
 62 N. Franklin St
 25 Peninsula Blvd.
 25-31 Robson Place
 33-39 Robson Place
 31 Sammis Place
 6 Sealey Ave.
 35 Seitz Ave.
 91 S. Franklin St
 77 Terrace Ave.
 77 Terrace Ave.
 91-101 Terrace Ave.
 107 Terrace Ave.
 115-119 Terrace Ave.
 125 Terrace Ave.
 127 Terrace Ave.
 129 Terrace Ave.
 131 Terrace Ave.
 133-141 Terrace Ave.
 145 Terrace Ave.
 92 Union Place
 1 Van Cott Ave.
 50 Van Cott Ave.
 85 Van Cott Ave.
 20 Villa Ct.
 37 Villa Ct.
 37/50 Villa Ct.
 38 Villa Ct.
 39 Villa Ct.
 40 Villa Ct.
 41 Villa Ct.
 42 Villa Ct.
 43 Villa Ct.
 44 Villa Ct.
 45 Villa Ct.
 46 Villa Ct.
 47 Villa Ct.
 48 Villa Ct.
 50 Villa Ct.
 10 Washington St#
 100 Washington St
 150 Washington St
 190 Washington St
 193 Washington St
 271 Washington St
 322 Washington St
 330 Washington St
 350 Washington St
 358 Washington St#
 360 Washington St
 10 Webb Ave.
 50 Webb Ave.
 62 Wellington St
 20 Wendell St*
 151 W. Columbia St
 -62 Willington Rd
 37 Woodmere Blvd.#

Hewlett, 11557

1185 E. Broadway#

Long Beach, 11561

1 E. Broadway*
 ✓ 210 E. Broadway* *Ed Reich*
 ● 215 E. Broadway#
 333 E. Broadway*
 410 E. Broadway*
 740 E. Broadway*
 854 E. Broadway* *860 (Executive Towers)*
 855 E. Broadway*
 ● 65 Lincoln Blvd. *Kennedy*
 10 Monroe Blvd.
 55 Monroe Blvd.*
 ● 210 Shore Rd. *Rev. Ike*
 ● 270 Shore Rd. *San Remo*
 420 Shore Rd* *Glavia & Irving*
 ● 465 Shore Rd. *Rev. Ike*
 522 Shore Rd*
 600 Shore Rd* *Crystal House*
 630 Shore Rd
 700 Shore Rd*
 711 Shore Rd*#
 750 Shore Rd*
 840 Shore Rd*
 25 W. Broadway *-rundown*
 370 W. Broadway*

Lynbrook, 11563

185 Atlantic Ave.*
 200 Atlantic Ave.*
 210 Atlantic Ave.
 145 Broadway
 148 Broadway
 260 Broadway
 20 Daley Place*
 30 Daley Place
 40 Daley Place*
 2 Duryea Place
 50-60 Hempstead Ave.*
 57 Hempstead Ave.*
 157 Hempstead Ave.*
 477 Merrick Rd
 504 Merrick Rd*
 75 Noble St*
 30 Shipherd Ave.*
 151 Union Ave.
 121 Vincent Ave.

Rockville Centre, 11570

37 Clinton Ave.
 45 Grand Ave.*
 55 Grand Ave.*
 91 Grand Ave.
 95 Grand Ave.
 99 Grand Ave.
 12 Hempstead Ave.*

1 Jefferson Ave.*
 22 Jefferson Ave.*
 10 Lenox Rd*
 30 Lenox Rd
 31 Lenox Rd
 50 Lenox Rd
 55 Lenox Rd*
 77 Lenox Rd
 88 Lenox Rd
 51 Lincoln Ave.*
 70 Lincoln Ave.
 80 Lincoln Ave.*
 61 Maine Ave.*
 75 Maine Ave.*
 145 Maple Ave.
 175 Maple Ave.
 181 Maple Ave.
 239 Maple Ave.
 243 Maple Ave.
 247 Maple Ave.
 275 Maple Ave.*
 350 Merrick Rd
 410 Merrick Rd
 453 Merrick Rd
 465 Merrick Rd
 471 Merrick Rd
 555 Merrick Rd
 120 Morris Ave.*
 1 N. Forest Ave.
 22 N. Forest Ave.*
 30 N. Forest Ave.
 43 N. Forest Ave.*
 115 N. Forest Ave.
 4 N. Lewis Place*
 32 N. Long Beach Rd
 34 N. Long Beach Rd
 36 N. Long Beach Rd
 36 N. Long Beach Rd
 38 N. Long Beach Rd
 40 N. Long Beach Rd
 46 N. Village Ave.
 195 N. Village Ave.*
 200 N. Village Ave.*
 250 N. Village Ave.*
 90 Ongley St
 11 Park Place*
 59 S. Centre Ave.
 85 S. Centre Ave.*
 2-8 S. Marion Place
 120-130 S. Park Ave.*
 6 S. Park Ave.
 70 S. Park Ave.*
 77 S. Park Ave.*
 90 S. Park Ave.*
 100 S. Village Ave.
 102-108 S Village Ave.*
 210 Sunrise Hwy
 55 Windsor Ave.

Roslyn, 11576

13 Columbia Place
 215 E. Broadway
 223 E. Broadway
 231 E. Broadway
 239 E. Broadway
 247 E. Broadway

300-320 Main St
 301-335 Main St
 301 Main St*
 304 Main St
 305 Main St*
 308 Main St
 309 Main St*
 311 Main St*
 312 Main St
 313 Main St*
 315 Main St*
 316 Main St
 317 Main St*
 319 Main St*
 320 Main St
 321 Main St*
 323 Main St*
 325 Main St*
 327 Main St*
 329 Main St*
 331 Main St*
 333 Main St*
 335 Main St*
 24 Middleneck Rd
 26 Middleneck Rd
 30 Middleneck Rd
 32 Middleneck Rd

Roslyn Heights, 11577

1 Edwards St*
 108 Edwards St
 300 Edwards St
 57 Garden St
 253 Roslyn Rd

Westbury, 11590

260 Grand Blvd.
 209 Hopper St

Valley Stream, 11581

83 Roosevelt Ave.

Woodmere, 11598

1100 Ward Place#

an obligation to pay temporary maintenance and child support (see, *Catrone v Catrone*, 92 AD2d 559).

At bar, the husband was directed to pay \$250 per week in maintenance and \$375 per week in child support. He continuously defaulted in making these payments, resulting in judgments against him. His persistent conduct in failing to make these payments warranted the appointment of a receiver for the rents and profits derived from the cooperative apartment (see, *Rose v Rose*, 38 AD2d 475; *Catrone v Catrone*, supra).

