

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The resolution, if approved, would have repealed part of the city's 20-year-old Emergency Tenant Protection Act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

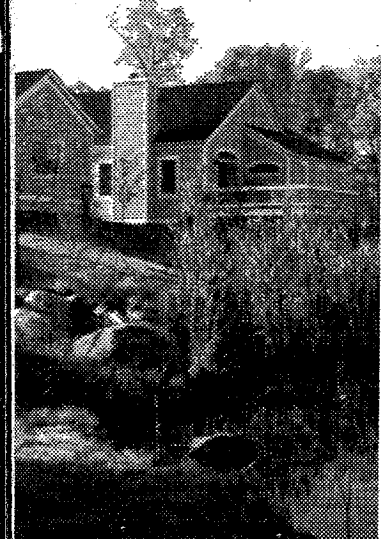
By Kevin O'Neill

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.

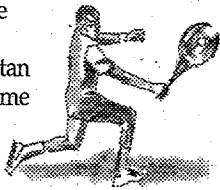
Tenant advocates are asking Councilman Michael Zapson, a part owner of the Monroe Beach garden apartments in Long Beach, to excuse himself from voting on a proposed resolution that would remove rent controls from vacant apartments. One tenants' rights' organizer charged Mr. Zapson with having "a clear



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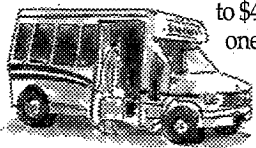


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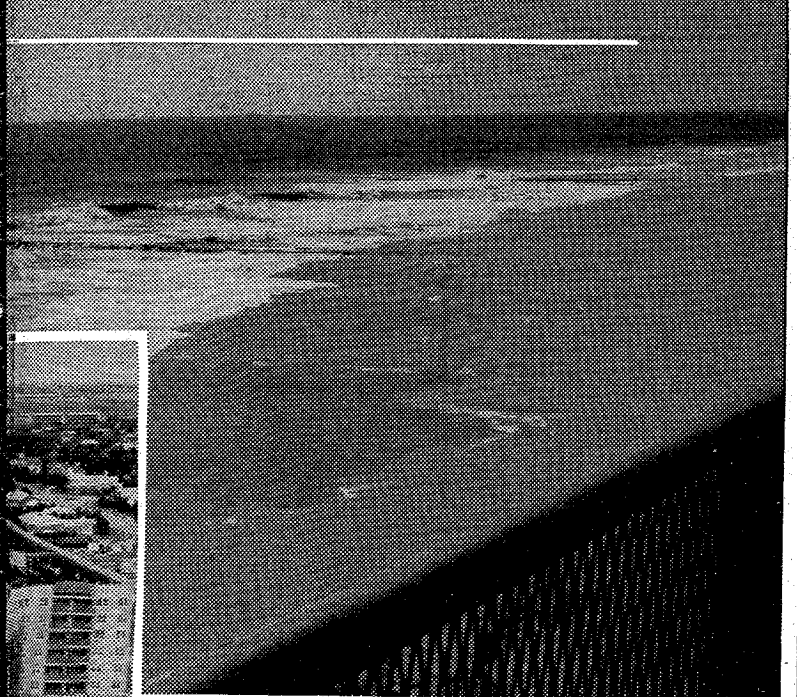


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### About Real Estate

## Deal Shows Banks Ease Loan Rule For Co-ops

By TRACIE ROZHON

The East New York Savings Bank closed a \$10.7 million mortgage loan to a cooperative apartment building in Queens last week even though only 14 percent of the apartments were owner-occupied. The percentage was well below the 50 percent generally considered the norm for writing mortgages, either for co-op corporations or for individual co-op or condominium buyers.

It is still rare to see mortgages written with such an extremely small percentage of apartments owned by the people who live in them — not owned by the building's sponsor or by investors who buy apartments from the sponsor. But several major mortgage brokers said the writing of such loans was on the increase.

"There were always a few lenders who would do these loans," said Jerry Swartz, partner in Pergolis Swartz, a large mortgage broker whose firm handles the underlying mortgages for buildings. "What's new is that today there are more of them."

"Funds are more available now; the market is much more competitive to loan money," Mr. Swartz added. "There's banks that weren't competing in the market before."

Mortgage brokers and loan officers interviewed stressed that to lend money to the co-op corporation, for the underlying mortgage, or to individuals purchasing co-ops or condominiums when owner-occupancy is below 50 or 60 percent, certain conditions must be met. They explained that without these conditions, the risk of an investor who owns a lot of apartments going bankrupt — and leaving the co-op in the lurch — was just too high.

"No. 1, the building must be in a desirable area, where the subleasing of apartments will bring in more money than must be paid for maintenance of the apartments," said Sam Giarrusso, who heads real estate loans at East New York Savings.

To assess whether a building is a good risk, the loan applicant must be able to generate a positive cash flow on the bulk of his apartments. In other words, if the absentee shareholder can sublease an apartment for \$900, and pays only \$500 for maintenance, the bank may look favorably at the investment.

The bank will next look toward the personal assets and liabilities of absentee shareholders to see if they have sufficient income or liquid assets to make necessary repairs.

"We look at their integrity, their track record," Mr. Giarrusso said.

With individual mortgages for apartment buyers, the bank also looks hard at the percentage of owner-occupied apartments building-wide, mortgage broker's said.

If the percentage is the same — less than 50 or 60 percent, depending on the bank — it is traditionally difficult to obtain a mortgage.

But Ellen Bitton, president of the Manhattan Mortgage Company, said that more banks than ever would consider such a loan. She said she knew about eight banks of the 24 she dealt with that would do so. "It's very different from two years ago," she said.

But she cautioned that the banks lending to individuals use the same criteria they do when lending to buildings: The desirability of the building and the creditworthiness of the person or persons seeking the loan is taken into account.

The guidelines apply not only to co-ops, although condominiums as a whole are not allowed to have underlying mortgages. Ms. Bitton told of a woman who wanted to buy a condominium apartment in a five-year-old building on Park Avenue. When she applied for the loan the building had almost no apartments sold. The building had been built as a

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## Memorial Day 1996



# Landlords File Suit Over Rent Control Decree

by Michelle Gotthelf

When the Long Beach City Council vowed to protect the rights of community tenants under the current rent control ordinance, they said they will fight it in court, if necessary.

Well, the time has come.

As predicted by the council, building owners are fighting back. They've banded together and on May 15 filed two lawsuits — one in the State Supreme Court in Mine-

ola and one in U.S. District Court in Brooklyn — against the City of Long Beach, in an attempt to prove the apartments have more than a 5-percent vacancy rate, at which point the state mandates the law be lifted.

Sam Walton, owner of Executive Towers, Paulsen Real Estate Corp., Angelo and Maureen Paladino, owners of the apartment complex at 215 East Broadway, Robert Botwinick, a condo owner, Beach

House Owners Corp., and William Conlin, owner of 365 West Fulton, contend they've collectively absorbed a \$50 million loss of income from the city's ordinance, and are suing to be reimbursed, said City Corporation Counsel Joel Asarch. City Manager Edwin Eaton said the city provided an informal study, which has proven the 1,500 apartments under rent control maintain less than a 5-percent rate.

Landlords said the city needs to formally investigate their claims of maintaining a high vacancy rate.

Asarch said the city is prepared to see the suit through, because he feels the landlords' complaints are unfounded. The landlords state in court papers they want the Emer-

gency Tenants Protection Act to be considered "invalid and unenforceable." Asarch said it will be almost impossible for the landlords to overturn a state action, regardless of their agenda. "The state created it in 1974 and we adopted it," Asarch said. "We cannot be faulted with enforcing it."

