

Help for Tenants

Astella Attends Roundtable at Brooklyn Borough Hall to Improve The Senior Citizens Rent Increase Exemption Program (SCRIE)

Astella Development Corp.'s Judi Orlando, executive director; and Beth Ritter, assistant housing specialist, were among the representatives of community-based organizations who attended a roundtable discussion about the Senior Citizens Rent Increase Exemption program (SCRIE) at Brooklyn Borough Hall on October 24. Among the elected officials at the event were Councilman Domenic Recchia and Assemblyman Vito Lopez.

The participants discussed a plan of action to help more seniors to take advantage of SCRIE benefits, which offers eligible tenants an exemption from rent increases. Participants also discussed how to make the process more user friendly, and how community-based organizations can assist seniors through the application process.

In order to qualify for SCRIE, applicants must meet all the following requirements:

- 62 years of age or older
- Rent an apartment that is regulated by the Division of Housing and Community Renewal (DHCR) (i.e. rent controlled or rent stabilized apartments)
- Have an annual household income of \$29,000 or less
- Pay more than one-third of the household's aggregate disposable income for rent

Astella Development Corp., at 1618 Mermaid Ave., (phone: 718-266-4653) can provide seniors with SCRIE applications and help them complete the forms. Applications may also be obtained by calling 311 or by downloading it online at www.nyc.gov/aging and click on "Rent Assistance."

NYC Heating Law Goes Into Effect

The NYC Heat Enforcement for All Tenants (HEAT) Act, which went into effect on October 1, toughens penalties on landlords who repeatedly fail to provide heat and hot water to tenants.

Building owners are required to provide hot water 365 days per year at a constant minimum temperature of 120 degrees Fahrenheit. Between October 1st and May 31st, building owners are also required to provide tenants with heat under the following conditions:

- Between the hours of 6 am and 10 pm, if the outside temperature falls below 55 degrees, the inside temperature is required to be at least 68 degrees
- Between the hours of 10 pm and 6 am, if the temperature outside falls below 40 degrees, the inside temperature is required to be at least 55 degrees

• Tenants who are cold in their apartments should first attempt to notify the building owner, managing agent or superintendent. If heat is not restored, the tenant should call the city's Citizen Service Center at 311. The Center is open 24-hours a day, seven days a week.

When the city's Citizen Service Center receives a complaint, staff from NYC's Dept. of Housing Preservation and Development

(HPD) will attempt to contact the building's owner or managing agent to get heat or hot water service restored. Before an HPD code inspector is dispatched to the building, HPD will call the tenant back to determine whether service has been restored. If service has not been restored, an HPD inspector is sent to the building usually within 48 hours under normal conditions to verify the complaint and issue the appropriate violation.

In cases where private owners fail to restore heat and hot water, or when HPD is unable to reach owners, HPD's Emergency Repair Program (ERP) uses in-house staff and private contractors to make the necessary repairs to restore essential services.

If a building owner fails to provide heat and hot water during the winter or has a serious history of flagrantly disregarding obligations to provide service to tenants, HPD's Housing Litigation Division (HLD) may sue the building owner in Housing Court. HLD regularly reviews all heat and hot water violations.

Astella Development Corp. at 1618 Mermaid Ave. (phone: 718-266-4653) can help you with heating/hot water problems and other tenant-landlord issues.

Paying Your Apt. Rent Can Now Help Improve Your Credit

Experian, one of the three major credit reporting bureaus, has begun including timely rent payments in its credit reports. In the past, only negative rent payment history appeared in the report, such as evictions or civil judgments for unpaid rent. The addition of positive rent history enables you to build a new or stronger credit history by paying your rent on time. Renters who have little or

no credit history, or are trying to recover from a difficult financial situation, will benefit greatly. It's difficult for people with no credit history to qualify for traditional credit lines. Including rent payments in Experian's credit report will provide lenders additional information upon which to base a decision, opening the door to credit for many who would otherwise be unable to qualify.

If You're Facing The Threat of Eviction...

If you rent an apartment, you know the importance of paying your rent on time. Sometimes unexpected events can cause you to be late paying the rent and the threat of eviction looms. Here are steps you can follow if you find yourself in this situation:

• Inform your management office. If you explain your situation to management before the rent is due, they may be able to make some concessions for you. Waiting until after the first of the month may leave you with fewer options or none at all. Maintain communication with your leasing office throughout the entire process.

• Family Eviction Prevention Services (FEPS): If you are on public assistance and have children on a public assistance case, you may be eligible to receive a monthly rental supplement (in addition to your shelter allowance) and have some, or all, of your rental arrears paid. For assistance, visit CAMBA Legal Services 720 Church Avenue, Brooklyn, 718-282-2500 x230 or Legal Services NYC, 180 Livingston St., Brooklyn, 347-592-2100

• The NYC Dept. of Homeless Services Anti-Eviction Legal Services offices provides comprehensive, flexible and individualized legal and

related services to help ensure that families with children avoid becoming homeless. Locations in Brooklyn include: CAMBA Legal Services, 720 Church Avenue, 718-282-2500 x230; South Brooklyn Legal Services 105 Court Street, 718-237-5500; and Legal Services NYC, 180 Livingston St., 347-592-2100

• Astella Development Corp. at 1618 Mermaid Ave. (phone: 718-266-4653) assists individuals and families with rent issues, code enforcement, landlord negligence, tenants' rights, emergency services, eviction prevention, information on the NYC shelter system; referral to legal assistance; Housing Authority, HEAP and SCRIE applications; and accompanies tenants to Housing Court



Tenants Rights Regarding Eviction

A tenant with a lease is protected from eviction during the lease period as long as the tenant does not violate any substantial provision of the lease or any local housing laws or codes. Landlords must give formal notice of their intention to obtain legal possession of the apartment.

• Unless the tenant vacates the premises by a specified date, the landlord may commence eviction proceedings through: (a) a summary of non-payment court proceeding to evict a tenant who fails to pay the agreed rent when due and to recover outstanding rent, or (b) a summary holdover proceeding for eviction if a tenant significantly violates a substantial obligation under the lease (such as using the premises for illegal purposes, or committing or permitting a nuisance) or stays beyond the lease term without permission.

• A tenant can be legally evicted only after the landlord has brought a court proceeding and has obtained a judgment of possession. A tenant should never ignore legal papers; an eviction notice can still be sent if a tenant did not appear in court to answer court papers (petition) sent by the landlord.

• Only a sheriff or marshal can carry out a court-ordered warrant to evict a tenant.

Landlords may not take the law into their own hands and evict a tenant by use of force or unlawful means. For example, a landlord cannot use threats of violence, remove a tenant's possessions, lock the tenant out of the apartment, or willfully discontinue essential services such as water or heat.

• When a tenant is evicted, the landlord may not retain the tenant's personal belongings or furniture. The landlord must give the tenant a reasonable amount of time to remove all belongings.

• In New York City, a landlord may not evict a tenant in a rent-stabilized apartment for purposes of owner occupancy if the tenant or the spouse of the tenant is a senior citizen or is disabled, unless the landlord provides an equivalent or superior apartment at the same or lower rent in a nearby area.

• In rent-controlled apartments, a landlord may not evict a senior citizen, a disabled person, or any person who has been living in the apartment for 20 years or more for purposes of owner occupancy.

If your tenant rights are being violated and/or you're facing eviction, contact Astella Development Corp. at 1618 Mermaid Ave. (phone: 718-266-4653).