However, we find that the appointment of a receiver for the husband's business, Richard Rogers Design, Inc., was improper. Although the corporation is owned and operated by the husband, the corporation is not a party to this action, and application of its moneys to meet the husband's personal obligations would in essence be a dividend (see, *Kretzer v Kretzer*, 81 AD2d 802). Moreover, the record is devoid of information regarding the corporation's creditors, and whether the corporation is solvent, or has a surplus (see, *Matter of Brennan v Brennan*, 109 AD2d 960, supra; *Kretzer v Kretzer*, supra).

In any event, we note that in view of the intense animosity between the parties, it was improper to appoint the wife the receiver of the business (see, *Fischer v Fischer*, 111 AD2d 25; cf., *Peters v Peters*, 127 AD2d 575, supra; *Edelman v Edelman*, 83 AD2d 622).

The court did not err in awarding the plaintiff counsel fees in the amount of \$1,000 in the order dated September 14, 1990, to defray the expenses of the wife's motion to enforce a support order (see, *DeCabrera v Cabrera-Rosete*, 70 NY2d 879).

However, the award of counsel fees in the amount of \$800 in the order entered January 18, 1991, was improper. The wife brought her motion for appointment of a receiver over the husband's business eight days after a motion for identical relief had been denied, when there had been no change in circumstances. Accordingly, counsel fees with respect to that motion should have been denied. Thompson, J. P., Balletta, Copertino and Santucci, JJ., concur.

15 ROSLYN GARDEN ASSOCIATES et al., Respondents, v BOARD OF TRUSTEES OF INCORPORATED VILLAGE OF ROSLYN, Appellant.—In an action, *inter alia*, for a judgment declaring that the vacancy rate in the Village of Roslyn is in excess of 5%, the defendant appeals from a judgment of the Supreme Court, Nassau County (O'Brien, J.), entered September 24, 1990, which held that the vacancy rate in the Village of Roslyn

exceeded 5% and directed the defendant to declare the housing emergency declared pursuant to the Emergency Tenant Protection Act of 1974 at an end.

Ordered that the judgment is affirmed, with costs.

Pursuant to McKinney's Unconsolidated Laws of NY § 8623 (Emergency Tenant Protection Act of 1974; L 1974, ch 576, § 4, as amended [hereinafter ETPA]), a local government of a city, town, or village not covered by any other State rent control or stabilization (i.e., outside the City of New York and having a population of less than 1,000,000 people) may, under certain conditions, declare that a housing emergency exists within the city, town or village and subject all nonexempted housing to regulation under the ETPA. The Village of Roslyn made such a declaration in 1981 and the plaintiffs are the owners of all the buildings in the Village subject to the ETPA. However, although a declaration of a housing emergency by the Village was optional, pursuant to the ETPA § 3 the Village "must" declare the emergency at an end when the vacancy rate exceeds 5%. Here, although the plaintiffs submitted proof to the Village of Roslyn that the vacancy rate in 1990 far exceeded 5%, both the Mayor of Roslyn and the defendant, the Board of Trustees of the Incorporated Village of Roslyn (hereinafter the Board of Trustees), refused to undertake their own survey to determine the vacancy rate in the Village and refused the plaintiffs' requests to declare the emergency at an end. The plaintiffs commenced this action, *inter alia*, seeking declaratory relief from the court that the vacancy rate in the Village exceeded 5% and to compel the Village to declare the emergency at an end.

Although the ETPA grants a local government discretion to declare that a housing emergency exists when a class of housing or all housing within its borders has a vacancy rate not in excess of 5% (*see*, McKinney's Uncons Laws of NY § 8623 [a]; ETPA § 3 [a]; L 1974, ch 576, § 4, as amended), section 8623 (b) states that "The emergency must be declared at an end once the vacancy rate described in subdivision a of this section exceeds five percent". Here, the unimpeached testimony at an inquest established that the vacancy rate for all buildings in the Village currently subject to the ETPA far exceeded 5%. A local government is a political subdivision of the State. Therefore, its legislative power is circumscribed by the grant of authority from the State (*see*, *Kamhi v Town of Jerktown*, 141 AD2d 607, *aff'd* 74 NY2d 423; *Matter of Ames v Root*, 98 AD2d 216). The refusal by the Village to declare the housing emergency at an end is in derogation of its statutory

grant of power. Therefore, the court properly directed the Village to declare the housing emergency at an end. The defendant argues against this result by asserting that the court impermissibly usurped the legislative discretion of the Village. However, contrary to the defendant's assertions, the ETPA does not vest a local government with any discretion to either continue the emergency once the vacancy rate exceeds 5% (*cf.*, McKinney's Uncons Laws of NY § 8603 [Local Emergency Housing Rent Control Act § 3; L 1962, ch 21, as amended]) nor to determine the vacancy rate (*cf.*, *Colonial Arms Apts. v Village of Mount Kisco*, 104 AD2d 964). Therefore, the issue was justiciable and the Supreme Court properly directed the Village to declare the emergency at an end (*see*, *Matter of Boung Jae Jang v Brown*, 161 AD2d 49). Bracken, J. P., Balletta, Eiber and Copertino, JJ., concur.

16 DONALD SCHIAVETTA, Respondent, v VICTORIA I. McKEON et al., Appellants.—In an action, *inter alia*, to recover possession of real property purchased at a court ordered foreclosure sale, the appeal is from a judgment of the Supreme Court, Nassau County (Roncallo, J.), dated June 2, 1992, which, *inter alia*, directed that the plaintiff recover possession of the premises. The defendants' notice of appeal from the order dated December 11, 1991, is deemed a premature notice of appeal from the judgment (*see*, CPLR 5520 [c]).

Ordered that the judgment is affirmed, with costs (*see*, *Schiavetta v McKeon*, 190 AD2d 724 [decided herewith]). Thompson, J. P., Balletta, Rosenblatt and Eiber, JJ., concur.

17 DONALD SCHIAVETTA, Respondent, v VICTORIA I. McKEON et al., Appellants.—In an action to foreclose a mortgage, the defendants Victoria I. McKeon and Thomas McKeon appeal from (1) a judgment of the Supreme Court, Nassau County (Roncallo, J.), dated June 6, 1989, entered upon their default in answering the complaint, which, *inter alia*, directed the sale of certain premises, (2) an order of the same court, dated November 9, 1989, which confirmed a Referee's report of the foreclosure sale and directed the Referee to execute and deliver a deed of conveyance to the plaintiff, and (3) an order of the same court dated August 23, 1990, which, upon granting the plaintiff's motion to reargue his opposition to the defendants' motion to vacate their default, vacated a prior order of the same court, dated March 5, 1990, which directed a hearing on the motion to vacate, and denied the defendants' motion.