Eaton said the lawsuit is a direct result of its refusal to remove the ETPA. Two months ago, the city proposed to replace the action with Rent Decontrol, which would protect existing rent control residents, while allowing landlords to seek market rents for vacant apartments. But tenants said they feared landlords would harass them to give up the apartments, so they can rent them for higher rates.

## City Budget Carries 4.7 Percent Increase

by Michelle Gotthelf

Following last year's zero percent increase to the Long Beach City budget, the 1996/97 proposed budget includes a 4.7-percent hike to the residential property tax rate.

According to City Manager Edwin Eaton, if the budget is accepted by a city council majority vote, the average homeowner will see a \$42 tax increase. This example increase has been calculated using the average Long Beach residential property value, which is assessed at \$10,000, at a rate of \$7.84 per \$100 of assessed valuation.

The budget outlines a \$107,882 increase in spending over the year,

of almost \$3 million is put aside for debt repayments.

Three full-time city positions were removed from the budget: one police officer, one firefighter and one position in bus transportation, which, with salaries and benefits, results in a \$135,000 savings for the city. Although the city cut from its staff, Eaton maintains that labor-related expenses will increase 2.2 percent over the next year.

However, he said the money saved will be back into the general fund to defray portions of the budget that needed to rise, such as a state-mandated increase for workers' compensation, up from \$350,000

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# "IS THE WORLD SERIOUS?"

The plane crash in Croatia which killed Commerce Secretary Ron Brown and a host of prominent business executives was of course, a human tragedy and the members of the bereaved families deserve our heart-



**Frank P. NAUDUS**

felt sympathies. But there are issues involved in that ill-fated flight and in Brown's years of stewardship in Washington, D.C. that must be investigated thoroughly and not be buried along with the victims.

The eulogies to Brown have concentrated on the great efforts he supposedly made to expand American businesses and create more jobs for American workers. But the aim of his mission to the war-torn Croatia-Bosnia area was to create business opportunities and jobs for the people over there--not for Americans. Is that what a U.S. Secretary of Commerce is supposed to be doing? The executives whom Brown rounded up obviously were interested in setting up branches in that area using cheap, foreign labor and maximizing their global profits at the expense of their American work force.

Brown himself was the subject of a probe into his wheeler-dealer financial activities and there has been suspicion that he was involved in another kind of Whitewater--or perhaps we should say "Dirtywater." President Clinton obviously regarded the allegations as serious be-

cause he made it plain before the Croatia trip that Brown could not serve as his 1996 campaign manager, as he did in the 1992 campaign. The probe should not be cancelled on the grounds that Brown is no longer with us. If there was indeed wrongdoing, the public is entitled to know all about it.

Our military commanders also have some explaining to do. Why would they allow V.I.P.'s --or even non-V.I.P.'s--to travel over dangerous terrain in planes that have less safety controls than is provided on commercial aircraft? And why would they allow planes to fly in bad weather to an airport which they knew was lacking in modern instrument equipment needed to guide aircraft to safe landings????

The main reason the Clinton administration got us involved in the strife raging in the former Yugoslavia was to protect the "innocent" Moslem tribes from atrocities committed by the Serbs, who are fellow Slavs but practice a different religion. But now we have found that Iran has sent troops and officers to work with these Moslem tribes and thereby, to extend its influence into southern Europe. Unlike a peaceful, pro-western Moslem country like Turkey, Iran is run by fanatic fundamentalists who sponsor state terrorism and hate the U.S. By indirectly helping Iran expand its power, we are working against our own interests. This is crazy stuff!

When it comes to personal qualities and knowledge of government, GOP Senate Majority Leader Bob Dole has it all over Bill Clinton but unfortunately, he is not as good a campaigner and doesn't have a strong campaign staff. Dole seems to be trying to do everything himself and needs a strong second-in-command to direct his campaign strategy and allow the Senator to concentrate on policy. I hope that while he's taking a much-needed rest in Florida, Dole finds the right individual to take on this assignment and thereby, fire up his drive to the White House.

Why are older women missing out on the benefits of exercise? We've always assumed it's because of their aging physical condition but a new study by researchers at Washington University in St. Louis tells us it's not so. The older women are acting like couch potatoes only because they have a stereotyped view that exercise is inappropriate for them.

Dr. Martha Storandt, a psychologist who headed up the study, says too many older women think they should "act their age" and retire to the sidelines but it's not healthy for them to do that. "I like the attitude of the older man in the Chiquita banana commercial who is still jumping hurdles and saying he might slow down when he hits his 100th birthday. That's the kind of attitude older women, as well as men, should adopt," she says.

So go to it, ladies! (Just don't overdo it).

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## Long Beach City Council Moves To Protect Tenants Under Rent Stabilization

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

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

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

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

The tenants acting under the advice of a paid professional lobbyist, are also demanding the survey will show that the vacancy rate had been artificially inflated by the landlords through a practice known as warehousing, where available apartments are kept vacant.

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

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

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

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

# Long Beach HERALD

3 SECTIONS,  
48 PAGES

75 CENTS  
JUNE 13 - 19, 1996

## Teacher wins trip to Japan

By Kevin O'Neill

A Long Beach High School social studies teacher will be one of 16 North American educators travelling to Japan this summer for a special cultural studies project.

Dr. Kenneth Gutwein, a 20-year veteran of Long Beach, and the other members of the delegation were winners in the Keizai Koho Center's summer fellowship program. They were selected from among several hundred applicants for the coveted, all-expenses-paid fellowships.

"He was selected partly because of his long-standing commitment to global studies," said Linda Wojtan, the program coordinator for the Keizai Koho Center.

Also known as the Japan Institute for Social and Economic Affairs, the Connecticut-based Keizai Koho Center is a private, non-profit organization that helps promote

Continued on Page 7



Photo by Arnie Schissel

**Goal!**  
A group of boys play in sand soccer tournament in Long Beach over the weekend.

## Repair bills add up to rent hike

*State rejects landlord's request  
for improvement funds*

By Kevin O'Neill

Tenants of the Executive Towers apartment building in Long Beach are claiming a partial victory in their ongoing battle with the building's landlord, Samuel Walton.

Tenants had been hit with two bills for building improvements and repairs totalling more than \$360,000 in permanent rent increases late last year. But last month a

state Division of Housing and Community Renewal rent administrator rejected much of what Mr. Walton requested.

"I think the tenants are doing a better job of protecting their interests," said attorney Robert Solomon, who represented the building's tenants' association in the matter.

As the landlord of a rent-stabilized building, Mr. Walton has to get state approval for special rent increases related to building improvements. The state also sets the rate of yearly rent increases for rent-stabilized buildings.

The larger of the two bills was for \$229,200.73 worth

of "improvements" that included expenditures for structural steel replacement in the building's 146-space parking garage, asbestos abatement, and garage fireproofing. In his major capital improvements application, Mr. Walton was asking \$3.11 more in monthly rent per room per apartment in the 276-unit building to cover the amount over seven years.

In its May 28 decision, the Division of Housing and Community Renewal agreed with tenants' contention that "the tenants should not be charged for these costs when

Continued on Page 7

### INSIDE

**WHEN  
DOMESTIC  
VIOLENCE  
HITS HOME**

FINAL PART OF A  
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#### Raffle revenue

State seeks share  
of monies.

