B199– Summons without notice. Supreme Court, personal or substituted service. 12 pt. type. 4-94

Supreme Court of the State of New York

County of NASSAU

SAMUEL WALTON d/b/a EXECUTIVE TOWERS AT LIDO PAULSEN REAL ESTATE CORP., ANGELO PALADINO, MAUREEN PALADINO, ROBERT BOTWINICK, BEACH HOUSE OWNERS CORP., and WILLIAM CONLIN,

Plaintiff(s)

against

THE CITY OF LONG BEACH and THE CITY COUNCIL OF THE CITY OF LONG BEACH,

Defendant(s)

Index No. 96-014177

Date purchased 5/15/96

Plaintiff(s) designate(s) Nassau County as the place of trial.

The basis of the venue is Plaintiffs' Residence

Summons

Plaintiff(s) reside(s) at Samuel Walton 854-860 East Broadway Long Beach, New York

County of Nassau

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, May 14, 1996

HERZFELD & RUBIN, P.C. and MARTIN A. SHLUFMAN, ESQ.
Attorney(s) for Plaintiff

Office and Post Office Address
Herzfeld & Rubin, P.C.
40 Wall Street
New York, New York 10005
(212) 344-5500

Defendant's address:
City Hall
Long Beach, New York 11561

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU
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SAMUEL WALTON, d/b/a EXECUTIVE TOWERS AT LIDO, PAULSEN REAL ESTATE CORP., ANGELO PALADINO, MAUREEN PALADINO, ROBERT BOTWINICK, BEACH HOUSE OWNERS CORP., and WILLIAM CONLIN,

Index No.

Plaintiffs,

-against-

VERIFIED COMPLAINT

THE CITY OF LONG BEACH and THE CITY COUNCIL OF THE CITY OF LONG BEACH,

Defendant.

----------X

Plaintiffs, by their attorneys, Herzfeld & Rubin, P.C., and Martin A. Shlufman, for their complaint against defendants, allege as follows:

The Parties

1. Plaintiff Samuel Walton, d/b/a Executive Towers at Lido ("Walton") is an individual residing in Nassau County, State of New York. Walton is the owner of two apartment buildings at 854 East Broadway and 860 East Broadway in the City of Long Beach, consisting of 132 and 144 luxury apartment units, respectively (referred to collectively as "Executive Towers") which are operated as rental apartments for tenants and prospective tenants. See Exhibit A annexed.

2. Plaintiff Paulsen Real Estate Corp. ("Paulsen") is the owner of an apartment building at 630 Shore Road in the City

of Long Beach, consisting of 178 luxury apartment units (referred to as "Crystal House") which are operated as rental apartments for tenants and prospective tenants.

3. Plaintiffs Angelo Paladino and Maureen Paladino ("Paladino") are the owners of an apartment building at 215 East Broadway in the City of Long Beach, consisting of 94 luxury units (referred to as "Tudor Towers") which are operated as rental apartments for tenants and prospective tenants.

4. Plaintiff Robert Botwinick ("Botwinick") is a resident of the City of Long Beach, the owner of a condominium located in Long Beach and by reason thereof, a taxpayer with respect to taxes levied by the City of Long Beach, Town of Hempstead and Nassau County upon the owners of real property within those entities.

5. Plaintiff Beach House Owners Corp. ("Beach House") is the owner of a cooperative apartment house at 740 East Broadway, City of Long Beach and by reason thereof a taxpayer with respect to taxes levied by the City of Long Beach, Town of Hempstead and Nassau County upon the owners of real estate within those entities.

6. Plaintiff William Conlin ("Conlin") is the owner of a dwelling at 365 West Fulton Street, City of Long Beach and by reason thereof a taxpayer with respect to taxes levied by the City of Long Beach, Town of Hempstead and Nassau County upon the owners of real estate within those entities.

7. Defendant, City Council of the City of Long Beach (the "Council") is the duly existing local legislative body of the City.

8. Defendant The City of Long Beach (the "City") is a municipality located in Nassau County, organized pursuant to the laws of the State of New York.

The Relevant Statutes

9. On May 29, 1974, the Emergency Tenant Protection Act of 1974 (the "ETPA"), Ch 576, L. 1974 Unconsolidated Laws, §§8621 et seq was enacted into law. The ETPA provides in part as follows:

> §8622. Legislative finding
>
> The legislature hereby finds and declares that a serious public emergency continues to exist in the housing of a number of persons in the state of New York ...; that there continues to exist in many areas of the state an acute shortage of housing accommodations caused by continued high demand, attributable in part to new household formations and decreased supply, in large measure attributable to reduced availability of federal subsidies, and increased costs of construction and other inflationary factors; ...; that the transition from regulation to a normal market of free bargaining between landlord and tenant, while the ultimate objective of state policy, must take place with due regard for such emergency; and that the policy, herein expressed shall be subject to determination of the existence of a public emergency requiring the regulation of residential rents within any city, town or village by the local legislative body of such city, town or village.

The ETPA further provides:

§8623. Local determination of emergency; end of emergency

The existence of public emergency requiring the regulation of residential rents for all or any class or classes of housing accommodations ... shall be a matter for local determination within each city, town or village. Any such determination shall be made by the local legislative body of such city, town or village on the basis of the supply of housing accommodations within such city, town or village, the condition of such accommodations and the need for regulating and controlling residential rents within such city, town or village. 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 ....

In addition, the ETPA provides:

The local governing body of a city, town or village having declared an emergency pursuant to subdivision a of this section may at any time, on the basis of the supply of housing accommodations within such city, town or village, the condition of such accommodations and the need for continued regulation and control of residential rents within such municipality, declare that the emergency is either wholly or partially abated or that the regulation of rents pursuant to this act does not serve to abate such emergency and thereby remove one or more classes of accommodations from regulation under this act. The emergency must be declared at an end once the vacancy rate described in subdivision a of this section exceeds five percent. Unconsolidated Laws, §8023b. (Emphasis added.)

10. By Resolution No. 166/74 dated August 27, 1974 of the Council, purporting to act pursuant to the ETPA, declared the existence of an emergency with respect to all multiple dwellings located in the City that contained one hundred or more dwelling

units. By virtue of this resolution, buildings in the City having 100 or more dwelling units, including the buildings owned by plaintiffs Walton and Paulsen, were subjected to restrictions on the rental which can be charged for such units, as determined by the Nassau County Rent Guidelines Board ("NCRGB"), and restrictions as to other rent increases and decreases as determined by the New York State Division of Housing and Community Renewal ("DHCR").

11. By Resolution No. 92/79 dated April 24, 1979 of the Council, purporting to act pursuant to the ETPA, declared the existence of an emergency with respect to all multiple dwellings in the City containing not less than sixty nor more than ninety-nine dwelling units. By virtue of this Resolution, buildings having between sixty and 100 dwelling units such as that owned by plaintiffs, including the building owned by plaintiffs Paladino, were added to the buildings in the City which are subject to restrictions on the rental to be charged, similar to the buildings containing 100 or more rental units.

12. As set forth above, a condition precedent to the imposition or continuation of controls under ETPA is the fact that vacancies in rental apartments in an appropriate classification exist in a number less than five percent and if such condition precedent does not or ceases to exist, any continuation of such controls must be declared at an end.

13. By reason of the foregoing, the defendants are under an obligation regularly to ascertain whether the number of

vacancies exceeds five percent since the authority to impose the controls ceases if vacancies exceed five percent.

Consequences of Long Beach Rent Emergency Resolutions

14. By reason of the applicability of ETPA in the City, plaintiffs Walton, Paulsen and the Paladinos have been precluded from bargaining and renting apartments in their respective buildings at market rent but, instead, have been limited to increases established by the NCRGB for all owners in Nassau County subject to ETPA, which has consistently imposed ceilings which prevented a reasonable return on capital and reasonable income moneys out of which repairs and maintenance can be provided to maintain the buildings in first class condition.

15. Upon information and belief, market rents for the plaintiffs' apartments exceed those allowed under ETPA currently and for the past six years by at least twenty percent.

16. Under the ETPA, by reason of the aforesaid Resolutions, owners of affected apartment buildings within the City, when they make capital improvements, may not pass on the costs in rent increases but must pursue an approval process through the DHCR to obtain rent increases to recover such costs. If approval is obtained, the approved cost is allowed to be amortized over an 84-month period. Upon information and belief, the normal time to process such application and obtain a final decision is approximately four years. Neither attorneys fees nor interest on moneys used or loans obtained for this purpose are

recognized under applicable regulations as a cost which can be recovered.

17. Plaintiff Walton has recently expended in excess of $1.5 million in a program of major capital improvements at Executive Towers.

18. Walton has yet to obtain approval of his Major Capital Improvement applications for the recent work at Executive Towers, and has been forced to commence court proceedings to obtain relief with respect to certain of those applications.

19. Other property owners refrain from or are unable to make repairs, major maintenance and capital improvements as a result of which there is general deterioration among apartment buildings and a diminution of value of such real estate.

20. Pursuant to the Real Property Tax Law, income producing apartment house properties are required to be valued for tax purposes based on their full value. The restriction on income imposed by the ETPA has resulted in a substantial reduction in the taxable value of affected properties in the City. Taxpayers, including plaintiffs Walton, Paulsen and the Paladinos have been required to pay taxes on inflated valuations of their property and to expend large sums to process applications for reductions and refunds to correct the erroneous valuations which because of attorneys' fees and interest lost, result in large unreimbursed costs.

21. In making ETPA applicable to buildings with 60 or more apartments, defendants irrationally eliminated from coverage

non-luxury apartments occupied by less affluent persons and extended rent stabilization protection to luxury apartments occupied by the more affluent tenants in Long Beach.

22. By reason of the ETPA, the income producing apartment house properties, after reductions for overassessment, have produced substantially lower taxes than would otherwise be applicable.

23. Such reductions, upon information and belief, amount to millions of dollars yearly which have to be made up by higher taxes homeowner and other taxpayers such as plaintiff Botwinick must pay.

24. The result is that plaintiffs Botwinick, Beach House Owners Corp., Conlin and others similarly situated are subsidizing affluent tenants who enjoy rents below market rents in the properties of Walton, Paulsen and the Paladinos.

Vacancy Rates In Excess of Five Percent

25. Upon information and belief, defendants have failed prior to adopting the 1979 resolutions to conduct any survey or investigation to determine whether the vacancy rate for any classification exceeds five percent and, in consequence had no authority to maintain the aforesaid Resolution adopted in 1979.

26. Upon information and belief, defendants have failed since 1979 to conduct any survey or investigation to determine whether the vacancy rate for any classification exceeds

five percent and, in consequence, have no authority to maintain the aforesaid Resolutions.

27. In the Fall of 1994, plaintiffs Walton and Paulsen met with members of the Council to request that the City repeal Resolutions Nos. 166/74 and 92/79, and presented data to the Council in support of that request. Additional requests to defendants for such action were made by Walton, Paulsen and others in 1995 and early 1996, and additional relevant data was provided.

28. Upon information and belief, from at least 1990 and thereafter, the vacancy rate for apartment buildings in the City having 100 or more dwelling units, and for buildings having from 60 to 99 dwelling units, has been in excess of five percent.

29. By letter dated January 5, 1996 to Edwin Eaton, City Manager for the City, from Martin A. Shlufman, an attorney acting for Walton and Paulsen advised that the vacancy rate in the buildings owned by his clients, each of which contains more than 100 apartments, was in excess of five percent. Those buildings contain 25% of all apartment units in the City presently subject to the ETPA, and contain almost 50% of the apartments in the category of buildings with 100 or more apartments. Mr. Shlufman asked in that letter that the City Council conduct a survey to establish the current vacancy rate.

30. Among other things, the daily and weekly newspapers, for at least the past three years, regularly published advertisements of apartments for rent in the City,

indicating an absence of any shortage of apartments, or, at least, placing defendants on notice of the availability of apartments and imposing on it a duty to conduct a survey to determine whether its limited authority under ETPA had terminated. Copies of advertisements are annexed as Exhibit B.

31. Moreover, the current vacancy rate has been artificially depressed by the City's own conduct. Upon information and belief, an application for a revised Certificate of Occupancy for a rental apartment building at 25 West Broadway, Long Beach, permitting the occupancy of more than 66 additional apartments recently built at that property, has been and is being arbitrarily and without cause held in abeyance although the building is habitable and 23 apartments in the building are actually occupied. The apartments are vacant and add to the more than 5% vacancies referred to above. The foregoing illustrates graphically the political motive rather than factual basis for defendants' continuation of the Resolutions despite the vacancy rate in excess of 5%.

Failure of Defendants to Comply
With Their Authorization Under ETPA

32. Upon information and belief, the defendants have failed to conduct a survey for at least seventeen years and no vacancy survey was conducted in response to the demands set forth above. Instead, acting on political motives rather than under the limited authority to act upon a factual determination of the number of vacancies, by Resolution No. 43/96 dated March 5, 1996,

the Council directed that notice be published of a public hearing to be held on March 19, 1996 to give residents an opportunity to present their views on a proposal that the City consider "whether continuation of the [ETPA] is in the best interests of the City of Long Beach." In that Resolution the Council conceded that "many housing units which were occupied by tenants at the time of the adoption of [the 1974 and 1979 Resolutions implementing the ETPA] are presently unoccupied."

33. At the March 19 meeting, essentially only one tenant appeared and the other persons appearing at the hearing were owners who expressed views to the effect that vacancies in the buildings subject to ETPA in the City were in excess of five percent requiring rent stabilization to be terminated.

34. Following the March 19, 1996 meeting, the five members of the Council circulated a letter to residents of the City stating that the "landlords" had presented "several good arguments for Rent Stabilization to be eliminated in the City of Long Beach." Notwithstanding this statement, and despite their obligation to make a factual determination of the number of vacancies and to terminate the Resolutions on a finding of 5% vacancies, the Council members stressed in their letter their determination to maintain rent stabilization with respect to current tenants. They invited recipients of the letter to join in opposing the removal of rent stabilization at a Council meeting on April 2, 1996. Copy annexed as Exhibit C.

35. At the April 2, 1996 meeting, a resolution was presented by the Chair of the Council under which apartment units in buildings subject to ETPA would be released from ETPA controls upon becoming vacant ("Vacancy Decontrol Resolution").

36. A copy of the proposed resolution, signed by the City Manager and "approved as to form and legality" by the City's Corporation Counsel, is annexed as Exhibit D hereto.

37. The proposed resolution contained a recital "that a question of fact exists concerning the vacancy rate" of multiple dwellings subject to the ETPA, "which if found to be greater than five percent would necessarily involve the City Council declaring that the housing emergency would be at an end." The resolution also recites that there are 1553 units subject to EPTA, indicating that the only issue facing defendants is whether there were vacancies in excess of 78.

38. After further recitals, the proposed resolution provided that the apartments of current tenants which were subject to the ETPA would continue to be regulated so long as they were occupied by the current tenants or their spouses, but that currently vacant apartments, as well as apartments which become vacant in the future, would be removed from regulation. Action by the Council on the Vacancy Decontrol Resolution was adjourned to the calendar for the next Council meeting on April 16, 1996.

39. Upon information and belief, prior to the April 16, 1996 Council meeting, members of the Council received

numerous phone calls, faxes and letters as a result of an organized effort by some tenant groups to pressure the Council to keep the status quo with regard to rent stabilization. These groups packed the April 16 meeting, expressing opposition to the proposed resolution.

40. The Council, at its April 16, 1996 meeting, responding to the packed tenant audience opposing the Vacancy Decontrol Resolution, refused to even consider the resolution. Instead, it voted to table the resolution. The City Manager issued a statement to the effect that the Council had tabled the resolution "for eternity."

41. The Council's actions up to and on April 16 demonstrate that the Council was not acting within its limited authority to make factual surveys and investigations and to impose EPTA rental restrictions only where vacancies are less than five percent.

42. Instead, the Council acted solely for political reasons in which they encouraged and responded to staged demonstrations disregarding any facts as to the number of vacant apartments in the community.

First Cause of Action

43. Plaintiffs repeat the allegations of paragraphs 1 through 42 with the same force and effect as if set forth at length herein.

44. By allowing the Council's Resolutions of August 27, 1974 and April 24, 1979 to continue in effect,

notwithstanding that the vacancy rate in affected apartment buildings exceeded five percent, and by failing to declare the purported emergency at an end, defendants violated the provisions of the ETPA, Unconsolidated Laws §8623b.

Second Cause of Action

45. Plaintiffs repeat the allegations of paragraphs 1 through 42 above with the same force and effect as if set forth at length herein.

46. By failing to conduct a survey of vacancies in affected buildings since 1979, while leaving its Resolutions of August 27, 1974 and April 24, 1979 in force, the Council exceeded the authority given by the EPTA, and the Resolutions ceased to have effect.

Third Cause of Action

47. Plaintiffs repeat the allegations of paragraphs 1 through 42 above with the same force and effect as if set forth at length herein.

48. While the ETPA allows a city, town or village to determine that an emergency exists with respect to "any class" of housing accommodations, the determination by a city, town or village of an appropriate "class" must have a rational basis.

49. The City's determinations subjected to rent stabilization and continue such regulation for apartment buildings having in excess of 60 or more units which are luxury

buildings occupied by affluent tenants, but not smaller apartment buildings, which are not luxury buildings and which house less affluent tenants.

50. Such action was arbitrary and capricious, and was thus invalid.

Fourth Cause of Action

51. Plaintiffs repeat the allegations of paragraphs 1 through 42 above with the same force and effect as if set forth at length herein.

52. The Council's action on April 16, 1996 in tabling the Vacancy Decontrol Resolution was arbitrary and capricious, was taken without any factual inquiry as to the vacancies within the rental market and solely for political reasons unrelated to the limited authority provided ETPA to deal with rental apartments and had no support in fact or law.

Fifth Cause of Action

53. Plaintiff Walton repeats the allegations of paragraphs 1 through 42 with the same force and effect as if set forth at length herein.

54. By reason of the prohibition wrongfully continued by the Council preventing plaintiff Walton from renting at market rents and limiting same to rents established under ETPA, plaintiff Walton has sustained damages in lost rents of at least

twenty percent (20%) of his rent roll for at least the past six years, in an aggregate amount of at least $3.2 million.

Sixth Cause of Action

55. Plaintiff Walton repeats the allegations of paragraphs 1 through 42 with the same force and effect as if set forth at length herein.

56. By reason of the prohibition wrongfully continued by the Council preventing plaintiff Walton from renting at market rents and limiting same to rents established under ETPA, plaintiff Walton has sustained damages through the diminution in value of his aforesaid properties in an amount of at least $10 million.

Seventh Cause of Action

57. Plaintiff Paulsen repeats the allegations of paragraphs 1 through 42 with the same force and effect as if set forth at length herein.

58. By reason of the prohibition wrongfully continued by the Council preventing plaintiff Paulsen from renting at market rents and limiting same to rents established under ETPA, plaintiff Paulsen has sustained damages in lost rents of at least twenty (20) percent of its rent rolls for at least the past six years in an aggregate amount of at least $2 million.

Eighth Cause of Action

59. Plaintiff Paulsen repeats the allegations of paragraphs 1 through 42 with the same force and effect as if set forth at length herein.

60. By reason of the prohibition wrongfully continued by the Council preventing plaintiff Paulsen from renting at market rents and limiting same to rents established under ETPA, plaintiff Paulsen has sustained damages through the diminution in value of his aforesaid properties in an amount of at least $5 million.

Ninth Cause of Action

61. Plaintiffs Paladino repeat the allegations of paragraphs 1 through 42 with the same force and effect as if set forth at length herein.

62. By reason of the prohibition wrongfully imposed by defendants preventing plaintiffs Paladino from renting at market rents and limiting same established under ETPA, plaintiffs Paladino have sustained damages in lost rents of at least twenty percent (20%) of their rent roll for at least the past three years in an aggregate amount of $1 million.

Tenth Cause of Action

63. Plaintiffs Paladino repeat the allegations of paragraphs 1 through 42 as if set forth at length herein.

64. By reason of the prohibition wrongfully continued by defendants preventing plaintiffs Paladino from renting at

market rents and limiting same to rents established under ETPA, plaintiffs Paladino have sustained damages through the diminution in value of their aforesaid properties in an amount of at least $3 million.

Eleventh Cause of Action by Plaintiffs Botwinick, Beach House and Conlin

65. Plaintiffs Botwinick, Beach House and Conlin repeat the allegations of paragraphs 1 through 42 above with the same force and effect as if set forth at length herein.

66. By reason of the shift in the tax burden from the apartment house properties as aforesaid to home owner taxpayers, said plaintiffs have been damaged by being subjected to increased taxes and a diminution in the value of their properties in an amount in excess of $1 million

WHEREFORE, plaintiffs demand judgment: (a) on their First, Second and Third Causes of Action, declaring that Resolutions No. 166/74 of August 27, 1974 and No. 92/79 of April 24, 1979 are invalid and unenforceable, and that plaintiffs are consequently not subject to the ETPA and may charge market rents to tenants, at the expiration of their current leases, in their previously regulated buildings; (b) on their Fourth cause of action, declaring the action of Council with respect to the proposed resolution in April 16, 1996 to have been arbitrary and directing the Council to terminate the Resolutions of 1974 and 1979 on the ground that the vacancy rate as to the buildings

subject to ETPA exceeds 5%; (c) granting judgment to defendant Walton on his Fifth Cause of Action in the amount of $2.3 million; and on the Sixth Cause of Action in the amount of $10 million, to plaintiff Paulsen on the Seventh Cause of Action in the amount of $2 million and on the Eighth Cause of Action in the amount of $5 million, to plaintiffs Paladino on the Ninth Cause of Action in the amount of $1 million and on the Tenth Cause of Action in the amount of $3 million, and to plaintiffs Botwinick, Beach House and Conlin in and amount in excess of $1 million; and (d) for such other and further relief as the Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York
May 14, 1996

HERZFELD & RUBIN, P. C.
40 Wall Street
New York, New York 10005
(212) 344-5500

and

MARTIN A. SHLUFMAN
1205 Franklin Avenue
Garden City, New York 11530
(516) 746-6811

Attorneys for Plaintiffs

VERIFICATION

STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

SAMUEL WALTON, being duly sworn deposes and says:

I am the plaintiff herein, as the person doing business under the name, EXECUTIVE TOWERS AT LIDO. I have read the foregoing Verified Complaint and know the contents thereof, the same are true to my knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, I believe them to be true.

SAMUEL WALTON

Sworn to before me this
14th day of May, 1996

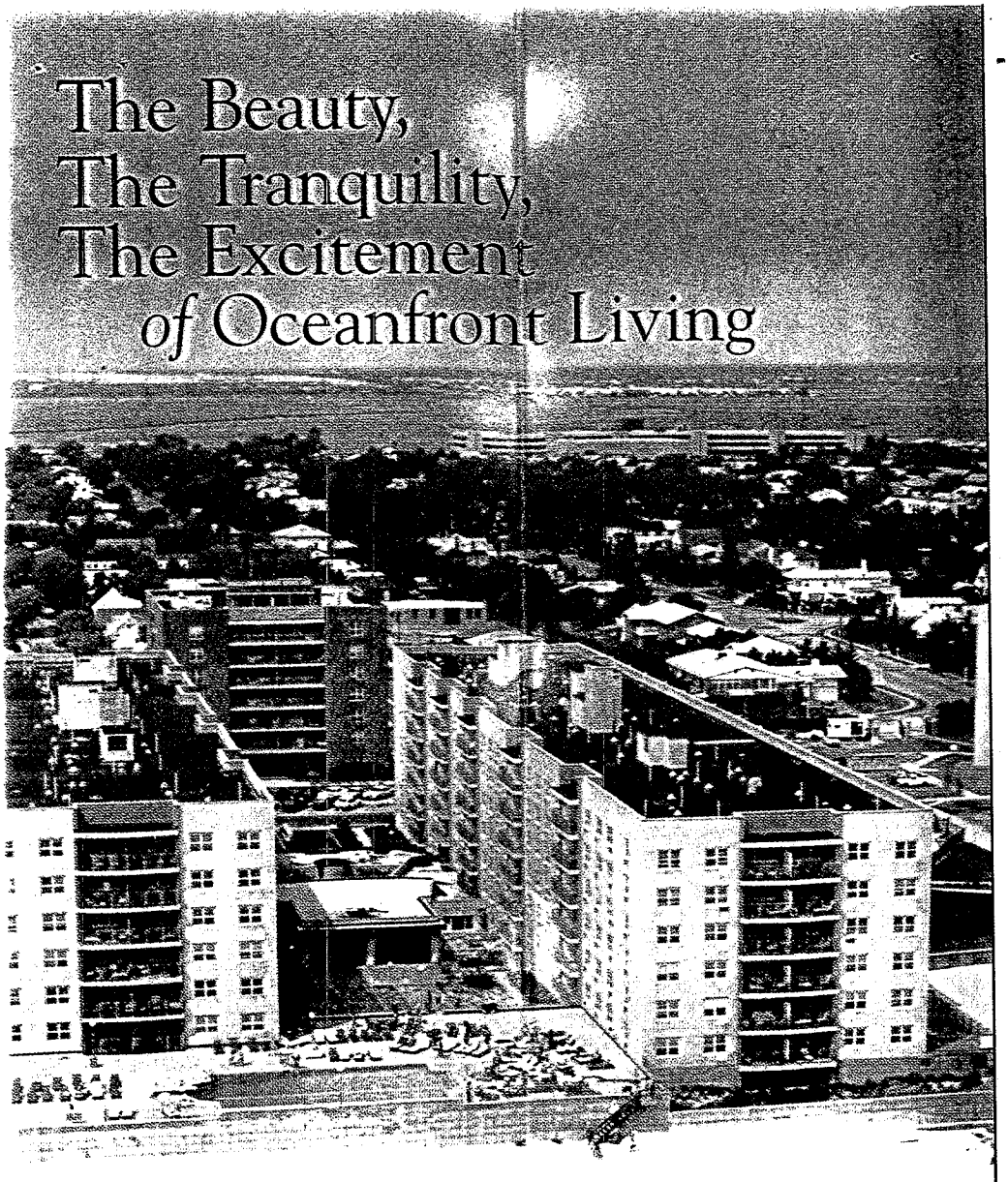
Notary Public

KATHLEEN GILL MILLER
Notary Public, State of New York
No. 02MI5014338
Qualified in Westchester County
Commission Expires July 15, 1997

Exhibit A

Executive Towers at Lido...

The Beauty, The Tranquility, The Excitement *of* Oceanfront Living



Beachfront living. The calming sound fresh ocean breezes, swimming in the c the shore. The stuff that dreams are ma

Beachfront Living at Executive Towers vibrant desirable community with Manh away. Where every home is of grand pr races and magnificent ocean panoramas beach access, swedish sauna and our pr looking the Atlantic.

Executive Towers at Lido. Incomparab value beyond compare.

Exceptional Layouts and Luxi

You will find the studio, one or two each boasting kitchens with all new chefs, banquet sized dining areas, an and bedroom areas.

You will also find a welcome extra air conditioned Atrium Garden R for socializing.

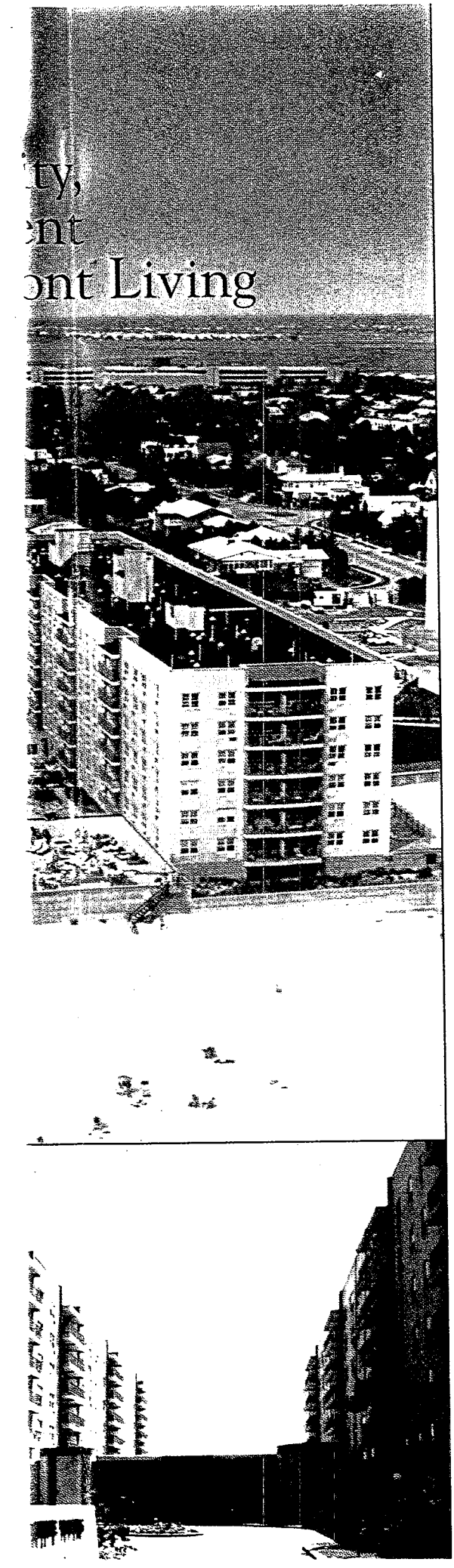
Every Day is a Vacation

Your oceanfront setting is a recreati have the choice of our pool or the beauty and challenge of The Golf C boating is a breeze with an abundar solitude on a stretch of sand or hit t you're feeling more social.

Golf, Boating and Fishing

In the summer, Lido Beach is the p secluded beach is at your doorstep. Lido Marina are neighborhood inst Lido Beach offers an ambiance of e the sea's eternal call is punctuated the gulls and pipers that glide abov lation easily broken at any of the fi or ample boutiques and shopping p

Executive Towers Ha



Beachfront living. The calming sound of the surf, dramatic sunsets, fresh ocean breezes, swimming in the clear blue surf and walks on the shore. The stuff that dreams are made of.

Beachfront Living at Executive Towers at Lido...All the above, in a vibrant desirable community with Manhattan less than an hour away. Where every home is of grand proportions, offering wide terraces and magnificent ocean panoramas. Residents enjoy direct beach access, swedish sauna and our private pool with deck overlooking the Atlantic.

Executive Towers at Lido. Incomparable quality of life...and a value beyond compare.

Exceptional Layouts and Luxury

You will find the studio, one or two bedroom suite you prefer, each boasting kitchens with all new appliances fit for gourmet chefs, banquet sized dining areas, and uniquely spacious living and bedroom areas.

You will also find a welcome extra at Executive Towers; the air conditioned Atrium Garden Room, a recreation room for socializing.

Every Day is a Vacation

Your oceanfront setting is a recreational paradise. Swimmers have the choice of our pool or the ocean. Golfers will enjoy the beauty and challenge of The Golf Course at Lido. Fishing and boating is a breeze with an abundance of local marinas. Read in solitude on a stretch of sand or hit the beach's hot spot when you're feeling more social.

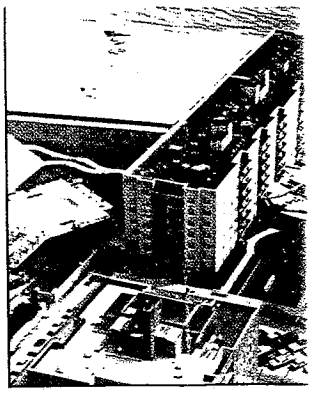
Golf, Boating and Fishing

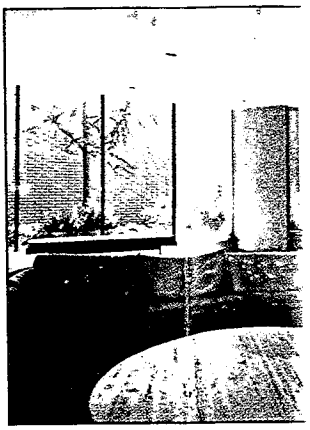
In the summer, Lido Beach is the place of endless pleasure. A secluded beach is at your doorstep. The Lido Golf Club and Lido Marina are neighborhood institutions. During the winter, Lido Beach offers an ambiance of exquisite isolation where the sea's eternal call is punctuated by the poignant voices of the gulls and pipers that glide above the barren jetties.... an isolation easily broken at any of the fine restaurants, lively clubs, or ample boutiques and shopping plazas in the vicinity.

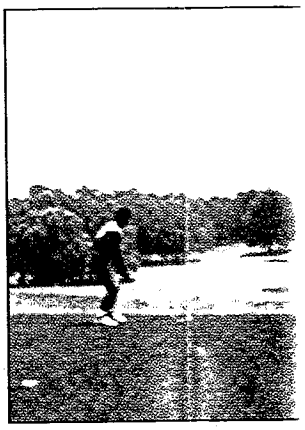
Executive Towers Has It All!

Features

- Panoramic Ocean Views
- Ocean Bathing on Secluded Beach...
  Directly Accessible from your Apartment
- Swimming Pool on Sun Deck Overlooking the Ocean
- Sauna Baths-Lockers
- Large Terraces with Scenic Views (most apartments)
- Doorman Service
- Circular Driveway Set Amidst Exotic Plantings
- Modern Intercom System to Lobby
- TV Security System
- Richly Carpeted Hallways
- Four Automatic Elevators
- Fully Equipped Laundry Room on Every Floor
- Prefinished Parquet Oak Flooring
- Thickly Plastered Walls and Ceilings
- Sound Resistant Walls and Ceilings
- Master TV Antenna
- Smoke Detectors
- Air Conditioned Rooms
- Full Eat-In Kitchens
- Gas Cooking
- Countertop Ranges and Wall Ovens
- G.E. Refrigerators with Freezers
- G.E. Dishwashers in all 1 & 2 Bedroom Apartments
- Ceramic Tile Baths with Built-In Hampers
- Modern Vanitoriums/Double Mirrored Door Medicine Cabinets
- Closets ... Closets ... Closets ... and More Closets
- Public Bus Service at your doorstep to L.I.R.R.
  — less than one hour to New York City (L.I.R.R. Schedule)





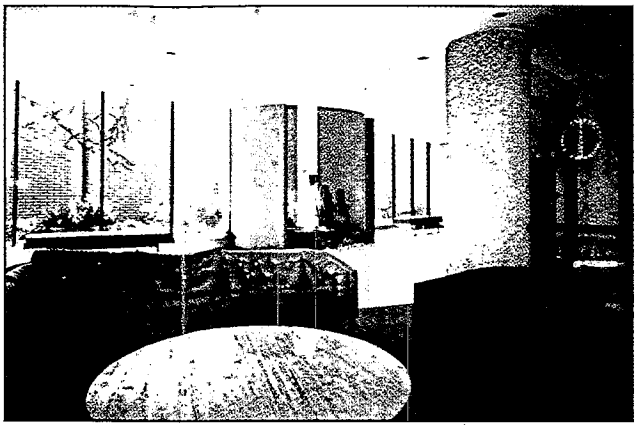


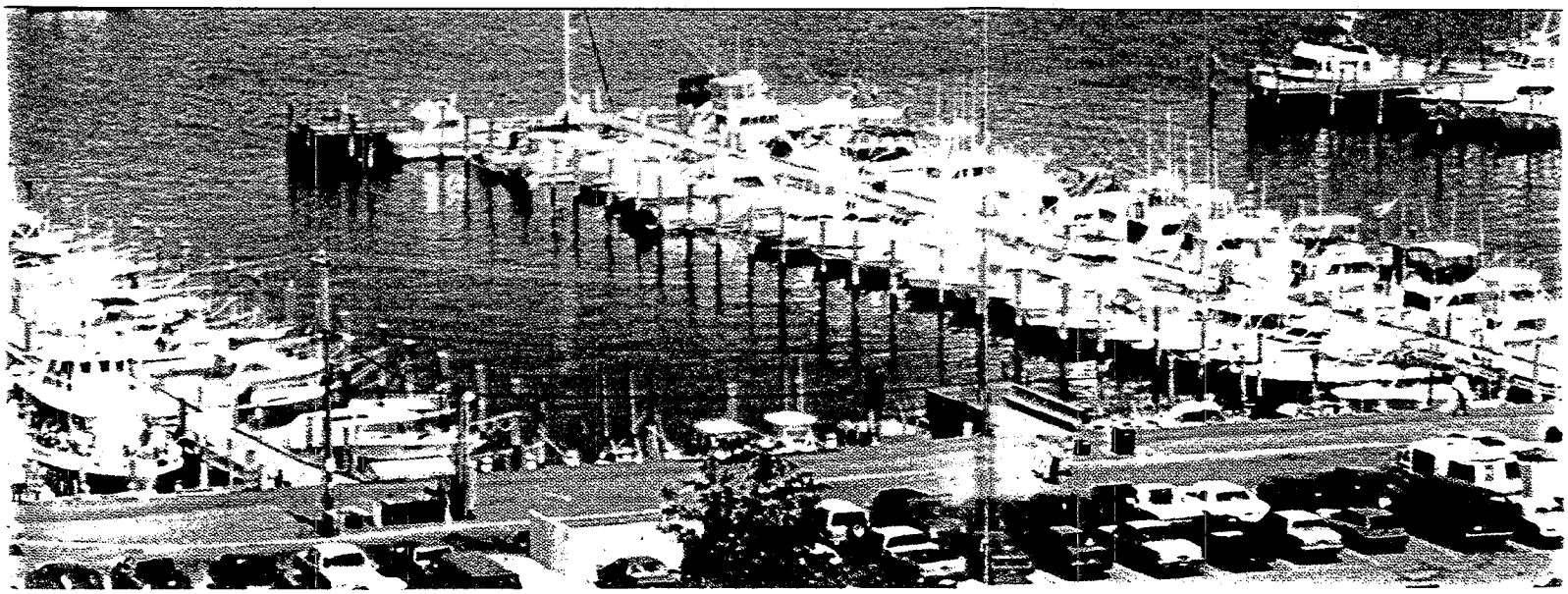
Views
Secluded Beach...
ble from your Apartment
Sun Deck Overlooking the Ocean
rs
Scenic Views (most apartments)

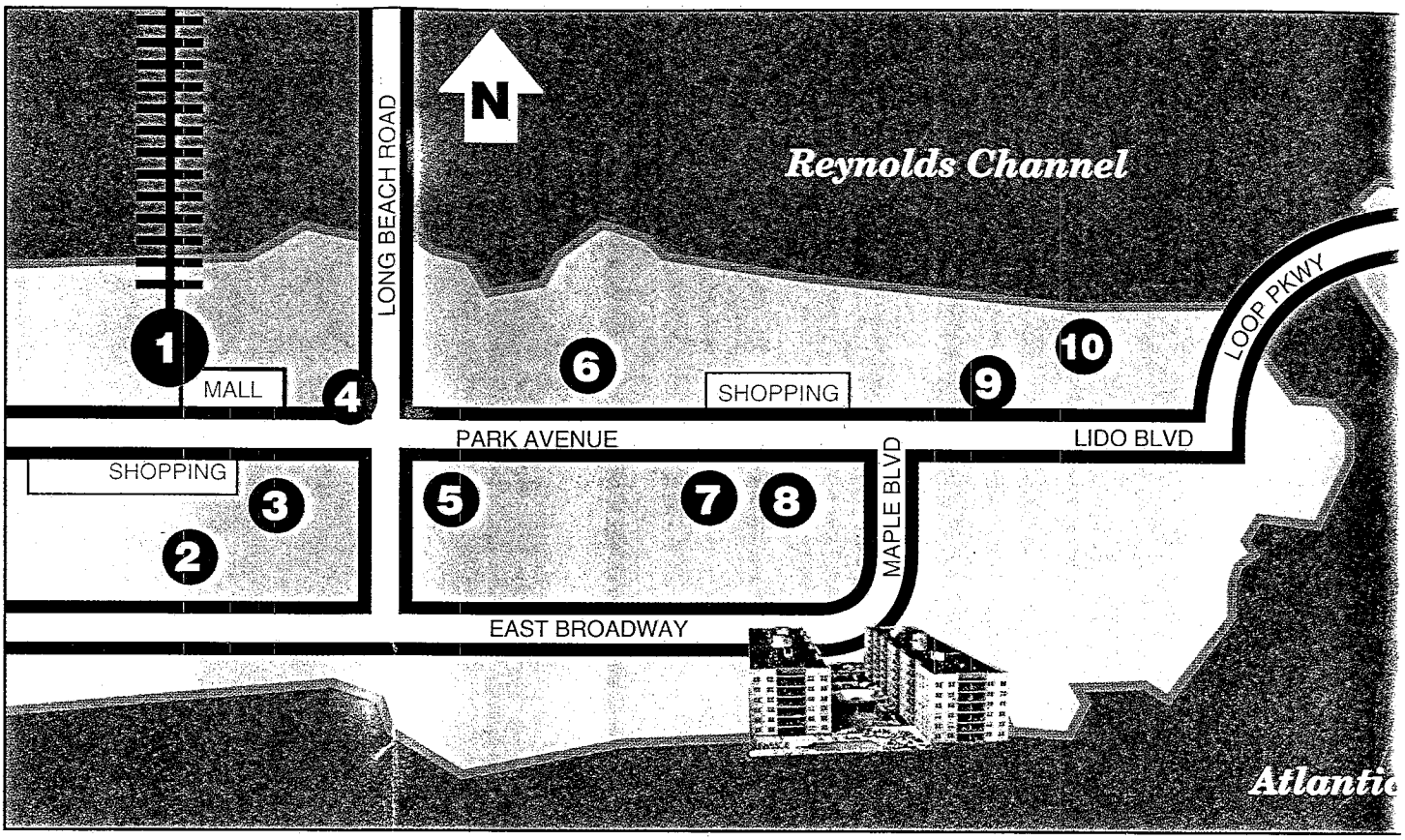
Set Amidst Exotic Plantings
System to Lobby
n
allways
evators
ndry Room on Every Floor
Oak Flooring
Walls and Ceilings
alls and Ceilings
a

ooms
s

and Wall Ovens
vith Freezers
n all 1 & 2 Bedroom Apartments
with Built-In Hampers
as/Double Mirrored Door Medicine Cabinets
.. Closets ... and More Closets
at your doorstep to L.I.R.R.
hour to New York City (L.I.R.R. Schedule)







1 L.I.R.R.
2 Temple Israel
3 St. Johns Lutheran Church
4 Park Avenue Cinema
5 St. Mary of the Isle R.C. Church
6 T
7 F
8 C
9 L
10 L

Commuters will find Manhattan an e
ride from Executive Towers at Lido.
bounties are also within easy reach vi
Parkway, just moments from your doo

Here, then, is that total life of lux
nience you've long desired.
Here is Long Island's premiere ap
Executive Towers at Lido.