Ordered that the appeal from the judgment dated June

FEATURE

There's a whole lot of change going on these days in Long Beach, a city on Long Island's south shore. In just the past two years, it has received such a massive face lift that some of its own residents scarcely recognize the place. A monster shopping plaza, anchored by Waldbaums, now greets you as you drive down the main street into the heart of town. The Long Island Railroad station is being restored to its former splendor and a Burger King recently opened on the commercial strip—a sure indicator that Long Beach is on the upswing. Dubbed the Long Beach renaissance by city officials, the rapid development underway in this beachfront community may be the greatest thing since home video recorders hit the market. Or it may be one of the slickest real estate scams around that's displacing people left and right with the sensitivity of a bulldozer. It depends on whom you talk to.

Long Beach is a unique city situated on a huge sand bar that encompasses the wealthy Nassau County communities of Atlantic Beach to the west and Lido to the east. A three-mile boardwalk faithfully follows the beachfront to the south linking the well developed East End, with its predominantly single family, middle class homes, and the West End. There, past New York Avenue, is a colony of small bungalows, most converted to year-round use for their working class owners. To the north, on the bay side and behind city hall, lies North Park where Long Beach's black population lives in several housing developments. For a small city, Long Beach has many, varied components.

By the Sea

The beach dominates and dictates Long Beach's destiny and has since it was founded at the turn of the century by Senator William Reynolds as a summer playground for the rich and famous. Valentino, Flo Ziegfield, Diamond Jim Brady, Gloria Swanson—they all frolicked at the seaside resort many thought one of the world's most beautiful. In fact for decades, Long Beach's reputation held fast until the 1960s rolled around and suddenly air travel made Puerto Rico and the Bahamas exciting and affordable alternatives to Long Beach or At-

LONG BEACH'S WAR ON POVERTY

BY ANNETTE FUENTES

lantic City. From the mid-60s to 1979, Long Beach was a city on the skids. Tourism plummeted and with it the city's economic base. The grand hotels and gracious guest houses in the oceanfront area experienced high vacancy rates and their owners scouted around for a solution.

What they found were two groups of people who could be attracted to a low rent city and more important, were financially exploitable while making few demands on either the owners or the city government. Senior citizens, many of whom used to vacation on the city's sunny shores, came there to retire on fixed but steady incomes. But the most lucrative sector of that population was the bedridden elderly who required some care. Seeing a great need for nursing homes in Nassau County, hotel owners converted their buildings to "adult homes" and took in thousands of people, a large chunk of them on public assistance and sent by the county's department of social services. By 1977, Long Beach had 86 percent of all the county's beds in adult homes while the elderly made up one-third of the city's population. Twenty homes were reaping \$4 million a year in profits for their owners.

The other group that moved into Long Beach was sent by the state when it began its deinstitutionalization of mental patients in the mid-70s. The once threatened hotel and boarding house owners thrived from the subsidies paid by the state to maintain ex-patients in what increasingly became abominable conditions. Most Long Beach residents can recall stories of mental patients wandering the streets,

unattended, unclothed until the local police would return them to a home that was usually worth escaping from. The Paradise, the Ila Manor and the Royale Manor were such places, operated by an owner who was finally convicted of endangering the health and welfare of residents through numerous building and fire code violations. In 1978, there were as many as 2,000 former mental patients housed in legal and unlicensed homes, often alongside elderly people with health problems who could not afford better arrangements.

Low Rent City

Other things were happening in Long Beach that made many long time residents uncomfortable. And nervous. They saw the county directing many welfare clients to the cheap rentals of Long Beach and called it dumping of yet another dependent population on their city. Minorities grew as a percentage of residents, too, reaching 13 percent in 1981. Blacks comprise a tenth of all people there and Hispanics a growing number—up to 17 percent. From Puerto Rico, the Dominican Republic and Central America, these residents have brought a culture and language that is very different and perhaps incomprehensible to Long Beach's affluent white homeowners. For despite the growth of low income and elderly groups, the average income in Long Beach still exceeds 92 percent of the county average, according to a city study, indicating substantial affluence. These suburbanites watched from the East and West Ends as blacks were installed in pub-

The tides have turned in this seaside city as investors pour in and condominium development booms. But one person's boom is another's bust in Long Beach where official policy is survival-of-the-richest and low income people are being squeezed out.

lic housing projects at Channel Park and as low income people of all races filled rooms in rundown boarding houses and hotels which slumlords milked and neglected. Many middle class residents near the ocean front got out when the going got rough, taking whatever they could get for their homes in a quickly depressed market.

"The city was dying," says Glen Spiritis, deputy city manager and director of planning and management. "We were bankrupt and couldn't provide services to anyone. It wasn't safe to walk down the central business district."

City manager Edwin Eaton, who has spent 30 years in Long Beach has equally dismal memories about the city's recent past. "A community that was prosperous and middle class suddenly had a large welfare population. People that were a drain on the community. Once in a while someone would go to the sixth floor of a building and do a swan dive. And John Johnson from Channel 7 would come down here to do a story."

City Council member Ira Tepper was succinct and graphic in his analysis, given to a local paper last December: "Four years ago, the downtown of Long Beach looked like part of the South Bronx." Hannah Kamanoff, for 12 years the city representative on the Nassau County Board of Supervisors spelled out her views, "For years, Long Beach has been plagued by an over abundance of welfare families."

A Developer's Haven

But all the indignation and civic concern in the world was not enough to change the course of events. An inflationary economy throughout the 1970s had put a halt to new construction in the oceanfront area, property values were depressed and mortgages were difficult to obtain. Only when market conditions began to improve by 1979 with interest rates falling and inflation subsiding did the condition for change become ripe. Slowly, young couples, the "yuppies" as Eaton labels them, started to filter into Long Beach. Sixteen room mansions sold for \$50,000. The city provided loans for homesteading for 75 federally foreclosed homes from 1979 and the seeds of the Long Beach renaissance were sown. Manhattan developer Michael



MIKE ALEXANDER

The Broadway Manor:
Angry tenants hung their landlord in effigy December 1983.

"Long Beach has paid its dues. For 20 years we were dumping ground for every state agency."

Lazar has a summer house in Lido and "saw the movement back to development and stability four years ago." He likes the changes and as the new owner and developer of the historic Promenade Hotel, Lazar, a former New York City Councilman and Lindsay aide, is now part of that process.