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#### Guns are not child's play

Bill would punish careless  
gun owners.

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#### Helping Israel

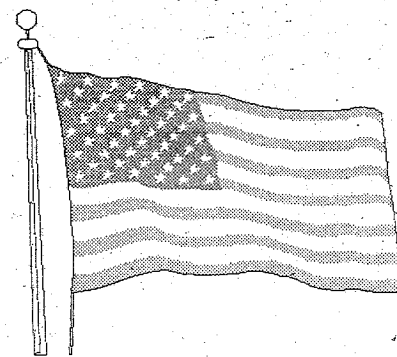
Temple seeks volunteers.

PAGE 3

#### Father's Day

Lindell kids draw their dads.

PAGE 8B



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# Tenants battle landlord on rent request <sup>7</sup>

Continued from Page 1

only a small percentage of the tenants use the garage and it is a source of additional revenue to the owner." The Division "disallowed" a few of the charges and gave Mr. Walton permission to charge an extra \$16.40 per parking space over the next seven years to cover the "allowable cost" of \$201,150.63.

The other bill was for \$136,999 worth of "improvements" that included a new glass wall in the recreation room, new doors, new lights for the pool area, a re-roofing job for the recreation room and removal of water storage tanks.

Ultimately, much of the request was

rejected by the Division of Housing and Community administrator, who described many of the items as "repairs and maintenance." Such items are expected to be covered in annual rent increases set by the state's rent guidelines board.

The Division ruled that the "benefit" of the storage tanks' removal was "not building-wide" but aimed at increasing the building's parking spaces - a separate source of revenue. All together, the Division allowed Mr. Walton to charge an extra 50 cents in monthly rent per room, per apartment, over the next seven years to cover an "allowable cost" of \$36,791.

Currently, Mr. Walton and other Long

Beach landlords are suing the city to try and repeal its rent controls. One of the arguments they have made in trying to eliminate such rent controls is that they are unable to get enough income to maintain the building at a reasonable profit.

Discussing the decision, Mr. Walton's attorney, Martin Shlufman, said he plans to appeal it. He said rent-stabilized landlords are in a "lose-lose situation" where they "can't recover their building expenses" through either the major capital improvements process or ordinary rent increases.

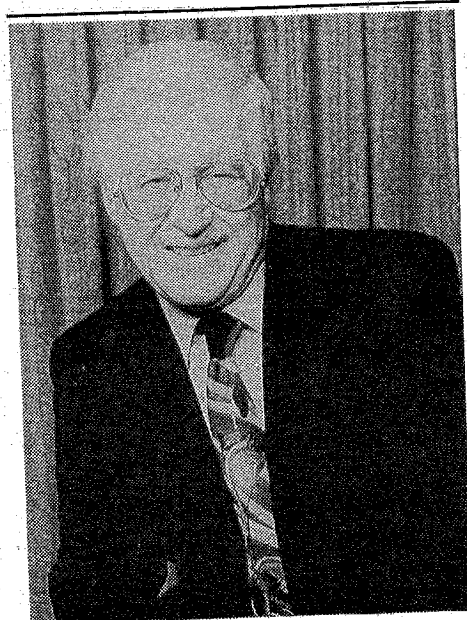
He particularly disagreed with the Division's ruling regarding the steel structural

replacements in the parking garage, saying they would not benefit just the car owners.

"It was the foundation of the building that was improved," said Mr. Shlufman. "So, this was for everybody. It's not just the garage."

But the tenants believed that Mr. Walton was asking for too much from them and unfairly charging for certain items that should be covered under ordinary rent payments.

"We've tried to fight him as best we can," said Dr. Schneider, one of the co-presidents of the tenants association. "If it goes to the court of appeals, we hope we can beat him."



DR. KENNETH GUTWEIN

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## Rental wars

### City council considers lifting cost controls

By Kevin O'Neill

Long Beach's landlords and tenants are warring over whether the city council should end its compliance with a 20-year-old state-enacted rent regulation law.

A group of Long Beach landlords is petitioning the city to "repeal or modify" its use of the Emergency Tenant Protection Act (ETPA) of 1974, a state law that enabled municipalities to place apartment buildings of 60 units or more under the control of state-run rent guidelines boards.

The City of Long Beach adapted the rent stabilization act two decades ago to combat a severe rental housing shortage and contain rapidly rising rents. At the time, officials declared that the city's apartment vacancy rate of less than five percent constituted an "emergency."

But local landlords have presented the city council with numbers showing that the vacancy rate might be up to at least eight percent. They also complained during last week's hearing on the issue that the rent increases allowed by the rent guidelines boards are far below what is needed to properly main-

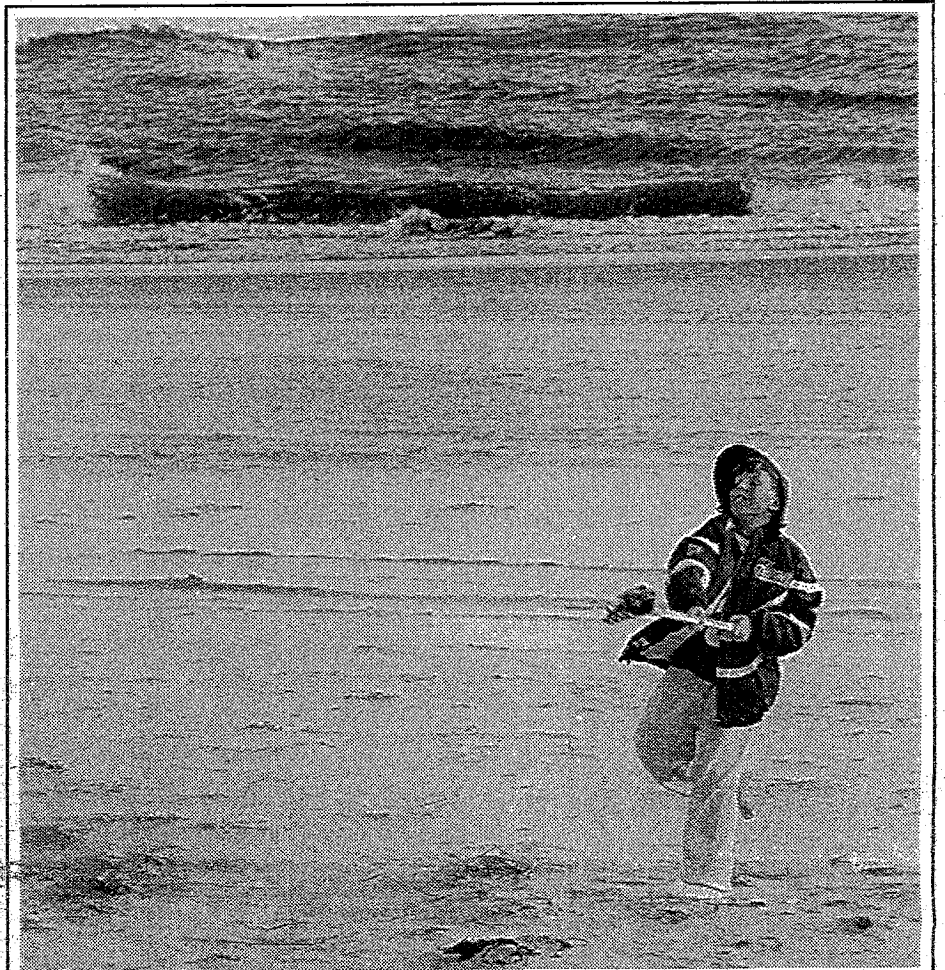
tain their buildings.