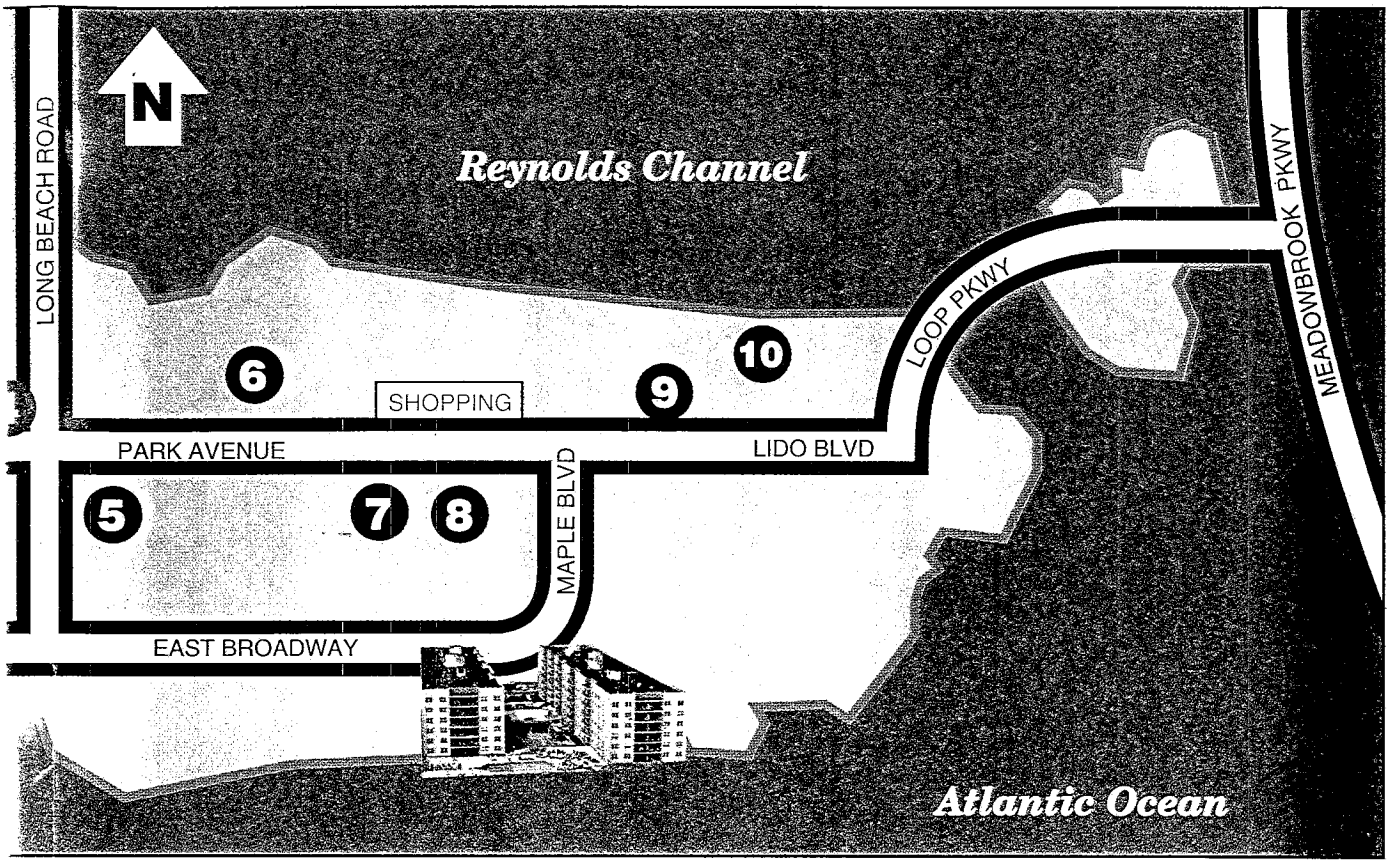
*DIRECTIONS: Any Parkway to Meadowbr
Beach (Pt. Lookout turn-off). Right into Lido Bl
ocean) on Maple Blvd. (Fire House) to EXECU
Beach Road over bridge to Park Avenue. Left or
Right (to ocean) on Maple Blvd. (Fire House) t*

EXECUTIVE

at LIDO

Rental Office:
(516) 889-0670

Executive Towers
854 and 860 East Broadway
Long Beach, NY 11561



1 L.I.R.R.
2 Temple Israel
3 St. Johns Lutheran Church
4 Park Avenue Cinema
5 St. Mary of the Isle R.C. Church
6 Temple Emmanuel
7 East End Temple
8 Congregational Beth Sholom
9 Lido Beach Synagogue
10 Lido Golf Course

Commuters will find Manhattan an easy hour's drive or train ride from Executive Towers at Lido. The rest of Long Island's bounties are also within easy reach via the Meadowbrook Parkway, just moments from your door.

Here, then, is that total life of luxury, variety and convenience you've long desired.
Here is Long Island's premiere apartment residence: Executive Towers at Lido.

DIRECTIONS: Any Parkway to Meadowbrook Parkway, south to Lido Beach (Pt. Lookout turn-off). Right into Lido Blvd. to Maple Blvd. Left (to ocean) on Maple Blvd. (Fire House) to EXECUTIVE TOWERS. OR: Long Beach Road over bridge to Park Avenue. Left on Park Avenue to Maple Blvd. Right (to ocean) on Maple Blvd. (Fire House) to EXECUTIVE TOWERS.

ffice:
90-0670

e Towers
60 East Broadway
h, NY 11561

Exhibit B

Newsday

Jan 19, 1996

Almost new, largest 3 BR, 2½ bth w/master down, all appls, CAC, pool, club, tennis $245,990 KLAR 735-1700

LONG BEACH Oceanview $79K
CENTURY 21 KAYE 516/889-9700

LONG BEACH 516-431-6100
South Shore Condo/Co-op Kings
$75K & up. Some Owner Finance

LONG BCH DIRECT OCEANFRONT Lvly mint Jr 4, terr, G&E inc $110K MONARCH REALTY 516-889-2295

LONG BCH Great Buys 1BR, view $49,990 $5000 down; lg Jr 4 $59K, 2BR, terr o'vu $95K parkng 90% mtg avail Sturm 516-432-6725 431-4586 Eve

LONG BEACH COME SEE!!
OPEN HOUSE SUN 1-3PM
25 NEPTUNE BLVD APT 7A
Impeccable ocnfrnt 3BR,2bth Jewel Below market value. Motivated!
CENTURY 21 PETREY
516/431-0828

LONG BEACH - We Have Them All!
Country Club Twrs. 2BR Mint $79K
LB Terrace: 2BR, 1.5BTH $115K
SPE Condo: 3RM,Ocnfrnt,Terr$105K
Breakers 3BR, 2BTH, Terr Vw $189K
Boardwalk: 3BR, 2Bth, Jacuzzi$200 s
TOPPER REALTY 516/889-6677

LYNBROOK & E.ROCK. Renov Stu, 1&2 BRS, lux elev bldgs nr RR & Vill shops. South Shore Sales 516-887 4144

LYNBROOK/E ROCKAWAY 1 & 2 BR, gym, pool, party rm & new lobby, maint from $441. Call Mike. Century 21 At Your Serv516-599 2333

⇨IMMEDIATE⇦

LYNBROOK GARDENS Lge 1 BR, top flr, excel closets, indoor pk'g. For Sale $57K/Rent $975/Mo 516-883 2472

MEDFORD 'Blue Ridge' Super sharp 2 BR unit, upgraded kit, new applinaces, 1.5 bths. Bring checkbook. $87,500. Call Barbara. LSA PRUDENTIAL LI RLTY516-758-2552

MINEOLA (Birchwood Ct)
1 & 2BR apts. Walk to RR, shopping, municipal bldgs. Very reasonable. Also 2BR Bank Foreclosure avail. Call 516-338-4903

MINEOLA 2BR Condo, wlk LIRR, courts, hospital, lo maint, all appl, $125K neg. Owner: 516-421-2073

MINEOLA Garden Plaza Prime Loc 1BR, 24hr sec. walk shops/RR. Avail 3/1. Maint $450. $69,900 516-763-5413

MINEOLA/Nr Vill, sunny 2BR/2Bth, w/w, a/c, top flr corner, wlk LIRR, 24hr sec. $99K. Owner: 516-248 7544

OAKDALE OPEN HOUSE SUN 1/14 & 1/21, 11-4. 52 Wilshire La. Apt M5. Lge 2BR Co-op, new EIK, lots closets, walk RR, $66K/best offer 516-563-8912

OYSTER BAY 1 BR co-op, upper unit, pvt ent, immac! New kit & bth, nr R.R. & beach. $90K owner 516-624 2150

PORT JEFF at Sagamore Hills 1BR, DR/LR/EIK, Excel Cond! $72k. 516-467-6131 or 516-433-4107

PORT WASHINGTON
OPEN HOUSE, SAT 1/20, 1-3 PM
2L MADISON PARK GARDENS
Come see this bright 2 Br co-op. Just painted & ready for you to move in! Walk to all! $105,000
Coldwell Banker Sammis 767 9290

RIDGE LEISURE RE-SALES!
VILLAGE/KNOLL/GLEN
Many styles/sizes, from $50K
LEISURE LIVING RLTY516 821-1083

RIDGE, Leisure Vill - Baronet, Estate sale 2 BR, Gar, excel. Central loc. Principals. $82,500 516-367-7770

RIDGE "Strathmore Townhouse" 6 rms, 1½ bth, a/c, ceil fans, much more. Owner wants fast sale $149,999 Call Barbara. LSA PRUDENTIAL LI RLTY516 758 2552

RIDGE 'The Glen' over 55 - Premier Cntry Club community. Homes from $150,000 Joan Royals, 516 744 3787 Coldwell Banker Sammis516-331 9700

-Free heat & hot water
-EIK/updated appliances
-Lighted tennis courts
-Children's playground
-Sliding glass door w/pvt patio
-Convenient to shop'g/pkwys
-Close to healthcare
-Most pets accepted
-50 minutes from Manhattan
-Adj Belmont Lake State Pk

Jr 1, 1, & 2 BR Apts from $850 - NO FEES!

Dir: So State Pkwy Exit 39N. 1 blk to August Rd Left 1 mi. to apts. Ofce Mgmt Apt 15932
516-667-9575
OPEN 9-5 7 DAYS

BABYLON SUBURB A GDNS ALL NEW 1 BR Apts. 1 Mo FREE 516-884-7431, 516-669-8659

BABYLON VIL 1 BR, EIK, LR walk to vil/RR, w/w, clean & quiet, cable, no smoking/pets . $575/All 516-661-1848

BABYLON VILLAGE 1 BR, Full Bth, LR, EIK, Pvt parking, Near RR. $680 plus. Immed. Owner 516-799-5178/days

BABYLON W. 1BR yd use $625, 2BR pets ok $875, 4br 2bth house $1500, 2br beachfrnt $1295 bkr 516 587 9246

BABYLON/WEST 2BR bsmt Apt, carpeted, own thermostat. No pets. $725/ incl utils. 516 586 0904 or 516-242-1858

BABYLON W 3BR yard, bsmt $1000; 1BR Gdn $800 Lindy 1BRs $600 & up
MARIE WARD RLTY 661-2000

BALDWIN
1 BEDROOM
NO FEE
CALL 516 379-1756

BALDWIN-3room Apt, 2nd fl, pvt entrance, full bth, EIK, w/w, no pets, $700mo - elec, ref Owner 516 867-2505

BAYPORT Sunrise & Nicolls. Fairway Manor, Sect II, Brand New, Seniors (55-), rec bldg, 1 & 2 brs. From $825 363-6918.

BAYPORT 'Southern Meadows'
NEW REMODELED APTS
Best New Year Value Must See!
Call 516-363-6300

BAYSHORE 516-665-3231
Deluxe Studio, 1 & 2 BR Apts No Fee Conv LIRR/Pkwy Free heat/hot water

BAYSHORE 516-666 1463
LUXURY 1 & 2 BR APT.
Euro Kitchen Private Entry

BAY SHORE BERKLEY GARDEN APTS. Lge Rms 2½ & 3½ rm, closets galore, heat, gas, a/c, from $625 & up. No pets No Fee. Call 516 581 1369

BAY SHORE BROOK GARDENS
LUXURY SENIOR COMMUNITY
CALL 516-666-3750

Bay Shore Gardens 516-666 8235
Studio, 1BR & 2BR .... From $615
New applcs gas,heat & hot water incl
New w/w crptg, wlk to shops, bus stop

BAYSHORE Newbrook Gardens
Free gas, heat/cooking Nr shop/trans
1-2 Bedrms Cent A/C, pvt entry.
Call for info. 516-666 9589

BAYSHORE Studio/2 BR Beaut lake front gdn apt, huge rms, Islip SD, walk all, No Fee. Owner 516-666 1769

BELLMORE New Studio/kitch $575, 3 rms, fplc, gar $750, 6 rms, 3BR gar $1300/all Shane's Anchor 516 783 4540

BELLMORE 1 BR in 6 fam house. LR/kit combo, carpet, A/C, $700/mo incl heat Owner, No Fee. Bus Hrs. 212-481-1225; eves/wknds 516 822 7537

BELLMORE New studio 575 1BR 695all; exclu Wntgh 3BR, W&D, yard 975, whole house, 2bth, bsmt, gar 1575
YOUR HOME 516 826-4635

BELLMORE N. cozy studio, pvt entry w/w carpet, 1st flr, no smoking, no pets $495 includes utilities 516 221 0769

E. ROCKAWAY 4BR, EIK, frplc, walk RR/all, yard, gar, W/D, no pets $1400/inclu util. 516-599 2685

ELMONT/Franklin Sq. 2-3 4 5-6 rms. 3rm $600 4rm $775 5rm $950 6rm SD13 $1100 5rm hse $875 Bkr 516/488 3311

FARMINGDALE Main flr Queen BR, lg eik,huge LR,w/w,pvt entry,storage $775 all VIGILANT 516/931-7200

FARMINGDALE 3 BR, LR, DR, Fam rm, fin bsmt, 2 bth, Jacuzzi, w/d, D/W, Micro/ac/deck/gar/yd. Sec. No Dogs Near all. $1475 + util's. 516-753-0316

FARMINGDALE 2BR $1275
Includes Gas Cooking, Heat, Water
NO FEE. 331-4141

FARMINGDALE 1BR, LR/kit combo, pvt entry, no pets/smoking. $625 all utils/cable incl. 249-0731, lve msg

FARMINGDALE. 1BR on 2nd flr, LR/kit combo. $625/all.
PERFORMANCE 516-249-0044

FARMINGDALE 2BR, EIK, LR, 1st Flr Legal 2 Fam house, absent landlord, yd, - bsmt $875/mo 516 266-3138

FARMINGDALE Beaut 2 BR Gdn Apt Terr, W/W, A/C, great Vill loc, walk RR/all $1095 541-9163; 777-7151.

FARMINGDALE Bsmt Apt, 1BR, all new, quiet area, util incl. Non-smoking $600. 516-885 3721

FARMINGDALE KING SIZE 1BR Gdn apt, terrace, a/c, best Vill loc walk RR/all. $895 541-9163, 777-715

FRANKLIN SQ 4rms, 2nd flr, EIK walk to shops/RR. $850 plus elec. Call Owner 516-625-0546

FREEPORT
LARGE 1BR. BEAUTIFUL AREA
NO FEE. 516-223-6769

FREEPORT
LARGE STUDIO 1 & 2BR
NO FEE 516 546-667

FREEPORT
LUXURY STUDIO APT. ELEV BLDG. NO FEE. 516-378-9675

FREEPORT NO FEE!!
Studio & 1BR, gd loc, near trans Section 8 OK 718 353 3902

FREEPORT SO Waterfront studio, ideal 1, dock space, parking incl No Fee $625 516-378-2451.

FREEPORT - Studio, mod elev bldg, free parking NO FEE. Call Super at 516-868 2241

FREEPORT
STUDIO & 1BR IN LUX BLDG.
NO FEE. 516 546 9427

FREEPORT Well maint co-op Good credit a must. Studio $675 & 2BR $1200 ELEGANT CHOICE 516-623-732

GARDEN CITY/HEMPSTEAD
Cathedral Gardens, luxury apt for Rent Studio, 1 & 2 bdrm From $625 Call 212-593-3950 Mon-Fri

GARDEN CITY/HEMPSTEAD, 1BR Co-op near all, $900/mo inc heat & hot water. Avail Immed 516 485 2472

GLEN COVE 1BR $700, 2BR $950 House 3Br, 2bth, frpl $1500. Sea Cliff 2BR loft $1200 CORISTAN 516 671-397

GLEN COVE 1bd $700, 2bd $900, 3bd 2½bth, 2frpl, gar, CAC, $1700 SEA CLIFF 1bd $700. CEASARS 676 820

GLEN COVE 1Br $650 $700, 3Br house appls gar $1450 5Br house, waterview, $2700. STURNO 759

⇨IMMEDIATE⇦
GLEN COVE Studio 1,2 bd, gar, tennis w/w d/w, terr. Free Pkg Fr $650 NO FEE 516 759 9210

HAMPTON BAYS Immac 2 fam 2nd flr apt 5BR, 2bths LR, DR, kit, cath ceil, w/d hook up. $950 516-822-8075

HAUPPAUGE
STRATFORD GREENS
ONE MONTH FREE*
STUDIOS, 1 BR's & 2 BR's Free swim club, new kits & appls, a/c units, gas heat/cook Hauppauge schls
*On selected apts 516 234 3595

HAUPPAUGE/Smithtown, Lux Gdn Apts, 2 ½3½/4½, new kits, d/w plenty clsts, immac fr $695 361-6862/681 6986

LEVITTOWN. Mint 1BR on 2nd flr. EIK, LR, all new! Cable incl. $800/all.
PERFORMANCE: 516-249-0044

LEVITTOWN, Mint 2BR, 2nd flr, eik, child welcomed, pvt entry, yard, w/d hookup, cable $1000/all. 516-731-8251

LEVITTOWN 4 rooms, new w/w, new bath, immaculate. Immediate! $1,050 includes utilities, plus sec 516-293-2127

LEVITTOWN-studio w/full kit & bth nr trans, $640 mo heat & hot water included, free parking. Owner 516-735-7545

LINDENHURST 4 Rm 2 lge BR, LR EIK, W/W, full bth, lge closets, D/W, near all $800 elec Marino RE 789-8631

LINDENHURST 1 BR, LR, KITCH, full bath, pvt entr, immed occupancy. $600 All. 516-957-7726

BABYLON/Lindenhurst Gorgeous!! Main lvl, 2BR, gar, bsmt, drvwy, yard ERA/Cassata Rlty 516/669-9100 24hrs

LINDENHURST Normandy Gdns 1-2 bds, a/c, dishwasher, laundry, prkg No Fee From $785. 516-884-4446

LINDENHURST NO-4 beautiful rms 2 BR, new EIK, W/D, DW, w/w, a/c closets galore $950 - elec 516-226-3411

LINDENHURST VILL Side by side, 1st fl, an BR,huge LR& kit,pvt yd CENTURY 21 AA 516-226-5

LONG BCH/Some NO FEE Winter, Yearly Studios & Large Apts. Station RltyOpen 7 Days516 889-0080

LONG BEACH 2BR, 2bth $1100
CENTURY 21 KAYE 516/889 9700

LONG BCH Condos Oceanfrnt, Yrly & Summer Rentals. $100 off yrly fee w ad VERDESCHI RE 516/431-6166

LONG BCH,Studio w/alcv, EIK, W/W, hi flr oceanfrt bldg $750 w/ht/H/W STERRERS100 OFF FEE516-431-4500

LONG BEACH-2 BR under 1st flr EIK walk beach, nr all. $800 includ all Owner 516 223-0464 212-337-3122 Sonya

LONG BEACH E 1BLK Ocean 3BR,2Bth driveway, yard, $1200 mo plus util No fee Rent w/option. Days 516 354-0029 ext 3030 Eve. 516 931-5235

LONG BEACH E. 2 rm studio $600 all Also apt share $450 all. Near beach & LIRR No fee! Owner 516-431 9867

LONG BCH "Exec Towers" o'sized BR great closets balc, laundry, walk bch $840. HAL KNOPF 516-764-6060

LONG BEACH GULL RENTALS
Yearly Open 9-9 889 4600

LONG BEACH Oceanview W. Holme twnhse 2 BR duplex, den, gar. $1800 CENTURY 21 SCULLY 516-889 7110

LONG BEACH 5+ RENTALS
SOUTH SHORE Call 516 431 6100

LONG BCH Rental Specialists
WE HAVE 1-2 & 3BR APTS AVAIL
MANY IN WALK TO BEACH AREA
HOUSE RENTALS/SALES CALL
Century 21 PETREY 516/431-0823

LONG BEACH Studio $600, 1BR $850 Bch Wlk Lndng 2Br,2Bth, $1650 Ocean Club 2Br $1800. And More. TOPPER REALTY 516/889-6677

LONG BEACH WEST END
2 BR apt w/terr, rent $975 mo.
718-994 6448

LYNBROOK-3 rms $600, 4 rms $725 5 rms 1st flr-$1000 MANY OTHERS MARY CHARLES RLTY 516/887-3377

LYNBROOK A1 Rental Specialists Absolute great apts in 5 Towns, Valley Stream/vic JULIA STEVENS295 1454

LYNBROOK Nr all, 3 Lge Rms, light, bright 2nd flr, 2 fam house, incl heat & hot wtr $750/Mo Owner 516-679 9334

LYNBROOK
$650 ... 3 rms, 1 BR, Bright & Airy
$850 .... 4 rms, 2 BRs, 1st flr
$1100 ...... 6 rms, 3 BRs, Spacious
HEINEMANN 516 825 3333, 568 1600

LYNBROOK - RVC - OCEANSIDE GARDEN APTS FROM $600
Open til 9 PAOLUCCI R E 516-825 1500

LYNBROOK 1st flr of 2 family, 1½ BR all new kitch & bth Walk to LIRR *Avail Immed *$925/mo 516-938 6745

1 & 2BRs From $760
FREE: heat, hot water, a/c, carpeted, dishwasher, full country club facility includes indoor pool. 516-289 4409

PATCHOGUE HBR 475-8922
ONE MONTH FREE*
LUXURY 1 BR APTS
*call for details FAIRFIELD

PATCHOGUE
Heatherwood Garden Apts
1 BR from $710
FREE Heat, Hot Water & Carpet Lakeside Setting. Close to Village. Immed/Future. 516-289-3241

PATCHOGUE MT VERNON AVE
MOUNT VERNON GARDEN APTS
Lge 1 & 2 BR Terr. Apts
Located in residential area, includes heat & a/c. From $740. 516-475-1667

PATCHOGUE NO FEE
Studios 1 & 2BR
1 Mo. Free On Select Apts 758-1655

PATCHOGUE Tiffany Apts 1BR w/w a/c, d/w, elev, laundry rm, free cable $715 No fee. 516-758-7977; 516-484-6300

PLAINVIEW. Beaut 1 BR bsmt, EIK, lge LR, plenty of closets & wndws, o'sized full bth, no pets, non smoking $750 all. 2/1 occup 516-681-4914

PORT JEFF 516-928-7250
LUXURY 1 & 2 BR Apts.
• Conv SUNY/Hospitals Vill
• Euro Kit/Dshwshr & Micro
• Euro Bth/short term leases
NO FEE FAIRFIELD

PORT JEFFERSON VILL HARBOUR HGTS
1 & 2BR Apts From $755
Beautiful Belle Terre Area
Pvt Entrance, Free Heat
Hot Water, A/C, Parking
NO FEES 516-928-1437

PORT JEFFERSON NO FEE
2BR, LR, DR, D/W, a/c, W/D, patio, pool. $940 incl heat. Ownr 516-941-3706

Great Location
PORT JEFFERSON VILL. Spac 2BR w/pvt entry, EIK, full bth. $850 Owner: 516-689-9816

PORT JEFF VILL-Chandler Square Newly renovated 1BR, harbor view W/W, no pets. $800/all. 516-928-8392

PORT JEFF STA. "Stony Hollow" & Deluxe 1 BR Reno, W/W, A/C, Pool, Tennis from $695/mo. 698-8344

PORT WASHINGTON
WILDWOOD & SOUNDVIEW GDNS Spac Studio 1 & 2 BR apts nr all conveniences Fr $895. 1 Month FREE Rent Selected Apts Must See 516-944 7940

PT WASH. 1BR, walk RR $900; 3BR, flr $1200; CAC dup $1675, Col $2700 Others SANDSPORT 516-883-7780

PT WASHINGTON Pristine 1 BR apt $800/mo unfurn. or $875/mo furnished Coldwell Banker Sammis 767-9290

RVC LR, EIK, 2 BR - , duplex in legal 2 fam Walk to train & stores. W/out util $1100. Ownr, No Fee. 516-594-1371

RVC/OCEANSIDE & VIC
$750Pays all........3 rms, 1 BR, Mint
$895.............. 5 rms, 2 BR, lge EIK
$1250 .... 6 rms, 3 BR, Modern
HEINEMANN 516-763-1200, 568 1600

RVC & VIC RENTALS AVAIL!
STUDIOS TO HOUSES-Ask For Andy
MARTELL REALTY 516-678-2133

Ronkonkoma & areas. 1, 2, 3 & 4 BR Apts/houses from $600 Open Eves. LAKE HILLS REALTY(516) 981-8800

Newsday

FEB 2, 1996

Apartments For Rent/Nassau/Suffolk

HEMPSTEAD 1 BDRM
FREE PARKING NO FEE
516-486-1010

HEMPSTEAD-LUXURY ELEV BLDG. LARGE STUDIO. NO FEE. 516-489-4165

HEMPSTEAD very lge, spac 1 BR's & Studios avail in well secured building. The New Country Estates 516-292-6071 Renting office open Mon-Fri 9-4

HICKSVILLE Mint 1BR, EIK, LR, den, w/w, F/bth, own thermo $750/all Many Others VIGILANT 516-938-2900

HICKSVILLE Adorable 1BR All New! F/Kit Pvt Entry Own Thermo Immed $675 2Mo Sec Keith 516-485-9700

HICKSVILLE 1 BR Bsmt Apt, EIK, LR, showr Bth, pvt entry, own thermo, a/c, cable, w/w, non-smoking apt, no pets ref's $700/all 516-433-7344.

HICKSVILLE 1BR, Kit/LR, skylt, closets.new paint/carpet, no-smoking/pets.$600/all avail 2/1 516-935-7683

HICKSVILLE- 1BR apt, lge EIK, small den, pvt entry, centrally loc. $625 plus util. Days 516-294-6309

HICKSVILLE 2BR, 1st flr, D/W, DR, fin bsmt/bth, W/D, garden, fresh paint no pets,heat incl. $1350. 516 681-4728

HICKSVILLE- 2½rms, $595. 3½rms, patio. $695 3BR, yard, gar, $1195. Pvt entry, pvt home. No fee. 516-799-3614

HOLBROOK- Hillcrest Village Spacious Gdn Apts, Parklike Setting 865 BROADWAY AVE.
1 & 2 BR From $770
Includ heat/hot water, a/c, pool, tennis. Convenient to Vets Hwy/LIE 516-567-1761

HUNTINGTON & VICINITY HOUSES & APARTMENTS
"WE STRICTLY DO RENTALS"
FINEST REALTY 516/367-3222

HUNTINGTON 2BR $1275
Includes heat, gas cooking, water. NO FEE. 516-331-4141

HUNTINGTON/Maplewood lge studio, full kit/bth, w/w, pvt entry, prime area. $500/all. Refs. 516-422-2076

HUNTINGTON 1½rm, Modern 325
Hear of village studio, kit, heat $425
Modern, carpeted 2BR $750
Cute 3BR, skylit, 2nd flr $895
New kit 3BR 2bth, heat incl $1395
PIUS REALTY 516-757-4211

HUNTINGTON Spac 2BR, Newly renov & carpeted,new bth & EIK, sep dining.$1000 Avail Immed 516-643-9300

ISLAND PARK Barnum Isle Brand New 2 BR, 2 bth, 1500 sq ft, garage avail, $1800, Owner: 516-432-2244

ISLIP
Special Rates/NO FEE
1 & 2 BEDROOMS
BEAUTIFUL GARDEN APTS
Across from Park & School

FEATURES: Pvt terraces w/sliding glassdoors.Decoratorkitchenswith 2-doorrefrigerator&dishwasher. Deluxe oak cabinets. Hardwood flr
MAPLEWOOD APTS
2455 Union Boulevard
Call Owner Mon-Sat: 516-277-6781

ISLIP Cheery 3BR Co-op Garden apt, ample closets, wood floors, 1 bth, incl heat. $1100. Owner. 516-435-8396 Msg

ISLIP FOREST GREEN Near Shore 1BR, 1BR deluxe, 2BR, lux apts start $675. Incl heat/hot wtr. 1mo Free Rent Mon-Fri 10-4, Sun 12-3. 516-224 4000

Apartments For Rent/Nassau/Suffolk

JERICHO
WESTWOOD VILLAGE
ONE MONTH FREE* Townhouse
1 & 2 BRs fr $995
Featuring D/W, CAC, Swimming & tennis, near all major parkways. Jericho School District.
516-333-1919
*Townhouse Apts Only.

JERICHO/HICKSVILLE
290 N. Bdwy, Hicksville-Close to major pkwys/RR/shopping/transit. Visit 7 days 9-5, 1 & 2 Bedrooms
Fairhaven
GARDEN APARTMENTS
516-433-1959 No Broker's Fee!

LK RONKONKOMA 1BR, LR, EIK, Upstairs, side entry, 1 mo sec, no pets/smoking $670 516-585-4186

LEVITTOWN Spac 2nd fl, 4rms, 1BR, lg Eik, LR, den/office, f/bth.. $800al Others Avail VIGILANT 516/931-7201

LEVITTOWN Mint 1BRs fr $650 all 2BR,2nd flr,EIK,DR,LR,f/bth $1000 all Levittown's VIGILANT 796-800

LEVITTOWN Being painted, carpeted, vacant, 4rms, driveway, big yard, 1st flr, 2 BR, $875 + util Ownr 368-0550

LEVITTOWN 2BR, EIK, LR, frplce, w/w carpet, closets, fenced yd. No pets. $835 - Owner. 516-243-6009

LEVITTOWN. 2nd flr, 1BR, EIK, LR, skylt, full bth. $750/all.
PERFROMANCE: 516-249-0044

LEVITTOWN. New Main Flr 2BR EIK, LR, full bth. $1,000/all.
PERFROMANCE: 516-249-0044

LEVITTOWN-Studio w/full Kit & bth, $640mo heat & hot water inclu, free parking, By Owner 516-378-2777

LINDENHURST 5 Rm 2 Qn BR lg LR kit-DR combo full bth, lg closets, W/W clean, $900 all Marino RE 789-8631

LINDENHURST $750 ALL. LEGAL 1BR HI RANCH DOWN IMMED OCC CALL 516/665-1532

LINDENHURST 1 BR Garden apts, Convenient Loc, Laundry, EIK, prkg, Immed No Fee Owner 957-8625

LINDENHURST 3BR, totally remodeled/carpet, access to bsmt. No pets. Nr shops. $975 plus util. 516 957-5084

LINDENHURST-1 BR, EIK, LR, BR, carpeted. 2nd flr, no pets, heat inclu. Immed. $650/mo. Don 516-581-5365

LINDENHURST Normandy Gdns 1-2 bds. a/c, dishwasher, laundry, prkg. No Fee. From $785. 516-884 4446.

LINDENHURST, south of Montauk 1BR, new rugs/paint, clean, bright, no pets, $600 plus util, 516-242-6333

LINDENHURST VILL- 1 Lg BR, LR/Kit, Full Bth, Walk RR & Shops $600 - elec No Fee Owner 516-781-1703

LINDENHURT Cottage 2 Bedrooms, liv rm, EIK, bsmt, yard, pet ok. $950+. Broker 587-6900

LONG BCH Condos Oceanfrnt, Yrly & Summer Rentals. $100 off yrly lee w/ad. VERDESCHI RE 516/431-6160

LONG BEACH A1 Bkr: 516-432-891 Studios $605up, 3rm $675 up, W. 4rm $750; 6rm hse $1000. 8rm Col $1800.