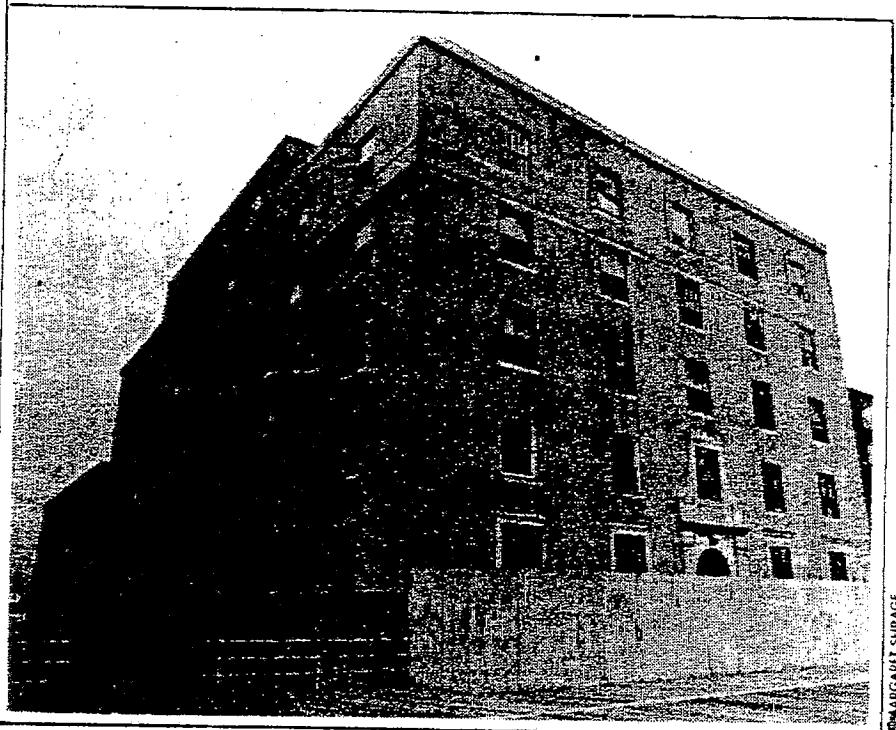
"People are coming in with a mind to enjoy the fruits of the area. Gentrification is a poor word to use. Its really upscaling the community. Long Beach has paid its dues," he asserts. "For 20 years we were the dumping ground for every state agency."

Shortly before Lazar purchased the Promenade, over 100 residents there were evicted, according to Mary Ellen Klein of Nassau-Suffolk Legal Services. The majority were ex-mental patients and were placed by social services outside the city. Long Beach officials sought a \$3 million Urban Development Action Grant to assist Lazar in turning the Promenade into luxury condominiums. But despite UDAG requirements City Planner Spiritis refused to relocate residents within the area or do an impact study of the development on the low income community, Klein reports. The UDAG application is still pending.

But even a friendly development climate, and an official desire to bring in affluent residents was not sufficient to shift Long Beach's expansion into high gear. Long Beach needed a government ready, willing and able to promote gentrification as the best hope for the city. In 1979, heavily Democratic Long Beach elected a coalition city council for the first time with lawyer Bruce Bergman endorsed by both major parties. Ira Tepper, Pearl Weill, Harvey Wisenberg and Kevin Braddish were also elected. Bergman's developer connections were exposed during the campaign when a Long Beach paper reprinted a letter he and his partner sent to local realtors soliciting properties for purchase by a consortium of investors with \$1 million to sink into the city. He got elected anyway.

The Master Plan

One of the council's first important steps was to commission Tischler, Montasser and Associates of Washington D.C. to do an economic and market analysis of the city in 1979. The findings were incorporated into the Com-



The Paradise Manor:

Developer Arnold Simon will convert the former adult home to luxury condos.

prehensive Plan for Long Beach, prepared by Paul Tischler the following year. The plan is soon to be adopted by the city council with few changes. At the same time, the council adopted a whole new zoning code that lifted a 15-year moratorium on high rise construction along the boardwalk, created 16 special zones throughout the city, restricted hi-rises from the West End and opened the door for development of 28 vacant and 29 underutilized acres, primarily near the oceanfront. The Tischler analysis notes "the new [zoning] regulations are expected to make development of new condominiums economically attractive to the private sector."

The Master Plan, as it is not so fondly referred to by many, calls for the construction of 3-4,000 condominium units along the oceanfront with several hundred rehabs of vacant units as well as new apartments or townhouses near the central business district. The targeted market is "the young professionals and middle aged couples with no children."

To facilitate this kind of development, the council began an aggressive

policy of acquiring and demolishing deteriorated properties. In the past four years, \$350,000 in federal funds were budgeted for that purpose. Zoning variances were given freely to developers who lacked the required amount of parking space and properties were auctioned off in a process that was often already prearranged before any bids were made. The Promenade got a parking variance as well as one for mixed, commercial-residential use, just so it could qualify for a federal UDAG. One thousand rental units were lost on the boardwalk since the late 1960s.

Adult homes, anomalies in a period of condo fever, were all but eliminated as unlicensed ones were closed down and the state forced to divert its mental patients elsewhere by the end of the 70s. Illegal multiple dwellings and even rent stabilized apartment buildings where low income people have found shelter in the exorbitant and scarce Long Island rental market, are now the focus of concern. How does a city go about evicting a segment of its population?

It's pretty easy, actually. As a city,

"Four years ago, the downtown of Long Beach looked like the South Bronx."

Long Beach's rent stabilization is determined by the city council, unlike towns in Nassau County which follow the county's Rent Guidelines Board rules. "In Long Beach, buildings with 100 units and up were covered under rent stabilization until 1979 when it went down to 60 units," says Jeanne Kippel, Housing Commissioner in Great Neck, President of the Nassau Tenants Association and recently appointed member of a state advisory council. "Everything under 60 units is deliberately not under control because they'd like to empty and develop them as condominiums." City manager Edwin Eaton confirms that theory when asked why the council hasn't enacted stabilization to protect the majority with rent stabilization. "We feel we have more than our share of low income people living in Long Beach. And we don't want to propagate it."

In a city where almost two thirds of households are renters and only 19 percent of all people live in rent stabilized buildings, the lack of protection is tantamount to open season on the poor and those just keeping their heads above water. In the four federally funded buildings for seniors and a 108-unit family housing complex, the vacancy rate is zero, and there's a four-year wait in senior housing.

"It's a renaissance of unbelievable proportions," says Alan Meisel, the federal Commissioner of the Long Beach Housing Authority, "and it will be eliminating low income people." Of people living in the buildings he administers, most are working people. Maybe ten percent of the families are on welfare and very few of the seniors, he says. Obviously there's no room in public housing for people bumped by condo fever.