"The time has now come, except perhaps for protection for resident senior citizens who have limited income, that the legislation should be repealed or otherwise severely curtailed," said landlord Samuel Walton, the owner of the 276-unit Executive Towers at 854-860 East Broadway. "It is a total anomaly that has no economic justification and results in the progressive deterioration of the City of Long Beach."

The maximum rent increases allowed by Nassau's rent guidelines board for 1995-1996 are a one-and-a-half percent hike for a one-year lease and a two-and-a-half percent hike for a two-year lease, according to the New York State Division of Housing and Community Renewal, which administers the boards.

Referring to those numbers, landlord David Paulsen, owner of the Crystal House at 630 Shore Road, told the council members that "you can't survive on that." As Mr. Walton had earlier, Mr. Paulsen also spoke of how waterfront apartment houses, such as the Crystal, are costlier to keep up

Continued on Page 13



Arnie Schlissel/HERALD

### Having a ball

Nine year-old Adam Woodmansee works on his lacrosse skills at the beach Sunday, when signs of spring were in the air.

## INSIDE

### Passover

Holiday begins next week.

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### Goal

Kids hope to save rink.

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### Bigotry

Summit raises awareness.

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### Theatre

HERALD reviews "Cat's Paw."

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## One more round

# Chauncey's set for season

By Michael Harrison

The crocus are blooming, convertible tops have been coming down and, among other signs of spring, Chauncey's is preparing to emerge from a rare winter hibernation.

That also means a renewal of the debate over the future of the seaside bar/restaurant, whose owners have submitted plans for a proposed renovation needed to convert Chauncey's into a seafood and steak house they would call the Oceanview Grill. While the partners who own Chauncey's believe the conversion would not only bring a unique restaurant to Long Beach but also eliminate the potential for late-night disturbances, an attorney representing some West End residents is still fighting to get the business out of the area.

Site plans for the steakhouse, initially proposed nearly a year ago, were filed with the city's building depart-

*"We don't believe for a second an expansion is in the best interest of the neighborhood."*

Charles Kovit

ment recently. But since the project requires a zoning variance — apart from the non conforming use waiver in place here now — "they'll send it to

the architectural review board and issue a letter of denial based on zoning laws," said local lawyer Frank Dikranis, who represents Chauncey's.

"We'll then look for a variance. That will begin as soon as I get the paperwork," he added. That could be sometime in the fall. In the meantime, Chauncey's, which closed at the end of last summer, will open again in April.

But at the same time, "We'll oppose any variance application," said Charles Kovit, the lawyer hired by residents who have petitioned the city council to legislate Chauncey's out of the neighborhood. "We don't believe for a second an expansion is in the best interest of the neighborhood."

Besides taking up more square footage of the Ocean Front property than Chauncey's does, the restaurant would have a single bar — as opposed to the three there now — and close at 1

Continued on Page 13

**Cars! Cars! More cars! See Auto Section this week, Section 3**

## Rental wars

# City council weighs lifting cost controls

Continued from Page 1

because they are subject to the ravages of wind, sea water, rain and sand.

"I can honestly state that housing in Long Beach is deteriorating," Mr. Paulsen asserted. "And there is not just sufficient income to repair and maintain these buildings."

But several elderly tenants present at the March 19 meeting reacted with anger and disbelief to the landlords' pleas of hardship. They said that landlords over the years have substantially boosted their rental income above the yearly guidelines by applying for rent hikes with the state's division of housing whenever they make building repairs or improvements.

Executive Towers tenant Shirley Weber said the rent for her one-bedroom apartment has gone from \$315 per month to \$740 over the past 18 years.

"Every time a nail is hammered into a wall we get an increase," Ms. Weber told the council. "I hate to think what will happen when rent becomes destabilized ... all these lovely people will be through out of their homes."

Over the past few years, landlords statewide have gotten increasingly aggressive in their opposition to rent controls and eviction protections, according to leaders of the tenants rights group, New York State Tenants and Neighbors Coalition. They said tenant advocates went through a bitter struggle in 1993 in just getting a

*"This is an area they've [landlords] identified as a battlefield for building momentum for rolling back and repealing rent regulations."*

Billy Easton, Coalition director

watered-down version of the Emergency Tenants Protection Act extended another four years.

Coalition director Billy Easton described Long Beach as a key test of the landlords' growing political clout and what that bodes for tenants.

"This is an area they've [landlords] identified as a battlefield for building momentum for rolling back and repealing rent regulations," Mr. Easton said.

The city has been hit with so-called certiorari lawsuits by allegedly financially-strapped landlords seeking tax relief and there has been talk of a possible court challenge to the ETPA on the grounds that an "emergency" no longer exists.

During last week's hearing, the landlords presented council members with

hand-outs detailing tax refunds granted to aggrieved landlords in recent years and the rent differences between decontrolled, market-value apartments and rent stabilized units. For example, in one building, a rent stabilized three-room apartment was being leased for only \$585.38 per month while a decontrolled apartment of the same size was being leased for as much as \$1,008.31 per month.

One of the landlords, Mr. Walton, argued that repealing the "rent stabilization law" will benefit the community as a whole by enlarging the tax base and "eliminating the terrible inequity of the newer tenants subsidizing tenants in occupancy for a long period of time."

"If artificial rent restrictions were removed, net income would increase, City of Long Beach, Nassau County

and school taxes would be correspondingly increased," Mr. Walton said. "The only benefit from the tax certiorari litigation are the attorneys, a complete waste of economic resources."

Discussing the council's position on the Emergency Tenant Protection Act, Corporation Counsel Joel Asarch said the city council is trying to come up with a compromise that addresses the landlords' grievances and protects the current tenants.

"There's a real possibility that the five percent number has been broached," said Mr. Asarch. "It's a very difficult situation."

Other business

In other council business, the five trustees approved the purchase of 176 trees at a total cost of \$16,910 for planting along the newly-reconstructed Broadway. Among the breeds of trees being ordered are Canadian cherry, pear and maple.

Because of last week's poor weather, the council scheduled a second date for hearing comments from residents regarding the city's compliance with the mass transit requirements of the federal Americans with Disabilities Act.

The next city council meeting is Tuesday, April 2. The first meeting of each month includes a Good and Welfare public forum for residents who sign up to speak before the 8 P.M. meeting begins.

LONG BEACH HERALD • March 28

## Chauncey's fate undecided

Continued from Page 1

A.M. weekdays and 2 A.M. on weekends. Bars, on the other hand, can legally serve until 4 A.M. and stay open to 5 A.M.

Negotiations between the business owners and the residents broke down last year when the residents' representatives clung to several demands the owners wouldn't meet. Those included a demand that the Oceanview Grill offer only a service bar that would shut down at 11:30 P.M. and that the owners sign a declaration of other restrictive covenants.

Mr. Kovit, who also represents several dozen area property owners in a tax Certiorari suit that alleges they were over assessed because of their proximity to Chauncey's, is challenging a prior variance granted to the establishment in 1993. That variance was overturned in court, but Chauncey's filed an appeal and is waiting for a ruling.

"We went to the appellate division and gave an oral argument," before Nassau County Supreme Court Justice Angelo D. Roncallo, Mr. Kovit said. "We should be getting a decision any

week now."

The Long Beach City Council last year expressed support for a Chauncey's conversion plan and put off voting on a possible revocation of its existing variance until the zoning board makes a ruling. "We're going to try and appeal to the city council to get them to make a decision one way or another," Mr. Kovit said.

