A Valentine’s feast for a kindred free spirit

BY ED HAMILTON

In a remote corner of the Hotel Chelsea, behind a yellow door trimmed in red and topped with plastic flowers, lies a short hallway painted in the same red and yellow stripes. A unique, antique brass lighting fixture dangles from the ceiling. A turn to the left brings one into the main room, a dreamlike mélange of faded grandeur set against a backdrop of intense, radiant color.

On Feb. 14th, Valentine’s Day, friends of the late artist, witch and free spirit Vati Myers assembled in her old room at the Hotel Chelsea to commemorate her passing, as they have every year since her death on Feb. 12 in 2003. In no sense wicked, Vati was a witch with a heart of... Continued on page 13

White Box: Artists, activists, agents provokes?

BY CHRIS LOMBARDI

Juan Puntes, director of the White Box Gallery, in Chelsea, gave a low chuckle when asked if he thinks of himself as an artist.

"That's what they like to say about me," said Puntes, a curly-haired Spaniard with a compact body and a constant half-suppressed smile.

The word might still seem apropos for a gallery that had one of its spaces painted in full camouflage on the eve of the U.S. invasion of Iraq, that exhibited, in 2003, a... Continued on page 4

Advocates, tenants, officials say no to illegal hotels

BY CHRIS LOMBARDI

This month, Chelsea resident Maryanne Marinac finally found out why she wasn't getting her mail. The notice from the U.S. Postal Service was crisp and specific: "The Postal Service cannot provide mailbox delivery to the Marriott ExecuStay at 160 West 24th St." Why? Because, the note explained carefully, Marinc and her husband were living in a hotel.

The Postal Service, noting an "execuStay" company website advertising "short stays" and daily rates, said that 42 percent of her building's recent tenants had filed change-of-address requests.

Marinac wasn't surprised. She had known for years that her landlords were running an illegal hotel. She'd tried to fight it, only to be told, in the notice, that "the documents and violations you submitted from the NYC Department of Buildings also corroborate the necessity of the building."

On Sunday, Marinac took to the streets for a rally to announce new legislation to crack down on the problem. She then marched with 100 other tenants, advocates and public officials from all over Manhattan, climbed 79th St. from Riverside Dr. and convened at the Imperial Court Hotel, an Upper West Side single-room-occupancy building also being used as an illegal hotel.

Some carried purple umbrellas, others bright-red baseball caps that said WEST SIDE NEIGHBORS, as they chanted: "Peace and quiet — not a Hyatt?" Manhattan Borough President Scott Stringer was blunt. "This is the largest scam ever," he said, calling illegal hotels "a scam against the people who make this city — the tenants who are being pushed out. And if we don't do something, get ready for the new homeless."

The rally was called by the Illegal Hotels Working Group, a coalition of legislators and housing advocates, to announce new legislation designed to crack down on this growing problem, which is especially acute in "hot" neighborhoods like Chelsea and... Continued on page 16
Advocates, tenants, officials say no to illegal hotels

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Hill’s Kitchen. The group estimates that hundreds of thousands of units, many of them rent-stabilized, are lost each year to illegal hotel rentals, and that current penalties enable the companies that own the buildings to float the laws as well.

The new legislation, developed in close consultation with city agencies and the mayor’s office, would tighten the loopholes and give city agencies the authority to enforce the rent laws. Tourism officials worry about tourists’ safety and their image of New York hotels, while Chelsea tenants hope they don’t have to keep fighting expensive legal battles alone.

State Assemblyman Richard Gottfried, whose district includes Chelsea, has been “insulated with calls from constituents from places where this is going on,” he told Chelsea Now.

Tenants report being woken up at all hours by tourists locking for their keys, coming in with luggage, knocking on their door when they get the wrong room — and of being driven out of their buildings by landlord harassment, especially in rent-stabilized apartments. Other legislators, especially Upper West Side City Councilmember Gale Brewer and State Senator Liz Krueger, also report illegal nightly rentals in market-rate and even luxury buildings.

With apartment vacancy rates in Manhattan at less than 1 percent, New York is arguably still in the “housing emergency” declared when New York passed the rent-stabilization laws in 1984. But the coverage of those laws is weakening, with ever more buildings threatening or leaving rent-subsidy programs, and rental buildings being converted to co-ops and condominiums. Meanwhile, with 44 million visitors last year, New York City registered 23 million unique hotel visits; it has more than 75,000 hotel rooms at 5 percent occupancy. Visitors are usually thrilled to find a room at “only” $99 a night — the low end of what is advertised on Websites like Woogo.

Nightly rentals, then, can be far more profitable for landlords than even market-rate apartments, or even a one-time condo sale.