Rents in the rest of the city in converted one- and two-family houses in the West End and the canal area of the East End have doubled and trebled in a giddy climate that says anything goes. As Eaton explains, "Suddenly the area is revitalized. Rents that were \$250 for a five-room apartment are now \$550. Suddenly the person on a marginal income or public assistance can't afford it. That person," he concludes, "can't afford to live in the city of Long Beach any longer. So that person moves out."

Tenants Take A Stand

Or that person gets very disturbed, then angry and decides that somehow the Long Beach renaissance just isn't what its cracked up to be. Sure the nice new paved main road — Park Avenue — and its revitalized commercial strip are attractive, but the landlord hasn't done repairs in six months and wants to jack the price up \$150 a month while the city's building department turns a blind eye. And all those nice townhouses on Broadway are beautiful, but who has \$160,000 (last year they were going for \$100,000)? It's also wonderful the city finally foreclosed on the notorious drug haven, the old Granada Towers, and has sold it to a development consortium for \$375,000 in back taxes. The city even saw to it that the Granada got federal designation as a historic landmark and with it a package of tax incentives for the owners. But one bedroom there are going for \$61,000 or \$750 a month to rent.

Joan Donnelly is the kind of person who picks up on such ironies of life that lately are a daily occurrence in Long Beach. A renaissance implies a fresh burst of life, growth and prosperity, but for her and thousands of other Long Beach residents, the city's resurgence means hardship, dislocation and for some, homelessness. She got her first apartment in Long Beach four years ago and immediately tangled with her landlord and an unscrupulous broker both of whom tried to overcharge her. Soon after her unsavory experience she was inspired to form the Long Beach Tenants Association, the only citywide organization to address the needs of those not benefiting from the Long Beach miracle.

Vic Scutari, owner of a bookshop and chair of the city's Mental Health Review Board, is an ally of Donnelly and critic of city policies. "A lot of the wealthy people in this city sold to the slumlords in the 70s. Others made money off ex-mental patients. Now they want to make money off the gentry." He sees a desperate need for rental housing at all levels, a strict enforcement of building code violations and rent stabilization to protect most tenants.

At Circulo de la Hispanidad, the main advocacy organization for Long Beach's Latino residents, Gil Bernardino concurs with his fellow members of

the tenants association. "Many of our people live in 15-20 unit buildings where rent stabilization doesn't apply," he said. "In fact, most of the rent stabilized units are in a handful of well-maintained buildings on Shore Road, where tenants are seniors with stable incomes. But there are rent stabilized buildings that the city will try to close. Four to six of them are on Broadway, opposite empty lots where a developer has plans to build condos. How they will displace residents will be to allow violations to continue without enforcing codes. In general, the city has not been enforcing building codes for the last five years."

While the creation of the Tenants Association signals a growing consciousness among low income residents of the underside of Long Beach's revitalization, it wasn't until November 1, 1984 when a fire hit the rent stabilized Prince Edward that things really started to heat up.

The Prince Edward

Nothing grabbed the spotlight and focused it on the plight of Long Beach's dispossessed like the fire at 101 National Blvd. It killed a year old child and left 300 people, the majority Hispanics, homeless while the city stood by indifferently and county agencies moved in slow motion to place some of the victims in a variety of accommodations outside the city. Six days after the disaster, close to half of the Prince Edward's residents were still without permanent shelter. "I drove down to the boardwalk after the fire and found people huddled together, wrapped in plastic garbage bags," says Lucy Centeno, a member of the tenants association. She picked up many victims and helped them find shelter. One woman and her child slept in Centeno's car.

Finding immediate housing was only the first challenge facing the tenants. Although fire damage was restricted to three or four apartments on the second floor, the city's Building Commissioner, Pratap Narsu, ordered it closed until the owner, Sigmund Rawicki, completes repairs that go well beyond fixing what the fire destroyed. The building commissioner cited ornamental masonry on the building's exterior and window frames as needing replacement. The owner, however, had no intentions of repairing the

building and sent notices to many tenants advising them their leases were terminated in early December. According to Narsu, "We heard rumors the building was for sale before the fire. Having an occupied building depresses the price. He took advantage of the fire." For tenants of the Prince Edward it is problematic whether they will ever get back into their affordable apartments.

On December 13, the tenants association held a meeting to address the situation at Prince Edward. A handful of the displaced tenants showed up. Many have scattered to other towns or have given up hope of returning to the building. "Some of us feel it's a losing battle," remarked Christine Schwab as she cradled her month-old baby, born shortly after the fire. "If you don't fight for your rights you will lose," declared Gil Bernadino. He reminded the group that as rent stabilized tenants, they were entitled to many rights and protections.

Charles Theophan, an attorney, was there to provide legal advice. A former employee of the city's Corporation Counsel, Theophan agreed to represent the tenants of Prince Edward at a reduced fee. "Violations on the building date back to 1983. There have

been a lack of smoke detectors and a lack of concern by the city since then," he said. Theophan outlined a legal strategy of pushing the city to obtain a repair agreement with the owner. Failing that, he would take him to court to force building repairs and seek punitive damages for the inconveniences tenants have suffered. The tenants association has also filled complaints with the state Division of Housing and Community Renewal as the administrator of rent stabilized buildings.

According to one source, the Prince Edward has already been sold to a speculator who is biding his time until he can make a juicy deal with developer Michael Lazar whose Promenade Hotel, to be converted to 160 luxury condos, sits directly across the street from the Prince Edward. City Manager Eaton said that Lazar will need a parking lot to accommodate the condo's future residents.

The Park Avenue Shuffle

Selective enforcement of building codes is an interesting game the city plays. For tenants in deteriorated housing, it's a nerve wracking one as they wait for the ax to fall. At 38 West Park Avenue, the ax fell October 1, 1984 when the city slapped a vacate order

on the building ordering 100 people to leave at the end of the month. Commissioner Narsu had inspected the premises and declared it unsafe because it lacks a second fire escape—a condition existing for all of the building's 60 years. There are other substandard conditions at 38 Park like faulty wiring, plumbing and poor security. Several vacant apartments remain unlocked, an invitation to squatters and drug users. Landlord Philip Kaplan, a realtor in Hicksville, has a long history of tenant neglect.

Why did the city decide to finally enforce the law on fire exits? One reason is that the apartments at 38 W. Park are the last remaining residential units on that main commercial street. Located across from City Hall, they are a galling reminder to officials that the avenue's rehabilitation needs a finishing touch. During a visit to the city's Community Development office, a city specialist in rehabilitation was heard reassuring a potential investor that rental housing had been done away with in Park Avenue's shopping area. It used to be bad, she said, with people loitering outside their buildings, discouraging shoppers.