One of Chauncey's owners, Kenneth McGuire, said he is "still open" to neighbors' suggestions. "We understand some of our neighbors are not happy with at least part of it, but that doesn't mean we can't talk and hear what they have to say. We want to open a first-class seafood and steak house on the water. That's the goal."

According to Mr. Dikranis, it's hard getting a fix on how residents in that area feel. "I've spoken to a lot of neighbors and there are a lot of varying opinions," he said. "Most people seem to be in favor of a steakhouse [but] a lot of people said they would rather have seen some sort of townhouse or condos. Who knows?"

## Journalism Internships



Richner Publications, Inc. is accepting applications for its unpaid summer journalism internship program. Students currently enrolled in a four-year college or in a graduate journalism program are eligible. Applicants must submit a résumé and writing samples.

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Continued from Page 50  
area to its essential character which is residential.

Virginia Schafer  
Long Beach

## Likes Weil vs Zapson

To the Editor:

The meeting of the city council on Tuesday, August 6, was a happening - a strong happening.

It started with the resignation of Ed Buscemi as council president. Pearl Weil, who has graced the city council as both a member and the vice president for many years, was chosen to read his resignation letter immediately following this, to the surprise and dismay of most of the citizens in attendance, Michael Zapson was appointed as the new council president.

Not only did he leap over Vice President Weil, who should have been chosen president by all logical reasoning, but choosing Mr. Zapson? The same Mr. Zapson, who as a council member clearly has a conflict of interest in the current lawsuit wherein landlords are suing the city of Long Beach? Mr. Zapson is both owner and legal counsel of 270 Shore Road, which everybody remembers as the old San Remo apartment building.

As you must know by now, some of the city's landlords are suing the city for millions of dollars in an attempt to eliminate all rent regulations. If successful, they could then raise rents as high as they desire, while at the same time leaving over 1,000 tenants without any tangible means of being able to defend themselves against harassment, loss of services or improper evictions.

Our questions are:

1. How can our city council skip over our

# LETTERS TO THE EDITOR

very capable Vice President Pearl Weil, who rightfully should have been named council president?

2. How can our city council appoint Mr. Zapson as president when they are currently defending themselves and the city, against a multi-million dollar lawsuit brought on by landlords?

Mr. Zapson is clearly burdened with a conflict of interest and should have never been appointed city council president.

David Soren  
Vice President,  
Long Beach Tenants Coalition

*Editor's note: Mr. Zapson is a part owner of Monroe Beach Apartments, the former San Remo, which has been rent destabilized under a decision by the state Division of Housing. The decision is being appealed by the building's remaining tenants.*

*Along with his fellow council members, Mr. Zapson voted to maintain the current system of rent stabilization, prompting the landlords to sue the city.*

## Don't stop now

To the Editor:

The September 3 Long Beach City Council meeting witnessed a milestone watershed. After relentless advocacy, the Coalition to Close the Long Beach Incinerator rallied sufficient public support and the backing of State and Federal elected officials to prompt the Long Beach City Council to retreat from its support of continued operation of the incinerator in Long Beach.

The council passed a resolution sup-

porting revocation of non-renewal of the plant's operating permit by the New York State Department of Environmental Conservation.

While this milestone can be justifiably hailed, the council must take an additional step to complete the process they were mandated to begin; namely, the cancellation of the contract of the City with the operators of the incinerator. The resolution of 9/3 merely throws back the responsibility of bringing about the plant's closing to the DEC, the agency that has failed to effectively do anything at all for all its years of governing the enterprise. After going through a public mea culpa, the council cannot now merely pass the responsibility.

It is incumbent to the city council to go full measure and with the same boldness they assumed in their response to vox populi. They must seek aggressive means to cancel the contract. The council should not be permitted to retreat behind being stalled by "contractual obligations" in light of the salient case demonstrated to close the incinerator.

They will be held to account for the final steps of closing the environmental blight that has been the incinerator. All Long Beach is watching.

Frank McQuade  
Long Beach

## Claims neglect

To the Editor:

The City of Long Beach is very lucky to have someone like Laura Brown and the crew.

It's just too bad that the city doesn't let

them fly down to the West End.

Then again, they probably don't even know it exists.

There is shrubbery, flowers and plenty of weeds in the West End, especially in the Georgia Street playground.

Take heart though, I have a positive response. The children of Project Challenge, even though it's not their job, come to the park's rescue. On a very hot day, they pulled weeds that were taller than the toddlers.

I am very grateful to them and to John White.

The neglect of the West End playground by the city is disgraceful. But we'll muddle through.

Genevieve Demerest  
Long Beach

The HERALD's letters columns and Op Ed page are meant to provide a community forum for debate on topics of local interest. They are open to all. While we reserve the right to edit letters for libel and other objectionable material, we print virtually all the letters we receive. Letters to the editor must contain the name of the letter writer, a current address and daytime telephone number. Anonymous letters will not be published. However, names may be withheld by request provided it is deemed appropriate by the editor. Deadline for submission: 5 P.M. Monday prior to publication.

Long Beach Herald

September 12-18/96

# Tenants trash rent control plan

By Kevin E. O'Neill

Either you protect us or we might just evict you.

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

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

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

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

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

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

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

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

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

Michael Rosegrave, 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. Rosegrave 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.

# Zapson takes over as city council president <sup>7</sup>

Continued from Page 1.

the post.

"My term as president of the city council has been a labor of love," Mr. Buscemi stated in his resignation letter to the council. "However, as I stated at my acceptance to the position, city council presidentance should be shared. Only in this way can a council person learn and grow."

The sudden switch in leadership caught the crowd by surprise, causing several people to boo and cry out in protest, demanding public input on the issue. But Corporation Counsel Joel Asarch pointed out that the city code empowers the council "to change its president at any time."

"It's not a debatable item," Mr. Asarch said.

In his letter, Mr. Buscemi, 68, wrote that he plans to "continue to serve as your councilman," but believed that "the time has come to turn the helm over to one of my esteemed colleagues." He had served as the council's president for more than 10 years.

*"The time has come to turn the helm over to one of my esteemed colleagues."*

**Ed Buscemi,  
Long Beach  
City Councilman**

Reached for comment, Mr. Buscemi, a member of the council since 1988, said he had grown tired of the post's "administrative duties" and other demands.

"The leader always has to be there," said Mr. Buscemi, who has also served the city as a zoning board member and police commissioner. "I love what I do. I like being involved, but this was like being embroiled, not involved."

With rookie councilman Joel Crystal absent, the vote was 4-0 for Mr. Zapson's

appointment as president. One of those voting in favor was Council Vice President Pearl Weill, who had occasionally substituted as president when Mr. Buscemi was absent. Her only comment about the council's choice of Mr. Zapson was, "This is the council's decision and I abide by it."

At his first meeting as president, Mr. Zapson had a rather rough debut, getting bitterly denounced by one resident. One speaker after another angrily complained

about the council's alleged lack of action on issues like crime, the incinerator and the state comptroller's recent criticisms of the city's finances.

Mr. Zapson, a Long Beach High School graduate and attorney, has been a member of the council since 1989. As council president, Mr. Zapson said, his roles will include "helping to set the agenda" for council action and lobbying state and federal officials on issues of interest to the city. Among the priorities he listed was boosting recycling efforts, encouraging downtown economic growth, preserving the barrier island's shores and getting the state to assert greater control over the activities of the city's incinerator.

