

NY Times
4/29/07

Q & A

Concessions for Older Renters

Q In January 2008 I will turn 65. Is there a statute of some sort that will limit my next rent increase because of my age?

A David Hershey-Webb, a Manhattan lawyer who represents tenants, said that under New York City's Senior Citizen Rent Increase Exemption Program, commonly known as Scrie, rent-regulated tenants may be eligible to have their rent frozen at its current level. To qualify for the program, Mr. Hershey-Webb said, the head of the household must be 62 or older, and the total household income cannot exceed \$26,000.

Deductions are allowed for federal, state and local income taxes; union dues; court-ordered support payments; and Social Security taxes. The rent must be at least one-third of the household's net income, and rent-stabilized tenants must have a valid one- or two-year lease.

Once a tenant qualifies for the program, any allowable rent increases are paid to the landlord by the city in the form of credits against real estate taxes. Free-market non-regulated tenants are not eligible for the Scrie program. Information is available at www.nyc.gov/html/dfta/html/scrie/scrie.shtml or by calling 311.

Must Tenants Tell Landlord Who's Visiting?

Q My landlord has a rule that I have to inform him in writing if anyone comes to visit me for more than one night. Is this legal?

A "The answer is no," said David Ng, a Manhattan lawyer who represents tenants. "A tenant has a right to have visitors in an apartment and does not have to give the landlord advance notice of who those visitors will be."

Mr. Ng said that for security purposes, visitors may be required to give lobby personnel the name of the tenant they are visiting, and the tenant could be asked to authorize the visit. But the landlord has no

right to require the tenant to supply visitor names in advance.

Can a Condo Be Forced To Hold an Annual Meeting?

Q Our condo board has not held an annual meeting in almost three years. According to the president of the board and the building management, the meeting will happen when the renovation of the lobby is complete. They have been working on this project for almost two years, and there is no end in sight. Can the board be forced to hold an annual meeting?

A Edward T. Braverman, a Manhattan cop and condo lawyer, said condominiums are unincorporated associations formed under a section of New York State's Real Property Law known as the Condominium Act. And while the act does not contain a specific requirement that a condo association hold an annual meeting, it does require that at least a third of the members of the board of managers be elected annually.

"Accordingly, all condominium bylaws require that at least one unit owners' meeting be held each year for the purpose of electing members to the board of managers," he said.

Mr. Braverman also noted that the Condominium Act requires that the bylaws of a condominium establish a method of calling a special meeting of the owners. Most bylaws, he said, provide that if 25 percent of the owners sign a petition demanding a meeting, specify the purpose and serve notice on the secretary of the association, the secretary or president must call a meeting.

So, Mr. Braverman said, if the association fails to have the required meeting to elect directors or fails to call a meeting after one has been demanded by the unit owners, the owners can go to court for an order requiring the association to hold the necessary meeting.

JAY ROMAN