Nobody was evicted at the end of October due to the efforts of lawyers



Tenants rally at City Hall October 1984:
"They call it renaissance, we call it displacement."

The city doesn't act against serious building code violations at 80 Riverside because it would hinder their handpicked developer.

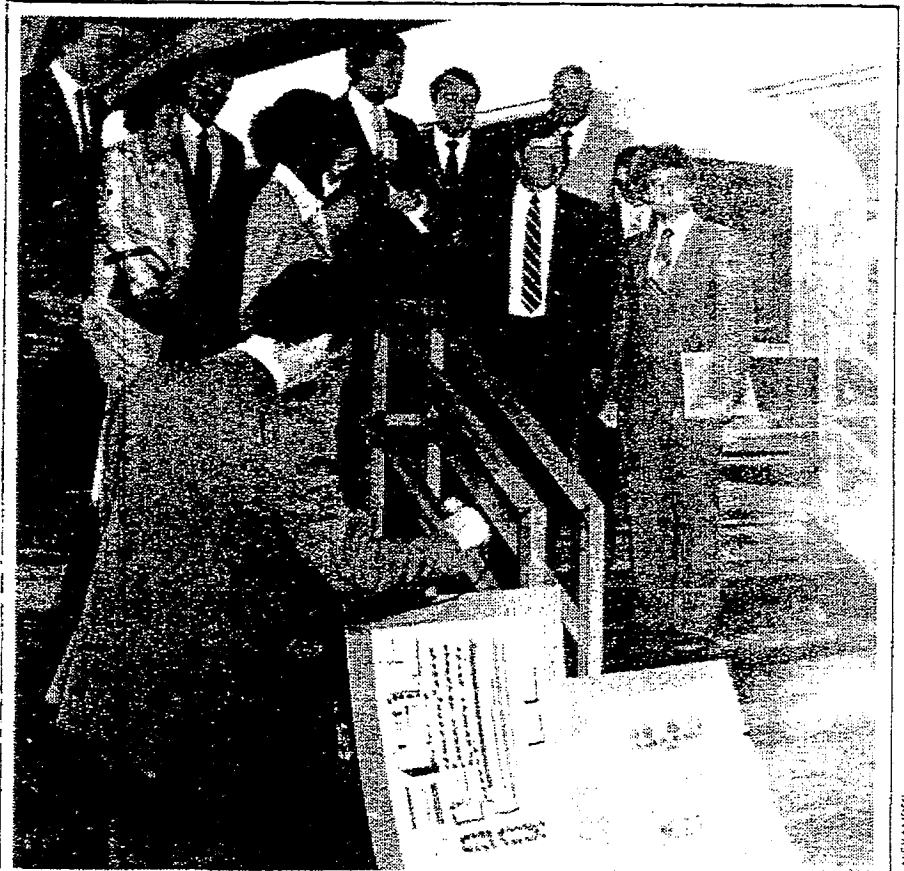
Judy Hirschorn and Edward Luban of the Nassau-Suffolk Legal Services. They filed suit to keep the building open and force the city to make repairs if the owner refused. Under section 13-25 of the city code, the city is empowered to make repairs and take a lien on the property if necessary. But the strategy suffered a set-back January 17 when Kaplan pleaded guilty to violations in Supreme Court and agreed to let the city close down the apartments. Hirschorn intends to continue their attempts to get the city to repair 38 W. Park and keep it open.

Mary Donohue, 72, has lived in the building for 12 years and in Long Beach for 30 years. She's been on the waiting list for an apartment in one of the City's four senior citizen buildings since 1975. "I know a woman who got in after a three-year wait. It's all a matter of who you know," she informs. Like all the residents of 38 W. Park, she does not know where to turn for affordable housing.

If that wasn't enough to worry about, she and others are keeping an arson watch. From January 5 to the 13 there were two small fires in vacant apartments. One, according to social worker Adele Jack, was started in the stuffing of a chair that had been placed in a previously empty room. "An empty liquor bottle was propped up against the chair. It looked like a real set up." For residents like Irma Rodriguez, Tom Hanson, Christine Schwab and her brother and husband and child, another fire would be too devastating to contemplate. They survived the ordeal at the Prince Edward and are still trying to get back on their feet. If the city pushes them from yet another building, it may be the last straw.

Take a Walk on the Boardwalk

Just when you think you've heard the most outrageous story of landlord neglect and city machinations, there's another Long Beach story to top it. The garden apartments at 80 Riverside Blvd. perched at the boardwalk's edge is a case in point. Its a forty-unit complex built 20 years ago and owned by a series of slumlords who have let it crumble, while siphoning off profits and defaulting on property taxes. The process of decay accelerated in 1980 when Izak Fremd sold the building to Arnold Simon, a realtor in Rockville



City Manager Eaton, right, with Sen. Alphonse D'Amato, Cong. Ray McGrath and City Council members initiate a renovation of the railroad station: "We have more than our share of low income people."

Center with allies in city council and development interests in the Paradise, a vacated adult home. As waterfront property, 80 Riverside is hot now and city council has consciously chosen to permit building code violations of the worst kind. Anxious to remove another "blight," the council even found a developer to hasten the process.

Since April, 1984, there has been no superintendent at 80 Riverside and no repairs have been done. Lights in the court yard and the hallways are permanently out. Broken windows go unreplaced except in several apartments where the owner has had them entirely boarded up while people continue to live inside. And in the dark, cavernous basement all apartments are empty but one tiny two-room where tenant Kelly Wright lives with her three kids and a host of rats and cockroaches. She was apathetic about conditions but got angry and joined the building's tenant

association after a cockroach became lodged in her daughter's ear and the owners had all the heat turned off, causing her kids to become ill. Walking down the pitch-black hall to her apartment, Kelly holds a flashlight and hopes nobody jumps out at her from the shadows. The vacant basement apartments are a favorite hangout for alcohol and drug users, she says, and squatters are living in several of them. The mail carrier refuses to deliver down in the basement because it's so dark causing yet more trouble for Wright who depends on having welfare checks sent to her. "I wasn't ready to do anything about conditions here until my kids got sick," she says, "then I got mad. I have an electric heater down there. My daughter burnt herself on it. I have to put my kids to bed with three sweaters and they cry because they're so cold."

Like other tenants at 80 Riverside.



MARGARET SHRAGE

Tenant activists stroll on the boardwalk:
"Why make people homeless when they already have a home?"