He said he especially wants to assist first-term councilmen Tom Kelly and Mr. Crystal in their endeavors, which include attracting new businesses to the area and increasing the city's cultural offerings.

"They have been very aggressive and active on a number of issues that benefit the city," Mr. Zapson said.

# A city council shakeup

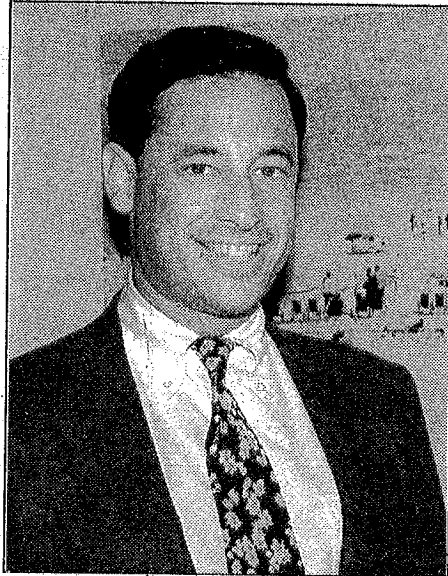
*In surprise move,  
Zapson leapfrogs  
Weill to presidency*

By Kevin O'Neill

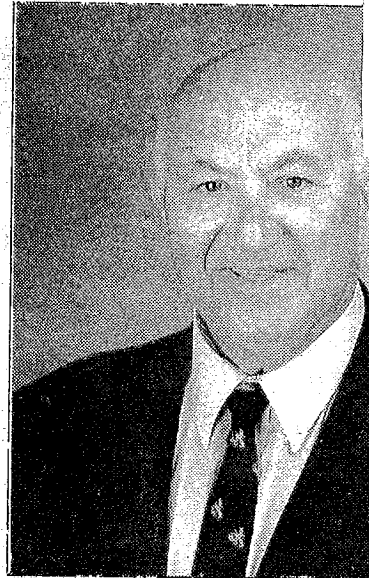
As the new Long Beach City Council President, Michael Zapson plans to push an agenda aimed at addressing several "outstanding issues," such as the development of the so-called "superblock" and the future of the incinerator.

Mr. Zapson was elected to the body's presidency at the opening of last week's council meeting in a move that stunned and angered some in attendance. The 36-year-old councilman was voted into the post by his fellow trustees moments after the previous council President, Edmund Buscemi, announced his resignation from

Continued on Page 7



New council President Michael Zapson said he looks forward to "setting the agenda" for future action by the city trustees.



After more than two years council's leader, Ed Buscemi was time to "share" the top with another member.

ing for a job? Find it in the Classified section!!

# TENANTS & NEIGHBORS

Number 35

New York State Tenants & Neighbors Coalition / New York State Tenant & Neighborhood Information Service

Spring 1996

## Long Beach Tenants Stop Vacancy Decontrol

BY SHIRLEY WEBER

**B**ingo! When my neighbor Julian Schechter told me late on Monday, March 18, that the Long Beach City Council was going to consider vacancy decontrol the very next day, everything connected together immediately.

We knew our landlord, Samuel Walton, was warehousing apartments. At least 20 of the 276 units at Executive Towers, 854 and 860 East Broadway, had been vacant for months. People looking for apartments were being told nothing was available. Warehousing was also occurring at Crystal House. It all made sense.

We've had rent stabilization in Long Beach since 1974. And although it only applies to buildings with 60 or more apartments, we had come to take it for granted.

A few of us went to City Hall the next evening. Mr. Walton told the city council that the citywide vacancy rate was above 5 percent and that the council therefore had to end rent regulation under the terms of the Emergency Tenant Protection Act.

We knew this was nonsense. People want to live in this beachfront town, on the south shore of Nassau County, and there are always lots of people looking for apartments. If landlords could simply warehouse until they reached a vacancy rate of 5 percent, that would defeat the very purpose of the ETPA.

The council announced that it would enact a compromise: vacancy decontrol. We were told not to worry, that we would be protected. City officials claimed they had



Tenants react to withdrawal of Vacancy Decontrol resolution by Long Beach City Council. David Soren, president of San Remo Tenants Association, applauding at right.

no choice, that if they didn't pass vacancy decontrol the landlords would sue and we might lose all rent regulation if the vacancy rate was above 5 percent. We felt that this was a behind-the-scenes arrangement between the landlords and the local Democratic Party that controls Long Beach. We knew vacancy decontrol would be the first step in ending all rent controls. We feared an increase in harassment, and we worried that young working people and retirees of modest means could no longer afford to move to Long Beach.

We told the council that we were not afraid of a survey, that if the warehoused apartments were not

counted as vacant and available for rent, there was no way the vacancy rate could be anywhere near 5 percent. The council vote on vacancy decontrol was scheduled for its next meeting on April 2.

### FIGHTING CITY HALL

On March 24, the 854-860 East Broadway Tenants Association put out a flyer in Executive Towers, Kennedy House and Crystal House to alert tenants to this situation. The city council answered by putting a letter under everyone's door accusing us of spreading misinformation. But their letter never mentioned that they were planning to pass vacancy decontrol.

I was interviewed by Kevin O'Neill of the *Long Beach Herald*. He also called Michael McKee of the statewide Tenants & Neighbors Coalition for comment, and that's how we linked up with Michael. With his encouragement, things really started rolling. We called a hasty meeting on Saturday, March 30 in my apartment. John Kulik of the San Remo Tenants Association somehow found us. Michael McKee brought us an official list of all the rent-regulated buildings in Long Beach. So we now learned

*continued on page 8*

## Kennedy Square Tenants Keep The Lights On

BY SHARON SHERMAN

**O**n April 19 the residents of Kennedy Square in Syracuse received a disturbing letter from their owner, Wesley Finch, informing them that they were in danger of having their electric power shut off. This letter stated that the Boston-based Finch Group owes more than \$400,000 to the Niagara-Mohawk Power Corp. Unlike ordinary customers of utility companies, Mr. Finch seemed to believe that NiMo should forgive some of the owed money. His letter to residents stated he would keep them informed.

But the Kennedy Square Tenants Association refused to sit by and wait to be told that they were without electricity for heat, cooking, refrigerators, lights and elevators—the 409-unit apartment complex is all-electric, even for heat in wintertime. The Tenants Association, led by president Lucy Johnson and vice president David Prater, decided to act. Prater explained: "We, the tenants, don't want to sit in the dark."

The low- and moderate-income tenants had not

forgotten that over a period of years Finch had let the property deteriorate to a point in 1994 where only a full scale inspection and enforcement action by the U.S. Department of Housing and Urban Development produced any action on repairs. While tenants appreciate the work by the new local management staff to improve conditions and their efforts to work as partners with the tenants, payment of the utility bill was clearly the responsibility of the landlord, as the cost of utilities is included in the rent.

The Tenants Association proceeded to find out what could be done to keep their lights on. They learned that under New York State law tenants can pay the utility company directly if they are faced with a shut-off and deduct these payments from the rent. The Association's leaders did not know what response they would get from the other tenants. As is typical in many organizations, attendance and participation had diminished since conditions had improved.

*continued on page 8*

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ADDRESS CORRECTION REQUESTED

## Long Beach, *cont'd from page 1*

that 25 buildings with about 1,500 apartments are under rent regulation in Long Beach, and we had the addresses.