LONG BCH Apt Specialist studio,ter vu only $825; 3BR apt nr bch $1000 3BR 2bth mod Ranch has all.excel cond $1600 Sturm 100 W.Park 432 6725

Apartments For Rent/Nassau/Suffolk

LONG BEACH 3 BR, pvt ent, full bth, EIK, lge LR, front porch, nr. beach & transit. $1200 incl util. 516-791-2439

LONG BEACH 1 BR, walk RR, renov all new, W/D, backyard/deck, $700 includes all. 516-431-0319, 6-8:30pm

Open House

LONG BEACH Fri&Sun 2/2&4 11-4pm 37 W. Hudson, Lge 2BR, sunny, great loc, pvt deck, EIK, Immed! $925/mo Housing Hunters, 7 Days; 212-971-0899

LONG BEACH GULL RENTALS
early Open 9-9 889-4600

LONG BEACH IMMED $850
BDRMS INCL HEAT & H/W
TERRER REALTY 516-431-4500

LONG BEACH Lrg furn 1BR Apt, LR,kit,porch, pvt entry, $800 util incl. No pets. 516-432-5344

LONG BEACH, 6 rms, 3 BR, 1 block beach, great view. New kitchen. $1250. Free G & E. Call 718-767-2703

LONG BEACH 5+ RENTALS
SOUTH SHORE Call 516-431-6100

LONG BCH Rental Specialists
WE HAVE 1-2 & 3BR APTS AVAIL MANY IN WALK TO BEACH AREA HOUSE RENTALS/SALES CALL Century 21 PETREY 516/431-0621

LONG BEACH-Studio $600; 1BR $850; Bch Wlk Lndng-2Br,2Bth, $1650 Ocean Club-2Br $1800; And More.. TOPPER REALTY 516/889-6677

LONG BEACH West End, 1BR, New Kit/Rugs, Clean, Parking, $400 Includ All, 610-522-1908 Lve Me

LYNBROOK & VIC 1 BR Bright $625. 2BR, new kit & bth, walk all $875; 3 BR lge rooms, new D/W $1100. Others Avail! Broker 516-561-RENT

LYNBROOK A1 Rental Specialists. Absolute great apts in 5 Towns, Valley Stream/vic JULIA STEVENS295-1454

LYNBROOK-Duplex apt, Immed 2-3 BR, ac, w/w, w/d, DW, 2 car prkng, child/pet ok. $1300 plus. 516-593-9555

LYNBROOK Lo-Rise elev build, 2BR, 2 full bth, terr, gar, pool, walk RR. Huge closets Ownr $1350 516-781-2336

LYNBROOK
$625 .... 3 rms, 1 BR, Spacious
$850.......... 4 rms, 2 BRs, New EIK
$1100.... 6 rms, 3 BRs, Walk to RR
HEINEMANN 516-825-3333, 568-1600

LYNBROOK 5 Towns Hewlett Elev, 3rm, pool/prkng $810; 2br, eik, $1100; Hses $1800 Futuristic 295-0800

LYNBROOK/Wyndam House, 200 Atlantic Ave., 2BR, 2 bth, lux co-op bldg., swim pool, immed occup. $1200 mo. No fee. Lv msg. 718-253-6306

MASSAPEQUA AAA Mint 3BR, lg LR, DR, lg MBR, new Eik/bth, Must See! $1300/all VIGILANT 516/931-7200

MASSAPEQUA 1st fl 1BR $600; Mint King BR $675; 3 1/2 rms, w/d $775; 4 rms, 2BR $1000 all. Broker 798-6198

MASSAPEQUA new 3 kg rms,yd $900; Mint 3 rms, lots of storage ..... $650 2BR, yard small pet OK .... $900 BON-ANNO REALTY 516/420-9059

MASSAPEQUA 1BR apt, deck overlooking canal, non-smoking, avail 3/1. $875 includs util. Owner 516-797-9254

MASSAPEQUA Broker 795-7878
1st flr, yard, cable, lge BR, cat ok $650
1 Bedroom, mint, storage $800
3 BR, LR, DR, driveway, W/D$1300 all

Apartments For Rent/Nassau/Suffolk

MASSAPEQUA E 1 BR, Full Bth, LR, EIK, Private Parking, Nr RR, $625 plus Immed Owner 516-799-5178/days

MASSAPEQUA E. Nice 2BR Duplex Townhouse w/1½ Bths, LR, EIK Bsmt, Near RR, $950 plus Owner 516-799-5178/days

MASSAPEQUA No./So. Farmingdale 1BR bsmt apt, LR, kit, bthrm, storage rm, $635/incl all, ownr 516-379-0101

MASSAPEQUA S. 1BR, new kitch & bth. Frplc, washer/dryer, LR/DR, $750/mo plus utilities. 516-798-2121

MASSAPEQUA S. Studio w/EIK, w/w, main flr, pvt entrance. $600 incls all. Great loc. Avail Immed 516-798-5737

MASSAPEQUA Spacious dplx, FDR, EIK/DW, king BR, closets, deck, w/w, cable $900. Century 21 AA516-826-8100

MASSAPEQUA Studio $320-$500; 3 rm $575-$650; All new 2-3 BR $1000-$1275; Lindy 4br/2bth $1250 Bkr 798-7880

MASSAPEQUA. Studio, jacuzzi, w/d $595; 1BR cottage, all nu $825; 2BR, cath ceil, skylite $975; 3BR watervu $1350 & $1050. CUSTOM RE 798-4100

MASTIC/MANOR PK. 4 rm apt, BR w/bth, den, kit, LR, W/W. No pets. Nr LIE/RR/shops. Owner/occupant $750 plus sec. Refs. 516-399-4234

MELVILLE Studio, sep kit area, main flr, no smoking/pets, nr pkwys, cable $550 incl all 516-427-1960 lve msg

MERRICK Brand New Lux apts a/c, dw, w/d 2.5rm-$800 3rm-$850 nr LIRR MANHEIM EQUITIES 516-520-2000

MERRICK 1 BR bsmt apt w/pvt entry, W/W, W/D. No pets. $650/all. 516-546-1544 days; 516-785-5383 wknds

MERRICK N. Qn BR w/lge walk-in closet, LR, new EIK, full bth, new w/w, lots of storage, pvt entry, own thermostat. $750 all Ownr 516-377-1330

MERRICK/Vic Mint Studios 1-3BRs Condos, Garden Apts, Houses Fr $500-$2000 Call Ron CUSTOM 516-868-7722

MIDDLE ISLAND 516-924-1100
LAKE POINTE VILLAGE
LUXURY 1 & 2 BR APTS
Walk Shopping Private Entry

MIDDLE ISLAND Condo, 2BR, 2bths CAC, W/D, DW, $925 + sec. 516-696-8203

MINEOLA Co-op studio $850; 1BR $950; 2BR 2bth $1350; House $1600 RANDOM R.E. 516-741-9292

MINEOLA 1BR CO-OP $950
2BR Condo $1200 w/prkng Others avail VALENTINE Agncy 516-746-7200

MINEOLA-2Br LR EIK drvwy $800+ PLAINVIEW 3rm cottage bsmt $950+ BETHPAGE 3rm walk RR $650; Studios fr $450. GAETANO 516-931-8585

MINEOLA. Condo (New) 1BR, 1½ bths, prkg, walk to RR & Hospital. $1,050. Refs req'd. 516-669-6658

NEW HYDE PK/FRANKLIN SQ 1-3BR APTS, STUDIOS + HOMES START $600. S.A.REALTY 328-6385

Northport/Huntington 516-547-5300
Charming Village furnished 2BR,LR, kit,f/bth,w/d $1000-Mint 1BR hwd flrs-$915; 2BR, skylite, $900all; Cnpt furn waterfront 1BR has it all! $1200; Hunt New 1BR cottage $850; cute 1BR quiet area $700 all.Call Ginger 361-3525 at CENTURY 21 NORTHERN SHORES

OAKDALE Beautiful Lge 1Br Lr, EIK, Oak Flrs, $750 All. Avail Now, 516-567-7753 Eves

OAKDALE 1BR, full bth, lge LR/kit, lg walk-in closet, very clean, quiet street. No fee $625/all 516-563-4016

Apartments For Rent/Nassau/Suffolk

OAKDALE
OAKDALE BOHEMIA RD
ST & 1 BR From $635
Includes heat/hot water/air cond. Immediate/Future. Beautiful estate setting. 516-567-9259

OAKDALE 3½ Rms, sunny, legal, ideal LIRR commuter to NYC, no pets, ref's & sec. $650/Mo. 516-567-0470.

"OCEANSIDE COVE" Great Loc. Mod 2 BR, 1½ bth duplex, CAC, w/w, gar, pool, tennis, 24 hr sec, $1600. HAL KNOPF 516-764-6060

OCEANSIDE Mint 3½ Huge Rooms lge LR & BR, full bth, D/W, lots closets w/w, a/c, walk RR, 35 min NYC. No fee $950/incl ht/hot wtr/gas 516-826-4932

OYSTER BAY New 2 BR, white kit & bth, oak flrs, near RR & beach $1200. Also New 1 BR, nice backyard $1000. Day 516-922-9341; Eve/wknd 922-7421

PATCHOGUE & BABYLON
Luxurious Waterfront Garden Apts From $685. All Suffolk County town rentals available. 1BR thru 6BR. Section 8 welcome. Call Action Realty Rental Specialists at; 516-736-2294

PATCHOGUE E. 516-475-7313
GREENBRIAR GARDEN APT
WINTER RENT UP SPECIAL
1 BR - $599
2 Min Walk To Brookhaven Hosp
PATCHOGUE/MEDFORD SD

PATCHOGUE HARBOUR
ONE MONTH FREE
LUXURY 1 BR APTS.
FAIRFIELD 516-475-8922

PATCHOGUE
Heatherwood Garden Apts
1 ST fr $590. 1 BR fr $710
FREE Heat, Hot Water & Carpet Lakeside Setting. Close to Village. Immed/Future. 516-289-3241

PATCHOGUE Lge 2 BR, LR, DR, EIK, full bth, top flr, nr all. Very light. Sect 8 OK. 516-364-2276

PATCHOGUE Mod 3 BR, w/w, frplc, cable, lge closet, priv entry, driveway; $900 plus elec 516-286-6238

PATCHOGUE MT VERNON AVE
MOUNT VERNON GARDEN APTS
Lge 1 & 2 BR Terr. Apts
Located in residential area, includes heat & a/c. From $740. 516-475-1667

PATCHOGUE NO FEE
Studios 1 & 2BR
1 Mo. Free On Select Apts. 758-1655

PATCHOGUE Tiffany Apts 1BR w/w a/c, d/w, elev, laundry rm, free cable $715. No fee. 516-758-7977; 516-484-6300

PORT JEFF 516-928-7250
LUXURY 1 BR APTS.
• Conv SUNY/Hospitals/Vill
• Euro Kit/Dshwshr & Micro
• Immediate occupancy
NO FEE FAIRFIELD

PT JEFF STA lge studio, full bth & kit, W/W, pvt entry, $550/all. Call aft 6pm 516-473-8416

PORT JEFFERSON VILLAGE
Immediate Occupancy
All new 2 BR condo with garage & bsmt. $1250/mo, Includes water & cable TV. All appliances, pool, tennis, gym & much more. (516) 331-0555

PORT JEFFERSON NO FEE
2 BR, LR, DR, DW, AC, laund, patio, pool $900 incl heat, owner 516-941-3706

Apartments For Rent/Nassau/Suffolk

PORT JEFFERSON VILL
HARBOUR HGTS
1 & 2BR Apts From $760
Beautiful Belle Terre Area
Pvt Entrance, Free Heat
Hot Water, A/C, Parking
NO FEES 516-928-1437

PORT JEFF VILL-Chandler Square Newly renovated 1BR, harbor view. W/W, no pets. $800/all. 516-928-6392

PORT JEFFERSON - Luxury 1 BR, new appliances, W/W Carpet. $795 516-979-4602

PORT JEFF STA spacious 2-3br apt, pvt entry/yd, eik, lr, full bth, 2br-$850, 3br-$1200. Avail 2/1. 516-331-0181

PORT JEFF VILL spacious studio w/loft, eik, full bth, $525 plus util. Immed. Owner 516-474-2456

PT JEFF VILL 2BR, frpl, wd flrs, (1st flr in 2 fam), gar. No pets. Avail Now $695 plus utils. 212-663-3893

PORT WASHINGTON
WILDWOOD & SOUNDVIEW GDNS.
Spac Studio 1 & 2 BR apts nr all conveniences Fr $895. 1 Month FREE Rent on Selected Apts Must See 516-944-7940

PT WASH: 1BR, walk RR $900; 1BR, ht $1050; 2BR grdn $1350; Col $2650/ furn $2800 SANDSPORT 516-883-7780

ROCKVILLE CENTRE Spacious 1BR $950; Studio $750; Elevator bldg. 1 free prkg space, laundry room on every flr, A/C, free gas. 516-536-9041

RVC 1BR's, elevator bldg-$900; 2 - BR private house-$1200! 516/764-2601 CENTURY 21 SHERLOCK HOMES

RVC/OCEANSIDE & VIC
$650............... 3 rms, 1 BR, Spotless
$895.... 5 rms, 2 BRs, Attic, Storage
$1500 5 rm lux co-op, 2 BR, 2 bth, Terr
HEINEMANN 516-763-1200, 568-1600

RVC & VIC. RENTALS AVAIL! STUDIOS TO HOUSES-Ask For Andy MARTELL REALTY 516-678-2133

Ronkonkoma & areas: 1, 2, 3 & 4 BR Apts/houses from $600. Open Eves. LAKE HILLS REALTY (516) 981-8800

RONKONKOMA BROKER 981-3101
Mint Furn Studio $500
4 Rms, 2 BRs, yard, bsmt $825

RONKONKOMA
Heatherwood on The Lake
ST & 1 BR fr $650
Immed/Future occup, A/C, D/W, heat includ. Near all conveniences. 516-585-2562

ST JAMES new 1br, ceramic tile, Berber carpet, stall shower, access to driveway, $675 incl all 516-584-3114

SAYVILLE 516 567 6333
LUXURY 1 & 2 BR APTS.
NO FEE FAIRFIELD

SAYVILLE lge studio/1 BR, 1 blk from shop/RR, newly renov, no fee, $550 incl heat/hot water. 516-691-4994

SAYVILLE On Great South Bay pvt beach, studio w/sleeping alcove, 1 & 2 BRs,laundry, parking No fee. $640/mo Call Supt, 516-567-0800

SAYVILLE; Walk to all, spacious 3½ rm apt. $735/mo included heat & cable. No Pets. Owner. 516-589-2088

SEAFORD Studio/kit $500; New spac 3 rms $650; Waterfront Mint 3 huge rms $800 Shane's Anchor 516/783-4540

Long Beach
HERALD

75 CENTS
JANUARY 11 - 17, 1996

LONG BEACH: SHARE 2 BR. Own: large carpeted bedroom/ huge closets, full bth, cable TV, 1 block from beach. Share: EIK/ dishwasher, LR, balcony, W/D. No smoking/ pets. $650/ month including utilities. 516-431-9119

JAN. 4-10, 1996

APARTMENTS FOR RENT

A1 ABILITY RENTALS. All local areas. Rooms from $70, Studios from $450, 1 Bedrooms from $550, 2 Bedrooms from $800. RENT FINDERS, Small fee. 516-794-5544

A1 AFFORDABLE RENTALS! Rooms from $70/ week! Studios, 1-3 bedroom apartments from $375/ month! Over 300 listings! All areas! Small fee! RENTAL LOCATORS 516-546-6844

Newsday
THE LONG ISLAND NEWSPAPER

LONG BEACH A1 Bkr: 516-432-891
Studios $600up; 3rm $675 up; W. 4rm
$750. 6rm hse $1200. 8rm Col $1800.

LONG BEACH #1 RENTALS

CENTURY 21 KAYE 516/889-970

LONG BCH Condos Oceanfrnt, Yrly &
Summer Rentals. $100 off yrly fe
wod. VERDESCHI RE 516/431-6160

LONG BCH Apt Specialist: Bran
new studios & 1BR apts from $750 b
ocean. 2BR in house $1000 ht incl.
STURM 100 W.Park 516-432-672

LONG BCH Only a Few Left! NO FE
1Studio $700 1br O/V $1400 2br 2b
TopFlr $1500 ELEGANT 516-432-210

LONG BEACH Adorable 1Br, Eik
Walk RR, Oceanview, gym/party rm
Prin only! Avail 6/1 $900 800-635-890

LONG BEACH E., All mod 3BR, 2bth
W/I, W/D, D/W. $1200 + util
STERRER REALTY 516-431-450

LONG BEACH East End, 1st Flr,
BR, lge kit, very clean. $950 - uti
No pets. Princ only. 516-872-5747

LONG BEACH EAST, near beach
garden apts. 1BR & studio, newly
renovated, w/w, terrace, immediate
Excel location, no fee. 516-431-1560

LONG BEACH E. Small 1BR attic
apt, kit/dining, lge deck $700/mo plu
elec. Refs req. 1yr lease 516-897-3822

LONG BEACH GULL RENTALS
Yearly Open 9-9 889-4600

LONG BEACH Large, bright freshly
painted 3BR, w/w, full deck, no
pets, no fee. $1275. 516-431-5535

LONG BEACH 5+ RENTALS
SOUTH SHORE Call 516-431-6100

LONG BEACH Renov grdn apts
w/terr, swim pool, beach access. Stu
dios & 1BR, $975 & up. No fee. Monroe
Beach, D 516-420-8850; E 516 431-198

LONG BCH Rental Specialists
NEAR BEACH 2BR $900
3BR EAST, YARD ..... $1400 all
3BR SUMMER, ASKING $11,00
Century 21 PETREY 516/431-0828

LONG BCH Rental Specialists
NEAR BEACH 2BR $900
3BR EAST, YARD ..... $1400 all
3BR SUMMER, ASKING $11,000
2BR SUMMER,PARKING $8,00
Century 21 PETREY 516/431-0828

LONG BEACH-Studio All New $675;
3 Rm, $750; Brkrs; 2Br, 2Bth, $1700;
TOPPER REALTY 516/889-6677

Apartments For Rent/Nassau/Suffolk

LONG BEACH West End. 2BR groun
flr apt, lg EIK, lg LR, 1½ blks beach
$900 plus utils 516-431-1305 lve msg

LONG BEACH/West end. Lge, mint
1BR, CAC, high ceils. 1 block beach
Waterview. $750. Owner 718-897-934

LONG BEACH W. Luxury Oceanfron
2BR/2Bth Apt in 2 fam house w/terr &
prking. Avail July 2nd. $2000 plus uti
Also Oceanview 2BR/1bth Apt in 2 fam
home w/terr, LR, frpl plus gar. $140
plus util. Avail May 2nd. Prin only
Mature persons. 516-431-6473

NEWSDAY, FRIDAY, APRIL 26, 1996

Apartments For Rent/Nassau/Suffolk

LONG BCH Condos Oceanfrnt, Yrly &
Summer Rentals. $100 off yrly fee
wod. VERDESCHI RE 516/431-6160

LONG BCH Only a Few Left! NO FEE
1Studio $700 1br O/V $1400 2br 2bd
TopFlr $1500 ELEGANT 516-432-2100

LONG BEACH Adorable 1Br, Eik,
Walk RR, Oceanview, gym/party rm,
Prin only! Avail 6/1 $900 800-635-8900

LONG BEACH E., All mod 3BR, 2bth,
W/I, W/D, D/W. $1200 + util.
STERRER REALTY 516-431-4500

LONG BEACH East End, 1st Flr, 2
BR, lge kit, very clean. $950 + util
No pets. Princ only. 516-872-5747

LONG BEACH EAST, near beach
garden apts, 1BR & studio, newly
renovated, w/w, terrace, immediate.
Excel location, no fee. 516-431-1560

LONG BEACH E. Small 1BR attic
apt, kit/dining, lge deck $700/mo plus
elec. Refs req. 1yr lease 516-897-3822

LONG BEACH GULL RENTALS
Yearly Open 9-9 889-4600

LONG BEACH Large, bright freshly
painted 3BR, w/w, full deck, no
pets, no fee. $1275. 516-431-5535

LONG BEACH 5+ RENTALS
SOUTH SHORE Call 516-431-6100

LONG BEACH Renov grdn apts
w/terr, swim pool, beach access. Stu
dios & 1BR, $975 & up. No fee. Monroe
Beach, D 516-420-8850; E 516 431-1988

LONG BCH Rental Specialists
NEAR BEACH 2BR ..... $900+
3BR EAST, YARD ..... $1400 all
3BR SUMMER, ASKING $11,000
Century 21 PETREY 516/431-0828

LONG BEACH-Studio All New $675;
3 Rm, $750; Brkrs; 2Br, 2Bth, $1700;
TOPPER REALTY 516/889-6677

LONG BEACH W. All mod 1BR upper,
$1 occup. $750 all inclusive
STERRER REALTY 516-431-4500

LONG BEACH West End. 2BR ground
flr apt, lg EIK, lg LR, 1½ blks beach
$900 plus utils 516-431-1305 lve msg

LONG BEACH/West end. Lge, mint
1BR, CAC, high ceils. 1 block beach.
Waterview. $750. Owner 718-897-9340

LONG BEACH W. Luxury Oceanfront
2BR/2Bth Apt in 2 fam house w/terr &
prking. Avail July 2nd. $2000 plus util.
Also Oceanview 2BR/1bth Apt in 2 fam
home w/terr, LR, frpl plus gar. $1400
plus util. Avail May 2nd. Prin only.
Mature persons. 516-431-6473

LONG BEACH A1 Bkr: 516-432-891
Studios $600up; 3rm $675 up; W. 4rm
$750. 6rm hse $1200. 8rm Col $1800.

Long Beach
HERALD

75 CENTS
MARCH 7 - 13, 1996

APARTMENTS FOR RENT

LONG BEACH: SUNNY Large Studio. Beach. Private entrance, w/ parking. Utilities Incl. Cable Ready. A/C. $700. 516-889-6596

LONG BEACH: 1 BEDROOM Basement Apartment. EIK, W/W. Close To All. $675 Includes All. 516-432-0654

LONG BEACH: EAST END, 3 BRS, 2 BTHS, newly renovated. EIK, LR, carpeted. $1,350/ month. 718-325-9320

LONG BEACH APARTMENT and Garage. Beautiful Studio, Prime location. Walk LIRR, Beach. April 1st. $650/ ALL. Detached Garage: Same location. $125 monthly. Owner: 516-432-4765, 516-431-6266

March 21-27, 1996

LONG BEACH: 2 STUDIOS and Garage. Beautiful Studios, Prime location. Walk LIRR, Beach. Larger: $650/ ALL. Smaller: $500/ All. Garage: $125 monthly. Owner: 516-432-4765, 516-431-6266

LONG BEACH: 1 BR, LR, EIK, veranda, walk beach/ stores/ LIRR, heat included $775. 516-432-8617.

LONG BEACH: EAST END, 3 BRS, 2 BTHS, newly renovated. EIK, LR, carpeted. $1,350/ month. 718-325-9320

April 18, 1996

LONG BEACH: 1 BEDROOM, great condition, near beach, suitable one, no smoking/ pets, $675. References required. 516-897-5379

Long Beach
HERALD

75 CENTS
FEBRUARY 1 - 7, 1996

LONG BEACH: 2 APTS. Beautiful Studio with private deck. $550/ All. Beautiful 3 BR, 2 BTH, $1,350 includes heat, hot water, gas. OWNER: 516-432-4765, 516-431-6266

LONG BEACH EAST: 2 BR apartment. Newly renovated, 1 block from ocean. Parking on-site. Dishwasher, W/D, storage. Cable ready. $1020. Monday- Friday, 9A.M.-5P.M., 516-431-4441

Newsday

MARCH 15, 96

Apartments For Rent/Nassau/Suffolk

BAYSHORE 1 BR. LR w/EIK, w/w, a/c, cable, private entrance/parking Call. 516 273-8781

BAYSHORE 1 BR & Studio Beau' lake front gdn apt, huge rms, Islip SD, walk all, No Fee. Owner 516-666-1769

BELLEROSE TERRACE bsmt. 1BR, LR, DR, kit, bth $625 utils includ. Non smoking, no pets 516-437-5835

BELLMORE 1 BR in 6 apt bldg LR/kit combo, carpet, A/C, $700/all incl heat. Owner, No Fee. Bus Hrs: 212-481-1225; eves/wknds 516-822-7537

BELLMORE 1 BR, legal, full bth. kit. no pets, non smoking, 2 months sec $750 includes heat. 516-785-4234

BELLMORE King size BR, lge LR/DR combo, W/W, a/c, sep ent. Walk to R.R. $850 incl all 516-785-4374

BELLMORE lge 2rm studio, eik, full bth, w/w carpet, walk LIRR/shopping, $600 incl util & cable. 516-826-6568

BELLMORE NO. 2rm apt, kit, LR/BR combo, pvt entry, all util incl, $650, no pets. May 1 occupancy. 516-785-7403

BELLMORE NORTH, Cozy Studio, Pvt Entrance, No smoke/Pets, Avail 4/1, $495/mo includes utils. 516-221-0769

BETHPAGE-Farmingdale Coll Apts 2 super sites secure pvt entr free gas heat-cook Half Hollow SD 516-249-5458

BETHPAGE & Vic Gaetano 931-8585 Big 1st flr 2Br LR DR kit yard heat $850. Fab LR BR EIK walk RR $650; New studio eik $550; 1BR W/D $600

BOHEMIA 516-567-1144
SUNRISE GARDENS
IMMEDIATE OCCUPANCY
- Lux Studio, JR 1, 1 & 2 BR Apt
- FREE Heat/Euro Kit & Bth
- Clubhouse/Exercise Rm/Pool
- Connetquot SD. From $760

BOHEMIA Lux 1 & 2 BR Garden Apts, pvt entry, EIK, D/W, lg spacious sunny rms, beautiful parklike setting No Fee Fr $750 516-589-6572

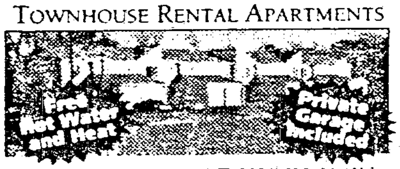
CEDARHURST 2 & 3 BEDROOM Luxury, all appls, incl CAC, W/D, indoor pkg, walk to RR. fr $1175-$1500 Immediate. No fee. Klar 735-1700

CENTEREACH 2BR Apt. LR, EIK, Full bth. $800/mo incl elec, heat & fam cable 516 737-2402, 527-3048

CENTRAL NASSAU
LUXURY APTS
SPACIOUS STUDIOS - 1 & 2 BRs
- Triple Sliding Door/Oversized Balconies
- Central Air Conditioning
- Free Heat & Hot Water
- A Small Pet is Permitted

ONLY ONE MONTH SECURITY
Special Rates on Select Apartments for Immediate Occupancy
(516) 234-3535 Open 7 Days

GRAND OPENING
LONG ISLAND'S MOST DESIRABLE
TOWNHOUSE RENTAL APARTMENTS



UNIQUE LUXURY TOWNHOMES
Featuring 2 Full Baths, Central Air Conditioning, Large Walk-In Closets, Wall-to-Wall Carpeting, Refrigerator, Dishwasher, Range and Hood all included. Each apartment has an individual laundry room. Community Clubhouse, Pools & Tennis Courts

There's Nothing Else Like It!
From Only $1075 Per Month

Directions:
L I E to exit 63 (CR83)
Proceed North on CR83
4.5 miles to Rte 112
Right on Rte 112 for
7/10 mile to Townhouse
entrance on right

BROOKWOOD
TOWNHOUSE
APARTMENTS
Coram
(516) 736-9367
Open Daily 10-5

DEER PK EASTON R.E. 586-6700 Super Value Studio $450 3Rm 1BR $575 4Rm/2BR $850... 3BR House $1200 -

DEER PARK bsmt apt, 1br, lg LR w/bar/frpl, pvt entry, own thermo. $675/all. 516-667-0394

DEER PARK Kwintner Rlty 667-5300 1BR Kit/LR combo yd sm pet $600/all 2BR W/D/Share LR Kit W/W $850/all 3BR 2Bth EIK LR w/d gar yd $1200 -

DEER PK Utramodern 1 BR, pvt entr, parking, alarm, DW, CAC, $675 includes all. 516-243-1430

DIX HILLS
COUNTRY CLUB APTS
1&2 BR Apts From $870.
- Pvt entrance Beautiful area
- Dining Size Terrace
- Free Heat & Hot Water
- Free A/C & Parking

NO FEES 516-243-1908

DIX HILLS Huge 1BR, 1½ baths, hi ceils, full kit, A/C, w/w, walk shops/RR. April 15th occup. $800/plus 1 mo. Turn-of-the-Century (516) 624-2915

DIX HILLS lge 1 BR apt w/pvt ent, bth, kit, LR, cable, parking. $875 neg. incl all. Immed! Owner 516-243-3423

DIX HILLS/WHEATLY Heights Lge 1BR Co-op, avail immed. Rent $775/mo plus util. Sale $45K 516-472-0536

EAST ISLIP 516-581-1475
COUNTRY CLUB GARDENS
WINTER RENT-UP SPECIAL
1 BR $735. 2 BR $850.
FREE gas, heat/hot water, mstr TV. Lg apts w/pvt ent, oak flrs, d/w. Top SD. Cable ready lndry, 5 mins beach

E.MEADOW Mint 2BR, large EIK, LR, fin bsmt,gar. Use yard ....$1150 Many Others VIGILANT 516-938-2900

East Meadow
HERITAGE SQUARE
425 Newbridge Rd.
1 & 2-BRs from $880.
516-826-9685

E. MEADOW Very nice Studio apt, full EIK, lot closets, sep entry, main level, no pets $650 all. 516-794-1092

E MEADOW/Bellmore/Massapequa ... Gdn Apt, DR, eat in kit, oak flr, free gas. Near all! April 1. $825. 541-9163

HAUPPAUGE/NOB HILL 2BR condo w/terr, A/C, W/W, DW, W/D, pool, tennis. $950 incl heat. 516-724-9810

HAUPPAUGE/Smithtown, Lux Gdn Apts, 2½/3½/4½, new kits, d/w plenty clsts, immac fr $685. 361-6862/681-6986

HEMPSTEAD-3BR full bth, on premises parkg. Quiet St. Ref. Sec deposit $1200 avail immed. Call 516-741-3465

HEMPSTEAD AREA, New 1BR ... full bth, full kit, w/w, new appls Rent neg. Near transportation. 516-594-0920

HEMPSTEAD 1 BDRM
FREE PARKING NO FEE
516-486-1010

HEMPSTEAD/Garden City walk RR/bus/shops, Lge 1/2 br, new kit/bth, lge closets, $975. Must See 516-486-8439

HEMPSTEAD-Garden City Boarder, Lge studio, EIK, full bth, intercom, mint. $650. St John Rlty 718-470-9303

HEMPSTEAD-LUXURY ELEV BLDG. LARGE STUDIO. NO FEE. 516-489-4165

HEMPSTEAD very lge, spac 1 BR's & Studios avail in well secured building. The New Country Estates 516-292-6071 Renting office open Mon-Fri 9-4

Hicksville 1BR grnd flr incl all-$600 new paint & carpet, cable, use of patio
PROVIDENT Realty 516/932-9700

HICKSVILLE Clean bright 1 BR, lge LR, EIK, tile bth, pvt entr, w/w, laundry. No pets. Walk RR. Principals only. $900 incl. Bob 516-496-4434

HICKSVILLE Furn'd Studio, LR & BR combo, small kit, pvt bath & entry. No smoking. $135/wk. 516-931-4089

HOLBROOK: Hillcrest Village
Spacious Gdn Apts, Parklike Setting
865 BROADWAY AVE.
EXEC & 1 BR FROM $665
Includ heat/hot water, a/c, pool, tennis. Convenient to Vets Hwy/LIE
516-567-1761

HOLTSVILLE NO FEE
BIRCHWOOD GLEN
LI'S MOST PRESTIGIOUS
CO-OP COMMUNITY
SACHEM SCHOOL DIST
2-BR from $1,025
LARGE APARTMENTS
FREE HEALTH CLUB

LINDENHURST Normandy Gdns 1-2 bds, a/c, dishwasher, laundry, prkg No Fee. From $785. 516-884-4446.

LINDENHURST VILL Lge LR w/fplc, EIK, lge DR, full bth, yrd, siding glass drs to deck, nr all $800 - 516-475 1...

LONG BEACH A1 Bkr: 516-432-891... Studios $605up; 3rm $675 up; W. 4rm $750; 6rm hse $1000, 8rm Col $1800

LONG BCH Condos Oceanfrnt, Yrly & Summer Rentals. $100 off yrly fee w/ad. VERDESCHI RE 516/431-6160

LONG BEACH #1 RENTALS
also summer..Dunes 4BR house. $14K
CENTURY 21 KAYE 516/889-9700

LONG BCH Many Avail Apts NO FEE Studios fr $750 1-2BR fr $875-$1200 ELEGANT CHOICE 516-432-2100

LONG BCH Apt Specialist studio,terr o'vu only $800; 2BR, East st lvl $950, lg 3BR 2bth,gar $1750 Sturm 432-6725

LONG BEACH - All New Studio $675, 1BR $775, 2BR, 2BTH $1350 TOPPER REALTY 516/889-6677

LONG BEACH • Annual & Summer
SURF REALTY 516-889-1800
BR Hi-rise, top flr, terrace $925
Huge Studio, Hi-rise, Shore Rd $900

LONG BEACH 2BR, EIK, heat included. No Fee. $950. 516-432-0028/516-378-2451

LONG BEACH 3br in 2 fam house, downstairs, eik, dr, 1bth, driveway, bsmt, $1350, avail 3/22. 516-432-0580

LONG BEACH, Cozy 1 BR, EIK, plenty of parking, 1 block to beach, $725/all. Avail immed. 516-781-3090

LONG BEACH GULL RENTALS.
Yearly Open 9-9 889-4600

LONG BEACH. Ocean view. Cozy 1BR. Terr, sunken LR, new kit & bth. Gar. prkg avail. $1,200. 516-877-0100

LONG BEACH 5+ RENTALS
SOUTH SHORE Call 516-431-6100

LONG BEACH-steps to ocean, light bsmt studio apt, pvt entr, yd space yr round $600/all Owner 516-897-9889

LONG BEACH W. Entire 3 BR house EIK, W/D, fresh paint $1100 - utils STERRER REALTY 516-431-4500

LONG BCH Rental Specialist
1BR vaulted ceilgs $750
2BR, gar,util included .... $125...
3BR, E.Atlantic Beach ..... $1000 ...
GREAT SUMMER RENTALS
Century 21 PETREY 516/431-0828

LONG BEACH WEST, Mod 3 BR, lge deck, yard, steps to beach, $1425 incl heat. No pets. Avail 4/1. 516-671-95...

Lynbrook-Studio, pet ok $650 ... farm 3rm $700/all, mod 4rm $850 ... VILLAGE PLAZA 516/593-54...

LYNBROOK Abode 5 Towns Gardens Stu/1/2Br terr/pool/prkng $625-$1350; Hses $1200up Futuristic 295-0800

LYNBROOK & VIC 1BR, EIK, yd $700
2 BR Large EIK, New Bath $850
3 BR, Large LR, 2 Baths $1050
Many More Bkr 516-561-RENT

LYNBROOK A1 Rental Specialists. Absolute great apts in 5 Towns, Valley Stream/vic JULIA STEVENS 295-1454

LYNBROOK 2 BR, 1st flr, full bth, EIK, LR, porch, gar, nr all, excel, owner $965/heat incl 599-9533; 599-6433

LYNBROOK; Lge 2BR w/fin bsmt 2 fam. Walk all! No pets. Pkng 2 cars. $875/2 mo sec Avail 4/1 516-536-3265

LYNBROOK
LR, DR, den, 1BR, lots of closets. 2nd flr. $900 After 5pm 516-599-3591

LYNBROOK
$695.......... 3 Rooms, 1 BR, Spotless
$900.......... 4 Rms, 2 BRs, 1st Floor
$1100......6 Rooms, 3 BRs, Skylights
HEINEMANN 516-825-3333, 568-1600

LYNBROOK - RVC - OCEANSIDE GARDEN APTS FROM $600 Opn til 9 PAOLUCCI R.E. 516-825-1500

MALVERNE 2BR, EIK, LR, 2nd flr, sep entry, pvt prking, wlk RR/shops. $850/mo. Call Owner: 516-321-5606

MANORVILLE MORICHES LIE/69
COUNTRY CLUB APTS
FREE: 18 HOLE GOLF COURSE
Tennis, pool, w/w, heat, hot water, a/c
STUDIOS FROM $550
1 BR FROM $665
Models & Rental Office
Open 7 Days 9:30-5:00 516-878-2525

MASSAPEQUA New Studio/kit $525; 3 rms,king BR $750 4rm,2BR,yd $750; SHANE'S ANCHOR 516/783-4540

MASSAPEQUA Lvly studio, EIK $550; 1st flr QBR $700; Sunny spacious ...

VILLAS AT LBV II
1BR Villas From $750
FREE: heat, hot water, a/c, carpeting, dishwasher, 1-story Villas for over 55. FREE Club. Pool included. 654-1927

PATCHOGUE E. 516-475-7313
GREENBRIAR GARDEN APT
WINTER RENT UP SPECIAL
1 BR - $599
2 Min Walk To Brookhaven Hosp
PATCHOGUE/MEDFORD SD

PATCHOGUE EAST
LAKESIDE/HEATHERWD
ST & 1 BR From $630
Lakeside setting Pool/Tennis
Hospital Rd. 516-654-0555

PATCHOGUE E: Large new studio Pvt entry, pvt full kit, pvt bth. Cable & utils incl $500/mo. 516-289-5882

PATCHOGUE
Heatherwood Garden Apts
ST, 1 BR & 2 BR FROM $590
FREE Heat, Hot Water & Carpet
Lakeside Setting. Close to Village.
Immed/Future. 516-289-3241

PATCHOGUE Lge 1 BR, extra closets/storage, w/w, laundry, $665, no pets, 2 mos sec. Owner, 516-654-8188

PATCHOGUE MT VERNON AVE
MOUNT VERNON GARDEN APTS
Lge 1 & 2 BR Terr. Apts
Located in residential area, includes heat & a/c. From $745. 516-475-1667

PATCHOGUE NO FEE
Studios 1 & 2BR.
Mo. Free On Select Apts. 758-1655

PATCHOGUE N. Spacious, new apt, w/w, BR/LR combo, kit w/dining area, pvt entry, wlk to all, $575 516-475-1252

PATCHOGUE Tiffany Apts 1BR w/w a/c, d/w, elev, laundry rm, free cable $715. No fee. 516-758-7977; 516-484-6300

PT WASH: 1BR, ht, wlk RR $875; 2BR dplx $1350, lux dplx $2500. 3BR hse, ht incl $1875 SANDSPORT 516-883-7780

PORT JEFFERSON VILL
HARBOUR HGTS
1 & 2BR Apts From $760
Beautiful Belle Terre Area
Pvt Entrance, Free Heat
Hot Water, A/C, Parking
NO FEES 516-928-1437

PORT WASHINGTON
WILDWOOD & SOUNDVIEW GDNS
Spac Studio 1 & 2 BR apts nr all conveniences Fr $895. 1 Month FREE Rent on Selected Apts Must See 516-944-7940

PORT WASHINGTON
Two 2 BR apts for rent in renovated private house. Vacant, avail immed. 2nd flr 2BR- $900, 1st flr 2BR w/fin bsmt-$1250 Call Chris-Bkr 718-932-0005,dys or Beeper # 917-759-5423

Great Location
ROCKVILLE CENTRE 1BR & Studio A/C, laundry every flr, free parking. Near all. Avail now. Call 516-536-9041

RVC/OCEANSIDE & VIC
$700...... 3 rm, 1 BR, Bright & Airy
$875.................. 4 rms, 2 BRs, Mint
$1550/Pays All..... 6 rms 3 BRs, DR
HEINEMANN 516-763-1200, 568-1600

RVC&vic studio-$650/up,1-2Br-$850/up house-comm'l use-$2100 516/764-2601 CENTURY 21 SHERLOCK HOMES

RVC & VIC. RENTALS AVAIL! STUDIOS TO HOUSES-Ask For Andy MARTELL REALTY 516-678-2133

RONKONKOMA. 1 BR, full bth, EIK, LR, pvt entry, own thermostat, w/w, non smoking/pets $600 all. 516-467-2128

RONKONKOMA
Heatherwood on The Lake
DLX ST & 1 BR fr $660
Immed/Future occup, A/C, D/W, heat includ. Near all conveniences.
516-585-2562

RONKONKOMA On Lake, 1 BR w/deck, Kit/DR/LR, Lease & Security. $750 plus util's. IMMED! 516-862-8597

ROOSEVELT. 1-2 BR, EIK, full bth, excel cond, $865 plus elect, convenient loc. Call Broker: Leer Development Group Ltd 516-621-0331

ROSLYN HTS 1BR, new appls. Excel cond. $825 utils incl. No pets. Owner ...

share

Apartments/Houses/Rooms To Share/Nassau/Suffolk

BABYLON NORTH, 2 Females seek roommate to share 3BR house, off street prkg. $375/all. 516-422-3885

BLUE POINT Share 4 BR Victorian house with 1 male. Nice pvt yard. $500 all. 516-363-4732

E. MEADOW clean house to share w/M, pvt lge BR w/closet, 2 bths, non smoking. $350 + utils 516-221-8289/eve.

EAST MEADOW house to share full kitch, bth, lg LR, own BR own parking $400 all, 516-794-5733

WESTBURY Non Smoking Male To Share 2Br Apt, $450 Includ All. Use Of Yard/Driveway & Gar. 516-334-7447

rooms

Furnished Rooms Nassau/Suffolk

A1 A 516-735-1000 Rooms & Studios. 1 BRs "ALL NASSAU/SUFFOLK" Fr $65 wkly/$275 mo. Pvt Entry, cook Guaranteed Svc NY lic Pro-Match fee

A1 A 3233 Sunrise Hwy open 7 dy $70. wk & up - ROOMS - STUDIOS Pvt Entry & Bath - Kitchen ROOMRENTERS - 783-5800 - lo fee

A1 RESID'L HOTEL WANTAGH Jones Beach Hotel 516 785-2020 Cable TV/AC. Bar/Restrnt/Maid Svce. Wkly from $140. MC/Visa/Amex.