Wright turned to L. Johnson for help when things got unbearable. As head of the tenant organization, he has been organizing residents since last year and pursuing actions against the owner. Sweeping an opening of hallways is done by him and other tenants now. When the post office refused to deliver to the entire building in the fall, he ended up calling the head office in Washington, D.C. to get action and did. He also filed a complaint with the county's Bureau of Consumer Frauds and Protection when owner Simon told him none of the tenants security deposits were being held in escrow accounts. "They told me the owner assured them the apartments were rented on a month-to-month basis and he never held more than five deposits at one time," Johnson recounts frustrated. "That's an absolute lie. He has deposits from all tenants here."

Johnson and half the tenants have been on rent strike since June. They are being represented by legal aid lawyer Vic Ambros in a suit against the owner for sending eviction notices on January 1. "We're saying he sent those 30-day notices in retaliation for forming a tenant association," explains Johnson. The owner tried to evict him and Leon Mack, vice president of the tenants group, in August for non-payment but was unsuccessful. On January 11, Johnson received a 72-hour eviction order. It was stayed a week later but there's little hope of preventing a mass eviction at the end of the month. New owners just bought 80 Riverside, according to city manager Eaton, and want to clear it out to demolish or fix up. Eaton knows this because the city council located buyers. Eaton recently met with them to discuss development. "There's talk on that block of a lot

of development. The city owns a lot of property there and the new owner would like to take part in it," said Eaton. Asked why the city doesn't enforce code violations there, Eaton replied, "When we found the new owners were going to vacate the building, we stopped and said, okay, if that's your intention, we don't want to hinder you."

Tenants at 80 Riverside would like the city to care as much about their rights being hindered. "Things are going backward," Johnson states, "the guy with the bucks is running everything and those without have to go to the streets. Owners are making a travesty of the law." He has a dream. He thinks the tenants should obtain title to 80 Riverside, rehabilitate it and run it as cooperative apartments. And there's no reason they couldn't except that poor, working people aren't supposed to be right on the boardwalk once a develop-

"It's the landlords turned slumlords, the politicians, the money-mongers. . . They don't want to do anything for my class of people—that is the hard working people."

ment boom has struck. "Sometimes the sky is so interesting down here," Johnson muses, looking to where the ocean meets the horizon, "the sunsets are so beautiful. I love being by the water."

Time seems to be running out for tenants and activists in Long Beach who would stem the tide of evictions and displacement. The city is acting fast to condemn properties, vacate and sell to developers. The Prince Edward fire did serve to unify many people like Joan Donnelly, Johnson, Gil Bernadino, Lucy Centeno and Christine Schwab. But with their meager resources, how can they hope to find justice in a city without conscience? "It's the landlords turned slumlords, the politicians, the moneymongers who deteriorated conditions in Long Beach. They don't want to do anything for my class of people—that is the hard-working people," says Centeno.

She reflects the mood of anger and despair but like the others, she has not given up and laid down. Joan Donnelly thinks the city's management of federal funds—both Community Development Block Grants and Urban Development Action Grants—should be scrutinized. "They commissioned an \$85,000 comprehensive plan with CD money. It's supposed to be tied to low income housing." The city's use of

hundreds of thousands of CD dollars to wipe out low income rental units also is a questionable use given the focus on luxury condominium construction. The city's method of demolishing and auctioning off property may also bear close inspection.

As hell-bent on evicting the surplus low income population as city hall is, there does exist a middle ground, a course of action that would give the yuppies their condos and yet let Mary Donohue and Kelly Wright live comfortably and affordably.

Even architect developer Richard Banks, who's heading the Granada Towers project, thinks the city has gone a little haywire. "Everyone is talking luxury, luxury, luxury because they're buying high, renovating high and selling high. The main factor," he surmises, "is buying high. That means reaching for the upper strata of the market. I don't know if it's there. They're concentrating too much on the upper strata and not enough on the strata below." He predicts a glut of condominiums when the dust settles.

Tucked away in the infamous comprehensive plan done by Tischler are repeated and insistent recommendations which the city has chosen to ignore. While everyone talks about condo development, the study in fact

states firmly that although ". . . current conditions favor construction of multi-family condominiums. . . the preservation of existing low-density and rental housing should also be considered to maintain desirable housing diversity." The study goes on to lay out a strategy of preservation that includes rehabs for multi-family buildings, improved code enforcement and homesteading. It also recommends the city establish limited equity housing developments to maintain affordable housing. Under that plan, rental buildings would be converted to cooperative ownership by tenants or others who would agree to limit the resale price and give up the chance for large capital gains, as in condominiums. It sounds a lot like what the 80 Riverside residents have in mind.

"With the help of state and federal grants, our tenants can rehabilitate the building," Johnson insists. "Why make people homeless when they have a home already?" That's a good question for city hall to ponder as they prepare to shut down rental buildings and send residents to find a dwindling number of low-rent apartments in other towns. It's not too late for officials to inject some humanity into their renaissance and see Long Beach really flourish. □

Community Organizer. Renovation Supervisor. Weatherization Coordinator. Urban Housing Specialist. Community Management Director. Policy Analyst. Housing Paralegal. Business Manager. Housing Director. Loan Arranger. Project Director. Construction Specialist. Activist. Accountant. Housing Attorney. Executive Secretary. Energy Specialist. Assistant Editor. Executive Director. Activist.

These are just some of the positions recently advertised in CITY LIMITS. The advertising choice of housing professionals in government, non-profit organizations and industry. Call 239-8440 to place your ad.

CITY LIMITS JOB ADVERTISING GETS RESULTS.

City of Long Beach Corporation Council (tel) March 1/21/96
516-431-1000

Looking at proposing a set of standards that would protect tenants of record and spouse

The information provided by the City of Long Beach indicates that vacancy rates are currently 6 to 7%

They only have a few months to find a replacement tenant if they are not replaced

They feel the Village of East of 104th St is a problem

They are very concerned about the impact of the proposed ordinance on the long term based on
Rosslyn case

Executive Director is looking at the impact of the ordinance on the building
with most rent stabilized tenants

The City would be the primary focus of the ordinance

City Councilman Dan Ryan (tel) 516-431-1000
Says we can't do anything until the City Council is ready

Kevin O'Malley (tel)
Long Beach Council
143 East Park St
Long Beach, CA
516-431-1000
516-889-4411 (tel)

New York State **TENANTS & NEIGHBORS** Coalition

New York City Office: 505 Eighth Avenue, 24th Floor, New York, NY 10018-6505
(212) 695-8922 ▪ (212) 695-4204 ▪ FAX (212) 695-4314

March 23, 1996

Kevin O'Neill
Long Beach Herald
143 East Park Avenue
Long Beach, New York 11561

518/431-3400 ©
FAX 516-889-4419

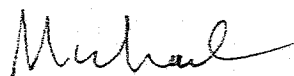
Dear Kevin:

It was good to talk with you yesterday.

Some background material is enclosed. I hope this will be useful to you.