On Sunday a small army of volunteers leafleted all 25 buildings, urging tenants to show up at the April 2 city council meeting. We packed the chamber with more than 200 tenants, who were angry and let the council know it. More than 20 of us testified, with people young and old offering strong arguments against vacancy decontrol.

Several speakers promised the council members with retaliation at the ballot box. In a city where 200 votes can change the results of an election and where one of the five council members was elected by 16 votes last time, this made an impact. Jeanne Kippel, a tenant leader from Great Neck, spoke with great eloquence, and so did Michael McKee, who received a standing ovation. (The next day, city officials were attacking Michael as a "professional paid lobbyist" and a "hired gun.") The landlords were so sure of victory they didn't even speak.

We had been told by city officials and reporters that vacancy decontrol was a "done deal," that nothing we could say or do, including packing the council meeting, would stop the resolution from passing. But lo and behold, instead of voting, the council postponed the matter for two weeks.

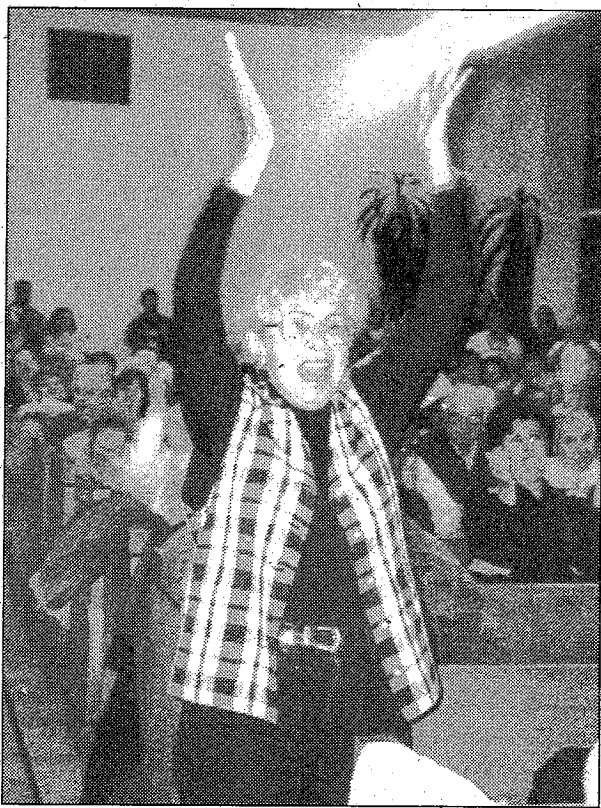
We swung into high gear. We had two planning meetings, with tenants from more and more buildings getting involved. We convened a citywide tenant meeting at the public library on April 13, where 200 people showed up. Twice more we leafleted all the buildings, urging people to call or write the council members and to come to the council meeting on April 16. We became more experienced in talking to reporters. *Newsday* was now covering the story, along with Channel 12 TV News.

We sent friends and neighbors to several buildings, posing as apartment seekers. Everywhere they were told that there were no vacancies, but that something might be available "in a week or two." Apparently the landlords were waiting for the city council vote so they could rent their warehoused apartments at market rents.

### THE DONE DEAL COMES UNDONE

On April 16 more than 300 tenants crowded into City Hall. This time we had posters and "Tenant Power" buttons, made on Anne Kayman's button-making machine. We were armed with facts about the true situation concerning apartment availability in Long Beach, with dozens of tenants ready to testify, as well as the people who had posed as prospective renters.

Posters targeted Councilman Michael Zapson, co-



Shirley Weber savoring victory over Long Beach landlords.

owner of the San Remo, who has been trying to remove the 62-unit building from rent stabilization coverage. He was dishonest in stating that he had no conflict of interest in voting for vacancy decontrol, as his building

## Kennedy Square, *cont'd from page 1*

However, the response from the tenants has been overwhelming. The Association has also encountered strong backing from the Syracuse community at large, elected officials and the media, including several editorials. And they were helped by representation by Legal Services of Central New York.

Three emergency tenant meetings were held in two weeks and over 100 people attended each time out of 244 occupied apartments. Tenants were asked to give their rent to the Tenants Association to pay the utility bill and they did. At a May 2 meeting more than 100 tenants signed up. More have promised to pay their rents to the Association as their funds come through. The Syracuse Housing Authority and Onondaga County Department of Social Services did not forward the usual rent checks to the owner for May and those funds will also be used to pay NiMo.

was no longer subject to the ETPA. In fact the case is still in court.

As soon as the council meeting convened, it was announced that the vacancy decontrol resolution was being withdrawn "for eternity." The room went wild, with tenants cheering and applauding. The landlords and their attorneys stormed out, telling reporters they were going to sue to overturn all rent regulation. We knew that this reversal was not a gift from the council, but a recognition that their future re-election was in jeopardy. It was a remarkable evening.

So now what? Mr. Walton has started renting apartments, and he is getting quite high rents even under ETPA. So far he hasn't sued the city, and if he does, he will have fewer vacancies to prove his case. In the meantime, he's running a two-page ad in the *Long Beach Herald*, telling homeowners that they are paying higher real estate taxes because of rent stabilization. Actually, now that he's renting his empty apartments, Executive Towers will be paying more taxes.

We now have a terrific group of tenant leaders from several buildings. We're forming a Long Beach Tenants Coalition, we're mobilizing for Tenant Lobby Day, and we're talking about reaching out to tenants in other municipalities in Nassau County with rent regulation. Now that we have saved rent stabilization in Long Beach, we have to make sure that we don't lose it in the state legislature. Watch out, George Pataki! Here we come! ■

Shirley Weber is a member of the Long Beach Tenants Coalition.



Lucy Johnson

At this writing, negotiations are underway over a written agreement between the Tenants Association and Niagara Mohawk to keep the power on in the coming months. Kennedy Square has a state-financed mortgage with Section 236 interest subsidies from HUD. In addition, the state has given Finch a \$1.5 million grant to convert from electric to gas heat. Despite this public investment, neither HUD nor the state Division of Housing and Community Renewal has succeeded in stabilizing Kennedy Square, which has a growing number of vacant apartments, 165 at last count. If the owners of Kennedy Square file for bankruptcy, as is widely rumored, taxpayers will be left holding the bag. Finch also owes the City of Syracuse about \$430,000 in back taxes.

The tenants would also have preferred that the owner make his own payment agreement with NiMo but were unwilling to wait and hope. Kennedy Square tenants have shown once again that they are a force to be reckoned with. They had the ability to act and they acted. If they do any waiting it will be in the dark. ■

Sharon Sherman is executive director of the Greater Syracuse Tenants Network.

## New York State Tenants & Neighbors Coalition

### Isn't it time you became a Member?

**YES**, I want to take a stand for tenants rights and affordable housing in New York State.

My check is enclosed in the amount of:  \$500,  \$200,  \$100,  \$75,  \$50,  \$35,  \$25,  \$\_\_\_\_\_ other.

Please make your check payable to: Tenants & Neighbors, and mail to: Tenants & Neighbors, 505 Eighth Avenue, 18th Floor, New York, NY 10018-6505

**Please Note:** Minimum annual dues for individuals are \$20, or \$10 for low-income persons. The first \$5.00 of your membership dues is for an annual subscription to *Tenants & Neighbors*. Persons who want to subscribe to *Tenants & Neighbors* without becoming a member can send a check for \$5.00. **Individual membership must be in the name of a person. If you want to join as an organization, check the box below.**

Send me an application for organizational membership (annual dues vary according to your organization's budget).