HUNTINGTON Historic Vill District. Furn, studio style rms, clean, lge, secure. Nr all. $130-160/wk 516-673-0662

LEVITTOWN Lg. room, pvt entr share bth, micro, refrig w/gentleman. $350 mo + 1 mo sec. 516 826-1198

Furn... Na...

MINEOLA ... $275 or $350 all. No fee

W. ISLIP lg ... privileges, ... $85 wk ... male only.

Exhibit C

City of Long Beach

KENNEDY PLAZA
LONG BEACH, NEW YORK 11561

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

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.

Very truly yours,

Edmund Buscemi
President

Pearl Weill
Vice President

Joel Crystal
City Council Person

Tom Kelly
City Council Person

Michael Zapson
City Council Person

Exhibit D

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

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 -

AO 440 (Rev 1/90) Summons in a Civil Action

United States District Court

EASTERN DISTRICT OF NEW YORK

SAMUEL WALTON d/b/a EXECUTIVE TOWERS AT LIDO, PAULSEN REAL ESTATE CORP., ANGELO PALADINO, MAUREEN PALADINO, ROBERT BOTWINICK, BEACH HOUSE OWNERS CORP., and WILLIAM CONLIN,

V. Plaintiffs,

THE CITY OF LONG BEACH and THE CITY COUNCIL OF THE CITY OF LONG BEACH

Defendants.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: CV 96 2433

SEYBERT, J.

BOYLE, M.

TO: (Name and Address of Defendant)

The City of Long Beach
City Hall
Long Beach, New York

The City Council of the City of Long Beach
City Hall
Long Beach, New York

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

HERZFELD & RUBIN, P.C.
40 Wall Street
New York, New York 10005

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

ROBERT C. HEINEMANN

CLERK

MAY 15, 1996

DATE

BY DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X

SAM WALTON, d/b/a EXECUTIVE TOWERS AT LIDO, PAULSEN REAL ESTATE CORP., ANGELO PALADINO, MAUREEN PALADINO, ROBERT BOTWINICK, BEACH HOUSE OWNERS CORP., and WILLIAM CONLIN,

Plaintiffs,

-against-

THE CITY OF LONG BEACH, and THE CITY COUNCIL OF THE CITY OF LONG BEACH

Defendant.

----------X

CV 96 2433

Civil Action No.

COMPLAINT

SEYBERT, J.
BOYLE, M.

Plaintiffs, by their attorneys, Herzfeld & Rubin, P.C., and Martin A. Shlufman, for their complaint against defendant allege as follows:

Nature of Action, Jurisdiction and Venue

1. This is an action for declaratory relief and money damages to redress the deprivation of rights secured by the United States Constitution through the Civil Rights Act of 1871, 42 U.S.C. §1983. To the extent the action is one for declaratory relief it is authorized by 28 U.S.C. §2201. The claims arise out of defendant's conduct in perpetuating a scheme of regulation of rents in residential apartment buildings which deprives affected building owners of their due process and equal protection rights and deprives owners of income-producing properties who are not subject to such regulation of due process and equal protection rights with respect to real estate taxation.

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1343(a)(3) conferring original jurisdiction on this Court of any civil action to redress the deprivation, under color of State law, of rights secured by the Federal Constitution.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391(b), because defendant resides in this District, the events and omissions giving rise to the claims occurred in this District, and the property to which the action relates is located in this District.

The Parties

4. Plaintiff Samuel Walton, d/b/a Executive Towers at Lido ("Walton") is an individual residing in Nassau County, State of New York. Walton is the owner of two apartment buildings at 854 East Broadway and 860 East Broadway in the City of Long Beach, consisting of 132 and 144 luxury apartment units, respectively (referred to collectively as "Executive Towers") which are operated as rental apartments for tenants and prospective tenants. See Exhibit A annexed.

5. Plaintiff Paulsen Real Estate Corp. ("Paulsen") is the owner of an apartment building at 630 Shore Road in the City of Long Beach, consisting of 178 luxury apartment units (referred to as "Crystal House") which are operated as rental apartments for tenants and prospective tenants.

6. Plaintiffs Angelo Paladino and Maureen Paladino ("Paladino") are the owners of an apartment building at 215 East Broadway in the City of Long Beach, consisting of 94 luxury units (referred to as "Tudor Towers") which are operated as rental apartments for tenants and prospective tenants.

7. Plaintiff Robert Botwinick ("Botwinick") is a resident of the City of Long Beach, the owner of a condominium located in Long Beach and by reason thereof, a taxpayer with respect to taxes levied by the City of Long Beach, Town of Hempstead and Nassau County upon the owners of real property within those entities.

8. Plaintiff Beach House Owners Corp. ("Beach House") is the owner of a cooperative apartment house at 740 East Broadway, City of Long Beach and by reason thereof a taxpayer with respect to taxes levied by the City of Long Beach, Town of Hempstead and Nassau County upon the owners of real estate within those entities.

9. Plaintiff William Conlin ("Conlin") is the owner of a dwelling at 365 West Fulton Street, City of Long Beach and by reason thereof a taxpayer with respect to taxes levied by the City of Long Beach, Town of Hempstead and Nassau County upon the owners of real estate within those entities.

10. Defendant, City Council of the City of Long Beach (the "Council") is the duly existing local legislative body of the City.

11. Defendant The City of Long Beach (the "City") is a municipality located in Nassau County, organized pursuant to the laws of the State of New York.

The Relevant Statutes

12. On May 29, 1974, the Emergency Tenant Protection Act of 1974 (the "ETPA"), Ch 576, L. 1974 Unconsolidated Laws, §§8621 et seq was enacted into law. The ETPA provides in part as follows:

> §8622. Legislative finding
>
> The legislature hereby finds and declares that a serious public emergency continues to exist in the housing of a number of persons in the state of New York ...; that there continues to exist in many areas of the state an acute shortage of housing accommodations caused by continued high demand, attributable in part to new household formations and decreased supply, in large measure attributable to reduced availability of federal subsidies, and increased costs of construction and other inflationary factors; ...; that the transition from regulation to a normal market of free bargaining between landlord and tenant, while the ultimate objective of state policy, must take place with due regard for such emergency; and that the policy, herein expressed shall be subject to determination of the existence of a public emergency requiring the regulation of residential rents within any city, town or village by the local legislative body of such city, town or village.

The ETPA further provides:

> §8623. Local determination of emergency; end of emergency
>
> The existence of public emergency requiring the regulation of residential rents for all or any class or classes of housing

> accommodations ... shall be a matter for local determination within each city, town or village. Any such determination shall be made by the local legislative body of such city, town or village on the basis of the supply of housing accommodations within such city, town or village, the condition of such accommodations and the need for regulating and controlling residential rents within such city, town or village. 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 ....
>
> In addition, the ETPA provides:
>
> The local governing body of a city, town or village having declared an emergency pursuant to subdivision a of this section may at any time, on the basis of the supply of housing accommodations within such city, town or village, the condition of such accommodations and the need for continued regulation and control of residential rents within such municipality, declare that the emergency is either wholly or partially abated or that the regulation of rents pursuant to this act does not serve to abate such emergency and thereby remove one or more classes of accommodations from regulation under this act. The emergency must be declared at an end once the vacancy rate described in subdivision a of this section exceeds five percent. Unconsolidated Laws, §8023b. (Emphasis added.)

13. By Resolution No. 166/74 dated August 27, 1974 of the Council, purporting to act pursuant to the ETPA, declared the existence of an emergency with respect to all multiple dwellings located in the City that contained one hundred or more dwelling units. By virtue of this resolution, buildings in the City having 100 or more dwelling units, including the buildings owned by plaintiffs Walton and Paulsen, were subjected to restrictions

on the rental which can be charged for such units, as determined by the Nassau County Rent Guidelines Board ("NCRGB"), and restrictions as to other rent increases and decreases as determined by the New York State Division of Housing and Community Renewal ("DHCR").

14. By Resolution No. 92/79 dated April 24, 1979 of the Council, purporting to act pursuant to the ETPA, declared the existence of an emergency with respect to all multiple dwellings in the City containing not less than sixty nor more than ninety-nine dwelling units. By virtue of this Resolution, buildings having between sixty and 100 dwelling units such as that owned by plaintiffs, including the building owned by plaintiffs Paladino, were added to the buildings in the City which are subject to restrictions on the rental to be charged, similar to the buildings containing 100 or more rental units.

15. As set forth above, a condition precedent to the imposition or continuation of controls under ETPA is the fact that vacancies in rental apartments in an appropriate classification exist in a number less than five percent and if such condition precedent does not or ceases to exist, any continuation of such controls must be declared at an end.

16. By reason of the foregoing, the defendants are under an obligation regularly to ascertain whether the number of vacancies exceeds five percent since the authority to impose the controls ceases if vacancies exceed five percent.

Consequences of Long Beach Rent Emergency Resolutions

17. By reason of the applicability of ETPA in the City, plaintiffs Walton, Paulsen and the Paladinos have been precluded from bargaining and renting apartments in their respective buildings at market rent but, instead, have been limited to increases established by the NCRGB for all owners in Nassau County subject to ETPA, which has consistently imposed ceilings which prevented a reasonable return on capital and reasonable income moneys out of which repairs and maintenance can be provided to maintain the buildings in first class condition.

18. Upon information and belief, market rents for the plaintiffs' apartments exceed those allowed under ETPA currently and for the past six years by at least twenty percent.

19. Under the ETPA, by reason of the aforesaid Resolutions, owners of affected apartment buildings within the City, when they make capital improvements, may not pass on the costs in rent increases but must pursue an approval process through the DHCR to obtain rent increases to recover such costs. If approval is obtained, the approved cost is allowed to be amortized over an 84-month period. Upon information and belief, the normal time to process such application and obtain a final decision is approximately four years. Neither attorneys fees nor interest on moneys used or loans obtained for this purpose are recognized under applicable regulations as a cost which can be recovered.

20. Plaintiff Walton has recently expended in excess of $1.5 million in a program of major capital improvements at Executive Towers.

21. Walton has yet to obtain approval of his Major Capital Improvement applications for the recent work at Executive Towers, and has been forced to commence court proceedings to obtain relief with respect to certain of those applications.

22. Other property owners refrain from or are unable to make repairs, major maintenance and capital improvements as a result of which there is general deterioration among apartment buildings and a diminution of value of such real estate.

23. Pursuant to the Real Property Tax Law, income producing apartment house properties are required to be valued for tax purposes based on their full value. The restriction on income imposed by the ETPA has resulted in a substantial reduction in the taxable value of affected properties in the City. Taxpayers, including plaintiffs Walton, Paulsen and the Paladinos have been required to pay taxes on inflated valuations of their property and to expend large sums to process applications for reductions and refunds to correct the erroneous valuations which because of attorneys' fees and interest lost, result in large unreimbursed costs.

24. In making ETPA applicable to buildings with 60 or more apartments, defendants irrationally eliminated from coverage non-luxury apartments occupied by less affluent persons and

extended rent stabilization protection to luxury apartments occupied by the more affluent tenants in Long Beach.

25. By reason of the ETPA, the income producing apartment house properties, after reductions for overassessment, have produced substantially lower taxes than would otherwise be applicable.

26. Such reductions, upon information and belief, amount to millions of dollars yearly which have to be made up by higher taxes homeowner and other taxpayers such as plaintiff Botwinick must pay.

27. The result is that plaintiffs Botwinick, Beach House Owners Corp., Conlin and others similarly situated are subsidizing affluent tenants who enjoy rents below market rents in the properties of Walton, Paulsen and the Paladinos.

Vacancy Rates In Excess of Five Percent

28. Upon information and belief, defendants have failed prior to adopting the 1979 resolutions to conduct any survey or investigation to determine whether the vacancy rate for any classification exceeds five percent and, in consequence had no authority to maintain the aforesaid Resolution adopted in 1979.

29. Upon information and belief, defendants have failed since 1979 to conduct any survey or investigation to determine whether the vacancy rate for any classification exceeds

five percent and, in consequence, have no authority to maintain the aforesaid Resolutions.

30. In the Fall of 1994, plaintiffs Walton and Paulsen met with members of the Council to request that the City repeal Resolutions Nos. 166/74 and 92/79, and presented data to the Council in support of that request. Additional requests to defendants for such action were made by Walton, Paulsen and others in 1995 and early 1996, and additional relevant data was provided.

31. Upon information and belief, from at least 1990 and thereafter, the vacancy rate for apartment buildings in the City having 100 or more dwelling units, and for buildings having from 60 to 99 dwelling units, has been in excess of five percent.

32. By letter dated January 5, 1996 to Edwin Eaton, City Manager for the City, from Martin A. Shlufman, an attorney acting for Walton and Paulsen advised that the vacancy rate in the buildings owned by his clients, each of which contains more than 100 apartments, was in excess of five percent. Those buildings contain 25% of all apartment units in the City presently subject to the ETPA, and contain almost 50% of the apartments in the category of buildings with 100 or more apartments. Mr. Shlufman asked in that letter that the City Council conduct a survey to establish the current vacancy rate.

33. Among other things, the daily and weekly newspapers, for at least the past three years, regularly published advertisements of apartments for rent in the City,

indicating an absence of any shortage of apartments, or, at least, placing defendants on notice of the availability of apartments and imposing on it a duty to conduct a survey to determine whether its limited authority under ETPA had terminated. Copies of advertisements are annexed as Exhibit B.

34. Moreover, the current vacancy rate has been artificially depressed by the City's own conduct. Upon information and belief, an application for a revised Certificate of Occupancy for a rental apartment building at 25 West Broadway, Long Beach, permitting the occupancy of more than 66 additional apartments recently rehabilitated at that property, has been and is being arbitrarily and without cause held in abeyance although the building is habitable and 23 apartments in the building are actually occupied. The apartments are vacant and add to the more than 5% vacancies referred to above. The foregoing illustrates graphically the political motive rather than factual basis for defendants' continuation of the Resolutions despite the vacancy rate in excess of 5%.

Failure of Defendants to Comply
With Their Authorization Under ETPA

35. Upon information and belief, the defendants have failed to conduct a survey for at least seventeen years and no vacancy survey was conducted in response to the demands set forth above. Instead, acting on political motives rather than under the limited authority to act upon a factual determination of the number of vacancies, by Resolution No. 43/96 dated March 5, 1996,

the Council directed that notice be published of a public hearing to be held on March 19, 1996 to give residents an opportunity to present their views on a proposal that the City consider "whether continuation of the [ETPA] is in the best interests of the City of Long Beach." In that Resolution the Council conceded that "many housing units which were occupied by tenants at the time of the adoption of [the 1974 and 1979 Resolutions implementing the ETPA] are presently unoccupied."

36. At the March 19 meeting, essentially only one tenant appeared and the other persons appearing at the hearing were owners who expressed views to the effect that vacancies in the buildings subject to ETPA in the City were in excess of five percent requiring rent stabilization to be terminated.

37. Following the March 19, 1996 meeting, the five members of the Council circulated a letter to residents of the City stating that the "landlords" had presented "several good arguments for Rent Stabilization to be eliminated in the City of Long Beach." Notwithstanding this statement, and despite their obligation to make a factual determination of the number of vacancies and to terminate the Resolutions on a finding of 5% vacancies, the Council members stressed in their letter their determination to maintain rent stabilization with respect to current tenants. They invited recipients of the letter to join in opposing the removal of rent stabilization at a Council meeting on April 2, 1996. Copy annexed as Exhibit C.

38. At the April 2, 1996 meeting, a resolution was presented by the Chair of the Council under which apartment units in buildings subject to ETPA would be released from ETPA controls upon becoming vacant ("Vacancy Decontrol Resolution").

39. A copy of the proposed resolution, signed by the City Manager and "approved as to form and legality" by the City's Corporation Counsel, is annexed as Exhibit D hereto.

40. The proposed resolution contained a recital "that a question of fact exists concerning the vacancy rate" of multiple dwellings subject to the ETPA, "which if found to be greater than five percent would necessarily involve the City Council declaring that the housing emergency would be at an end." The resolution also recites that there are 1553 units subject to EPTA, indicating that the only issue facing defendants is whether there were vacancies in excess of 78.

41. After further recitals, the proposed resolution provided that the apartments of current tenants which were subject to the ETPA would continue to be regulated so long as they were occupied by the current tenants or their spouses, but that currently vacant apartments, as well as apartments which become vacant in the future, would be removed from regulation. Action by the Council on the Vacancy Decontrol Resolution was adjourned to the calendar for the next Council meeting on April 16, 1996.

42. Upon information and belief, prior to the April 16, 1996 Council meeting, members of the Council received

numerous phone calls, faxes and letters as a result of an organized effort by some tenant groups to pressure the Council to keep the status quo with regard to rent stabilization. These groups packed the April 16 meeting, expressing opposition to the proposed resolution.

43. The Council, at its April 16, 1996 meeting, responding to the packed tenant audience opposing the Vacancy Decontrol Resolution, refused to even consider the resolution. Instead, it voted to table the resolution. The City Manager issued a statement to the effect that the Council had tabled the resolution "for eternity."

44. The Council's actions up to and on April 16 demonstrate that the Council was not acting within its limited authority to make factual surveys and investigations and to impose EPTA rental restrictions only where vacancies are less than five percent.

45. Instead, the Council acted solely for political reasons in which they encouraged and responded to staged demonstrations disregarding any facts as to the number of vacant apartments in the community.

The Claims Against Defendant

First Claim For Relief By Plaintiffs Walton, Paulsen and the Paladinos

46. Repeat the allegations of paragraphs 1 through 45 above as if set forth at length herein.

47. Section 1983 of Title 42, U.S.C. provides:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

48. Among the rights secured by the Constitution are rights established by the Fourteenth Amendment, which provides in part, in Section 1 thereof:

> "... nor shall any State deprive any person of ... property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

49. The right of plaintiffs Walton, Paulsen and the Paladinos to rental income from real estate they choose to rent is a property right protected by the Fourteenth Amendment. The Fourteenth Amendment applies to acts of local governmental entities, such as the defendants.

50. Rent regulations such as those imposed by the defendants do not comport with due process if, inter alia, they are arbitrary, discriminatory, or irrelevant to a legitimate governmental purpose.

51. In maintaining in effect Resolutions 166/74 and 92/79, without conducting a survey of vacancies in the affected buildings, and without determining if there is a continued emergency with respect to such buildings, defendants acted arbitrarily. By such action the defendants also discriminated,

arbitrarily, between owners of residential rental buildings where rents are regulated and owners of such buildings which are not regulated. In addition, absent a factual foundation for the existence of a continued public emergency, defendants acted for political and without a legitimate public purpose. The due process rights of owners affected by the Resolutions, including those of each plaintiff, have as a consequence been violated.

52. By reason of the foregoing, plaintiffs have been required to incur attorneys fees and costs and have sustained damages as follows: (a) in loss of rents since 1990: for Walton, $3.2 million, for Paulsen, $2 million, and for the Paladinos, $1 million; (b) in diminution of value of building: for Walton, $10 million, for Paulsen, $5 million, and for the Paladinos, $3 million.

Second Claim For Relief By Plaintiffs
Walton, Paulsen and the Paladinos

53. Plaintiffs repeat the allegations of paragraphs 1 through 45 and 47 through 52 with the same force and effect as if set forth at length herein.

54. Because the vacancy rate in buildings affected by Resolutions Nos. 166/70 and 92/79 is presently in excess of 5%, and the emergency declared by those Resolutions no longer exists, the defendants, in maintaining those resolutions in effect, are acting for political and without a legitimate public purpose, acting arbitrarily, and discriminating between affected property owners and those not so affected. The due process rights of

owners affected by the Resolutions, including those of plaintiffs, have thus been violated.

Third Claim For Relief By Plaintiffs
Walton, Paulsen and the Paladinos

55. Repeat the allegations of paragraphs 1 through 45, 47 through 52, and 54 as if set forth at length herein.

56. Legislative classifications made without a rational basis deprive members of a class burdened thereby of equal protection of the law, in violation of the Fourteenth Amendment.

57. There is no rational basis for the City's application of the ETPA to buildings with 60 or more dwelling units but not to buildings of less than 60 dwelling units.

58. By virtue of the foregoing, owners of buildings with 60 or more dwelling units, including plaintiffs Walton, Paulsen and the Paladinos have been deprived of the equal protection of the law.

Fourth Claim For Relief By Plaintiffs
Botwinick, Beach House and Conlin

59. Repeat the allegations of paragraphs 1 through 45, 47 through 52, 54, and 56 through 58 with the same force and effect as if set forth at length herein.

60. Plaintiffs Walton, Paulsen and the Paladinos, as owners of income-producing property in the City, pay real estate taxes to the City, the Town of Hempstead and to Nassau County.

The valuation of property for real estate tax purposes is based upon income generated by the property. That income is restricted by the ETPA and Resolutions 166/74 and 92/79, yielding assessments and taxes below those leviable on the basis of valuations without the ETPA restrictions.

61. The effect of the Council's Resolutions is thus to cause owners of properties not subject to ETPA to pay a disproportionate share of real estate taxes, relative to owners of restricted properties. This result of the Council's action is arbitrary, discriminatory, and unrelated to any legitimate public purpose.

62. The impact of the Council's Resolutions is thus to diminish the value of the unrestricted properties and thereby to deprive the owners of unrestricted buildings, including the above plaintiffs, of property in which they have a Constitutionally protected right, without due process of law, and to deprive such owners of equal protection of the law.

63. By reason of the foregoing, the above plaintiffs have sustained damages in an amount in excess of $50,000 for Botwinick, in excess of $1 million for Beach House and in excess of $50,000 for Conlin.

Fifth Claim For Relief By All Plaintiffs

64. Repeat the allegations of paragraphs 1 through 45 and 47 through 52, 54, 56 through 58, and 60 through 62, as if set forth at length herein.

65. Action by a municipality which is arbitrary and capricious and affects a constitutionally protected property right violates the due process clause of the Fourteenth Amendment.

66. The conduct of the Council in tabling to "eternity" the proposed resolution relating to rent stabilization on April 16, 1996, was arbitrary and capricious. Such conduct was motivated solely by the desire to placate persons seeking to maintain the status quo irrespective of the mandate that rent regulation be terminated when vacancies of affected buildings exceed 5% -- a purely political purpose unrelated to any proper legislative goal. Such conduct deprived Walton, Paulsen and the Paladinos of their right to termination of rent controls under ETPA, and left intact the unconstitutional regulatory system challenged herein to the prejudice of all plaintiffs, all without due process of law.

WHEREFORE, plaintiffs demand judgment: (a) on the First, Second and Third Claims for Relief, in favor of plaintiffs, (i) declaring that the Council's Resolutions have deprived and continue to deprive Walton, Paulsen and the Paladinos of their property without due process of law, in violation of the Fourteenth Amendment, and are invalid and unenforceable; and (ii) awarding plaintiffs Walton, Paulsen and the Paladinos damages as calculated by the difference in income they received from their properties in the City since January 1, 1993, and the amount they would have received absent the

unconstitutional restrictions on such income, in an amount to be determined but believed to be in excess of $3.2 million as to Walton, $2 million as to Paulsen and $1 million as to the Paladinos, and for diminution in the value of their properties, to Walton $10 million, to Paulsen $5 million and to the Paladinos $3 million; (b) on the Fourth Claim For Relief, in favor of plaintiffs Botwinick, Beach House and Conlin (i) declaring that the Council's Resolutions have deprived and continue to deprive Botwinick of his property without due process of law, and are invalid and unenforceable, and (ii) awarding damages calculated by the difference in the amount of real estate taxes paid by plaintiffs Botwinick, Beach House and Conlin since they became the owner of their respective properties, and the amount of such taxes they would have paid absent the unconstitutional restrictions imposed by the Council's resolutions, and the diminution of value of their properties, in an amount estimated as in excess of $50,000 for Botwinick, in excess of $1 million for Beach House and in excess of $50,000 for Conlin; (c) on the Fifth Claim For Relief, in favor of Walton, Paulsen and the Paladinos declaring the action of the Council with respect to the proposed resolution on April 16, 1996 to have been arbitrary and capricious and thus in violation of plaintiffs' due process rights, and invalid, and directing the Council to enact a resolution terminating the applicability of EPTA in Long Beach; (d) pursuant to 42 U.S.C. §1988 awarding to plaintiffs their

reasonable attorneys fees; and (e) for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
May 13, 1996

HERZFELD & RUBIN, P. C.

By: _____

Herbert Rubin (HR-8484)
40 Wall Street
New York, New York 10005
(212) 344-5500

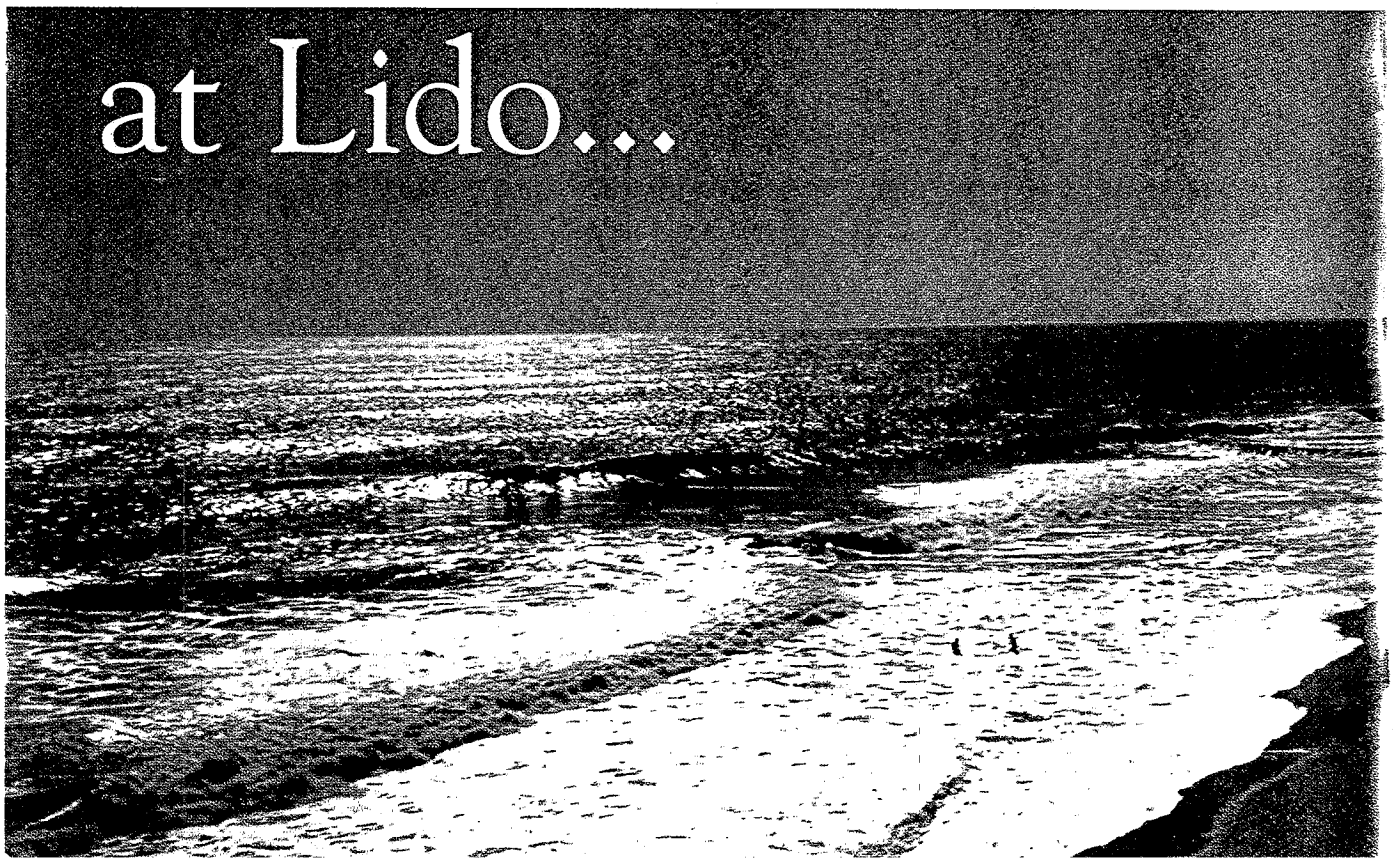
and

Martin A. Shlufman
1205 Franklin Avenue
Garden City, New York 11530
(516) 746-6811

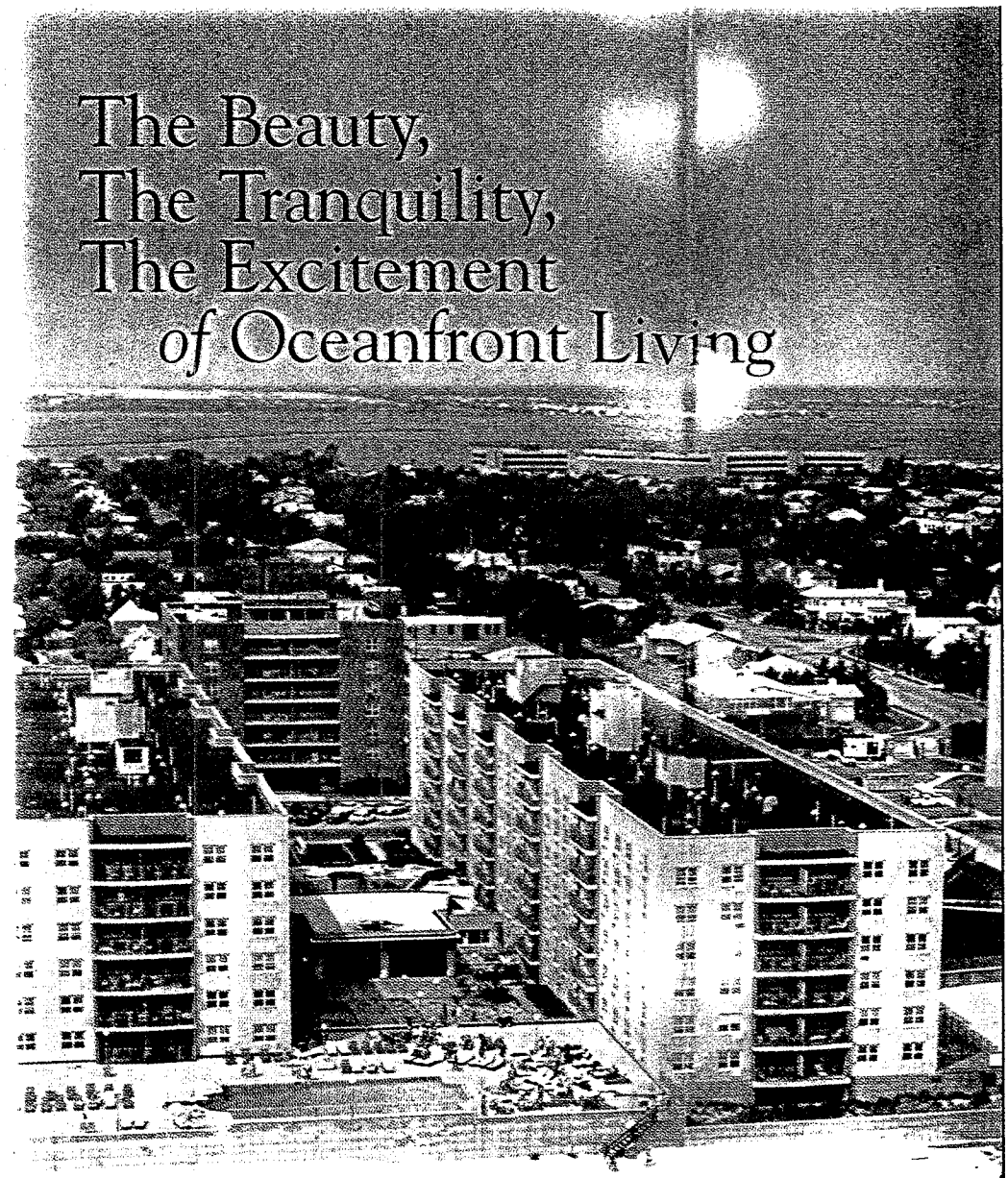
Attorneys for Plaintiffs

Exhibit A

Executive Towers at Lido...



The Beauty, The Tranquility, The Excitement *of* Oceanfront Living



Beachfront living. The calming sound fresh ocean breezes, swimming in the the shore. The stuff that dreams are m

Beachfront Living at Executive Tower vibrant desirable community with Mar away. Where every home is of grand p races and magnificent ocean panorama beach access, swedish sauna and our p looking the Atlantic.

Executive Towers at Lido. Incompara value beyond compare.

Exceptional Layouts and Lux

You will find the studio, one or two each boasting kitchens with all new chefs, banquet sized dining areas, a and bedroom areas.

You will also find a welcome extr air conditioned Atrium Garden F for socializing.

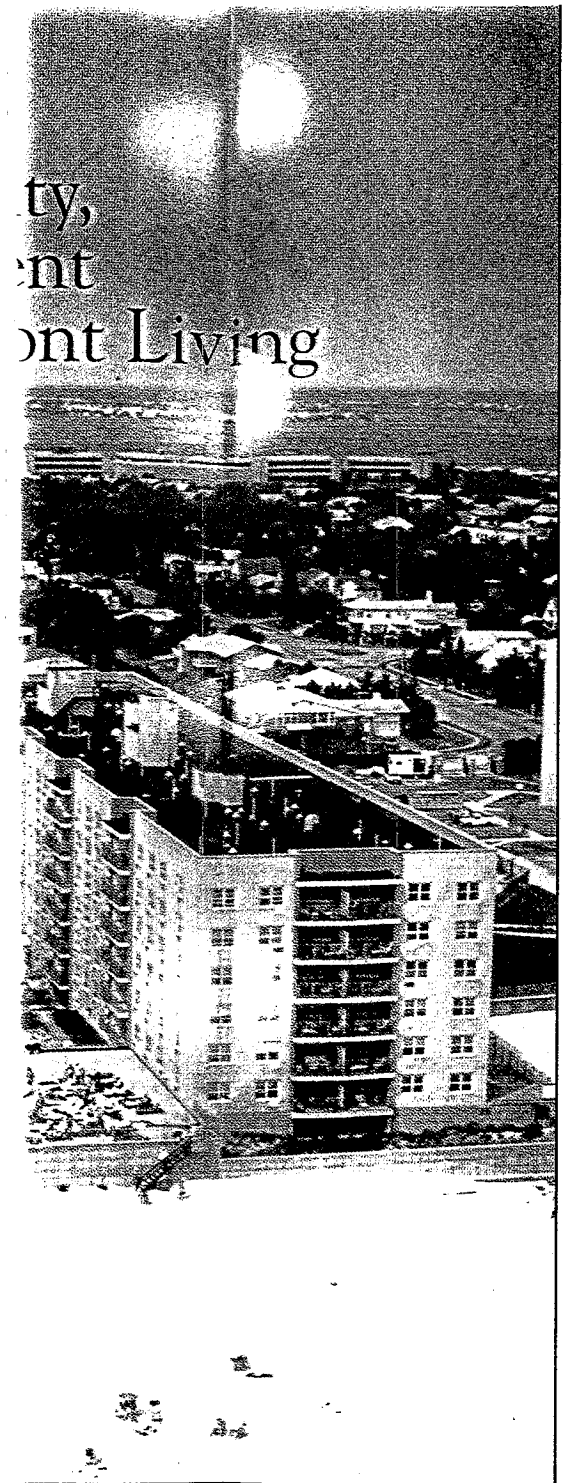
Every Day is a Vacation

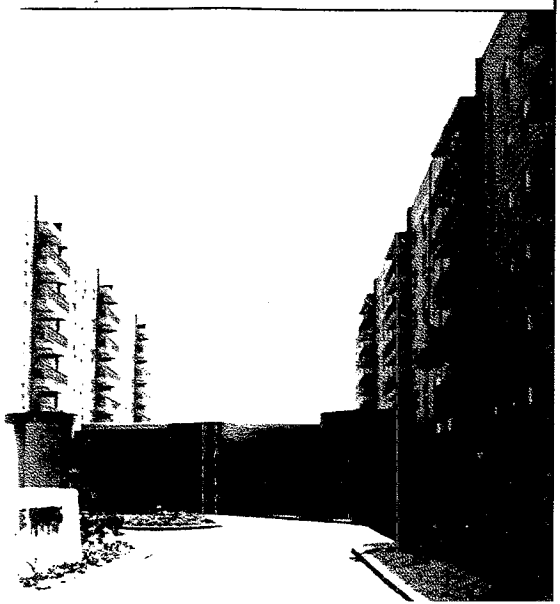
Your oceanfront setting is a recreati have the choice of our pool or the beauty and challenge of The Golf C boating is a breeze with an abundar solitude on a stretch of sand or hit you're feeling more social.

Golf, Boating and Fishing

In the summer, Lido Beach is the p secluded beach is at your doorstep. Lido Marina are neighborhood inst Lido Beach offers an ambiance of e the sea's eternal call is punctuated the gulls and pipers that glide abov lation easily broken at any of the fi or ample boutiques and shopping pl

Executive Towers Ha





Beachfront living. The calming sound of the surf, dramatic sunsets, fresh ocean breezes, swimming in the clear blue surf and walks on the shore. The stuff that dreams are made of.

Beachfront Living at Executive Towers at Lido...All the above, in a vibrant desirable community with Manhattan less than an hour away. Where every home is of grand proportions, offering wide terraces and magnificent ocean panoramas. Residents enjoy direct beach access, swedish sauna and our private pool with deck overlooking the Atlantic.

Executive Towers at Lido. Incomparable quality of life...and a value beyond compare.

Exceptional Layouts and Luxury

You will find the studio, one or two bedroom suite you prefer, each boasting kitchens with all new appliances fit for gourmet chefs, banquet sized dining areas, and uniquely spacious living and bedroom areas.

You will also find a welcome extra at Executive Towers; the air conditioned Atrium Garden Room, a recreation room for socializing.

Every Day is a Vacation

Your oceanfront setting is a recreational paradise. Swimmers have the choice of our pool or the ocean. Golfers will enjoy the beauty and challenge of The Golf Course at Lido. Fishing and boating is a breeze with an abundance of local marinas. Read in solitude on a stretch of sand or hit the beach's hot spot when you're feeling more social.

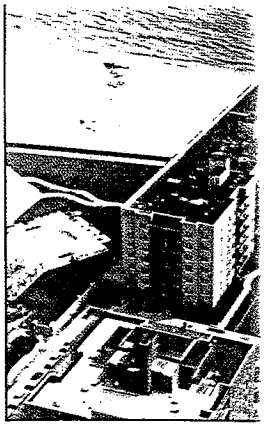
Golf, Boating and Fishing

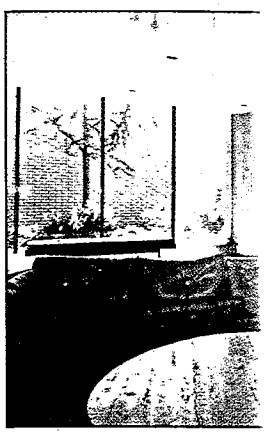
In the summer, Lido Beach is the place of endless pleasure. A secluded beach is at your doorstep. The Lido Golf Club and Lido Marina are neighborhood institutions. During the winter, Lido Beach offers an ambiance of exquisite isolation where the sea's eternal call is punctuated by the poignant voices of the gulls and pipers that glide above the barren jetties.... an isolation easily broken at any of the fine restaurants, lively clubs, or ample boutiques and shopping plazas in the vicinity.