Please give me a call if you have any questions.

Sincerely,



Michael McKee
Director of Development

516-889-4983
Shirley Weber
Executive Towers
(Sam Walton LLC)

3/22/96

Alison Cordero

→ 143 East Park Ave
Long Beach NY 11561

Kevin O'Neill

Executive Towers

Long Beach Herald

Sam Walton C

516-431-3400

Shirley Weber

re ETFA

City Council
April 2

516-889-4983

11:55AM

Zapsan

Joel Crystal
516.431.9411

Pearl Weill

432.3830
516.431.1000

connect to Ms. Weill

David Kelly

Ed Buscemi

Michael McKee

from the Bureau (2 pp.)

2/1/68
2/1/68

702219579

EN KAYMAN

W. B. W. DR

3 BEACH

48 2/1/68

50 1/1/68

1/1/68

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100

... as going
 ... lives in Executive Towers.
 ... a temper tantrum because
 ... get his way.

Michael

of the more popular month to pop operations

Decontrol

To The Editor:

I have attended the last four meetings of the Long Beach City Council. It is shocking to me that at the last meeting (April 16) the Long Beach City Council decided to "table for eternity" the proposal to abolish rent stabilization in the City of Long Beach.

It is obvious that the city council acted irresponsibly on this matter. It is obvious that the city council was intimidated by the threats of the few outspoken tenant leaders. The "tenant leaders" intimidated the other tenants in the apartment houses by telling them that if rent stabilization is abolished for vacant apartments this year, that next year the City Council will most definitely abolish rent stabilization in all occupied apartments, as well. The "tenant leaders" never explained to the tenants in the buildings that vacancy decontrol would protect those people who now live in the apartments.

I also wonder why the city council never publicly explained to the tenants that they would be protected under vacancy decontrol. These unsuspecting tenants were told that next year the city council would vote to end rent stabilization for present tenants. The scare tactics used by the "tenant leaders" served only to frighten tenants.

Several of the tenants who attended the city council meeting threatened not to vote for the city council members in the next election. I wonder how many of the people who were threatening actually vote in Long Beach.

LETTERS TO THE EDITOR

Keep it affordable

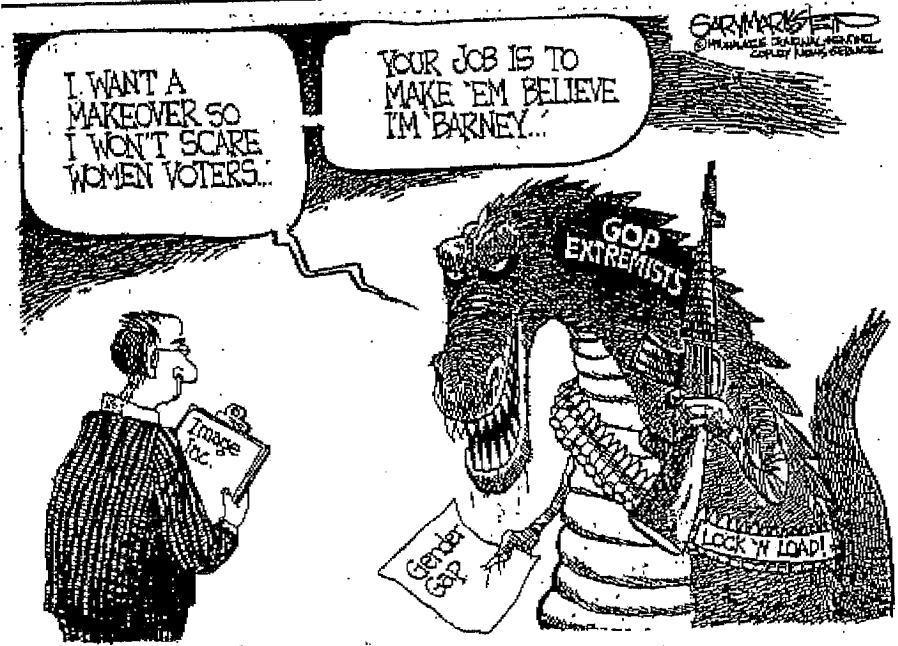
To The Editor:

I was greatly saddened to see the new ploy that the landlords have taken, to try to persuade the city council to allow them to extract more money out of their tenants, in the latest round of the "rent control" war. The two-page ad (Herald May 2) attempts to pit the homeowners against the apartment dwellers, claiming that the former are

It is clear that the City Council of the City of Long Beach buckled to the screaming and loud, abusive voices of a few uninformed and vindictive so-called "leaders." How unfortunate it is for the majority of the present tenants, most of whom were never informed of the true facts,

Carolyn Fried
Lido Beach

Editor's note: The writer is the daughter of Sam Walton, who owns Executive Towers in Long Beach.



subsidizing the latter's rent. This is a low and needless blow. The landlords want us to pit neighbor against neighbor so that they can line their pockets. If that fails, I am afraid to think what they will try next? Upon investigation, however, it appears the truth is that an increase in rents won't exactly make the taxes of the homeowner go down. In fact, what I was told is, that for every \$6 the rents go up, only \$1 of that will go into the tax coffers. The other \$5 goes into the landlord's pocket. No wonder they are so anxious to pit neighbor against neighbor! Anyone who believes that those \$1's will actually lower their tax burden is sadly mistaken.

When was the last time property taxes were actually lowered? Somehow in this day and age of fiscal crises, it is a certainty that increased tax dollars will go back into some program resurrected from the cutting room floor, and not back into the pockets of the taxpayers.

I don't particularly want to see the neighborhood makeup changed. I like the idea that when people retire they often want to stay in this town and, because of rent control, can afford to do so.

Their children have grown and are out of school and yet these tenants continued to pay school taxes through the rent they pay.

Let's keep it affordable for people to stay in this town once they retire. Outside of our beaches they are our best "natural resource."

Roy Lester
Point Lookout

Editor's note: The writer is a candidate for the Long Beach school board.

Long Beach HERALD



Publishers

Editor
Managing Editor
Reporter
Editorial Consultant

Clifford Richner
Stuart Richner

Michael Lee-Scott Harrison
Fran Evans
Kevin O'Neill
Leatrice Slote Spanierman

Official Newspaper:
Long Beach Historical Society;
Long Beach City School District.

Member:
National Newspaper Association,
Suburban Newspapers of America,



EUGENE C. CAMMARATO
SPECIAL ASSISTANT TO THE CITY MANAGER

TEL: (516) 431-1000
FAX: (516) 431-1389

CITY OF LONG BEACH
1 W. CHESTER STREET
LONG BEACH, N.Y. 11561