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_



# City of Long Beach

**City Council**

Edmund A. Buscemi, *President*  
Pearl Weill, *Vice President*  
Joel Crystal  
Thomas M. Kelly  
Michael G. Zapson

**City Manager**

Edwin L. Eaton

**Public Relations**

Kerry Ann Ryan, *Director*  
431-1000, ext. 207

## NEWS RELEASE

**FOR IMMEDIATE RELEASE: April 8, 1996**

### CITY COUNCIL MOVES TO PROTECT TENANTS UNDER RENT STABILIZATION

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

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

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

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

The tenants acting under the advice of a paid professional lobbyist, are also demanding the survey will show that the vacancy rate had been artificially inflated by the landlords through a practice known as warehousing, where available apartments are kept vacant.

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

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

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

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

Newsday April 2, 1996  
**Long Beach Rent Vote**

By Sid Cassese

STAFF WRITER

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

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

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

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

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

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

# City keeps rent law

By Kevin E. O'Neill

In a move that stunned a standing room only crowd, the Long Beach City Council has dropped its plans to move ahead with a highly controversial plan that would have removed rent controls from vacant apartments.

As scores of tenants cheered, the council voted Tuesday night to permanently table "for eternity," in City Manager Ed Eaton's words, its proposed "vacancy decontrol" resolution. The resolution would have exempted currently and future vacant apartments from the rent regulations established in the two-decade-old Emergency Tenant Protection Act (ETPA), which covers apartment buildings that contain 60 or more units.

The exemption had been requested by the city's landlords, who maintained that the city's vacancy rate had gone above five percent. When the city first adapted the ETPA in the mid-1970s, officials cited a vacancy rate of less than five percent that constituted an "emergency" housing situation. But hundreds of tenants had shown up at this week's and a previous meeting protesting the decontrol plan, saying it would give landlords a financial incentive to "harass" tenants in an attempt to drive them out.

"What is certain here is that the people who reside in these apartments do not want to see this go through," city Councilman Michael Zapson said.

Assisted by tenants rights organizers from the Manhattan-based Tenants & Neighbors Coalition, residents of the city's apartment buildings had recently formed the Long Beach Tenants Coalition to fight the plan. Scores of them showed up at this week's meeting sporting orange "Tenant Power" and placards demanding that city officials stand firm against the landlords.

"I thought they would back down," said Tenants & Neighbors organizer Michael McKee, citing the potential political consequences if the council alienated the tenants. "When two or three hundred people show up at a meeting this angry and vocal, they are going to pay attention."

But other tenant leaders said they were genuinely surprised by the outcome, saying they came to the meeting feeling that the council was determined to move ahead with the plan.

"We thought it was a done deal," said tenant Julie Schechter, who helped organize an April 13 meeting at the Long Beach Public Library that drew upwards of 200 people. "We're glad we've dissuaded them."

"I was absolutely overwhelmed," said tenant Shirley Weber, expressing her gratitude to the other residents who joined in the protests. "If you believe somebody is doing something that isn't right, you have to open your mouth and defend your position."

The landlords have threatened to sue the city to overturn the ETPA, asserting that the vacancy rate is above five percent. They have complained that the rent increases allowed by the state's rent guidelines boards do not enable a landlord to make enough money to properly maintain a building.

While noting that the city will "probably get a lawsuit," Councilwoman Pearl Weill spoke of how impressed she was by the bombardment of faxes, phone calls and letters.

"You had me feeling sorry for you and concerned," she said.

Council members complained in their now-defunct vacancy decontrol

resolution that Long Beach 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."

"I thought they were going to pass it for the landlords and I was very scared," said tenant Barbara Steimel, asserting that high commercial and residential rents are driving people out of Long Beach. "There has got to be a cap of all kinds on these rents."

One surprise of the evening was councilman Zapson, a landlord himself, whom tenants had asked to recuse himself from the issue because of a possible conflict of interest. But at Tuesday night's meeting Zapson motioned for the removal of the item from the council's agenda.

"We're here to represent the people," said Mr. Zapson, regarding his vote. "I don't know what the landlords are going to do. If they do go to court over this, we're going to make this as long and difficult as we can for them. We're going to be very diligent on this."

*"I was absolutely overwhelmed."*

Shirley Weber, tenant

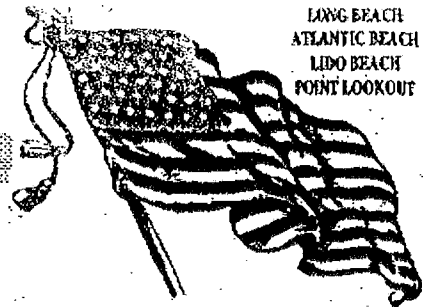
Long Beach Herald  
April 18, 1996

# LONG BEACH

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SOUTH SHORE

# TRIBUNE



VOLUME ELEVEN, NUMBER 16

APR. 18-APR. 24, 1996

25¢

OFFICIAL NEWSPAPER OF THE CITY OF LONG BEACH

# RENT CONTROL STAYS

## Dem's Dinner Dance A Success



The Long Beach Democratic Committee recently held its Annual Dinner Dance honoring Democrats '95 -- our newly-elected Council members and County Legislators. Pictured with Democratic Leader Eugene Cammarato (center) are, from left, Council members Thomas Kelly and Pearl Weill; County Legislator Bruce Nyman; and Council member Joel Crystal.



### Tenants Win As City Council Votes To Retain Rent Stabilization/Pg. 17

# Middle School Sixth Grade Teams Take First Place In "Odyssey of the Mind"

Last March, the 6th grade team from Long Beach Middle School took first place in their division, "Amazon Cruisin," in the Odyssey of the Mind Long Island Regional Tournament held at Hofstra University. The team now goes on to the state-wide competition held in Binghamton, New York. Members of the team are: Jenevive Kolkov, Dianna Block, Madeleine Susser, Michael Clancy, Jamie Malekoff, Daniel Fischer and Gillian Candelaria.



# Tenant Associations Celebrate As City Council Retains Rent Control

by Anthony C. Gruskin

They came looking for a long, hard battle but left feeling victorious, their voices having been heard. A standing room crowd numbering in the hundreds, included members of tenant groups, families, and senior citizens on fixed incomes. They rejoiced as one when the City Council voted unanimously 'to table for eternity' the proposal to abolish rent control.

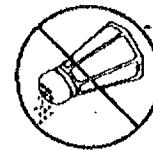
President Edmund A. Buscemi, Vice President Pearl Weill and Councilmen Joel Crystal, Thomas M. Kelly and Michael G. Zapsos agreed to retain rent stabilization for the future to the joyous cheers of those in attendance at Tuesday's meeting. Others felt that this conflict could flare up again, should apartment landlords decide to take the City to court and fight this decision. A few homeowners voiced their concerns that if the City now could not expect increased tax

revenues from higher rents, could increased property taxation be very far behind?

The Council explained, "that it 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 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."

In other business, the City approved the issuance of \$3,250,000 in serial bonds for the reconstruction of bulkheads and a bond ordinance authorizing the issuance of \$200,000 in serial bonds to pay the cost for the acquisition of real property and buildings located at 100 West Pine Street.

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On Long Island To Serve Long Island



HEART COUNCIL OF LONG ISLAND

**APRIL 24th, 25th & 26th, 1996**

9:00am to 12:00 noon - at the **Laboratory Convenience Center**  
309 West Park Avenue, Long Beach, NY

APR 18 '96 22:39 ASSEMBLY WEISENBERG