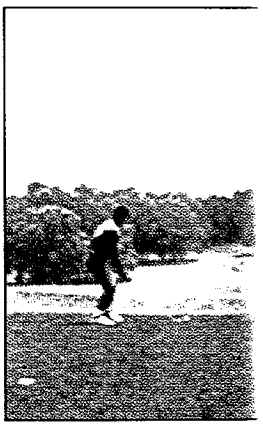
Executive Towers Has It All!

Features

- Panoramic Ocean Views
- Ocean Bathing on Secluded Beach...
  Directly Accessible from your Apartment
- Swimming Pool on Sun Deck Overlooking the Ocean
- Sauna Baths-Lockers
- Large Terraces with Scenic Views (most apartments)
- Doorman Service
- Circular Driveway Set Amidst Exotic Plantings
- Modern Intercom System to Lobby
- TV Security System
- Richly Carpeted Hallways
- Four Automatic Elevators
- Fully Equipped Laundry Room on Every Floor
- Prefinished Parquet Oak Flooring
- Thickly Plastered Walls and Ceilings
- Sound Resistant Walls and Ceilings
- Master TV Antenna
- Smoke Detectors
- Air Conditioned Rooms
- Full Eat-In Kitchens
- Gas Cooking
- Countertop Ranges and Wall Ovens
- G.E. Refrigerators with Freezers
- G.E. Dishwashers in all 1 & 2 Bedroom Apartments
- Ceramic Tile Baths with Built-In Hampers
- Modern Vanitoriums/Double Mirrored Door Medicine Cabinets
- Closets ... Closets ... Closets ... and More Closets
- Public Bus Service at your doorstep to L.I.R.R.
  — less than one hour to New York City (L.I.R.R. Schedule)





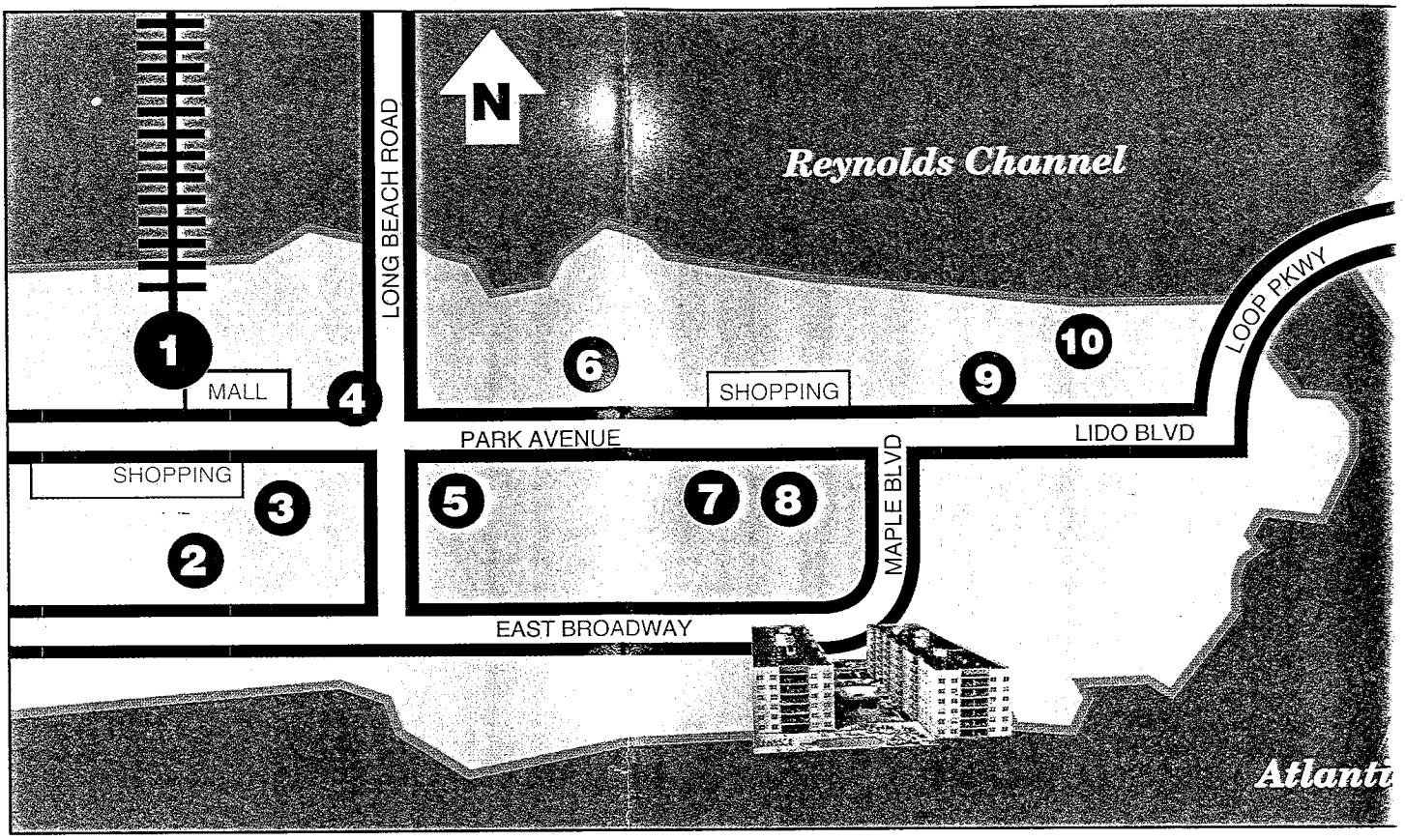


Views
Secluded Beach...
ible from your Apartment
Sun Deck Overlooking the Ocean
ers
h Scenic Views (most apartments)

Set Amidst Exotic Plantings
System to Lobby
m
Hallways
levators
undry Room on Every Floor
t Oak Flooring
Walls and Ceilings
Walls and Ceilings
na

Rooms
ns

s and Wall Ovens
with Freezers
in all 1 & 2 Bedroom Apartments
s with Built-In Hampers
ms/Double Mirrored Door Medicine Cabinets
... Closets ... and More Closets
at your doorstep to L.I.R.R.
hour to New York City (L.I.R.R. Schedule)



1 L.I.R.R.	6
2 Temple Israel	7
3 St. Johns Lutheran Church	8
4 Park Avenue Cinema	9
5 St. Mary of the Isle R.C. Church	10

Commuters will find Manhattan an
ride from Executive Towers at Lido.
bounties are also within easy reach
Parkway, just moments from your d

Here, then, is that total life of l
nience you've long desired.
Here is Long Island's premiere a
Executive Towers at Lido.

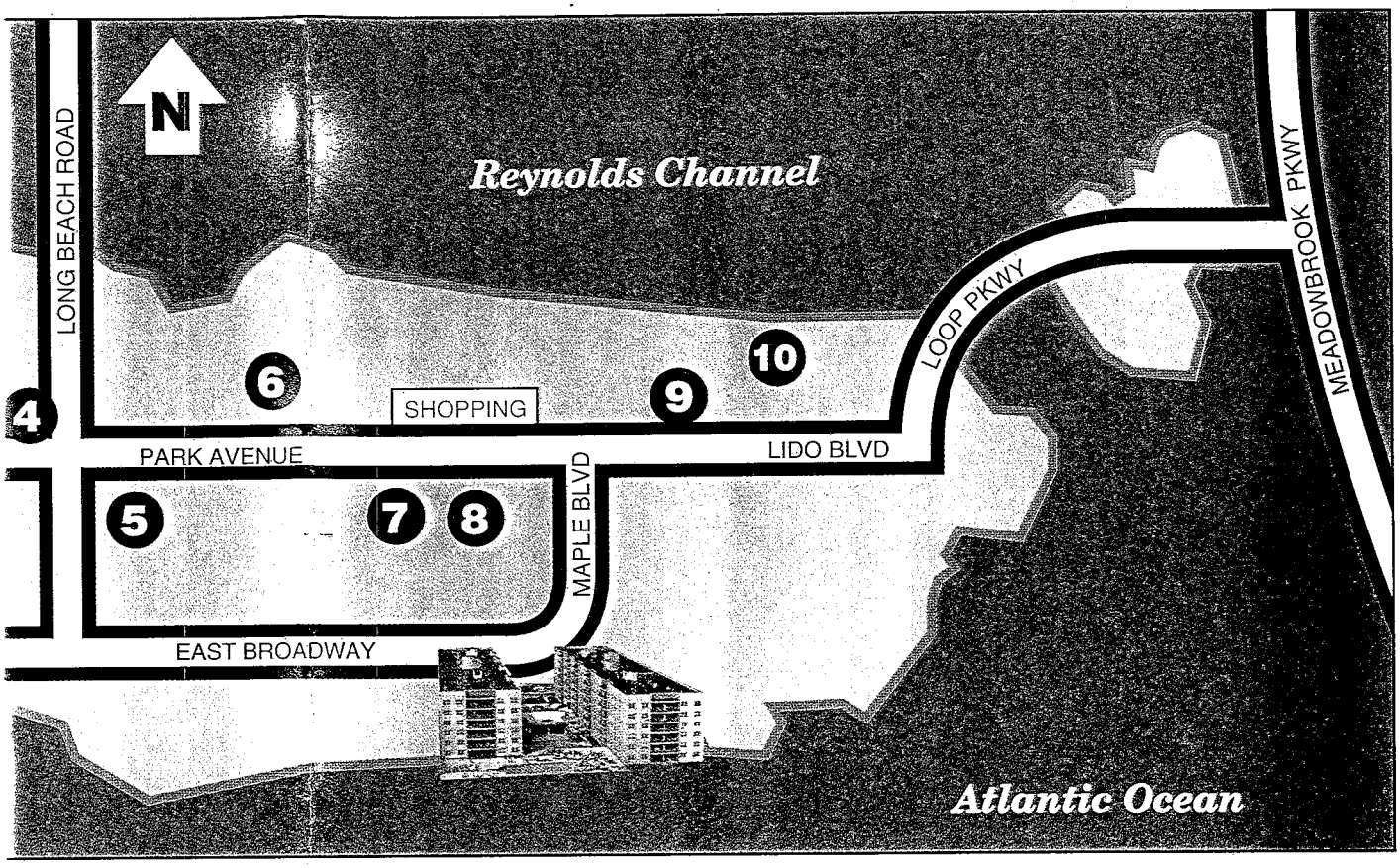
DIRECTIONS: Any Parkway to Meadow
Beach (Pt. Lookout turn-off). Right into Lido
ocean) on Maple Blvd. (Fire House) to EXE
Beach Road over bridge to Park Avenue. Left
Right (to ocean) on Maple Blvd. (Fire House

EXECUTIVE

at LIDO

Rental Office:
(516) 889-0670

Executive Towers
854 and 860 East Broadway
Long Beach, NY 11561



1 L.I.R.R.
2 Temple Israel
3 St. Johns Lutheran Church
4 Park Avenue Cinema
5 St. Mary of the Isle R.C. Church
6 Temple Emmanuel
7 East End Temple
8 Congregational Beth Sholom
9 Lido Beach Synagogue
10 Lido Golf Course

Commuters will find Manhattan an easy hour's drive or train ride from Executive Towers at Lido. The rest of Long Island's bounties are also within easy reach via the Meadowbrook Parkway, just moments from your door.

Here, then, is that total life of luxury, variety and convenience you've long desired.

Here is Long Island's premiere apartment residence: Executive Towers at Lido.

DIRECTIONS: Any Parkway to Meadowbrook Parkway, south to Lido Beach (Pt. Lookout turn-off). Right into Lido Blvd. to Maple Blvd. Left (to ocean) on Maple Blvd. (Fire House) to EXECUTIVE TOWERS. OR: Long Beach Road over bridge to Park Avenue. Left on Park Avenue to Maple Blvd. Right (to ocean) on Maple Blvd. (Fire House) to EXECUTIVE TOWERS.

Office:
) 889-0670

tive Towers
d 860 East Broadway
Beach, NY 11561

Exhibit B

Newsday

MARCH 15, 96

Apartments For Rent/Nassau/Suffolk

BAYSHORE 1 BR. LR w/EIK, w/w, a/c, cable, private entrance/parking Call. 516 273-8781

BAYSHORE 1 BR & Studio Beaut lake front gdn apt, huge rms, Islip SD, walk all. No Fee Owner 516-666-1769

BELLEROSE TERRACE bsmt. 1BR, LR, DR, kit, bth $625 utils includ Non smoking, no pets 516-437-5835

BELLMORE 1 BR in 6 apt bldg LR/kit combo, carpet, A/C, $700/all incl heat. Owner. No Fee Bus Hrs: 212-481-1725, eves/wknds 516-822-7537

BELLMORE 1 BR, legal, full bth, kit, no pets, non smoking, 2 months sec $750 includes heat. 516-785-4234

BELLMORE King size BR, lge LR/DR combo, W/W, a/c, sep ent. Walk to R.R $850 incl all 516-785-4374

BELLMORE lge 2rm studio, eik, full bth, w/w carpet, walk LIRR/shopping, $600 incl util & cable. 516-826-6568

BELLMORE NO 2rm apt, kit, LR/BR combo, pvt entry, all util incl, $650, no pets. May 1 occupancy 516-785-7403

BELLMORE NORTH. Cozy Studio, Pvt Entrance. No smoke/Pets. Avail 4/1, $495mo includes utils. 516-221-0769

BETHPAGE-Farmingdale Coll Apts 2 super sites secure pvt entr free gas heat/cook Half Hollow SD 516-249-5458

BETHPAGE & Vic Gaetano 931-8585 Big 1st flr 2Br LR DR kit yard heat $850. Fab LR BR EIK walk RR $650. New studio eik $550; 1BR W/D $600

BOHEMIA 516-567-1144
SUNRISE GARDENS
IMMEDIATE OCCUPANCY
- Lux Studio, JR 1, 1 & 2 BR Apt
- FREE Heat/Euro Kit & Bth
- Clubhouse/Exercise Rm/Pool
- Connetquot SD From $760

BOHEMIA Lux 1 & 2 BR Garden Apts. pvt entry, EIK, D/W, lg spacious sunny rms, beautiful parklike setting No Fee Fr $750 516-589-6572

CEDARHURST 2 & 3 BEDROOM Luxury, all appls, incl CAC, W/D, indoor pkg, walk to RR fr $1175-$1500 Immediate No fee Klar 735 1700

CENTEREACH 2BR Apt. LR, EIK, Full bth. $800mo incl elec, heat & fam cable 516 737 2402, 527 3048

CENTRAL NASSAU
LUXURY APTS
SPACIOUS STUDIOS 1 & 2 BRs [illegible]
- Triple Sliding Door/Oversized Balconies
- Central Air Conditioning
- Free Heat & Hot Water
- A Small Pet is Permitted

ONLY ONE MONTH SECURITY
Special Rates on Select Apartments for Immediate Occupancy
(516) 234-3535 Open 7 Days

DEER PK EASTON R E 586-6700 Super Value Studio $450 3Rm 1BR $575 4Rm/2BR $850 3BR House $1200-

DEER PARK bsmt apt, 1br, lg LR w/bar, frpl, pvt entry, own thermo $675all 516-667-0294

DEER PARK Kwintner Rlty 667 5300 1BR Kit/LR combo yd sm pet $600/all 2BR W/D/Share LR Kit W/W $850/all 3BR 2Bth EIK LR w/d gar yd $1200-

DEER PK Ultramodern 1 BR, pvt entr, parking, alarm, DW, CAC, $675 includes all. 516 243-1430

DIX HILLS
COUNTRY CLUB APTS
1&2 BR Apts From $870.
- Pvt entrance Beautiful area
- Dining Size Terrace
- Free Heat & Hot Water
- Free A/C & Parking
NO FEES 516-243-1908

DIX HILLS Huge 1BR, 1½ baths, hi ceils, full kit, A/C, w/w, walk shops/RR. April 15th occup $800 plus 1 mo Turn-of-the-Century (516) 624 2915

DIX HILLS lge 1 BR apt w/pvt ent, bth, kit, LR, cable, parking, $875 neg incl all. Immed! Owner 516-243-3473

DIX HILLS/WHEATLY Heights Lge 1BR Co-op, avail immed. Rent $7.5 mo plus util Sale $45K 516 472-0536

EAST ISLIP 516-581-1475
COUNTRY CLUB GARDENS
WINTER RENT-UP SPECIAL
1 BR $735. 2 BR $850.
FREE gas, heat/hot water, mstr TV. Lg apts w/pvt ent, oak flrs, d/w. Top SD Cable ready lndry. 5 mins beach

E MEADOW Mint 2BR, large EIK, LR, fin bsmt, gar Use yard $1150 Many Others VIGILANT 516-938 2900

East Meadow
HERITAGE SQUARE
425 Newbridge Rd
1 & 2 BRs from $890
516-826 9685

E. MEADOW Very nice Studio apt, full EIK, lot closets, sep entry, main level, no pets $650 all 516 794 1092

E MEADOW Bellmore Massapequa [illegible]

GRAND OPENING
LONG ISLAND'S MOST DESIRABLE
TOWNHOUSE RENTAL APARTMENTS

UNIQUE LUXURY TOWNHOMES
Featuring: 2 Full Baths, Central Air Conditioning, Large Walk-In Closets, Wall-to-Wall Carpeting, Refrigerator, Dishwasher, Range and Hood all included. Each apartment has an individual laundry room Community Clubhouse, Pools & Tennis Courts

There's Nothing Else Like It!
From Only $1075 Per Month

Directions:
LIE to exit 63 (CR83)
Proceed North on CR83
4.5 miles to Rte 112
Right on Rte 112 for 7/10 mile to Townhouse entrance on right

BROOKWOOD TOWNHOUSE APARTMENTS
Coram
(516) 736-9367
Open Daily 10-5

HAUPPAUGE-NOB HILL 2BR condo w/terr, A/C, W/W, DW, W/D, pool, tennis $950 incl heat 516-724 9810

HAUPPAUGE/Smithtown, Lux Gdn Apts 2½/3½/4½, new kits, d/w plenty cls's, immac fr $685 361-6862/681-6986

HEMPSTEAD 3BR full bth, on premises parkg. Quiet St Ref Sec deposit $1200 avail immed Call 516-741 3465

HEMPSTEAD AREA. New 1BR full bth, full kit, w/w, new appls Ref neg Near transportation 516-594-0920

HEMPSTEAD 1 BDRM
FREE PARKING NO FEE
516-486-1010

HEMPSTEAD/Garden City walk RR/bus/shops, Lge 1/2 br, new kit/bth, lge closets, $975 Must See 516-486-8439

HEMPSTEAD-Garden City Boarder. Lge studio, EIK, full bth, intercom, mint $650 St John Rlty 718-470-9303

HEMPSTEAD-LUXURY ELEV BLDG. LARGE STUDIO. NO FEE. 516-489-4165

HEMPSTEAD very lge. spac 1 BR's & Studios avail in well secured building The New Country Estates 516-292-6071 Renting office open Mon-Fri 9-4

Hicksville 1BR grnd flr incl all $600 new paint & carpet, cable, use of patio
PROVIDENT Realty 516-932-9700

HICKSVILLE Clean bright 1 BR, lge LR, EIK, tile bth, pvt entr, w/w, laundry No pets Walk RR. Principals only $900 incl Bob 516-496-4434

HICKSVILLE Furn'd Studio, LR & BR combo, small kit, pvt bath & entry No smoking $135/wk. 516 931 4089

HOLBROOK Hillcrest Village
Spacious Gdn Apts, Parklike Setting
365 BROADWAY AVE.
EXEC & 1 BR FROM $665
includ heat/hot water, a/c, pool, tennis. Convenient to Vets Hwy/LIE 516-567-1761

HOLTSVILLE NO FEE
BIRCHWOOD GLEN
LI'S MOST PRESTIGIOUS
CO OP COMMUNITY
SACHEM SCHOOL DIST
2-BR from $1,025
LARGE APARTMENTS
FREE HEALTH CLUB

[illegible] Apt, DR, eat in kit, oak flr, free gas Near all! April 1 $825 541-9163

LINDENHURST Normandy Gdns 1 2 bds, a/c, dishwasher, laundry, prkg No Fee From $785 516-884-4446.

LINDENHURST VILL Lge LR w/dplc, EIK, lge DR, full bth, yrd, sliding glass drs to deck, nr all $800 + 516-475 12[illegible]

LONG BEACH A1 Bkr: 516-432 891[illegible] Studios $605up; 3rm $675 up, W. 4rm $7[illegible]. 6rm hse $1000. 8rm Col $1800

LONG BCH Condos Oceanfrnt, Yrly & Summer Rentals. $100 off yrly fee w/ad VERDESCHI RE 516/431-6160

LONG BEACH #1 RENTALS
also summer.. Dunes 4BR house. $14[illegible]
CENTURY 21 KAYE 516/889-9700

LONG BCH Many Avail Apts NO FEE Studios fr $750 1-2BR fr $875-$1200 ELEGANT CHOICE 516-432-2100

LONG BCH Apt Specialist studio, terr o'vu only $800; 2BR, East st lvl $950, [illegible] 3BR 2bth, gar $1750 Sturm 432-6725

LONG BEACH - All New Studio $675, 1BR $775, 2BR, 2BTH $1350 [illegible]OPPER REALTY 516/889-6677

LONG BEACH • Annual & Summer
SURF REALTY 516-889-1800
[illegible]BR Hi-rise, top flr, terrace $925
Huge Studio, Hi-rise, Shore Rd $900

LONG BEACH 2BR, EIK, heat included. No Fee. $950. 516-432-0028/516-378-2451

LONG BEACH 3br in 2 fam house, downstairs, eik, dr, 1bth, driveway, bsmt, $1350, avail 3/22. 516-432-0580

LONG BEACH, Cozy 1 BR, EIK, plenty of parking, 1 block to beach, $725/all. Avail immed. 516-781-3090

LONG BEACH GULL RENTALS
[illegible]orty Open 9-9 889-4600

LONG BEACH. Ocean view. Cozy [illegible]R. Terr. sunken LR, new kit & bth, [illegible], prkg avail. $1,200. 516-877-0100

LONG BEACH 5+ RENTALS
SOUTH SHORE Call 516-431-6100

LONG BEACH-steps to ocean, light bsmt studio apt, pvt entr, yd space [illegible] round $600/all Owner 516-897-9889

LONG BEACH W. Entire 3 BR house EIK, W/D, fresh paint $1100 + utils STERRER REALTY 516-431-4500

LONG BCH Rental Specialist
[illegible]BR vaulted ceilgs $750
[illegible]BR, gar util included .... $[illegible]
[illegible]BR, E Atlantic Beach .... $1000 [illegible]
GREAT SUMMER RENTALS
Century 21 PETREY 516 431-08[illegible]

LONG BEACH WEST. Mod 3 BR, [illegible] deck, yard, steps to beach, $1425 inc heat No pets Avail 4/1. 516-671-95[illegible]

Lynbrook Studio, pet ok $650 [illegible] 3rm $700/all, mod 4rm $850 [illegible]
VILLAGE PLAZA 516-593-5[illegible]

LYNBROOK Abode 5 Towns Gardens Stu/1-2Br terr/pool/prkng $625-$1350. Hses $1200up Futuristic 295-0800

LYNBROOK & VIC 1BR, EIK, yd $700
2 BR Large EIK, New Bath $850
3 BR, Large LR, 2 Baths $1050
Many More Bkr 516-561-RENT

LYNBROOK A1 Rental Specialists Absolute great apts in 5 Towns, Valley Stream/Vic JULIA STEVENS 295-1454

LYNBROOK 2 BR, 1st flr, full bth, EIK, LR, porch, gar, nr all, excel, owner $965 heat incl 599-9533, 599-6433

LYNBROOK, Lge 2BR w/fin bsmt 2 fam Walk all! No pets. Pkng 2 cars $875/2 mo sec Avail 4/1 516-536-3265

LYNBROOK
LR, DR, den, 1BR, lots of closets. 2nd flr $900 After 5pm 516-599-3591

LYNBROOK
$695 .... 3 Rooms, 1 BR, Spotless
$900 .... 4 Rms, 2 BRs, 1st Floor
$1100 .... 6 Rooms, 3 BRs, Skylights
HEINEMANN 516-825-3333, 568-1600

LYNBROOK · RVC · OCEANSIDE
GARDEN APTS FROM $600
Opn til 9 PAOLUCCI R.E. 516-825-1500

MALVERNE 2BR, EIK, LR, 2nd flr, sep entry, pvt prking, wlk RR/shops. $850/mo Call Owner: 516-321 5606

MANORVILLE MORICHES LIE 69
COUNTRY CLUB APTS
FREE 18 HOLE GOLF COURSE
Tennis, pool, w/w, heat, hot water, a/c
STUDIOS FROM $550
1 BR FROM $665
Models & Rental Office
Open 7 Days 9 30-5 00 516-878-2525

MASSAPEQUA New Studio/kit $525 3 rms, king BR $750 4rm, 2BR, yd $750 SHANE'S ANCHOR 516/783-4540

MASSAPEQUA Lvly studio, EIK $550 1st flr QBR $700, Sunny spacious [illegible]

VILLAS AT LBV II
1BR Villas From $750
FREE heat, hot water, a/c, carpeting, dishwasher, 1-story Villas for over 55. FREE Club, Pool included. 654-1927

PATCHOGUE E. 516-475-7313
GREENBRIAR GARDEN APT
WINTER RENT UP SPECIAL
1 BR - $599
2 Min Walk To Brookhaven Hosp
PATCHOGUE/MEDFORD SD

PATCHOGUE EAST
LAKESIDE/HEATHERWD
ST & 1 BR From $630
Lakeside setting Pool/Tennis
Hospital Rd. 516-654-0555

PATCHOGUE E: Large new studio Pvt entry, pvt full kit, pvt bth, Cable & utils incl $500/mo. 516-289-5882

PATCHOGUE
Heatherwood Garden Apts
ST, 1 BR & 2 BR FROM $590
FREE Heat, Hot Water & Carpet
Lakeside Setting. Close to Village.
Immed/Future. 516-289-3241

PATCHOGUE Lge 1 BR, extra closets/storage, w/w, laundry, $665, no pets, 2 mos sec. Owner, 516-654-8188

PATCHOGUE MT VERNON AVE
MOUNT VERNON GARDEN APTS
Lge 1 & 2 BR Terr Apts
Located in residential area, includes heat & a/c. From $745. 516-475-1667

PATCHOGUE NO FEE
Studios 1 & 2BR.
Mo. Free On Select Apts. 758-1655

PATCHOGUE N. Spacious, new apt. w/w, BR/LR combo, kit w/dining area, pvt entry, wlk to all, $575 516-475-1252

PATCHOGUE Tiffany Apts 1BR w/w a/c, d/w, elev, laundry rm, free cable $715. No fee 516-758-7977; 516-484-6300

PORT WASH. 1BR, ht, wlk RR $875; 2BR dplx $1350, lux dplx $2500; 3BR hse, ht incl $1875 SANDSPORT 516-883-7780

PORT JEFFERSON VILL
HARBOUR HGTS
1 & 2BR Apts From $760
Beautiful Belle Terre Area
Pvt Entrance, Free Heat
Hot Water, A/C, Parking
NO FEES 516-928-[illegible]

PORT WASHINGTON
WILDWOOD & SOUNDVIEW GDNS Spac Studio 1 & 2 BR apts nr all conveniences Fr $875 1 Month FREE Rent on Selected Apts Must See 516-944-7940

PORT WASHINGTON
Two 2 BR apts for rent in renovated private house. Vacant, avail immed 2nd flr 2BR $900, 1st flr 2BR w/fin bsmt-$1250 Call Chris Bkr 718-932 0005 dys or Beeper # 917 [illegible]-5423

Great Location
ROCKVILLE CENTRE 1BR & Studio A/C, laundry every flr, free parking Near all. Avail now Call 516-536-904[illegible]

RVC/OCEANSIDE & VIC
$700 .... 3 rm, 1 BR, Bright & Airy
$875 .... 4 rms, 2 BRs, Mint
$1550/Pays All .... 6 rms 3 BRs, DR
HEINEMANN 516-763-1200 568-1600

RVC & vic studio $650-up, 1-2Br $850-up house-comm'l use $2100 516-764-2600 CENTURY 21 SHERLOCK HOMES

RVC & VIC. RENTALS AVAIL STUDIOS TO HOUSES Ask For Andy MARTELL REALTY 516-678-2133

RONKONKOMA 1 BR, furn rm, EIK, LR, pvt entry, own thermostat, w/w non smoking pets $600 all 516-467 2128

RONKONKOMA
Heatherwood on The Lake
DLX ST & 1 BR fr $560
Immed/Future occup A/C, D/W, heat includ Near all conveniences 516-585-2562

RONKONKOMA On Lake, 1 BR w/deck, KIT/DR/LR Lease & Security $750 plus utils IMMED 516-862-859[illegible]

ROOSEVELT 1 2 BR EIK full bth excel cond, $865 plus elec. Convenient loc. Call Broker Leer Development Group Ltd 516-627-[illegible]

ROSLYN HTS 1BR, new appls, Exce[illegible]

share

Apartments/Houses/Rooms To Share/Nassau/Suffolk

BABYLON NORTH, 2 Females seek roommate to share 3BR house, off street prkg $375/all. 516-[illegible] 3885

BLUE POINT Share 4 BR Victorian house with 1 male. Nice pvt yard $500 all. 516-363-4732.

E. MEADOW clean house to share w/M, pvt lge BR w/closet, 2 bths, non smoking. $350 + utils 516-221-[illegible]/eve

EAST MEADOW house to share full kitch, bth, lg LR, own BR own parking $400 all, 516-794-5733

WESTBURY Non Smoking Male To Share 2Br Apt. $450 Includ All. Use Of Yard/Driveway & Gar 516-334-7447

rooms

Furnished Rooms Nassau/Suffolk

A1 A 516-735-1000 Rooms & Studios. 1 BRs "ALL NASSAU/SUFFOLK" Fr $65 wkly/$275 mo. Pvt Entry cook Guaranteed Svc NY lic Pro-Match fee

A1 A 3233 Sunrise Hwy open 7 dy $70 wk & up - ROOMS - STUDIOS Pvt Entry & Bath - Kitchen ROOMRENTERS - 783-5800 - lo fee

A1 RESID'L HOTEL WANTAGH Jones Beach Hotel 516-785-2029 Cable TV/AC. Bar/Restrnt/Maid Svce Wkly from $140. MC/Visa/Amex

HUNTINGTON Historic Vill District. Furn. studio style rms, clean, lge, secure. Nr all. $130-160/wk 516-673-0662

LEVITTOWN Lg room, pvt entr share bth, micro, refrig w/gentle man, $350 mo + 1 mo sec 516-[illegible]-1178

Newsday

Jan 19, 1996

Almost new, largest 3 BR, 2½ bth w/master down, all appls, CAC, pool club, tennis $245,990 KLAR 735 1700

LONG BEACH Oceanview $79K
CENTURY 21 KAYE 516/889 9700

LONG BEACH 516-431-6100
South Shore Condo Co-op Kings
$75K & up Some Owner Finance

LONG BCH DIRECT OCEANFRONT Lvly mint Jr 4, terr, G&E inc $110K MONARCH REALTY 516-889 2295

LONG BCH Great Buys 1BR, view $49,990 $5000 down, lg Jr 4 $59K, 2BR, terr o'vu $95K parking 90% mtg avail Sturm 516-432-6725 431 4586 Eve

LONG BEACH COME SEE!!
OPEN HOUSE SUN 1-3PM
25 NEPTUNE BLVD APT 7A
Impeccable ocnfrnt 3BR 2bth Jewel Below market value Motivated!
CENTURY 21 PETREY
516/431-0828

LONG BEACH We Have Them All! Country Club Twrs, 2BR Mint $79K
LB Terrace 2BR, 1.5BTH $115K
SPE Condo 3RM Ocnfrnt Terr $105K
Breakers 3BR 2BTH Terr Vw $189K
Boardwalk 3BR 2Bth Jacuzzi $200's
TOPPER REALTY 516/889 6677

LYNBROOK & E ROCK Renov Stu, 1&2 BRS lux elev bldgs nr RR & Vill shops South Shore Sales 516 887 4144

LYNBROOK E ROCKAWAY 1 & 2 BR gym pool party rm & new lobby, maint from $441 Call Mike Century 21 At Your Service 599 2333

⇨IMMEDIATE⇦

LYNBROOK GARDENS Lge 1 BR, top flr, excel closets, indoor pkg For Sale $57K/Rent $975/Mo 516 882 2472

MEDFORD Blue Ridge Super sharp 2 BR unit upgraded kit, new appliances, 1.5 bths Bring checkbook $87,500 Call Barbara LSA PRUDENTIAL LI RLTY 516 758-2552

MINEOLA (Birchwood Ct) 1 & 2BR apts Walk to RR shopping muncipal bldgs Very reasonable. Also 2BR Bank Foreclosure avail. Call 516-338 4903

MINEOLA 2BR Condo, wlk LIRR, courts, hospital, lo maint all appl, $115K neg Owner 516-CO7-2073

MINEOLA Garden Plaza Prime Loc 1BR, 24hr sec. walk shops RR Avail 3/1 Maint $450 $69,900 516-763-5413

MINEOLA/Nr Vill, sunny 2BR 2Bth, w/w, a/c, top flr corner, wlk LIRR, 24hr sec $99K Owner 516-248-7544

OAKDALE OPEN HOUSE SUN 1/14 & 1/21, 11-4 52 Wilshire La Apt M5 Lge 2BR Co-op, new EIK, lots closets, walk RR. $66K/best offer 516 563-8912

OYSTER BAY 1 BR co-op, upper unit, pvt ent, immac! New kit & bth, nr R R & beach. $90K owner 516-624-2150

PORT JEFF at Sagamore Hills 1BR, DR/LR/EIK, Excel Cond! $72K 516-467-6131 or 516-433-4187

PORT WASHINGTON
OPEN HOUSE, SAT 1/20 1-3 PM
2L MADISON PARK GARDENS
Come see this bright 2 Br co-op. Just painted & ready for you to move in! Walk to all! $105,000
Coldwell Banker Sammis 767 9290

RIDGE LEISURE RE-SALES!
VILLAGE/KNOLL/GLEN
Many styles/sizes, from $50K
LEISURE LIVING RLTY 516 821 1083

RIDGE, Leisure Vill - Baronet, Estate sale 2 BR, Gar, excel Central loc Principals. $82,500 516-367-7770

RIDGE "Strathmore Townhouse" 6 rms, 1½ bth, a/c, ceil fans, much more Owner wants fast sale $149,999 Call Barbara LSA PRUDENTIAL LI RLTY 516-758 2552

RIDGE The Glen over 55 Premier Cntry Club community Homes from $150,000 Joan Royals, 516-744 3787 Coldwell Banker Sammis 516-331 9700

-Free heat & hot water
-EIK/updated appliances
-Lighted tennis courts
-Children's playground
-Sliding glass door w/pvt patio
-Convenient to shop grt wys
-Close to healthcare
-Most pets accepted
-50 minutes from Manhattan
-Adj Belmont Lake State Pk

Jr 1, 1, & 2 BR Apts from $850 - NO FEES!

Dir. So State Pkwy Exit 39N. 1 blk to August Rd Left 1 mi. to apts Ofce Mgmt Apt 15932
516-667-9575
OPEN 9-5 7 DAYS

BABYLON SUBURB A GDNS ALL NEW 1 BR Apts 1 Mo FREE 516-884 7431, 516-669-8659

BABYLON VIL 1 BR, EIK, LR walk to vil/RR, w/w, clean & quiet, cable, no smoking/pets $575/All 516-661 1848

BABYLON VILLAGE 1 BR, Full Bth, LR, EIK, Pvt parking, Near RR $680 plus Immed Owner 516-799 5128/days

BABYLON W. 1BR yd use $625, 2BR pets ok $875, 4br 2bth house $1500 2br beachfrnt $1295 bkr 516-587 9246

BABYLON/WEST 2BR bsmt Apt, carpeted, own thermostat No pets $725/ incl utils 516 586 0904 or 516-242 1858

BABYLON W 3BR yard bsmt $1000 1BR Gdn $850 Lindy 1BRs $600 & up
MARIE WARD RLTY 661-2000

BALDWIN
1 BEDROOM
NO FEE
CALL 516 379 1756

BALDWIN 3room Apt, 2nd fl, pvt entrance, full bth, EIK, w/w no pets. $700mo - elec, ref Owner 516 867 2505

BAYPORT Sunrise & Nicolls. Fairway Manor, Sect II, Brand New. Seniors (55+), rec bldg 1 & 2 brs. From $825 363-6918

BAYPORT 'Southern Meadows'
NEW REMODELED APTS
Best New Year Value Must See!
Call 516-363-6300

BAYSHORE 516 665-3231 Deluxe Studio, 1 & 2 BR Apts No Fee Conv LIRR Pkwy Free heat/hot water

BAYSHORE 516-666-1463
LUXURY 1 & 2 BR APT.
Euro Kitchen Private Entry

BAY SHORE BERKLEY GARDEN APTS Lge Rms 2½ & 3½ rm, closets galore, heat, gas, a/c, from $625 & up No pets No Fee. Call 516 581 1369

BAY SHORE BROOK GARDENS
LUXURY SENIOR COMMUNITY
CALL 516-666-3750

Bay Shore Gardens 516-666-8735
Studio, 1BR & 2BR .... From $615
New applcs gas, heat & hot water incl
New w/w crptg, wlk to shops, bus stop

BAYSHORE Newbrook Gardens Free gas, heat/cooking Nr shop/trans 1-2 Bedrms Cent A/C, pvt entry. Call for info. 516 666 9525

BAYSHORE Studio/2 BR Beaut lake front gdn apt, huge rms, Islip SD. walk all. No Fee Owner 516 666 1769

BELLMORE New Studio/kitch $575. 3 rms, fplc, gar $750. 6 rms, 3BR gar $1300/all Shane's Anchor 516 783 4540

BELLMORE 1 BR in 6 fam house, LR/kit combo, carpet, A/C. $700/mo incl heat Owner, No Fee, Bus Hrs. 212-481-1225, eves/wknds 516 822 7537

BELLMORE New studio $75 1BR 695all, exclu Wntgh 3BR, W&D, yard 975, whole house, 2bth, bsmt, gar 1575 YOUR HOME 516 826-4635

BELLMORE N cozy studio, pvt entry w/w carpet, 1st flr, no smoking, no pets $495 includes utilities 516 221-0769

E. ROCKAWAY 4BR, EIK, frplc, walk RR/all, yard, gar, W/D, no pets $1400/inclu util 516-599 2685

ELMONT/Franklin Sq 2 3 4 5 6 rms. 3rm $600 4rm $775 5rm $950 6rm $1013 $1100 5rm hse $875 Bkr 516-488 3311

FARMINGDALE Main flr Queen BR, lg eik, huge LR, w/w, pvt entry, storage $775 all VIGILANT 516/931 7200

FARMINGDALE 3BR LR, DR, Fam rm, fin bsmt, 2 bth, Jacuzzi, w/d, D/W Microwave, deck/gar/yd Sec No Dogs Near all $1475 + util's 516 753-0316

FARMINGDALE 2BR $1275 Includes Gas Cooking, Heat, Water NO FEE 331 4741

FARMINGDALE 1BR, LR/kit combo, pvt entry no pets/smoking $625 all utils cable incl 249-0731, lve msg

FARMINGDALE, 1BR on 2nd flr, LR/kit combo $625/all
PERFORMANCE 516-249-0044

FARMINGDALE 2BR, EIK, LR, 1st Flr Legal 2 Fam house, absent land lord, yd. + bsmt $875/mo 516 266-3138

FARMINGDALE Beaut 2 BR Gdn Apt Terr, W/W, A/C, great Vill loc, walk RR/all $1095 541 9163, 777 7151

FARMINGDALE Bsmt Apt, 1BR/all new, quiet area, util incl. Non smoking $600 516-888 3721

FARMINGDALE KING SIZE 1BR Gdn apt, terrace, a/c, best Vill loc walk RR/all $895 541 9163, 777-715

FRANKLIN SQ 4rms 2nd flr, EIK walk to shops RR $850 plus elec Call Owner 516 625-0546

FREEPORT
LARGE 1BR BEAUTIFUL AREA
NO FEE 516-223-6769

FREEPORT
LARGE STUDIO 1 & 2BR
NO FEE 516 546-667

FREEPORT
LUXURY STUDIO APT. ELEV BLDG NO FEE 516-378 9675

FREEPORT NO FEE!
Studio & 1BR, gd loc, near trans Section 8 OK 718 353 3902

FREEPORT SO Waterfront studio ideal 1, dock space parking incl No Fee $625 516-378 2451

FREEPORT - Studio, mod elev bldg free parking NO FEE Call Super at 516 868 2241

FREEPORT
STUDIO & 1BR IN LUX BLDG.
NO FEE 516 546-9427

FREEPORT Well maint co-op Good credit a must Studio $675 & 2BR $1200 ELEGANT CHOICE 516-623-732

GARDEN CITY/HEMPSTEAD Cathedral Gardens, luxury apt for Rent Studio, 1 & 2 bdrm. From $625 Call 212-593-3950 Mon-Fri

GARDEN CITY/HEMPSTEAD, 1BR Co-op near all, $900/mo inc heat & hot water Avail Immed 516 485 2472

GLEN COVE 1BR $700, 2BR $950 House 3Br, 2bth, frpl $1500, Sea Cliff 2BR loft $1200 CORISTAN 516-671-397

GLEN COVE 1bd $700, 2bd $900, 3bd 2½bth, 2frpl, gar, CAC, $1700 SEA CLIFF 1bd $700. CEASARS 676-829

GLEN COVE 1Br $650-$700, 3Br h... appls gar $1450. 5Br house, ... waterview, $2700. STURNO 759-

⇨IMMEDIATE⇦

GLEN COVE Studio 1,2 bd, gar, tennis w/w, d/w, terr, Free Pkg Fr $650 NO FEE 516 759 9210

HAMPTON BAYS immac 2 fam 2nd flr apt 5BR, 2bths LR, DR, kit, cath ceil, w/d hook up, $950 516-822 8075

HAUPPAUGE
STRATFORD GREENS
ONE MONTH FREE*
STUDIOS, 1 BR's & 2 BR's Free swim club, new kits & appls, a/c units, gas heat/cook Hauppauge schls
*On selected apts 516 234 3595

HAUPPAUGE/Smithtown, Lux Gdn Apts, 2 ½3½/4½, new kits, d/w plenty clsts, immac fr $695 361-6862/681-6956

LEVITTOWN, Mint 1BR on 2nd flr, EIK, LR, all new! Cable incl, $800/all
PERFORMANCE: 516-249-0044

LEVITTOWN, Mint 2BR, 2nd flr eik, child welcomed, pvt entry, yard w/d hookup, cable $1000/all 516-731-8251

LEVITTOWN 4 rooms, new w/w, new bath, immaculate, Immediate $1,050 includes utilities, plus sec 516-293-2127

LEVITTOWN studio w/full kit & bth nr trans, $640 mo heat & hot water included, free parking Owner 516-735 7565

LINDENHURST 4 Rm 2 lge BR, LR E K, W/W, full bth, lge closets, D/W, near all $800 elec Marino RE 789-8631

LINDENHURST 1 BR, LR, KITCH, full bath, pvt entr, immed occupancy $600 All 516-957 7726

BABYLON Lindenhurst Gorgeous!! Main lvl, 2BR, gar, bsmt, drvwy, yard ERA/Cossato Rlty 516/669 9100 24hrs

LINDENHURST Normandy Gdns 1-2 bds, a/c, dishwasher, laundry, prkg No Fee From $785 516-884 4446

LINDENHURST NO-4 beautiful rms 2 BR, new EIK, W/D, DW, w/w a/c closets galore $950 + elec 516 226-3411

LINDENHURST VILL Side by side 1st fl, on BR, huge LR & kit, pvt yd ... CENTURY 21 AA 516 226-5

LONG BCH Some NO FEE Winter Yearly Studios & Large Apts Station Rlty Open 7 Days 516 889-0080

LONG BEACH 2BR, 2bth $1100
CENTURY 21 KAYE 516/889 9700

LONG BCH Condos Oceanfrnt, Yrly & Summer Rentals $100 off yrly fee w/ad VERDESCHI RE 516 431-6760

LONG BCH, Studio w alcv EIK, W/W, hi flr oceanfrt bldg $750 w/... STERRERS 100 OFF FEE 516 431 4500

LONG BEACH 2 BR under 1st flr EIK walk beach nr all, $800 includ all Owner 516 223-0464 212 337 3122 Sonya

LONG BEACH E 1BLK Ocean 3BR 2Bth, driveway, yard, $1200 mo plus util No fee Rent w/option Days 516 354-0029 ext 3030 Eve 516 931-5723

LONG BEACH E 2 rm studio $600 all Also apt share $450 all. Near beach & LIRR No fee! Owner 516-431 9867

LONG BCH "Exec Towers" o'sized BR great closets balc, laundry, walk bch $840 HAL KNOPF 516-764-6060

LONG BEACH GULL RENTALS
Yearly Open 9-9 889 4600

LONG BEACH Oceanview W. Holmes Twnhse 2 BR duplex, den, gar, $1800 CENTURY 21 SCULLY 516-889 7110

LONG BEACH 5+ RENTALS
SOUTH SHORE Call 516-431-6100

LONG BCH Rental Specialists
WE HAVE 1-2 & 3BR APTS AVAIL MANY IN WALK TO BEACH AREA HOUSE RENTALS/SALES CALL Century 21 PETREY 516/431-0873

LONG BEACH Studio $600, 1BR $850 Bch Wlk Lndng 2Br 2Bth $1650 Ocean Club 2Br $1800, And More. TOPPER REALTY 516/889-6677

LONG BEACH WEST END
2 BR apt w/terr, rent $975 mo.
718-994-6448

LYNBROOK 3 rms $600, 4 rms $725 ... rms 1st flr $1000 MANY OTHERS MARY CHARLES RLTY 516/887 3377

LYNBROOK A1 Rental Specialists Absolute great apts in 5 Towns, Valley Stream/vic JULIA STEVENS 295-1454

LYNBROOK Nr all. 3 Lge Rms, light, bright, 2nd flr, 2 fam house, incl heat & hot wtr $750 Mo Owner 516-679 9334

LYNBROOK
$650 ... 3 rms, 1 BR, Bright & Airy
$850 .... 4 rms, 2 BRs, 1st flr
$1100 .... 6 rms, 3 BRs, Spacious
HEINEMANN 516-825-3333, 568 1600

LYNBROOK - RVC - OCEANSIDE GARDEN APTS FROM $600 Open til 9 PAOLUCCI R E 516-825-1500

LYNBROOK 1st flr of 2 family, 1½ BR, all new kitch & bth Walk to LIRR *Avail Immed* $925/mo 516-938-6745

1 & 2BRs From $760
FREE heat, hot water, a/c carpeted, dishwasher, full country club facility includes indoor pool 516 289 4400

PATCHOGUE HBR 475-8922
ONE MONTH FREE*
LUXURY 1 BR APTS
*call for details FAIRFIELD

PATCHOGUE
Heatherwood Garden Apts
1 BR from $710
FREE Heat, Hot Water & Carpet
Lakeside Setting Close to Village
Immed/Future 516-289 3241

PATCHOGUE MT VERNON AVE MOUNT VERNON GARDEN APTS Lge 1 & 2 BR Terr. Apts Located in residential area includes heat & a/c. From $740 516-475-1667

PATCHOGUE NO FEE
Studios 1 & 2BR
1 Mo Free On Select Apts 758-1655

PATCHOGUE Tiffany Apts 1BR w/w ... d/w, elev, laundry rm, free cable ... 15 No fee 516 758 7977, 516 484-6303

PLAINVIEW Beaut 1 BR bsmt, EIK, lge LR, plenty of closets & wndws, sized full bth, no pets, non smoking $750 all 21 occup 516-687 4914

PORT JEFF 516 928 7250
LUXURY 1 & 2 BR Apts
• Conv SUNY/Hospitals/Vill
• Euro Kit/Dshwshr & Micro
• Euro Bth/short term leases
NO FEE FAIRFIELD

PORT JEFFERSON VILL HARBOUR HGTS
1 & 2BR Apts From $755
Beautiful Belle Terre Area
Pvt Entrance, Free Heat
Hot Water, A/C, Parking
NO FEES 516-928 1437

PORT JEFFERSON NO FEE 2BR, LR, DR, D/W, a/c, W/D, patio, pool, $940 incl heat. Ownr 516 941-3706

Great Location
PORT JEFFERSON VILL Spac 2BR w/pvt entry, EIK, full bth. $850 Owner 516-689 9816

PORT JEFF VILL-Chandler Square Newly renovated 1BR, harbor view W/W, no pets. $800 all. 516-928-8392

PORT JEFF STA. "Stony Hollow" ... & Deluxe 1 BR Reno. W/W, A/C, Pool, Tennis from $695/mo. 698-8344

PORT WASHINGTON WILDWOOD & SOUNDVIEW GDNS Spac Studio 1 & 2 BR apts nr all conveniences Fr $895. 1 Month FREE Rent ... Selected Apts Must See 516-944 7940

PT WASH 1BR, walk RR $930; 3BR, ... flr $1200. CAC duo $1675. Col $2700 Others SANDSPORT 516-883-7780

PT WASHINGTON Pristine 1 BR apt $800/mo unfurn or $875/mo furnished Coldwell Banker Sammis 767-9290

RVC LR, EIK, 2 BR - duplex in legal 2 fam Walk to trans & stores W/out util $1100 Ownr, No Fee 516-594-1371

RVC/OCEANSIDE & VIC
$750 Pays all ..... 3 rms, 1 BR, Mint
$895 .... 5 rms, 2 BR, lge EIK
$1250 .... 6 rms, 3 BR, Modern
HEINEMANN 516-763-1200, 568 1600

RVC & VIC RENTALS AVAIL! STUDIOS TO HOUSES Ask For Andy MARTELL REALTY 516-678 2133

Ronkonkoma & areas 1, 2, 3 & 4 BR Apts/houses from $600 Open Eves LAKE HILLS REALTY (516) 981 8800

Newsday

FEB 2, 1996

Apartments For Rent/Nassau/Suffolk

HEMPSTEAD 1 BDRM FREE PARKING NO FEE 516-486-1010

HEMPSTEAD LUXURY ELEV BLDG. LARGE STUDIO. NO FEE 516-489-4165

HEMPSTEAD very lge. spac 1 BR's & Studios avail in well secured building. The New Country Estates 516-292-6211 Renting office open Mon-Fri 9-4

HICKSVILLE Mint 1BR, EIK, LR, den, w/w, F/bth, own thermo $750/all Many Others VIGILANT 516 938 2900

HICKSVILLE Adorable 1BR All New! EIK Pvt Entry Own Thermo Immed $675 2Mo Sec Keith 516-485 9700

HICKSVILLE 1 BR Bsmt Apt. EIK, LR, shower Bth, pvt entry, own thermo, a/c, cable, w/w, non smoking apt, no pets ref s $700/all 516-433-7344

HICKSVILLE 1BR, Kit/LR, skylt, closets,new paint/carpet, no smoking pets $600/all avail 12/1 516-935-7683

HICKSVILLE 1BR apt, lge EIK, small den, pvt entry, centrally loc $625 plus util. Days 516-294-6339

HICKSVILLE 2BR, 1st flr, D/W, DR, fin bsmt/bth, W/D, garden, fresh paint no pets,heat incl. $1350 516 681-4738

HICKSVILLE 2½rms. $595. 3½rms. patio $695. 3BR, yard, gar, $1195 Pvt entry, pvt home No fee 516-799-3614

HOLBROOK Hillcrest Village Spacious Gdn Apts. Parklike Setting 865 BROADWAY AVE.

1 & 2 BR From $770

Includ heat/hot water, a/c, pool, tennis. Convenient to Vets Hwy/LIE 516-567-1761

HUNTINGTON & VICINITY HOUSES & APARTMENTS

"WE STRICTLY DO RENTALS"

FINEST REALTY 516/367-3222

HUNTINGTON 2BR $1275 Includes heat, gas cooking, water. NO FEE. 516-331-4141

HUNTINGTON/Maplewood lge studio, full kit/bth, w/w, pvt entry, prime area. $500/all. Refs. 516-422-2076

HUNTINGTON 1½rm, Modern 325
Heart of village studio, kit, heat $425
Modern, carpeted 2BR $750
Cute 3BR, skylit, 2nd flr $895
New kit 3BR 2bth, heat incl $1395
PLUS REALTY 516-757-4211

HUNTINGTON Spac 2BR, Newly renov & carpeted,new bth & EIK, sep dining $1000 Avail Immed 516-643-9300

ISLAND PARK Barnum Isle Brand New 2 BR, 2 bth, 1500 sq ft, garage avail, $1800, Owner: 516-432-2244

ISLIP

Special Rates/NO FEE

1 & 2 BEDROOMS

BEAUTIFUL GARDEN APTS Across from Park & School

FEATURES: Pvt terraces w/sliding glassdoors. Decoratorkitchenswith 2-doorrefrigerator&dishwasher. Deluxe oak cabinets. Hardwood flrs

MAPLEWOOD APTS

2455 Union Boulevard Call Owner Mon-Sat: 516-277-6781

ISLIP Cheery 3BR Co-op Garden apt, ample closets, wood floors, 1 bth, incl heat. $1100. Owner 516-435-8396 Msg

ISLIP FOREST GREEN Near Shore 1BR, 1BR deluxe, 2BR, lux apts start $675. Incl heat/hot wtr. 1mo Free Rent Mon-Fri 10-4, Sun 12-3 516-224 4000

Apartments For Rent/Nassau/Suffolk

JERICHO WESTWOOD VILLAGE

ONE MONTH FREE* Townhouse

1 & 2 BRs fr $995 Featuring D/W, CAC, Swimming & tennis, near all major parkways Jericho School District. 516-333-1919 *Townhouse Apts Only.

JERICHO/HICKSVILLE

290 N. Bdwy, Hicksville-Close to major pkwys,RR,shopping,transit Visit 7 days 9-5. 1 & 2 Bedrooms

Fairhaven GARDEN APARTMENTS

516-433-1959 No Broker's Fee!

LK RONKONKOMA 1BR, LR, E-K. Upstairs, side entry, 1 mo sec, no pets/smoking $670 516-585-4186

LEVITTOWN Spac 2nd fl, 4rms, 1BR lg Eik, LR, den/office, 1bth $800 Others Avail VIGILANT 516-931-7200

LEVITTOWN Mint 1BRs fr $650 all 2BR,2nd flr,EIK DR,LR,1bth $1100 all Levittown's VIGILANT 796-8900

LEVITTOWN Being painted, carpeted, vacant, 4rms, driveway, big yard 1st flr, 2 BR, $875 + util Owner 368-0590

LEVITTOWN 2BR, EIK, LR, frplc, w/w carpet, closets, fenced yd. No pets $935 - Owner 516-243-6009

LEVITTOWN. 2nd flr, 1BR, EIK, LR, skylt, full bth $750/all.

PERFROMANCE: 516-249-0044

LEVITTOWN. New Main Flr 2BR EIK, LR, full bth. $1,000/all.

PERFROMANCE: 516-249-0044

LEVITTOWN-Studio w/full Kit & bth. $640mo heat & hot water inclu, free parking, By Owner 516-378-2777

LINDENHURST 5 Rm 2 Qn BR lg LR kit-DR combo full bth, lg closets, W/W clean, $900 all Marino RE 789-8631

LINDENHURST $750 ALL LEGAL 1BR HI RANCH DOWN IMMED OCC CALL 516665-1532

LINDENHURST 1 BR Garden apts, Convenient Loc, Laundry, EIK, prkg, Immed No Fee Owner 957-8625

LINDENHURST 3BR, totally remodeled/carpet, access to bsmt. No pets. Nr shops. $975 plus util. 516-957-5084

LINDENHURST-1 BR, EIK, LR, BR, carpeted, 2nd flr, no pets, heat inclu. Immed. $650/mo. Don 516-581-5365

LINDENHURST Normandy Gdns 1-2 bds, a/c, dishwasher, laundry, prkg. No Fee. From $785. 516-884-4446.

LINDENHURST, south of Montauk 1BR, new rugs,paint, clean, bright, no pets. $600 plus util, 516-242-6333

LINDENHURST VILL- 1 Lg BR, LR/Kit, Full Bth, Walk RR & Shops $600 + elec No Fee Owner 516-781-1703

LINDENHURST Cottage 2 Bedrooms, liv rm, EIK, bsmt, yard, pet ok. $950 + . Broker 587-6900

LONG BCH Condos Oceanfrnt, Yrly & Summer Rentals. $100 off yrly lease w/ad. VERDESCHI RE 516/431-6160

LONG BEACH A1 Bkr: 516-432-8910 studios $605up, 3rm $675 up. W. 4rm 750; 6rm hse $1000. 8rm Col $1800.

LONG BCH Apt Specialist studio,terr vu only $825. 3BR apt nr bch $1000 3BR 2bth mod Ranch has all,exce and $1600 Sturm 100 W.Park 432-6725

Apartments For Rent/Nassau/Suffolk

LONG BEACH 3 BR, pvt ent, full bth EIK, lge LR, front porch, nr beach & transit $1200 incl util. 516-791 2439

LONG BEACH 1 BR, walk RR, renov all new, A.D. backyard deck. $700 includes all. 516-431-0319, 6-8 30pm

Open House

LONG BEACH Fri&Sun 2/2&4 11-4pm 37 W. Hudson, Lge 2BR, sunny, great loc, pvt deck, EIK, immed! $925/mo Housing Hunters, 7 Days 212 971-0899

LONG BEACH GULL RENTALS

early Open 9 9 889-4600

LONG BEACH IMMED $850 BDRMS INCL HEAT & H/W TERRER REALTY 516 431-4500

LONG BEACH Lrg furn 1BR Apt LR,kit porch, pvt entry. $800 util incl. No pets. 516-432 5844

LONG BEACH, 6 rms, 3 BR, 1 block beach, great view. New kitchen. $1250 Free G & E. Call 718-767 2701

LONG BEACH 5+ RENTALS

SOUTH SHORE Call 516-431-6100

LONG BCH Rental Specialists

WE HAVE 1-2 & 3BR APTS AVAIL MANY IN WALK TO BEACH AREA HOUSE RENTALS/SALES CALL Century 21 PETREY 516/431-0621

LONG BEACH-Studio $600; 1BR $850
Bch Wlk Lndng 2Br,2Bth. $1650
Ocean Club 2Br $1800. And More
TOPPER REALTY 516/889-6677

LONG BEACH West End, 1BR New Kit/Rugs, Clean, Parking, $600 Includ All. 610-522-1908 Lve Msg

LYNBROOK & VIC 1 BR Bright $625. 2BR, new kit & bth, walk all $875; 3 BR lge rooms, new D/W $1100. Others Avail! Broker 516-561-RENT

LYNBROOK A1 Rental Specialists. Absolute great apts in 5 Towns, Valley Stream/nc JULIA STEVENS295-1454

LYNBROOK-Duplex apt, Immed 2-3 BR, ac, w/w, w/d, DW, 2 car prking, child/pet ok. $1300 plus. 516-593-9555

LYNBROOK Lo Rise elev build, 2BR, 2 full bth, terr, gar, pool, walk RR. Huge closets Ownr $1350 516-781-2306

LYNBROOK
$625 3 rms, 1 BR, Spacious
$850 4 rms, 2 BRs, New EIK
$1100 6 rms, 3 BRs, Walk to RR
HEINEMANN 516-825-3333, 568-1600

LYNBROOK 5 Towns Hewlett Elev, 3rm, pool/prkng $818; 2br, eik, $1100; Hses $1800 Futuristic 295-0900

LYNBROOK/Wyndam House, 200 Atlantic Ave., 2BR, 2 bth, lux co-op bldg., swim pool, immed occup. $1200/mo No fee Lv msg 718-253-8306

MASSAPEQUA AAA Mint 3BR, lg LR, DR, lg MBR, new Eik/bth. Must See! $1300/all VIGILANT 516/931-7200

MASSAPEQUA 1st fl 1BR $600; Mint King BR $675; 3 1/2 rms, wrd $775; 4 rms, 2BR $1000 all. Broker 798-6198

MASSAPEQUA new 3 lg rms, yd $900:
Mint 3 rms, lots of storage $650
2BR, yard small pet OK $900
BON-ANNO REALTY 516/420-9069

MASSAPEQUA 1BR apt, deck overlooking canal, non-smoking, avail 3/1. $875 includs util. Owner 516-797-9254

MASSAPEQUA Broker 795-7878
1st flr, yard, cable, lge BR, cat ok $650
1 Bedroom, mint, storage $800
3BR, LR, DR, driveway, W/D $1300/all

Apartments For Rent/Nassau/Suffolk

MASSAPEQUA E 1BR, Full Bth, LR, EIK, Private Parking, Nr RR, $625 plus Immed Owner 516-799-5178/days

MASSAPEQUA E. Nice 2BR Duplex Townhouse w/1½ Bths, LR, EIK Bsmt, Near RR, $950 plus Owner 516-799-5178/days

MASSAPEQUA No/So. Farmingdale 1BR bsmt apt, LR, kit, bthrm, storage rm, $635/incl all, ownr 516-379-0101

MASSAPEQUA S. 1BR, new kitch & bth, Frplc, washer/dryer, LR/DR, $750/mo plus utilities. 516-798-2121

MASSAPEQUA S. Studio w/EIK, w/w, main flr, pvt entrance $600 incls all Great loc. Avail immed 516-798-5737

MASSAPEQUA Spacious dplx, FDR, EIK/DW, king BR, closets, deck, w/w, cable $900. Century 21 AA516-826-8100

MASSAPEQUA Studio $320-$500; 3 rm $575-$650; All new 2 3 BR $1000-$1275; Lindy 4br 2bth $1250 Bkr 795-7880

MASSAPEQUA Studio, jacuzzi, w/d $595; 1BR cottage, all nu $825; 2BR, cath ceil, skylite $975; 3BR waterview $1350 & $1050. CUSTOM RE 798-4100

MASTIC/MANOR PK. 4 rm apt, BR w/bth, den, kit, LR, W/W. No pets. Nr LIE/RR/shops. Owner/occupant $750 plus sec. Refs 516-399-4234

MELVILLE Studio, sep kit area, main flr, no smoking/pets, nr pkwys, cable $550 incl all 516-427-1960 lve msg

MERRICK Brand New Lux apts a/c, dw, w/d 2.5rm-$800 3rm-$850 nr LIRR MANHEIM EQUITIES 516-520-2000

MERRICK 1 BR bsmt apt w/pvt entry, W/W, W/D. No pets. $650/all. 516-546-1544 days; 516-785-5383 wknds

MERRICK N. Qn BR w/lge walk-in closet, LR, new EIK, full bth, new w/w, lots of storage, pvt entry, own thermostat. $750 all Ownr 516-377-1330

MERRICK/Vic Mint Studios 1-3BRs Condos, Garden Apts, Houses Fr $500-$2000 Call Ron CUSTOM 516-868-7722

MIDDLE ISLAND 516-924-1100

LAKE POINTE VILLAGE

LUXURY 1 & 2 BR APTS Walk Shopping Private Entry

MIDDLE ISLAND Condo, 2BR, 2bths CAC, W/D, DW, $925 + sec. 516-696-8203

MINEOLA Co-op studio $850; 1BR $950; 2BR 2bth $1350; House $1600 RANDOM R.E. 516-741-9292

MINEOLA 1BR CO-OP $950 2BR Condo $1200 w/prkng Others avail VALENTINE Agncy 516-746-7200

MINEOLA-2Br LR EIK drvwy $800 + PLAINVIEW 3rm cottage bsmt $950 + BETHPAGE 3rm walk RR $650; Studios fr $450. GAETANO 516-931-8585

MINEOLA. Condo (New) 1BR, 1½ bths, prkg, walk to RR & Hospital. $1,050. Refs req'd. 516-669-6658

NEW HYDE PK/FRANKLIN SQ 1-3BR APTS, STUDIOS + HOMES START $600. S.A.REALTY 328-6385

Northport/Huntington 516-547-5300 Charming Village furnished 2BR,LR, kit,1/bth, wrd $1000-Mint 1BR hwd flrs-$915; 2BR, skylite, $900all; Cnpt furn waterfront 1BR has it all! $1200; Hunt New 1BR cottage $850; cute 1BR quiet area $700 all.Call Ginger 361-3525 at CENTURY 21 NORTHERN SHORES

OAKDALE Beautiful Lge 1Br Lr, EIK, Oak Flrs. $750 All. Avail Now. 516-567-7753 Eves

OAKDALE 1BR, full bth, lge LR/kit, lg walk-in closet, very clean, quiet street. No fee $625/all 516-563-4016

Apartments For Rent/Nassau/Suffolk

OAKDALE OAKDALE BOHEMIA RD

ST & 1 BR From $635

Includes heat/hot water/air cond. Immediate/Future. Beautiful estate setting. 516-567-9259

OAKDALE 3½ Rms, sunny, legal, ideal LIRR commuter to NYC, no pets, ref s & sec $650 Mo. 516-567-0470

"OCEANSIDE COVE" Great Loc. Mod 2 BR, 1½ bth duplex, CAC, w/w, gar, pool, tennis, 24 hr sec, $1600. HAL KNOPF 516-764-6060

OCEANSIDE Mint 3½ Huge Rooms lge LR & BR, full bth, D/W, lots closets w/w, a/c, walk RR, 35 min NYC, No fee $950/incl ht/hot wtr/gas 516-826-4932

OYSTER BAY New 2 BR, white kit & bth, oak flrs, near RR & beach $1200 Also New 1 BR, nice backyard $1000. Day 516-922-9341; Eve/wknd 922-7421

PATCHOGUE & BABYLON Luxurious Waterfront Garden Apts From $685. All Suffolk County town rentals available. 1BR thru 6BR. Section 8 welcome. Call Action Realty Rental Specialists at; 516-736-2294

PATCHOGUE E. 516-475-7313 GREENBRIAR GARDEN APT

WINTER RENT UP SPECIAL

1 BR - $599

2 Min Walk To Brookhaven Hosp PATCHOGUE/MEDFORD SD

PATCHOGUE HARBOUR

ONE MONTH FREE

LUXURY 1 BR APTS. FAIRFIELD 516-475-8922

PATCHOGUE Heatherwood Garden Apts

1 ST fr $590, 1 BR fr $710

FREE Heat, Hot Water & Carpet Lakeside Setting. Close to Village. Immed/Future. 516-289-3241

PATCHOGUE Lge 2 BR, LR, DR, EIK, full bth, top flr, nr all, Very light. Sect 8 OK. 516-364-2276

PATCHOGUE Mod 3 BR, w/w, frplc, cable, lge closet, priv entry, driveway; $900 plus elec 516-286-6238

PATCHOGUE MT VERNON AVE MOUNT VERNON GARDEN APTS Lge 1 & 2 BR Terr. Apts Located in residential area, includes heat & a/c. From $740. 516-475-1667

PATCHOGUE NO FEE Studios 1 & 2BR 1 Mo. Free On Select Apts. 758-1655

PATCHOGUE Tiffany Apts 1BR w/w a/c, d/w, elev, laundry rm, free cable $715. No fee. 516-758-7977; 516-484-6300

PORT JEFF 516-928-7250 LUXURY 1 BR APTS.
• Conv SUNY/Hospitals/Vill
• Euro Kit/Dshwshr & Micro
• Immediate occupancy
NO FEE FAIRFIELD

PT JEFF STA lge studio, full bth & kit, w/w, pvt entry, $550/all. Call aft 6pm 516-473-8416

PORT JEFFERSON VILLAGE Immediate Occupancy All new 2 BR condo with garage & bsmt. $1250/mo. Includes water & cable TV. All appliances, pool, tennis, gym & much more. (516) 331-0555

PORT JEFFERSON NO FEE 2 BR, LR, DR, DW, AC, laund, patio, pool $900 incl heat, owner 516-941-3706

Apartments For Rent/Nassau/Suffolk

PORT JEFFERSON VILL HARBOUR HGTS

1 & 2BR Apts From $760

Beautiful Belle Terre Area Pvt Entrance, Free Heat Hot Water, A/C, Parking NO FEES 516-928-1437

PORT JEFF VILL-Chandler Square Newly renovated 1BR, harbor view W/W, no pets $800/all 516-928-8392

PORT JEFFERSON - Luxury 1 BR, new appliances, W/W Carpet $795 516-979-4602

PORT JEFF STA spacious 2-3br apt, pvt entry/yd, eik, lr, full bth, 2br $850, 3br $1200 Avail 2/1. 516-331-0181

PORT JEFF VILL spacious studio w/loft, eik, full bth, $525 plus util. Immed. Owner 516-474-2456

PT JEFF VILL 2BR, frpl, wd flrs. (1st flr in 2 fam), gar. No pets. Avail Now $695 plus utils 212-663-3893

PORT WASHINGTON WILDWOOD & SOUNDVIEW GDNS Spac Studio 1 & 2 BR apts nr all conveniences Fr $895. 1 Month FREE Rent on Selected Apts Must See 516 944-7940

PT WASH: 1BR, walk RR $900; 1BR, hf $1050; 2BR grdn $1350; Col $2650/furn $2900 SANDSPORT 516-883-7780

ROCKVILLE CENTRE Spacious 1BR $950; Studio $750; Elevator bldg, 1 free prkg space, laundry room on every flr, A/C, free gas. 516-536-9041

RVC 1BR's, elevator bldg-$900, 2-BR-private house-$1200! 516/764-2601 CENTURY 21 SHERLOCK HOMES

RVC/OCEANSIDE & VIC
$650 3 rms, 1 BR, Spotless
$895 5 rms, 2 BRs, Attic, Storage
$1500 5 rm lux co-op, 2 BR, 2 bth, Terr
HEINEMANN 516-763-1200, 568-1600

RVC & VIC RENTALS AVAIL! STUDIOS TO HOUSES-Ask For Andy MARTELL REALTY 516-678-2133

Ronkonkoma & areas: 1, 2, 3 & 4 BR Apts/houses from $600, Open Eves. LAKE HILLS REALTY(516) 981-8800

RONKONKOMA BROKER 981-3101
Mint Furn Studio $500
4 Rms, 2 BRs, yard, bsmt $825

RONKONKOMA Heatherwood on The Lake

ST & 1 BR fr $650

Immed/Future occup, A/C, D/W, heat includ. Near all conveniences. 516-585-2562

ST JAMES new 1br, ceramic tile, Berber carpet, stall shower, access to driveway, $675 incl all 516-584-3114

SAYVILLE 516-567-6333

LUXURY 1 & 2 BR APTS.

NO FEE FAIRFIELD

SAYVILLE lge studio/1 BR, 1 blk from shop/RR, newly renov, no fee, $550 incl heat/hot water 516-691-4994

SAYVILLE On Great South Bay pvt beach, studio w/sleeping alcove, 1 & 2 BRs,laundry, parking No fee. $640/mo Call Supt, 516-547-0800

SAYVILLE: Walk to all, spacious 3½ rm apt. $735/mo included heat & cable. No Pets. Owner. 516-589-2068

SEAFORD Studio/kit $500, New spac 3 rms $650; Waterfront Mint 3 huge rms $800 Shore's Anchor 516/783-4540

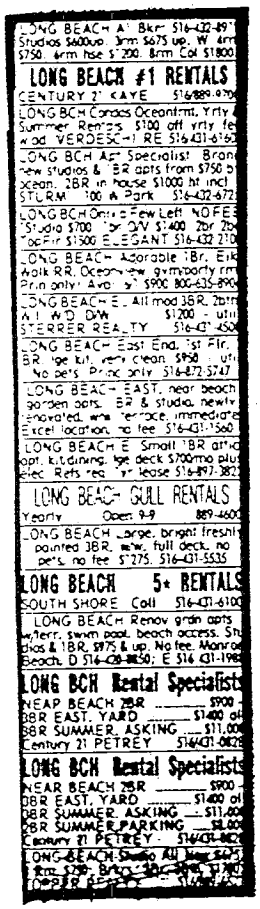
Long Beach
HERALD

75 CENTS
JANUARY 11 - 17, 1996

JAN. 4-10, 1996

Newsday
THE LONG ISLAND NEWSPAPER

SATURDAY, APRIL 27, 1996 • NASSAU


LONG BEACH A1 Bkrs 516-432-49
Studios $600up; 3rm $675 up. W 4rm
$750. 6rm hse $1200. Brm Col $1800
LONG BEACH #1 RENTALS
CENTURY 21 KAYE 516/889-970
LONG BCH Condos Oceanfrnt, Yrly &
Summer Rentals. $100 off yrly fee
wsd. VERDESCHI RE 516-431-6160
LONG BCH Only a Few Left! NO FEE
Studio $700 1br O/V $1400 2br 2ba
TopFlr $1500 ELEGANT 516-432-210
LONG BEACH Adorable 1Br, Elk,
Walk RR, Oceanview, gym/party rm.
Prin only! Avail 6/1 $900 800-635-890
LONG BEACH E. All mod 3BR, 2bth,
W/I, W/D, D/W $1200 + util.
STERRER REALTY 516-431-450
LONG BEACH East End, 1st Flr, 2
BR, lge kit, very clean, $950 + util
No pets. Princ only. 516-872-5747
LONG BEACH EAST, near beach
garden apts. 1BR & studio, newly
renovated, w/w, terrace, immediate
Excel location, no fee. 516-431-1560
LONG BEACH E. Small 1BR attic
apt, kit/dining, lge deck $700/mo plus
elec. Refs req. 1yr lease 516-897-382
LONG BEACH GULL RENTALS
Yearly Open 9-9 889-4600
LONG BEACH Large, bright freshly
painted 3BR, w/w, full deck, no
pets, no fee. $1275. 516-431-5535
LONG BEACH 5+ RENTALS
SOUTH SHORE Call 516-431-6100
LONG BEACH Renov grdn apts
w/terr, swim pool, beach access. Stu
dios & 1BR, $875 & up. No fee. Monroe
Beach, D 516-431-8850; E 516 431-1988
LONG BCH Rental Specialists
NEAR BEACH 2BR ..... $900+
3BR EAST, YARD ..... $1400 all
3BR SUMMER, ASKING $11,000
Century 21 PETREY 516/431-0828
LONG BCH Rental Specialists
NEAR BEACH 2BR ..... $900+
3BR EAST, YARD ..... $1400 all
3BR SUMMER, ASKING $11,000
3BR SUMMER PARKING $8,000
Century 21 PETREY 516/431-0828
LONG BEACH Studio All New $675;
1 Rm, $750; Brkrs: 2Br, 2Bth, $1700;
TOPPER REALTY 516/889-4677
LONG BEACH W. All mod 1BR upper,
Sep entrance. $750 all inclusive
STERRER REALTY 516-431-6500
LONG BEACH West End, 2BR ground
flr apt, lg EIK, lg LR, 1½ blks beach
$900 plus utils 516-431-1305 Ive msg
LONG BEACH/West end. Lge, mint
1BR, CAC, high ceils, 1 block beach.
Waterview, $750. Owner 718-897-9360
LONG BEACH W. Luxury Oceanfront
2BR/2Bth Apt in 2 fam house w/terr &
parking. Avail July 2nd. $2000 plus util.
Also Oceanview 2BR/1bth Apt in 2 fam
home w/terr, LR, frpl plus gar. $1400
plus util. Avail May 2nd. Prfrs only.
Mature persons. 516-431-4470


Apartments
For Rent/Nassau/Suffolk
LONG BCH Condos Oceanfrnt, Yrly &
Summer Rentals. $100 off yrly fee
wsd. VERDESCHI RE 516-431-6160
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LONG BEACH-Studio All New $675;
1 Rm, $750; Brkrs: 2Br, 2Bth, $1700;
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Waterview, $750. Owner 718-897-9360
LONG BEACH W. Luxury Oceanfront
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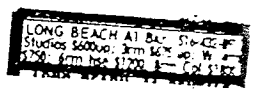
home w/terr, LR, frpl plus gar. $1400
plus util. Avail May 2nd. Prfrs only.
Mature persons. 516-431-4470


LONG BEACH A1 Bkrs 516-432-49
Studios $600up; 3rm $675 up. W 4rm
$750. 6rm hse $1200. Brm Col $1800

Long Beach
HERALD

75 CENTS
MARCH 7 - 13, 1996

APARTMENTS FOR RENT

LONG BEACH: SUNNY Large Studio. Beach. Private entrance, w/ parking. Utilities Incl. Cable Ready. A/C. $700. 516-889-6596

LONG BEACH: 1 BEDROOM Basement Apartment. EIK, W/W. Close To All. $675 Includes All. 516-432-0654

LONG BEACH: EAST END, 3 BRS, 2 BTHS, newly renovated. EIK, LR, carpeted. $1,350/ month. 718-325-9320

LONG BEACH APARTMENT and Garage. Beautiful Studio, Prime location. Walk LIRR, Beach. April 1st. $650/ ALL. Detached Garage: Same location. $125 monthly. Owner: 516-432-4765, 516-431-6266

March 21-27, 1996

LONG BEACH: 2 STUDIOS and Garage. Beautiful Studios, Prime location. Walk LIRR, Beach. Larger: $650/ ALL. Smaller: $500/ All. Garage: $125 monthly. Owner: 516-432-4765, 516-431-6266

LONG BEACH: 1 BR, LR, EIK, veranda, walk beach/ stores/ LIRR, heat included $775. 516-432-8817.

LONG BEACH: EAST END, 3 BRS, 2 BTHS, newly renovated. EIK, LR, carpeted. $1,350/ month. 718-325-

April 18, 1996

LONG BEACH: 1 BEDROOM, great condition, near beach, suitable one, no smoking/ pets, $675. References required. 516-897-5379

Long Beach
HERALD

75 CENTS
FEBRUARY 1 - 7, 1996

LONG BEACH: 2 APTS. Beautiful Studio with private deck. $550/ Alt. Beautiful 3 BR, 2 BTH, $1,350 includes heat, hot water, gas. OWNER: 516-432-4765, 516-431-6266

LONG BEACH EAST: 2 BR apartment. Newly renovated, 1 block from ocean. Parking on-site. Dishwasher, W/D, storage. Cable ready. $1020. Monday- Fnday, 9A.M.-5P.M., 516-431-4441

Exhibit C

City of Long Beach

KENNEDY PLAZA
LONG BEACH, NEW YORK 11561

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

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.

Very truly yours,

Edmund Buscemi
President

Pearl Weill
Vice President

Joel Crystal
City Council Person

Tom Kelly
City Council Person

Michael Zapson
City Council Person

Exhibit D

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

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 -

WestlawFax

To: STENSHOEL,ERIC

For assistance, call West Customer Service at 1-800-WESTLAW (1-800-937-8529)

CLIENT IDENTIFIER: 890043-001-NYSTNC
DATE OF REQUEST: 03/29/96
THE CURRENT DATABASE IS NY-CS
YOUR TERMS AND CONNECTORS QUERY:

"NET VACANCY RATE"

CITATIONS LIST Search Result Documents: 3
Database: NY-CS

1. Lampert v. Berman, 55 Misc.2d 99, 284 N.Y.S.2d 657 (N.Y.Sup., Sep 22, 1967)

2. Amsterdam-Manhattan, Inc. v. City Rent and Rehab. Admin., 15 N.Y.2d 1014, 207 N.E.2d 616 (Mem), 260 N.Y.S.2d 23 (N.Y., Apr 15, 1965)

3. Gauthier v. Gabel, 44 Misc.2d 887, 255 N.Y.S.2d 200 (N.Y.Sup., Dec 03, 1964)

END OF CITATIONS LIST

Citation	Rank(R)	Page(P)	Database	Mode
284 N.Y.S.2d 657.	R 1 OF 3	P 1 OF 10	NY-CS	Page

(Cite as: 55 Misc.2d 99, 284 N.Y.S.2d 657)

Application of Leonard LAMPERT, Petitioner, for an order pursuant to Article 78 of the Civil Practice Law and Rules,

v.

Frederic S. BERMAN, as City Rent and Rehabilitation Administrator, Respondent.

Supreme Court, Special Term, New York County, Part I.

Sept. 22, 1967.

Proceeding for mandamus to compel rent docontrol. The Supreme Court, Special Term, Joseph A. Sarafite, J., held that mandamus was not available to compel rent administrator, who was required to decontrol rents upon occurrence of 5% Vacancy rate, to issue decontrol order although petitioner claimed that vacancies were in excess of 5% If gross vacancy rate rather than **net vacancy rate**, used by administrator, were employed.

Petition dismissed.

CLIENT IDENTIFIER: 890043-001-NYSTNC
DATE OF REQUEST: 03/29/96

INSTA-CITE Only Page

CITATION: 260 N.Y.S.2d 23

Direct History

1 Amsterdam-Manhattan, Inc. v. City Rent and Rehabilitation Admin.,
43 Misc.2d 889, 252 N.Y.S.2d 758 (N.Y.Sup., May 14, 1964)
Judgment Affirmed by
2 Amsterdam-Manhattan, Inc. v. City Rent & Rehabilitation Admin.,
21 A.D.2d 965, 252 N.Y.S.2d 395 (N.Y.A.D. 1 Dept., Jul 09, 1964)
Order Affirmed by
=> 3 **Amsterdam-Manhattan, Inc. v. City Rent and Rehab. Admin.,**
15 N.Y.2d 1014, 207 N.E.2d 616, 260 N.Y.S.2d 23
(N.Y., Apr 15, 1965)

View additional negative indirect history on Shepard's
Shepard's Shepard's PreView QuickCite Commands SCOPE

Shepard's PAGE 1
Date of Printing: MAR 29,96

SHEPARD'S

Citations to: **260 N.Y.S.2d 23**
Amsterdam-Manhattan Inc. v City Rent and Rehabilitation Administration 1965

Coverage: View coverage information for this result

------Analysis------		----------Citation----------	Headnote No.
	Same Text	(15 N.Y.2d 1014)	
	Same Text	(207 N.E.2d 616)	
SC	Same Case	252 N.Y.S.2d 395	
SC	Same Case	252 N.Y.S.2d 758	
		284 N.Y.S.2d 657, 659	
		287 N.Y.S.2d 464, 466	
		369 N.Y.S.2d 483, 486	
		431 N.Y.S.2d 632, 636	
		474 N.Y.S.2d 311, 318	
J	Dissenting Opin	474 N.Y.S.2d 311, 321	
		529 N.Y.S.2d 941, 946	
		Calif	
		122 Cal.Rptr. 891, 898	
		130 Cal.Rptr. 465, 485	
		550 P.2d 1001, 1021	
		NJ	
		350 A.2d 1, 14	

INSTA-CITE

CITATION: 255 N.Y.S.2d 200

Direct History

=> 1 **Gauthier v. Gabel**, 44 Misc.2d 887, 255 N.Y.S.2d 200
(N.Y.Sup., Dec 03, 1964)
Judgment Affirmed by
2 Gauthier v. Gabel, 16 N.Y.2d 720, 209 N.E.2d 723, 262 N.Y.S.2d 105
(N.Y., Jul 09, 1965)

Shepard's PAGE 1
Date of Printing: MAR 29,96

SHEPARD'S

Citations to: **255 N.Y.S.2d 200**
Gauthier v Gabel 1964

Coverage: View coverage information for this result

Analysis	Citation	Headnote No.
Same Text	(44 Misc.2d 887)	
A Affirmed	262 N.Y.S.2d 105	
	262 N.Y.S.2d 515, 519	11
	304 N.Y.S.2d 384, 402	
	321 N.Y.S.2d at 313	3
	323 N.Y.S.2d 689, 691	
	381 N.Y.S.2d 389, 390	8
	443 N.Y.S.2d 198, 200	2
	471 N.Y.S.2d 445, 453	11
	526 N.Y.S.2d 150, 151	
	NJ	
	433 A.2d 844, 849	
	18 Syracuse L. Rev. at 320	
	27 Syracuse L. Rev. at 594	

WestlawFax

1169568 - STENSHOEL,ERIC

Number of Requests in Group:	6
Number of Lines Charged:	118

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 the 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 Beach. "He should abstain."

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

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

Continued on Page 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."

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

----------X

SAMUEL WALTON d/b/a EXECUTIVE TOWERS AT LIDO, PAULSEN REAL ESTATE CORP., ANGELO PALADINO, MAUREEN PALADINO, and ROBERT BOTWINICK, BEACH HOUSE OWNERS CORP., and WILLIAM CONLIN,

Plaintiffs,

-against-

THE CITY OF LONG BEACH and THE CITY COUNCIL OF THE CITY OF LONG BEACH,

Defendants.

----------X

Index No. 96-014179

REQUEST FOR PRODUCTION OF DOCUMENTS

7/11/96

1996 MAY 15 P 4:31
CITY ATTORNEY/COUNSEL
CITY OF LONG BEACH, N.Y.

Plaintiffs, by their attorneys, Herzfeld & Rubin, P. C., hereby request, pursuant to CPLR 3120, that defendants produce for inspection and copying, at the offices of the undersigned, on June 6, 1996 at 10:00 A. M., or such other time and place as may be agreed upon, all documents specified below which are in the possession, custody or control of defendants.

Definitions and Instructions

A. Communication. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

B. Document. The term "document" includes writings, drawings, graphs, charts, photographs, phonorecords, and other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form.

C. Person. The term "person" is defined as any natural person or any business, legal or governmental entity or association.

D. Concerning. The term "concerning" means relating to, referring to, describing, evidencing or constituting.

E. The "City" means the City of Long Beach and its officials, employees, agencies, departments and other components or subdivisions.

F. The "Council" means the City Council of the City of Long Beach.

G. The "1974 Resolution" means the Council's Resolution No. 166/74 dated August 27, 1974.

H. The "1979 Resolution" means the Council's Resolution No. 92/79 dated April 24, 1979.

I. The "Proposed 1996 Resolution" means the proposed Resolution identified as Item No. 15 on the Calendar for the Council meeting held on April 16, 1996.

J. The following rules of construction apply to all discovery requests:

(1) All/Each. The term "all" and "each" shall be construed as all and each.

(2) And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

(3) Number. The use of the singular form of any word includes the plural and vice versa.

(4) The term "including" shall be construed to mean without limitation.

K. If any document described is no longer in existence, state what became of it.

L. If any document is withheld from production hereunder on basis of a claim of privilege or otherwise, identify each such document and the ground upon which its production is being withheld.

Documents to be Produced

1. All documents generated since January 1, 1990 reflecting the continued validity, since that date, of the following findings set forth in the 1974 Resolution and the 1979 Resolution:

(a) Approximately seventy-five (75%) percent of the residents thereof reside in multiple dwellings;

(b) A vacancy rate of significantly less than five (5%) percent [exists in the City] in multiple dwellings containing one hundred (100) or more dwelling units;

(c) Multiple dwellings containing one hundred or more dwelling units is a proper classification of housing accommodations which can be made subject to rent regulation under the Emergency Tenant Protection Act of 1974;

(d) The potential supply of additional multiple dwellings in the City of Long Beach is limited because of a shortage of developable land;

(e) The aforesaid conditions have and will continue to produce a demand for multiple dwellings in the City of Long Beach far in excess of the present and foreseeable supply;

(f) A high percentage of the residents of such multiple dwellings in the City of Long Beach are on fixed annual incomes;

(g) A vacancy rate not in excess of five (5%) percent [exists in the City] in multiple dwellings containing not less than sixty (60) nor more than ninety-nine (99) dwelling units;

(h) Multiple dwellings containing not less than sixty (60) nor more than ninety-nine (99) dwelling units is a proper classification of housing accommodations which can be made subject to rent regulation under the Emergency Tenant Protection Act of 1974.

2. All documents reflecting meetings or discussions among the Council members, members of the staff of the Council, subsequent to January 1, 1990, concerning the subject matter of the 1974 Resolution or the 1979 Resolution.

3. All surveys, studies or other analyses of vacancy rates in multiple dwellings in the City, or any category of such dwellings, performed since April 24, 1979.

4. All documents generated since January 1, 1990 referring to vacancy rates in multiple dwellings in the City, or any category of such dwellings.

5. All documents from which vacancy rates in multiple dwellings in the City, or any category of such dwellings, at any time since January 1, 1990, whether precise or approximate, can be derived.

6. All documents reflecting the factual basis for the City's determination, by way of the 1974 Resolution and the 1979 Resolution, to regulate the rents of buildings containing 60 or more apartments, but not buildings containing from 6 to 59 apartments.

7. All documents reflecting information possessed by the City or the Council on June 16, 1992 supporting, or concerning the subject matter of, a finding by the Council on June 16, 1992 that a public emergency no longer existed with respect to rental apartments owned as cooperatives and condominiums which became vacant after conversion to cooperative or condominium status.

8. All documents reflecting meetings or discussions among Council members, or members of the staff of the Council, on or prior to June 16, 1992, concerning the subject of the finding referred to in item 17 above.

9. All documents reflecting statements made or information provided at the Council meeting on June 16, 1992

concerning the subject of the finding referred to in item 17 above.

10. All documents generated by the City or Council or any agent or employee thereof since January 1, 1990 concerning any request or proposal that the 1974 Resolution and/or the 1979 Resolution be repealed or modified, or that repeal or modification of those resolutions should be considered.

11. All documents reflecting communications since January 1, 1990 to the City or Council from any person concerning the matters specified in item 9 above.

12. All documents reflecting consideration by the Council or the City of the letter of January 5, 1996 from Martin A. Shlufman to Mr. Edwin Eaton, City Manager, a copy of which is annexed as Exhibit A hereto.

13. All documents reflecting information possessed by the City or the Council supporting, or concerning the subject matter of, the following finding set forth in the Council's Resolution No. 43/96 dated March 5, 1996:

> Whereas, many housing units which were occupied by tenants at the time of the adoption of the aforementioned resolutions [i. e., the 1974 Resolution and the 1979 Resolution] are presently unoccupied.

14. All documents reflecting meetings or discussions among Council members or members of the staff of the Council, on or prior to March 5, 1996, concerning the subject matter of Resolution No. 43/96 of March 5, 1996.

15. The "flyer" referred to in the letter dated March 27, 1996 signed by Council President Edward Buscemi, Council Vice President Pearl Weill, and Council Persons Joel Crystal, Tom Kelly and Michael Zapson, a copy of which is annexed as Exhibit B hereto.

16. All documents reflecting or referring to facts showing that the flyer referred to in item 15 above contained "misinformation," as specified in the letter described in item 15 above.

17. All documents reflecting or referring to any of the "several good arguments" referred to in the letter described in item 13.

18. All documents reflecting or referring to facts supporting the following sentence in the letter referred to in item 13: "paying stabilized rents is the only way many can afford to continue to live in Long Beach."

19. All documents reflecting statements made or information provided at the public hearing held on March 19, 1996 which was scheduled pursuant to Resolution No. 43/96.

20. All documents reflecting statements made or information provided concerning rent stabilization issues at a Council meeting on April 2, 1996.

21. All documents reflecting information in the possession of the City or the Council on April 16, 1996 supporting, or concerning the subject matter of, the following statements contained in the Proposed 1996 Resolution:

(a) "WHEREAS, many housing units which were occupied by tenants at the time of the adoption of the aforementioned resolutions [i. e., the 1974 Resolution and the 1979 Resolution] are presently unoccupied"

(b) "WHEREAS, the City of Long Beach has within its boundaries 1553 apartments presently subject to the Emergency Tenant Protection Act of 1974, as amended"

(c) "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"

(d) "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"

(e) "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"

(f) "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"

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

(h) "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 tenants in residential housing units."

22. All documents reflecting meetings or discussions among Council members, members of the staff of the Council, or representatives of the City, on or prior to April 16, 1996, concerning the subject matter of the proposed resolution referred to in item 21 above.

23. All documents reflecting statements made or information provided at the April 16, 1996 Council meeting concerning the proposed resolution referred to in item 21 above.

Dated: New York, New York
May 14, 1996

HERZFELD & RUBIN, P. C.
Attorneys for Plaintiffs
40 Wall Street
New York, New York 10005
212-344-5500

100 A.D.2d 93

SPRING VALLEY GARDENS ASSOCIATES, etc., et al., Respondents,

v.

Victor MARRERO as Commissioner of the State of New York, Division of Housing and Community Renewal, et al., Defendants,

Village of Spring Valley, Appellant. (Action No. 1).

Joseph FELD, et al., Respondents,

v.

Joseph B. GOLDMAN, Acting Commissioner of the State of New York, Division of Housing and Community Renewal, et al., Defendants,

Village of Spring Valley, Appellant. (Action No. 2).

JHW CONSTRUCTION CORP., Respondent,

v.

Victor MARRERO as Commissioner of the State of New York, Division of Housing and Community Renewal, et al., Defendants,

Village of Spring Valley, Appellant. (Action No. 3).

TOWER PROPERTIES, a co-partnership, Respondent,

v.

Richard BERMAN, Commissioner of the State of New York, Division of Housing and Community Renewal, et al., Defendants,

Village of Spring Valley, Appellant. (Action No. 4).

Sadie FARKAS, et al., Respondents,

v.

Richard BERMAN, Commissioner of the State of New York, Division of Housing and Community Renewal, et al., Defendants,

Village of Spring Valley, Appellant. (Action No. 5).

BERRY ESTATES, INC., et al., Respondents,

v.

DIVISION OF HOUSING AND COMMUNITY RENEWAL OF the STATE OF NEW YORK, Defendant,

Village of Spring Valley, Appellant. (Action No. 6).

Steven PEKOFSKY, et al., Respondents-Appellants,

v.

DIVISION OF HOUSING AND COMMUNITY RENEWAL OF the STATE OF NEW YORK, Defendant,

Village of Spring Valley, Appellant-Respondent. (Action No. 7).

Supreme Court, Appellate Division, Second Department.

March 19, 1984.

After the Supreme Court, Rockland County, 101 Misc.2d 297, 420 N.Y.S.2d 970, dismissed landlords' Article 78 proceeding and the Supreme Court, Appellate Division, 74 A.D.2d 871, 426 N.Y.S.2d 47, converted proceeding to an action for declaratory judgment, the Supreme Court, Rockland County, Dickinson and Marbach, JJ., declared invalid village resolution declaring public emergency due to low-vacancy rate and requiring regulation of residential rents. Appeal was taken. The Supreme Court, Appellate Division, Gibbons, J.P., held that village resolution requiring regulation of residential rents was valid, even though zero vacancies were attributed to apartment complexes containing six or more units owned by nonresponders to survey and there was no survey or consideration of vacancy rate of complexes containing less than six units.

Reversed.

Thompson, J., dissented and filed opinion.

1. Landlord and Tenant ⇐200.11

Nothing in statute governing declaration of public emergency due to low vacancy rate in rental housing required complete survey of all buildings in relevant classification but, rather, review of 69.8 percent of the relevant complexes, i.e., 37 of the 53 apartment complexes containing six or more units, was sufficient for drawing conclusions about the larger aggregate. McK. Unconsol.Laws §§ 8621 et seq., 8623, subd. a.

2. Landlord and Tenant ⇐200.11

Village's declaration of public emergency due to low-vacancy rate requiring regulation of residential rents was a legislative act and therefore presumptively valid. McK.Unconsol.Laws §§ 8621 et seq., 8623, subd. a.

3. Landlord and Tenant ⇐200.11

Village resolution stating that due to low-vacancy rate in apartment complexes containing six or more units public emergency existed requiring regulation of rents in all residential housing accommodations was valid, despite village's attribution of zero vacancy rate to complexes of 16 owners which did not respond to survey, in view of fact that nonresponding owners were given several opportunities to indicate number of vacancies in their buildings and they were repeatedly warned that failure to respond would result in assumption of no vacancies. McK.Unconsol.Laws §§ 8621 et seq., 8623, subd. a.

4. Landlord and Tenant ⇐200.11

Presumption of validity of village's resolution declaring a public emergency due to low-vacancy rate requiring regulation of residential rents casts burden of proof upon those questioning legality of village's declaration of public emergency.

5. Landlord and Tenant ⇐200.11

Village's resolution declaring that public emergency existed due to low-vacancy rate requiring regulation of residential rents was valid, even though there was no survey or consideration of vacancy rate of apartment complexes containing less than six units, in that no declaration of emergency could legally attach to complexes containing less than six units and, further, no proof was produced indicating that despite comparatively small number of complexes containing less than six units and that there was no general reason to assume that vacancies in those complexes in village were unusually high, a survey of those complexes would have tipped balance to an overall vacancy rate in excess of five percent. McK.Unconsol.Laws §§ 8621 et seq., 8623, subd. a.

Michael A. Stone, Village Atty., Spring Valley (Sammy Giament, of counsel), for appellant and appellant-respondent Village of Spring Valley.

Donald Tirschwell, New City (Ellen B. Holtzman, New City, on the brief) for respondents-appellants in action No. 7.

Milton B. Shapiro, New City, for respondents in action Nos. 1, 3 and 6.

Dubbs & DePodwin, New City (Leslie P. Simon, New City, on brief), for respondents in action No. 2 and Jacobson & Jacobson, New City, N.Y. (Murray Jacobson, New City, on brief), for respondents in action Nos. 4 and 5 (one brief filed).

Vincent J. Sama, New York City (Martin A. Shlufman, Sheldon D. Melnitsky and Lawrence Alexander, New York City, of counsel), for the State Division of Housing and Community Renewal.

Before GIBBONS, J.P., and THOMPSON, NIEHOFF and RUBIN, JJ.

GIBBONS, Justice Presiding.

At issue is the validity of a resolution of the defendant village, made pursuant to subdivision a of section 3 of the Emergency Tenant Protection Act of 1974 (hereinafter ETPA; L.1974, ch. 576, § 4). The resolution states that prior to a public hearing, which was held on December 5, 1978, the village "surveyed rental units for the purpose of determining the number of vacant units in each Multiple-Dwelling", and that "as a result of the public hearing and the

statistics compiled by the Village of Spring Valley relating to vacancy rates and rental conditions, the Board of Trustees finds that the vacancy rate in residential units in the Village of Spring Valley is lower than five percent". The board of trustees of the village "resolved" that a public emergency existed "requiring the regulation of residential rents in all residential housing accommodations" in the village and that "the vacancy rate in all such housing accommodations does not exceed five percent".

Plaintiffs in these seven declaratory judgment actions contend that the finding as to the vacancy rate was defective and that the ensuing rent guidelines, as well as the resolution, should be declared null and void. The Supreme Court, Rockland County, held in their favor. We disagree and declare the resolution valid.

The attack on the resolution is two-pronged. The first is that the survey conducted by the village of the 53 complexes containing six or more apartments (hereafter the sixes) was inadequate, so that the conclusion drawn therefrom as to the vacancy rate of the sixes was inaccurate. The other is that the failure to survey buildings containing five or fewer apartments (hereafter the under-sixes) invalidated the village's declaration that an emergency existed, as stated by the village, "in *all* residential housing accommodations in the [v]illage" (emphasis supplied).

The ETPA authorizes a city, town or village to declare a housing emergency and impose local housing rent control. Subdivision a of section 3 of the ETPA (L.1974, ch. 576, § 4) provides, in relevant part, as follows:

> "The existence of public emergency requiring the regulation of residential rents for all or any class or classes of housing accommodations * * * shall be a matter for local determination within each city, town or village. Any such determination shall be made by the local legislative body of such city, town or village on the basis of the supply of housing accommodations within such city, town or village * * * and the need for regulating and controlling residential rents within such city, town or village. 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 ETPA (L.1974, ch. 576, § 4, ETPA, § 3, subd. a) states that "[a] declaration of emergency may be made * * * as to all or any class or classes of housing accommodations in a municipality, except", and it then lists exceptions in 11 numbered paragraphs. Among these are under-sixes; public housing; housing owned or operated by a hospital, convent, monastery, public institution, school or college; hotels and tourist homes; and motor courts.

On August 28, 1978, the then village attorney sent letters and questionnaires to the owners of 53 buildings containing 4,786 apartments. She had obtained the names and addresses of the owners of apartment buildings having six or more sewer units from the assessment records.[1] The questionnaire requested, *inter alia*, the number of units and the number and identity of the vacant apartments as of September 5, 1978. The letter stated that if the village attorney received no answer, she would assume there were no vacancies. The village attorney testified that she sent no letters and made no inquiry as to the under-sixes. On cross-examination the village attorney was asked whether she surveyed rooming houses and she said no. Apparently, she also

1. The village attorney testified as follows:
"It is conceivable that some of the letters that went out were to buildings that had five units or four units, because the numbers on the assessment rolls referred to the sewer units which are more than the actual number of apartments".
For the reasons hereafter stated in footnote 7, we believe that this did not taint the survey of the sixes.

made no survey of other exempt classifications, such as hotels, motor courts, convents, monasteries, and school dormitories (although included in her survey of the sixes were "low income cooperative[s]" which apparently were exempt pursuant to section 5 (subd. a, par. [3]) of the ETPA (L.1974, ch. 576, § 4, as amd. L.1978, ch. 655, § 137).

At the trial the plaintiffs introduced into evidence informal and apparently incomplete handwritten notes of the inspectors who were assigned by the village attorney to ascertain the vacancies in the sixes whose owners had not responded to the August 28, 1978 letter. These notes reveal that 12 of the 31 sixes visited by the inspectors had no vacancies and that in the case of 7 of the visited complexes, the superintendents refused to give the requested information without the landlords' approval. The landlords apparently failed to give such approval.

On October 11, 1978 the village attorney sent a follow-up letter and another copy of the questionnaire to those who had neither responded nor permitted inspection, and she warned that if there were no response by October 20, 1978, she would assume that there were no vacancies. On November 6, 1978 she reported to the board of trustees that she had the requisite information as to 37 of the sixes since 18 of the 53 had responded in writing and 19 others had been inspected. Based on this survey and the assumption of no vacancies as to the 16 nonanswering, uninspected complexes, she concluded that the vacancy rate of all of the sixes on September 5, 1978 was less than 2%.[2] When asked, in effect, how a survey limited to sixes could be a proper basis for a resolution declaring that the vacancy rate "in *all* [residential] housing accommodations [in the village] does not exceed five percent", she answered:

> "The [ETPA] gives us two options in declaring an emergency as to all housing accommodations or to declare an emergency as to a particular classification. Insofar as the declaration of emergency was concerned, the emergency was declared as to all housing accommodations, *meaning all housing accommodations that could be included under the act*" (emphasis added).

The assessment records revealed, as indicated by a search made by a witness produced by plaintiffs, that there were 63 properties in the village with three to five apartments or sewer units and that the total number of such apartments or units was 225.

The trial court held that the village's acceptance of its attorney's assumption of no vacancy in the 16 unresponsive sixes rendered the resolution invalid because "the owners of the real property were deprived of the full benefit of such ownership * * * by an assumption made rather than by an accurate and complete survey which was required by law". Under the circumstances, we disagree.

[1] It is to be noted that although the enabling statute (L.1974, ch. 576, § 4, ETPA, § 3, subd. a) requires, as a basis for declaration of an emergency, that the vacancy rate of any class or all of the housing accommodations be "not in excess of five percent", no method is stated as to how this fact is to be ascertained. The statute states only the generality that it

2. At trial, the appellant village's trial counsel did not ask the village attorney to state the details of the survey. Indeed, the court refused to permit trial counsel for the village to elicit from her the particulars of "how she determined the two percent". As a result, the record does not include the raw data of the number of vacancies and the total number of apartments in the 37 complexes as to which full information had been received. If the vacancy rate pursuant to the village attorney's formula (based on including the input of zero vacancies from the inspection) was 2%, and if we assume that the average number of apartments and the vacancy rate of the 16 nonresponders was equal to those of the responders, then algebraically the vacancy rate of the 37 responders would be 2.86%. (This is based on the following [1] assign x as the vacancy percentage of the 37 responders; [2] based on the village attorney's assignment of zero vacancies to the remaining 16 of the 53 complexes, $\frac{37x + 0}{53} = .02$; [3] therefore, $x = .0286$).

"shall be a matter for local determination within each city, town or village" (L.1974, ch. 576, § 4, ETPA, § 3, subd. a).[3] Although such determination may not be made on less than reasonable grounds, we see nothing in the statute requiring, as stated by the trial court, a "complete survey", if by that term it is meant that information as to all of the buildings in the relevant classification must be obtained. "Survey" as used in the Local Emergency Housing Rent Control Act (L.1962, ch. 21, § 1) could not possibly mean this, if for no other reason than the tremendous number of buildings involved. Further, assuming that a "survey" was indeed required (cf. *Seasons Realty Corp. v. City of Yonkers*, 80 Misc.2d 601, 607, 363 N.Y.S.2d 738), that term is defined in Webster's New International Dictionary as "a study of a specified * * * aggregate of units * * * with respect to a special condition or its prevalence or with the objective of drawing conclusions *about a larger * * * aggregate*". Certainly a review of 69.8% of the relevant complexes (i.e., 37 of the 53 sixes) is sufficient for "drawing conclusions about [the] larger * * * aggregate".

[2] We believe that a more relevant claim of defect, then, is not whether information as to the vacancies and occupancies of all of the sixes had to be obtained, but whether the village's attribution of zero vacancies to the sixes owned by the 16 continuing nonresponders fatally tainted the conclusion that the vacancy rate of all of the sixes was less than 5%. We must consider this in light of the fact that the village's declaration of emergency was a legislative act and therefore presumptively valid. The degree of proof required for a successful attack was formulated by this court in *De Sena v. Gulde*, 24 A.D.2d 165, 169, 265 N.Y.S.2d 239 [opn. by HOPKINS, J.], as follows:

"When a municipal legislative body enacts an ordinance, a presumption of validity attaches to its resolution (*Rodgers v. Village of Tarrytown*, 302 N.Y. 115 [96 N.E.2d 731]; *Shepard v. Village of Skaneateles*, 300 N.Y. 115 [89 N.E.2d 619]). The presumption of validity has the effect of (1) imposing the burden of proof on the party questioning the ordinance; and (2) sustaining the ordinance if the propriety of its enactment is fairly debatable. The content of the burden on the assailant is sometimes said to extend further than a mere preponderance of the evidence to prove beyond a reasonable doubt (*Wiggins v. Town of Somers*, 4 N.Y.2d 215 [173 N.Y.S.2d 579, 149 N.E.2d 869]; but see *Thomas v. Town of Bedford*, 29 Misc.2d 861, 866 [214 N.Y.S.2d 145], affd. 15 A.D.2d 573 [222 N.Y.S.2d 1021], affd. 11 N.Y.2d 428 [230 N.Y.S.2d 684, 184 N.E.2d 285]). Still, the presumption is not irrebuttable (*Arverne Bay Constr. Co. v. Thatcher*, 278 N.Y. 222 [15 N.E.2d 587]), and perhaps we may best rationalize the presumption as a reminder of the force of legislative judgment which must be supported by the courts if there is 'any state of facts either known or which could reasonably be assumed' on which the ordinance could be based (*United States v. Carolene Prods. Co.*, 304 U.S. 144, 154 [58 S.Ct. 778, 784, 82 L.Ed. 1234]; cf. *Town of Islip v. Summers Coal & Lbr. Co.*, 257 N.Y. 167 [177 N.E. 409])."

[3] In support of our conclusion that the resolution is valid, we note the following:

1. The resolution minutes state that at the public hearing the village attorney said that "[s]everal apartment owners did not respond to the questionnaire and did not permit inspection of the apartments. *In those cases*, the Village considered that no

3. We note, by comparison, that the State rent control law relating to New York City (Local Emergency Housing Rent Control Act, L.1962, ch. 21, § 1; and L.1963, ch. 393, § 1; L.1965, ch. 318, § 1; L.1966, ch. 13, § 1; L.1967, ch. 657, § 1), after stating that the declaration of an emergency "shall be a matter for local determination" states that this is dependent upon the making of "a survey which the city shall cause to be made of the supply of housing accommodations" at least once every three years.

vacancy existed" (emphasis supplied). It does not appear that the representative of the Rockland County Apartment Owners Association (or any of the other persons who were present) contested the assertion that the assumption of no vacancy was made *only* as to owners of sixes who had refused inspection after failing to respond to the original letter and questionnaire.

2. The owners of the nonresponding sixes were given a second opportunity, after their refusal to permit inspection, to respond to a newly-sent questionnaire and failed to do so despite the repeated *caveat* that "[i]f we do not hear from you, we will have to assume that there were no vacancies * * * on September 5, 1978".

3. The fact that inspection of the 24 complexes whose nonresponding owners permitted inspection revealed that half of them had no vacancies and that owners who might have had a low percentage of vacancies had a self-interest in not disclosing this information, permitted the reasonable inference that the owners who did not permit inspection had a very small number of vacancies or none—especially since such owners had been twice warned of the consequences of no response.

4. The fact that the "less than two percent vacancy rate" found by the village attorney translates into the probability of substantially less than a 3% vacancy rate for the 37 complexes as to which vacancy data had been obtained [4] reasonably permitted the inference that the vacancy rate of the 53 complexes was substantially less than 5%.

5. The sending of the two sets of letters and questionnaires and the interim inspections (permitted and nonpermitted) made by five inspectors constituted a good faith effort to obtain a reasonable survey.

6. Plaintiffs' expert witness indicated, in response to a hypothetical question asked by plaintiffs' counsel, that data compiled from 16 apartment complexes with approximately 1,840 units was not sufficient to establish a statistically sound vacancy rate for 53 apartment complexes with 4,786 units. However, the record reveals that the necessary data was received as to 37 of the complexes and that 16 was the number of the complexes as to which no information was received.[5]

7. Since a good faith study was made based on precise data obtained from a substantial majority of the complexes, it would be anomalous to hold that those who refused to co-operate with the statistical study should benefit from their stubborn and studied silence. If it be argued that the landlords who co-operated should not suffer the consequences of the nonco-operation of the others, the answer is that it would have been a simple matter for plaintiffs to produce at the trial herein, by subpoena if necessary, the relevant statistics of the 16 noncomplying sixes.

[4] The presumption of validity casts the burden of proof upon the plaintiffs who are questioning the legality of the village's declaration of public emergency (*De Sena v. Gulde*, 24 A.D.2d 165, 265 N.Y.S.2d 239, *supra*). This burden has not been met. Accordingly, the declaration prevails against the attack based on the village's assignment of a zero vacancy rate to the 16 nonresponding sixes.[6]

[5] The other alleged defect, as aforestated, is that there was no survey or consideration of the vacancy rate of the undersixes. Plaintiffs acknowledge that pursu-

4. See footnote 2.

5. The expert further testified that a 95% response rate was necessary to obtain valid statistical data, an opinion which we deem incredible in the absence of proof that the statistics obtained from 69.8% of the complexes indicated a vacancy rate so close to 5% that a more substantial percentage of the complexes had to be surveyed.

6. Pragmatically, our decision is not the last word, since, at any time after the declaration of emergency, the municipality must declare it at an end upon being shown that the vacancy rate now exceeds 5% (L.1974, ch. 576, § 4, ETPA, § 3, subd. b).

ant to section 5 of the ETPA (L.1974, ch. 576, § 4 [§ 5], as amd. L.1978, ch. 655, § 137, eff. July 25, 1978) this class was one of the 11 kinds of housing accommodation that could not be the subject of a declaration of emergency. They, nevertheless, argue that the village's undifferentiated finding as stated in its resolution, "that the vacancy rate in residential rental units in [the village] is lower than five percent", and its subsequent resolution that "a public emergency exist [*sic*] requiring the regulation of residential rents in all residential housing accommodations" in the village, mandated an analysis of the under-sixes as well as the sixes. They argue that subdivision a of section 3 of the ETPA (L.1974, ch. 576, § 4) gives the village the option of declaring an emergency either as to all housing accommodations or "any class of housing accommodations if the vacancy rate for the housing accommodations in such class * * * is not in excess of five percent", and that the village's choice of the former required it to make analysis of the vacancy rate of all accommodations, including the under-sixes.

Plaintiffs' argument presupposes that if the village had declared the emergency only as to sixes, a survey limited to that class might have passed muster. However, the fact remains that whether or not full obeisance was formalistically made to the wording of subdivision a of section 3 of the ETPA (L.1974, ch. 576, § 4), section 5 of the same act states that a declaration of emergency cannot be made as to under-sixes, any more than it could be made as to college dormitories or convents. As testified to by the village attorney at the trial, "the emergency was declared as to all housing accommodations, meaning all accommodations that could be included under the act". Although this is the self-serving statement of the counsel who imperfectly drafted the resolution, it is, indeed, the fact that no declaration of emergency could legally attach to the under-sixes. As stated by Justice SHAPIRO in the case of *Matter of New York City Tr. Auth. (Thom)*, 70 A.D.2d 158, 172, 419 N.Y.S.2d 689, affd. 52 N.Y.2d 1032, 438 N.Y.S.2d 504, 420 N.E.2d 385, "[w]e may not ignore the 'end' merely because the 'means' was expressed in an incomplete manner when the result would be an absurdity".

Plaintiffs, nevertheless, argue that the decision of this court in *Central Plains Co. v. City of White Plains*, 48 A.D.2d 326, 369 N.Y.S.2d 483, mandates a survey of all exempt housing (i.e., the 11 classes of housing accommodations as to which, per section 5 of the ETPA, a declaration of emergency may *not* be made), as a condition to a declaration of emergency. There the plaintiff landlords sought to nullify the imposition of rent control in the City of White Plains because the city's survey, showing a less than 5% vacancy rate, included the input of a particularly low vacancy rate of one of the exempt classes, to wit, public housing. The issue was whether this exempt class could properly be included, not whether such inclusion was mandated. It was raised in the context of the fact that the parties agreed that, but for the inclusion of the exempt class of public housing, "that survey would have established a vacancy rate of in excess of 5% thus precluding a declaration of emergency" (*Central Plains Co. v. City of White Plains, supra*, p. 329, 369 N.Y.S.2d 483). The court held that the inclusion of public housing in the survey was appropriate. It said (p. 330, 369 N.Y.S.2d 483):

> "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 * * *

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 nonexempt 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, 207 N.E.2d 616] [dissenting 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 nonexempt sector. And, as previously noted, it is the scarcity of housing in an entire community which triggers an emergency declaration for an entire city."

Plaintiffs focus upon the phrase in the decision in the *Central Plains Co.* case (*supra*, 48 A.D.2d p. 330, 369 N.Y.S.2d 483) that "a municipality must * * * survey all units within its city confines" and argue that this is an absolute. They disregard the factual background that the parties in that case stipulated that the inclusion or exclusion of the large number of public housing apartments and the latter's proven low vacancy rate were the controlling factors as to whether the total vacancy rate was less or more than 5%. Here, on the other hand, the landlords submitted no proof at the public hearing or at the trial that the vacancy rate of the 225 apartments in the houses containing three to five apartments could possibly shift the balance to above 5% despite the fact that a survey of 69.8% of the sixes indicated a probable vacancy rate in the 4,786 apartments contained in all of the sixes of less than 3%.

The court in the *Central Plains Co.* case could not have literally meant that the units of all 11 of the exempt classes must be surveyed, since the record on appeal in that case includes a table which lists 6 of the 11 types of buildings that are excepted in section 5 of the ETPA as "Not surveyed" (underlining in original). If plaintiffs' absolutist interpretation were correct, the failure to survey convents, asylums, motor courts and tourist homes (ETPA, § 5, subd. a, pars. 6, 8; L.1974, ch. 576, § 4 [§ 5]) would invalidate a declaration of emergency, and the court in the *Central Plains Co.* case (*supra*) would have been required to nullify such declarations.

The issue in the *Central Plains Co.* case was not whether all exempt classes had to be surveyed, but whether one particularly large exempt class could be included in the survey where there was proof of a proximate relationship between such inclusion and the presence or absence of an overall 5% vacancy rate. The decision that the inclusion in such case was valid was, *inter alia*, an illustration of the presumption of validity of a legislative determination of a municipality. The same presumption should be applied where a municipality chooses to exclude from its survey a comparatively small exempt class where there was no indication of a proximate relationship between its vacancy rate and the presence or absence of a vacancy rate in excess of 5%. The statement of the court in the *Central Plains Co.* case (48 A.D.2d 326, 330, 369 N.Y.S.2d 483, *supra*), that "a municipality *must* * * * survey all units within its city confines" was dictum that the court itself did not follow. Likewise, we decline the invitation to follow it.

A commonsense approach must be applied. Plaintiffs failed to produce any proof indicating that despite the comparatively small number of under-sixes and that there was no general reason to assume that the vacancies in the under-sixes in Spring Valley were unusually high, a survey of the under-sixes would have tipped the balance to an overall vacancy rate in excess of 5%. Plaintiffs have failed to meet their burden of proof.[7]

7. We add the fact that, as testified by the village attorney, while "[i]t is conceivable" that some of the letters sent to owners of buildings having six or more sewer units might have resulted in inclusion in the survey of buildings having less than six apartments, such could not have tainted the survey. We note that plaintiff submitted no proof that such was the case. Further, since

Accordingly the judgment dated November 3, 1982 should be reversed and the two judgments dated November 18, 1982 should be reversed insofar as appealed from, on the law, the resolution of the village, dated December 5, 1978, declaring an emergency requiring the regulation of residential rents should be declared to be valid and the moneys held in escrow by the Rockland County Clerk as "excess rents" should be returned to the tenants who paid them.

Judgment of the Supreme Court, Rockland County, dated November 3, 1982 (in actions numbered 1 to 5) reversed, on the law, and two judgments of the same court, both dated November 18, 1982 (in actions numbered 6 and 7, respectively), reversed insofar as appealed from by defendant Village of Spring Valley, on the law, it is declared that the resolution of the Village Board of the Village of Spring Valley dated December 5, 1978 is valid, and it is directed that any and all moneys deposited by any of the plaintiffs with the Rockland County Clerk pursuant to the terms of any previously entered preliminary injunction requiring the escrowing of "excess rents" pending entry of final judgments in these actions, be paid over by said clerk to the tenants who initially paid them to the plaintiffs, together with any accrued interest thereon, less any handling fees to which said clerk may be entitled. Cross appeal by plaintiffs in action number 7 from stated portions of the judgment dated November 18, 1982 and entered in that action, dismissed as abandoned (22 NYCRR 670.-20[f]).

Appellant is awarded one bill of costs payable by respondents and respondents-appellants appearing separately and filing separate briefs.

NIEHOFF and RUBIN, JJ. concur in the opinion of GIBBONS, J.P.

THOMPSON, J., dissents and votes to affirm the judgment dated November 3, 1982 and the two judgments dated November 18, 1982 insofar as appealed from, with an opinion.

THOMPSON, Justice (dissenting).

At issue in these consolidated actions is the validity of a December 5, 1978 resolution of the Board of Trustees of the Village of Spring Valley which provides, *inter alia:*

> "NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Spring Valley that a public emergency exist [*sic*] requiring the regulation of residential rents *in all residential housing accommodations* in the Village of Spring Valley" (emphasis supplied).

The resolution was allegedly passed pursuant to the dictates of the Emergency Tenant Protection Act of 1974 (L.1974, ch. 576, § 4; hereinafter ETPA). The ETPA was enacted to deal with the problems arising out of an existing housing shortage. Subdivision a of section 3 thereof provides, in pertinent part:

> "§ 3. Local determination of emergency; end of emergency
>
> "a. The existence of public emergency requiring the regulation of residential rents for all or any class or classes of housing accommodations * * * shall be a matter for local determination within each city, town or village. Any such determination shall be made by the local legislative body of such city, town or village on the basis of the supply of housing accommodations within such city, town or village, the condition of such accommodations and the need for regulating and controlling residential rents within such city, town or village. 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" (L.1974, ch. 576, § 4 [§ 3, par. a], amd. L.1980, ch. 69, § 4).

it is necessarily plaintiffs' implicit argument that under-sixes had a higher rate of vacancies than sixes, under such hypothesis the leaching of some of the under-sixes into the survey of the sixes would have resulted in a higher vacancy rate.

I believe the challenged resolution is invalid because the crucial 5% vacancy determination, allegedly encompassing only buildings with six or more apartment units, was calculated in a thoroughly inadequate and haphazard manner. In addition, the resolution in issue fails to specify that it deals with buildings of six or more units, despite the clear statutory authority to specify such a limited category of residential housing. Instead, the broad language of the resolution covers "all residential housing accommodations in the Village of Spring Valley". In light of the conceded failure to even attempt to survey this broad class of housing, the resolution is invalid.

At the outset, several pertinent observations must be made with regard to the governing standard of review. The majority places great reliance on the presumed validity of the resolution, which it characterizes as legislative in nature, and the failure of the landlords to rebut the presumption of validity. In *Matter of Jewett v. Luau-Nyack Corp.*, 31 N.Y.2d 298, 305, 306, 338 N.Y.S.2d 874, 291 N.E.2d 123, the Court of Appeals noted:

"An ordinance is distinguished from a resolution by the greater formality required for its enactment (Village Law, § 90; 5 McQuillin, Municipal Corporations, § 15.02, *supra*). An ordinance provides a permanent rule of government or conduct designed to affect matters arising subsequent to its adoption (*Matter of Edgewood Ave. in City of Mount Vernon*, 195 Misc. 314, 323–324 [90 N.Y.S.2d 131], affd. 275 App.Div. 853 [89 N.Y.S.2d 37]; *Town of Poestenkill v. Sicho*, 54 Misc.2d 191, 194 [281 N.Y.S.2d 575]; *Russell Sage Coll. v. City of Troy*, 24 Misc.2d 344, 345–347 [198 N.Y.S.2d 391]; *Kij v. Aszkler*, 163 Misc. 63, 64 [296 N.Y.S. 351]; 5 McQuillin, Municipal Corporations, § 15.02, esp. at p. 43, and § 15.06, esp. at p. 57, *supra*). A resolution deals with matters of a temporary or special nature, where the action taken generally involves findings of fact and may be characterized as administrative (*Matter of Collins v. City of Schenectady*, 256 App.Div. 389, 392 [10 N.Y.S.2d 303], *supra;* 1 Antieau, Municipal Corporation Law, § 4.05; *Kleiber v. City of San Francisco*, 18 Cal.2d 718, 724 [117 P.2d 657], *supra; Allen v. Wise*, 204 Ga. 415, 417 [50 S.E.2d 69])."

The resolution in issue, dealing with a temporary housing emergency, and contingent upon a factual finding of a vacancy rate not in excess of 5%, could fairly be characterized as the product of an administrative determination. An administrative determination of vacancy rates would then have to be supported by substantial evidence in the record.

Even accepting the majority's characterization of the resolution, the fact findings upon which legislation is based (in this instance the fact of a vacancy rate not in excess of 5%) are entitled to a mere rebuttable presumption of validity (see *Wiggins v. Town of Somers*, 4 N.Y.2d 215, 173 N.Y.S.2d 579, 149 N.E.2d 869; *Defiance Milk Products Co. v. Du Mond*, 309 N.Y. 537, 132 N.E.2d 829; 40 N.Y. Jur., Municipal Corporations, § 725). In addition, a statutory restriction on the right of a landlord to charge rent for his property should be strictly construed, so that the key 5% determination provision of the statute should be read to require careful computations before a determination limiting the right to charge rent is reached (see McKinney's Cons.Laws of N.Y., Book 1, Statutes, §§ 311, 312; *Merritt v. Village of Portchester*, 71 N.Y. 309).

Even accepting the presumption of validity of the fact findings upon which the resolution is based, the record herein supports the conclusion of the Supreme Court that the presumption has been rebutted. As previously noted, the challenged resolution covers all residential housing in the Village of Spring Valley. In light of the conceded failure to even attempt to survey the vacancy rate for all of the residential housing in the village, the resolution is invalid.

The majority ignores this fatal flaw by accepting the argument that it was not

necessary to survey what the majority terms the "under-sixes" and other exempt properties because a declaration of a rental emergency would have no practical effect on the rents that could be charged for the exempt properties. This stance ignores the entire premise of the ETPA as well as this court's previous decision in *Central Plains Co. v. City of White Plains*, 48 A.D.2d 326, 329–330, 369 N.Y.S.2d 483, which states, in pertinent part:

"We find, however, that the Act is clear and unambiguous * * * The statute succinctly states that when the vacancy rate for 'housing accommodations within such municipality is not in excesss 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 Corp. 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 nonexempt 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, 207 N.E.2d 616] [dissenting 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 nonexempt 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" (emphasis supplied).

Without a survey having been conducted as to all Spring Valley residential units, including exempt properties, there is no basis in the record for concluding that a housing emergency exists. Although there might be a shortage of units in larger buildings of six or more units, the potential availability of housing in smaller buildings and other accommodations means that there might be a great deal of housing available in the Spring Valley market as a whole.* Accordingly, there is no basis for concluding there is an emergency with regard to all residential housing accommodations in Spring Valley.

Even if I could accept the view that it was only necessary to survey buildings

* The record indicates that the assessment rolls contained 63 properties with APT designations, covering five or fewer units. There were also 337 designations for R–2, which includes two-family dwellings. There is no indication in the record as to the vacancy rate for other forms of exempt housing accommodations. Doris F. Ulman, the former village attorney, conceded there were a "couple of hundred" apartments in buildings containing fewer than six apartments.

with six or more rental units, my position would remain unchanged because the procedure used to survey these units to determine vacancy rates was woefully inadequate. The survey was conducted solely on the initiative of the village attorney, a person who was neither a survey taker nor a statistical technician. Landlord records were never subpoenaed. Ms. Ulman sent out a series of two letters. The first referred to Spring Valley's "annual survey", although the uncontroverted testimony established that no survey was conducted in 1975, 1976, and 1977. The letter, although making reference to the ETPA, never focused upon the fact that a survey was being conducted to determine if it was necessary to limit the right of a landlord to charge rent based upon requisite vacancy calculations. The threat of the letters, which was carried out, to presume a zero vacancy rate, is unacceptable. The presumption was created by neither statute nor case law, but by a village attorney who was not empowered to create such a presumption. Nor does the record contain any statistical basis for concluding that a nonresponder should be deemed to have a zero vacancy rate, as opposed to a rate consistent with responders.

It strikes me as quite odd that only 18 out of 53 landlords responded to a letter which might have had so great an impact on their right to determine what rents they could charge. It would be a fair conclusion that this was because the significance of the letter was never adequately set forth. The record is also devoid of any explanation as to why only 19 of 35 nonresponders were subsequently visited by building inspectors. If the presumption of a zero vacancy rate was valid, it should have been applied to all 35 nonresponders, and if it was invalid, all 35 nonresponders had to be surveyed. The testimony of the sole statistical expert in this case was that the failure to survey 16 of the 53 landlords rendered the vacancy rate calculation too questionable to be relied upon. Furthermore, the testimony of Mark Weidman, a managing partner of a 296-unit complex with 23 vacancies, that he never received the crucial survey questionnaire, was never controverted. In short, I fear that the determination of the village attorney was in reality based on, in her own words, "the survey, together with *my own particular knowledge* of the housing situation in the village of Spring Valley" (emphasis supplied). Her personal knowledge simply could not serve as the substitute for a properly conducted, statistically-sound survey.

In summary, I find myself in disagreement with the majority because it ignores the plain language of the ETPA. A resolution covering all residential housing accommodations must be based on a survey of all such units. The plain language of the statute and case law demand no less.

I also believe that the majority has improperly shifted the burden to make the determination as to the crucial vacancy rate from the village to the landlords. This has been accomplished by allowing the minimal effort of the village in conducting a seriously deficient survey to shift the burden to the landlords to rebut the vacancy rate determination. The village should be required to conduct an adequate survey in the first instance. Accordingly, I respectfully dissent and vote to affirm the judgment dated November 3, 1982 and the two judgments dated November 18, 1982 insofar as appealed from.

100 A.D.2d 119

In the Matter of The DEPARTMENT OF SOCIAL SERVICES, on Behalf of SANDRA C. (Anonymous), Respondent,

v.

THOMAS J.S. (Anonymous), Appellant.

Supreme Court, Appellate Division, Second Department.

March 19, 1984.

Father appealed from order of the Family Court, Suffolk County, Abrams, J.,

"(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 ⇐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.

the motion is granted, and the action is dismissed, with leave to the plaintiff, if he be so advised, to move to vacate the dismissal of the action upon proper papers, including his affidavit of merit.

The examinations before trial of all of the parties have been conducted in the instant action. Additionally, the plaintiff commenced a separate action against a corporation for damages arising out of the same incident, with the intention of moving to consolidate the two actions for trial upon the completion of discovery. However, the plaintiff was not at liberty to simply ignore the defendants' 90-day demand to serve a note of issue in the instant action because discovery was not yet complete in the other lawsuit. Although the delay was not inordinate and Special Term correctly noted that the record did not evidence an intent on the plaintiff's part to abandon the action, the absence of a reasonable excuse for failing to timely comply with the defendants' 90-day demand to serve and file a note of issue, pursuant to CPLR 3216, and the absence of an affidavit of merit or a verified complaint in lieu thereof *(see, Salch v Paratore,* 60 NY2d 851; *Gibson v D'Avanzo,* 99 AD2d 766), requires dismissal of the complaint for failure to prosecute *(see, Reed v Friedman,* 117 AD2d 661; *Karter v Young,* 117 AD2d 1003; *Walker v Town of Lockport,* 109 AD2d 1102, *aff'd* 65 NY2d 840; *Vernon v Nassau County Med. Center,* 102 AD2d 852; *Aquilino v Adirondack Tr. Lines,* 97 AD2d 929; *Savino v Guido,* 81 AD2d 860), with leave to the plaintiff, if he be so advised, to move to vacate the dismissal upon proper papers, including an affidavit of merit by the plaintiff. Niehoff, J. P., Rubin, Eiber and Kunzeman, JJ., concur.

10 WILSON KAPLEN, Doing Business as MOUNTAINSIDE APARTMENTS, Plaintiff, and GOULD PALISADES COMPANY, Appellant, v TOWN OF HAVERSTRAW et al., Respondents. STEPHEN M. FROMSON et al., Intervenors-Respondents.—In an action, *inter alia,* for a judgment declaring null and void a resolution of the Town Board of the Town of Haverstraw, effective September 12, 1983, that a rental emergency exists as to apartment complexes containing 120 or more dwelling units and that such complexes are subject to regulations pursuant to the Emergency Tenant Protection Act of 1974, the plaintiff Gould Palisades Company appeals from an order of the Supreme Court, Rockland County (Gurahian, J.), dated October 24, 1985, that granted the motion by the defendant Town of Haverstraw and the cross motion by the other defendants for

summary judgment in their favor, and dismissed the complaint.

Ordered that the order is modified, on the law, by adding a provision that the resolution of the Town of Haverstraw, effective September 12, 1983, is valid. As so modified, the order is affirmed, with one bill of costs to the defendant Division of Housing and Community Renewal, the defendant Town of Haverstraw, and the intervenors-respondents appearing separately and filing separate briefs.

On appeal, the plaintiff Gould Palisades Company contends that the September 12, 1983 resolution adopting the Emergency Tenant Protection Act (hereinafter ETPA) with regard to apartment complexes containing 120 or more dwelling units (which resolution was later corrected to regulate apartment complexes containing 100 or more dwelling units) is invalid, because the town was required to survey *all* housing within its borders before declaring a housing emergency with respect to apartment complexes containing at least 120 dwelling units, and because the adoption of the ETPA with respect to apartment complexes containing 120 units or more was arbitrary and capricious.

We reject the plaintiff's claims. "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" (McKinney's Uncons Laws of NY § 8623 [a] [Emergency Tenant Protection Act § 3 (a)]; emphasis added). Under that provision, which clearly indicates that a declaration of an emergency can be made as to a certain class of housing accommodations if the vacancy rate *in that class* is less than 5%, there is no requirement that the vacancy rate as to all housing accommodations within the municipality be less than 5%. Thus, the plaintiff's claim that the town was required to survey all housing within its borders before declaring a housing emergency with respect to apartment complexes containing at least 120 dwelling units is without merit *(see, Colonial Arms Apts. v Village of Mount Kisco*, 104 AD2d 964; *Spring Val. Gardens Assoc. v Marrero*, 100 AD2d 93, *aff'd* 68 NY2d 627; *Central Plains Co. v City of White Plains*, 48 AD2d 326).

We also reject the plaintiff's claim that the town's decision to regulate apartment complexes of 120 units or more (later corrected to 100 units or more) was arbitrary and capricious, and note that "[c]lassification is primarily for the Legislature, which has a wide discretion in respect thereof" *(8200 Realty*

Corp. v Lindsay, 60 Misc 2d 248, 264, *revd* 34 AD2d 79, *revd* 27 NY2d 124).

However, since declaratory relief was sought, the Supreme Court erred in dismissing the complaint without declaring the validity of the resolution in question (*see, Lanza v Wagner*, 11 NY2d 317, 334, *appeal dismissed* 371 US 74, *cert denied* 371 US 901). Mangano, J. P., Niehoff, Lawrence and Kunzeman, JJ., concur.

11 KENNETH R. KNEUER et al., Respondents, v AMERICAN HOIST & DERRICK CO. et al., Appellants, et al., Defendants. (And Third- and Fourth-Party Actions.)—In a products liability action to recover damages for personal injuries, etc., the defendants American Hoist & Derrick Co. (hereinafter Amhoist) and Elkhart Brass Manufacturing Co. (hereinafter Elkhart) separately appeal, as limited by their briefs, from so much of an order of the Supreme Court, Nassau County (Di Paola, J.), dated May 12, 1986, as denied Amhoist's motion for summary judgment dismissing the plaintiffs' complaint and the cross claims and counterclaims of the codefendants and third-party defendants asserted against it.

Ordered that the appeal by the defendant Elkhart is dismissed, as that party is not aggrieved by the order (*see*, CPLR 5511); and it is further,

Ordered that the order is affirmed insofar as it is appealed from by Amhoist; and it is further,

Ordered that the plaintiffs are awarded one bill of costs, payable jointly by Elkhart and Amhoist.

Elkhart is not aggrieved by the order since it failed to move for the relief it now seeks on appeal. With respect to Amhoist's motion for summary judgment, we hold that it was properly denied. The record indicates that the plaintiff Kenneth Kneuer was injured while testing a quarter-turn ball valve manufactured by Elkhart on a fire hydrant manufactured by Amhoist. During the course of this test, the water pressure built up causing the phenomenon known as a water hammer, and the hydrant lifted off the ground, landing on Mr. Kneuer's foot. While a manufacturer has a nondelegable duty to design and produce a nondefective product, substantial modifications of the product by a third party which render it unsafe are not chargeable to the manufacturer (*see, Robinson v Reed-Prentice Div.*, 49 NY2d 471; *Hansen v Honda Motor Co.*, 104 AD2d 850, 851). At bar, there exists a triable question of fact concerning whether the attachment of the quarter-turn ball valve constituted a substantial modification and, in addi-

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 Yorktown,* 141 AD2d 607, *affd* 74 NY2d 423; *Matter of Ames v Proot,* 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

15 N.Y.2d 1014

AMSTERDAM-MANHATTAN, INC., Appellant, v. CITY RENT AND REHABILITATION ADMINISTRATION, Respondent.

Court of Appeals of New York.
April 15, 1965.

Appeal from Supreme Court, Appellate Division, First Department, 21 A.D.2d 965, 252 N.Y.S.2d 395.

Landlord brought action against the City Rent and Rehabilitation Administration for a judgment declaring that the New York City Rent and Rehabilitation Law, Administrative Code, § Y51–1.0 et seq. as added by Loc.Laws 1962, No. 20 as amended, L.1963, c. 100, void and for a permanent injunction restraining the City Rent and Rehabilitation Administration from executing the powers delegated to it pursuant to the enactment. To sustain its position the landlord assailed the City Council's finding of a public emergency in housing, the indispensable predicate for validity of the enactment pursuant to authority delegated by the enabling act, Local Emergency Housing Rent Control Act; L.1962, c. 21, McK. Unconsol.Laws, § 8601 et seq., and pursuant to the Constitution of the United States and the State of New York.

The Supreme Court, Special Term, New York County, 43 Misc.2d 889, 252 N.Y.S.2d 758, granted summary judgment for the City Rent and Rehabilitation Administration and held that the New York City Rent and Rehabilitation Law enacted by City Council in 1964, after finding public emergency housing based on net rental vacancy rate of 1.79% was constitutional and within power delegated to City of New York by state enabling act. The landlord appealed to the Appellate Division.

The Appellate Division, 21 A.D.2d 965, 252 N.Y.S.2d 395, affirmed the judgment.

The landlord appealed to the Court of Appeals, contending that there were issues of fact as to whether a public emergency necessitating the continuation of rent control continued to exist in the City of New York and that therefore, the Special Term erred in granting summary judgment for the City Rent and Rehabilitation Administration.

David W. Peck, Frederick A. Terry, Jr., John S. Allee and Cornelius B. Prior, Jr., New York City, for appellant.

Beatrice Shainswit, New York City, for respondent.

Order affirmed, without costs, upon the opinion at Special Term.

DESMOND, C. J., and DYE, FULD, BURKE, SCILEPPI and BERGAN, JJ., concur.

VAN VOORHIS, J., dissents in the following opinion.

VAN VOORHIS, Judge (dissenting).

Rent control in New York City is no longer a war emergency measure, even though that be recited in the 1962 legislative enabling act. That recital is, as everybody knows, contrary to fact. If rent control is to be retained, it must have some other constitutional basis. The validity of rent control, as it exists today, must be tested by whether it is a legitimate form of continuing price control. It was introduced under the general price-fixing authority of the Office of Price Administration (OPA), and its administration was afterwards transferred from Federal to State jurisdiction (cf. Teeval Co. v. Stern, 301 N.Y. 346, 357, 93 N.E.2d 884). The general price regulation under OPA was, of course, based upon the war emergency, but now that that is over and the rest of OPA has been abolished the constitutional validity of rent control has to be measured by such factors as have controlled the validity of price control in other fields, such as coal, natural gas, milk, stockyards, grain elevators, pipelines, not to mention carriers and public utilities which are more immediately affected with a public interest.

We are familiar, of course, with the cases upholding the constitutionality of various aspects of war emergency rent control, such as Twentieth Century Associates v. Waldman, 294 N.Y. 571, 63 N.E.2d 177; Teeval Co. v. Stern (supra); Loab Estates v. Druhe, 300 N.Y. 176, 90 N.E.2d 25; Matter of Tartaglia v. McLaughlin, 297 N.Y. 419, 79 N.E.2d 809; Orinoco Realty Co. v. Bandler (233 N.Y. 24), and the cases arising at or about the time of the First World War such as People ex rel. Durham Realty Corp. v. La Fetra, 230 N.Y. 429, 130 N.E. 601, 16 A.L.R. 152; Block v. Hirsch, 256 U.S. 135, 41 S.Ct. 458, 65 L.Ed. 865; Brown Holding Co. v. Feldman, 256 U.S. 170, 41 S.Ct. 465, 65 L.Ed. 877. But the indisputable fact requires us to acknowledge that the emergencies which gave rise to those legislative acts have long since passed. The question is whether subsequent conditions have arisen which, for other reasons, justify the invocation of the police power to regulate rental prices in large cities. Certainly the so-called net vacancy rate (computed mainly from among controlled housing accommodations) is not adequate by itself. Other factors taken in conjunction with that and other circumstances may or may not lend support to the indefinite continuance of housing price control as they have to price-controlled milk and other items mentioned above. Even if residential rent control be constitutionally supportable in large urban centers, it would have to be done on a different basis of classification than rendering it applicable only to the holdovers from an earlier era on the theory that we are still in the emergency which gave rise to their controlled tenancies. The enabling act recites that the emergency is temporary, and so it was, but residential rent control is not temporary. Its history belies any such assumption, and its constitutionality must be tested by the same standards as those which are applicable to any other form of price control. Summary judgment on this record is a perfunctory manner

of determining this basic issue. In other instances where the nature of the commodity and surrounding conditions have been held adequate to sustain the power, trials have generally been held. It is impossible from these affidavits and from the mere reports submitted to the New York City Council to be apprised of what is fact and what is merely alleged to be factual, or to know which facts and factors are of controlling significance. This is a problem especially requiring expert testimony for its solution, but not an expert can be examined or cross-examined where the issue is disposed of by summary judgment. It is a gratuitous assumption, contrary to fact, that a complicated issue of such far-reaching importance can be decided summarily on a mere "battle of the pamphlets" without testimony, without opportunity to test conflicting conclusions in the crucible of cross-examination, or to assume that all of the relevant factors or conclusions are or could be contained in the brochures, for and against, that were submitted to the City Council. Indeed, appellants are being penalized for having submitted as much as they did by being deprived of a trial. It is especially artificial, as it seems to me, to reach such a result without considering the many factors that enter into this exercise of the police power and almost wholly on the basis of a single statistic, namely the vacancy ratio mainly in controlled housing, and without more elucidation of the different classes of housing (Chastleton Corp. v. Sinclair, 264 U.S. 543, 44 S.Ct. 405, 68 L.Ed. 841; Kress, Dunlap & Lane v. Downing, 3 Cir., 286 F.2d 212). The fact that people enjoying controlled rental housing accommodations do not wish to give them up, and that there are few vacancies where these depressed rents can be enjoyed, means that there must be nearly 20% vacancies in uncontrolled accommodations to produce the over-all net vacancy rate of 5% to require decontrol under existing standards. This is hardly an adequate yardstick by which to measure constitutionality.

The approach which it seems to me should be taken to the problem is illustrated by Nebbia v. People of State of New York, 291 U.S. 502, 531, 54 S.Ct. 505, 78 L.Ed. 940 (price fixing of milk); Tyson & Brother United Theatre Ticket Offices v. Banton, 273 U.S. 418, 47 S.Ct. 426, 71 L.Ed. 718 (theatre tickets); Federal Power Comm. v. Natural Gas Pipeline Co., 315 U.S. 575, 62 S.Ct. 736, 86 L.Ed. 1037 (natural gas); Munn v. State of Illinois, 94 U.S. 113, 24 L.Ed. 77 (warehouses); Tagg Bros. & Moorhead v. United States, 280 U.S. 420, 50 S.Ct. 220, 74 L.Ed. 524 (stockyards); Sunshine Anthracite Coal Co. v. Adkins, 310 U.S. 381, 60 S.Ct. 907, 84 L.Ed. 1263 (bituminous coal act); Producers Transp. Co. v. Railroad Comm., 251 U.S. 228, 40 S.Ct. 131, 64 L.Ed. 239 (pipelines); Brass v. Stoeser, 153 U.S. 391, 14 S.Ct. 857, 38 L.Ed. 757 (grain elevators); Aetna Ins. Co. v. Hyde, 275 U.S. 440, 48 S.Ct. 174, 72 L.Ed. 357 (insurance); Old Dearborn Distributing Co. v. Seagram Distillers Corp., 299 U.S. 183, 57 S.Ct. 139, 81 L.Ed. 109 (branded goods on resale); Mayo v. Highlands Canning Co., 309 U.S. 310, 60 S.Ct. 517, 84

L.Ed. 774 (citrus fruits); Williams v. Standard Oil Co., 278 U.S. 235, 49 S.Ct. 115, 73 L.Ed. 287 (gasoline), and Covington & C. Bridge Co. v. Com. of Kentucky, 154 U.S. 204, 14 S.Ct. 1087, 38 L.Ed. 962 (bridge tolls). In some of these cases price fixing was sustained and in others it was denied but in none of them was the issue decided without consideration of all the factors or on the archaic basis of a war emergency which has long since disappeared. They were decided on current facts and on all of the relevant factors.

Few subjects are more involved than price fixing of items which in ordinary times—not war emergencies—have been held to fall on one side or the other of the constitutional line dividing what may be price fixed and what may not. This case now before us involves price regulation of residential accommodations, similar in principle to questions of price regulation of other commodities, and I think that it should stand or fall on principles governing the validity or invalidity of price control looking toward the indefinite future rather than by summary judgment on a theory of war emergency which has long since been contrary to fact. Appellants ask for a trial. We should, I think, decide this important question on the basis of evidence after trial, with the examination and cross-examination of expert and other witnesses. If it has to be decided on summary judgment, the order appealed from should be reversed since the recital in the statute shows that it is based on a war emergency which no longer exists (Chastleton Corp. v. Sinclair, supra).

15 N.Y.2d 1018

Verna FRICK, as Administratrix of the Goods, Chattels and Credits of Gerald R. Frick, Deceased, Appellant, v. Nancy Lee HORTON, as Administratrix of the Goods, Chattels and Credits of Murray Robert Horton, Deceased, Respondent, and Barnet-Hewitt Tire Co., Inc., et al., Defendants.

Court of Appeals of New York.

April 15, 1965.

Appeal from Supreme Court, Appellate Division, Third Department, 21 A.D.2d 212, 250 N.Y.S.2d 83.

Administratrix of deceased automobile passenger brought action against administratrix of driver of automobile in which passenger was riding when it collided with truck, and against owner of truck and driver, for wrongful death of deceased passenger.

The Supreme Court, Special Term, St. Lawrence County, Paul D. Graves, J., entered an order denying a motion by the administratrix of the driver of the automobile for summary judgment dismissing the complaint as to her, and she appealed.

The Appellate Division entered an order which reversed, on the law and the facts, the order of the Special Term, and which granted the motion of the administratrix of the deceased driver and held that where it had been

Legal eagles sought for landlord suit

By Kevin O'Neill

Long Beach City officials are planning to hire some bigger guns for their legal battle with some local landlords.

At next month's first city council meeting, Corporation Counsel Joel Asarch is expected to recommend that the city retain the Manhattan firm of Himmelstein, McConnell and Gribben to help the city defend itself against a $27 million lawsuit filed by a group of apartment house owners. The landlords sued the city this spring on the grounds that its rent regulation policies are unfair and prevent them from making enough money to properly maintain their buildings.

Himmelstein, McConnell and Gribben, a highly regarded firm that specializes in tenant rights law, will be acting on a consultant basis in the suit, offering legal advice to the corporation counsel.

"They have good experience in this area, and, more importantly, they are good litigators," corporation counsel Joel Asarch said.

Tenants' rights advocates have been urging the city to hire an outside legal counsel for several months. In fact, the issue had become something of a sore point between the tenants and city officials with the tenants questioning whether the city was committed to fighting the landlords' lawsuit and maintaining rent stabilization.

Part of the distrust between the tenants and city officials stems from last winter's debate over whether the city should continue its rent stabilization policies. In response to the landlords' threats to sue, the city council considered ending rent controls on vacated apartments. They decided against such a move, though, when hundreds of protesting tenants began showing up at the council meetings.

Shirley Weber, one of the leaders of the Long Beach Tenants Coalition, said the tenants believe the city's own attorneys need some legal "back-up" because of the complexity of issues involved. One of the lawyers representing the apartment house owners is Garden City attorney Martin Shlufman, a former deputy counsel at the New York State Division of Housing and Community Renewal with extensive experience in housing law.

"The tenants are worried. They want to make sure the city is going to fight this," said Ms. Weber, pointing out that the landlords are asking for millions of dollars in allegedly lost income. "This is a big lawsuit. This is not pennies."

In the Fall issue of the Manhattan-based New York State Tenants and Neighbors Coalition's newspaper, Long Beach tenant David Soren wrote an article about the controversy in which he wondered if "closed-door politics" was preventing the city from hiring an outside attorney.

Mr. Soren, a resident of the Monroe Beach Apartments on Shore Road, specifically referred to the fact that City Council President Michael Zapson is a landlord, being a part owner of Monroe Beach. Mr. Soren wrote that Mr. Zapson's status as a landlord contributes to "our fear that the city is not serious about mounting the best defense it can against the landlords' suit."

But Mr. Zapson emphatically denied any interference by himself or other council members in the city's legal defense against the landlords.

"There's nobody holding this up," said Mr. Zapson, regarding Mr. Asarch's hiring of an outside attorney. "It's a hundred percent up to him."

Several tenants were at last week's council meeting questioning the city council about why they had not yet hired an outside attorney. They plan to attend the council's next meeting on Wednesday, November 6, to make sure the city hires the additional lawyers for the lawsuit.

One housing rights organizer who has been working with Long Beach's tenants is Michael McKee, the rent law campaign manager for the Tenants and Neighbors Coalition. He referred to Himmelstein, McConnell and Gribben as "the best tenant law firm in New York City."

But, Mr. McKee added, the city's tenants are still fearful that the city may try to work out a deal with the landlords that will be harmful to their interests.

"The burden is on the city to prove that they are serious about this lawsuit and seriously intend to win it," Mr. McKee said.

LONG BEACH
SOUTH SHORE
TRIBUNE
A DIVISION OF NAUDUS COMMUNICATIONS
VOLUME ELEVEN, NUMBER 43
OCT. 24-OCT. 30, 1996
25¢
OFFICIAL NEWSPAPER OF THE CITY OF LONG BEACH
SERVING
LONG BEACH
ATLANTIC BEACH
LIDO BEACH
POINT LOOKOUT

Long Beach City Beat

by Alan M. Symons

The Tuesday, Oct 15th meeting of the City Council was brought to order by the Council President (CP) Mike Zapson a few minutes after 8:00 P.M. There were 25-30 senior citizens there from the rent stabilized apartments. They were present due to a flyer that was placed throughout the hi-rises stating that the council was undertaking an agenda item relative to rent stabilization. The flyer (which I saw) was not only not accurate it was NOT TRUE. It is shameful to scare these people, they have enough to contend with when they are frightened out of their wits by the political rhetoric that is blasted from television, November 6th get here a.s.a.p. The flyer was basically unsigned, but made a reference to a Tenants Coalition, please note that Mr. Michael McGee was present, too. After the meeting was adjourned Ms. Weber and Mr. Soen stood up, and the CP informed them that the Corp. Counsel Mr. Asarch was the proper person to address their concerns to, since Mr. Asarch's department will be handling the hiring of outside consultants to aid the city in the legal case with the landlords. Note that they have filed a $27,000,000 suit against Long Beach to remove rent stabilization codes. There was however, a lighter side to the meeting when Ms. Irene Mallen rose to question the City Council about the purchase of paper towel & toilet tissue. It seems Ms. Mallen wanted to know how much (what percentage) was used by City Hall. Mr. Eaton (City Manager) did not have those figures (I wonder why) but said that he would try to find out. All-in-all this particular meeting, which looked as though it might be dull, turned out to have a "character" all its own. Well, that's it for now Long Beach, see ya after the Wednesday, November 6th meeting. Remember, do something nice for someone else today.

9/17/96 Long Beach
@ Weisenberg's office

Michael Roseingrave
Mary Bade
Ann Kayman
Betty ? 25 Franklin Ave
Robert Bob Rychlowski 10 Monroe Blvd Apt. 2C ? (C)
Shirley Weber
Cy Weber
Dave Soven Apt. 53
Eddie Bade

bldg captains
bldgs not represented

Tenants Association
expand resources

AGENDA
- Asarch
Next Meeting - Guest speaker
- Incorporation
- Nomination
- Committees
- Fund-raising
- Advertise meeting
- bank account

Intervention

Last Council Meeting

Dave Soven criticized Walton for ads & flyers -
Shirley Weber criticized Councilman Zapson for conflict of interest -

Incorporation

c. $250 for filing costs -

Bank account ? Ann to call Donna -

Next Meeting
Oct 15

Nominations

President	Shirley Weber
Vice President	Dave Soven
Secretary	Ann Kayman
Treasurer	~~Donna Piperno~~ Mary Bade

At-Large

1. Eddie Bade
2. Cy Weber
3. ~~Helen Fink - Executive Towers~~ No
4. ~~Norman Weissman~~ No
5.
6.
7.

Bob Rychlowski
Michael Roseingrave

		TO CALL
Crystal House	Bob Grammick	Michael Roseingrave
	Joy Costella	Michael Roseingrave
	~~Michael Roseingrave~~	~~YES~~
Executive Towers	Norman Markham ?	Dave Soven
	Shirley Ackerman	Shirley Weber
~~25 Franklin~~	~~Annette Heller~~	~~Betty~~
	Donna Piperno	Ann Kayman
6 Lincoln	Victor Poretz - ~~Mary~~ Margaret	Ann Kayman

Board of Directors meet Sunday Sept. 29 11AM
@ Shirley's

CERTIFICATE OF INCORPORATION
OF
THE LONG BEACH TENANTS COALITION, INC.

Under Section 402 of the Not-For-Profit Corporation Law

The undersigned, being a natural person over the age of eighteen, desiring to form a corporation pursuant to the provisions of the Not-For-Profit Corporation Law, does hereby certify:

1. The name of the corporation is The Long Beach Tenants Coalition, Inc. ("LBTC").

2. LBTC is a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-For-Profit Corporation Law and shall be a Type B corporation under Section 201 of the Not-For-Profit Corporation Law.

3. LBTC is formed for the following purposes:

a. to exercise, promote and protect the rights and interests of tenants in the City of Long Beach and the State of New York, to research, stimulate interest in, and educate the community with respect to issues affecting tenants, to promote the continued vitality of rent stabilization in the State of New York and laws protecting tenants, to encourage citizen participation in and awareness of matters affecting tenants in the City of Long Beach and the State of New York, to assist tenants in protecting their rights, to advocate tenants' rights and interests in the context of claims, suits or proceedings brought by landlords or other parties adverse to tenants in the City of Long Beach, and to conduct meetings, issue publications, sponsor forums, speak, write or intervene in legal proceedings, encourage mutual cooperation among members and civic activism, and otherwise to act in pursuit of the foregoing; and

b. to do any other act or thing incidental to or in connection with the above purposes or in their advancement, but not for the pecuniary profit or financial gain of any of the members, officers or directors of the LBTC, except as permitted under Article 5 of the Not-For-Profit Corporation Law.

4. In furtherance of the foregoing purposes, LBTC shall have all of the general powers enumerated in Section 202 of the Not-For-Profit Corporation Law and such other powers as are now or hereafter permitted by law for a corporation organized for the foregoing purposes, including without limitation, the power to solicit grants, contributions and membership dues for any corporate purpose, and the power to maintain a fund or funds in furtherance of such purposes.

5. The principal office of the LBTC shall be in the City of Long Beach, State of New York.

6. The names and addresses of the initial directors, each of whom is of full age, are as follows:

Shirley Weber
860 E. Broadway, Apt. 3B
Long Beach, NY 11561

Dave Soren
270 Shore Rd.
Long Beach, NY 11561

Donna Piperno
33 Franklin Blvd.
Long Beach, NY 11561

7. The Secretary of State of the State of New York is hereby designated as agent of the LBTC upon whom process against the corporation may be served. The post office address to which the Secretary shall mail a copy of any process against the corporation served upon the Secretary shall be 521 W. Bay Dr., Long Beach, NY 11561.

8. In the event of dissolution of the LBTC, all of its assets and property remaining after proper payment of expenses and the satisfaction of all liabilities shall be distributed, in accordance with Section 1102 of the Not-For-Profit Corporation Law, as it may be amended, to further the not-for-profit purposes of the LBTC and/or to such organizations or persons as may be lawfully entitled thereto.

In Witness Whereof this certificate has been signed and the statements made herein affirmed as true under penalties of perjury this ____ day of _____, 1996.

_____
Ann G. Kayman, Esq.
Incorporator