The Illegal Hotels Working Group, formed last summer, also pulled in the Department of Buildings and the Mayor’s Office of Special Enforcement. In a statement issued this week, the city’s Criminal Justice Coordinator, John Feinblatt, stated: “Attacking illegal hotels involves aggressive enforcement and untangling a patchwork of legislation that gives rise to their creation.”

Together, the trio found loopholes that make it easier for the hotels to operate — current fines allowable by law, from $400 to 2500, are easily absorbed as the “cost of doing business” — and they began to create their bill, to be introduced in Albany next week.

“This is a problem, and the law isn’t helpful,” said Jason Post, press liaison with the Office on Special Enforcement. “We are crafting a comprehensive legislative package that will prevent this unsafe and unfair practice while allowing legitimate corporate hotel businesses to flourish,” Feinblatt’s statement added.

The bill, not yet in final form, would prohibit the daily rental of rent-controlled and rent-stabilized apartments; allow city inspectors to enforce rent-stabilization and rent-control laws; strengthen the legal definition of “consistent use” by explicitly limiting the power to sign a lease to individuals and some nonprofit corporations; and ensure that fines on landlords for illegal use are assessed per day, compounding daily for each illegal room rental.

Tourists and corporate travelers often find the illegal hotels on the Internet — on edgy and now-controversial sites like Woogo.com, and more established networks like Orbitz.com and Expedia.com — and book rooms for anywhere between $90 and $500 a night, far above the rent of even most luxury studios, let alone the rates being paid by current rent-stabilized tenants. NYC & Co., a private nonprofit that functions as the city’s official tourism agency and includes 200 New York hotels among its 1,800 member businesses, also joined the Illegal Hotel Working Group, citing concerns about New York’s image worldwide, along with travelers safety. Residential buildings often don’t meet the standards for fire escapes and safety lights that bona fide hotels do. NYC & Co. would rather that tourists go to their Website to book a member hotel than trust even the national travel Websites.

The latter could lead you to Maryanne Marinac’s building on 24th St., across from Chelsea Whole Foods, whose blue awning proclaims “Marinac ExecuStay Apartments.” Marinac has folders full of listings from Expedia, Travelocity and tripadvisor.com — the same sites that convinced the Postal Service to start delivering the mail in an open bag to her doormat, a standard practice for hotels.

But Marinac’s 50-year-old building is zoned only for Class A residential apartments: Even its garage is officially for tenants only. Its 2006 application to convert floors 1 to 3 to hotel rooms was flatly denied by the Department of Buildings, which had already fined the landlords more than $3,000 for “illegal hotel use” of the building.

Marinac, a flight attendant with a major airline, says that when she and her husband, Tiko, an executive with a national candy company, moved into the building in 2000, the tenants were “just regular people, like me.” But about four years ago, she added, things started to change, right around the time she became pregnant with her son, Brando.

Gradually, she said, many of the rooms were remodeled into hotel rooms with new blue carpeting and swipe-cards instead of keys. “I don’t know my neighbors anymore...but when I see a deadbolt, then I can assume it’s a real person.”

Marinac said she is sad that Brando doesn’t know what it’s like to have a neighbor. “Other parents of kids in my son’s school, their buildings have Safe Halloween, birthday parties, all of that. Not here.”

Many of her neighbors accepted money to move out, she said, while others were sent spurious bills over and over — “trent we don’t owe, or charging us for repairs they don’t even do.” The Marinacs have run up thousands in legal bills challenging eviction on similar grounds, but they stay because, otherwise, they know that in today’s overheated market, they would never be able to live in New York City, let alone the Chelsea they now call home.

The Marinacs are hardly the only local residents affected.

Hortense Bermudez, a vivid, tiny woman who attended Sunday’s rally defied her 67 years with a smart green coat and vivid red lipstick. She has been living at 655 W. 34th St. for 37 years. “This is my only home,” she said. “I’m from the island.” Bermudez said she just as the rally began. Most of her neighbors, she says, are much older, and some don’t understand what’s going on.

When she moved in, there were 127 apartments, all rent-stabilized. Now, most floors have been converted to luxury suites, said Bermudez, “often with the super and his wife providing maid service.”

Bermudez tries to help the tourists who have inundated her building, she said, even as she fights to stay in her apartment. Last month, she said, she had to fly home early from her mother’s funeral in Puerto Rico to show up in court and fight off yet another effort to evict her. She won, but she wonders how many more times she will have to do this.

Meanwhile, down on W. 15th St., neighbors report that the Number 205, known as the Chelomore, has been full of foreign tourists lately. Its Website (www.chelomore.com) cautions that “we are not a hotel” but offers nightly rates for a “minimum stay of six nights” and boasts “beautiful, spacious, completely furnished apartments” that are “the perfect choice for your extended stay in New York City.” But the building is zoned Class A residential and just last fall was cited by the mayor’s office for illegal use: “Premises being used for transient occupancy. Class A Multiple Dwelling must be occupied for permanent residence purposes.”

The Chelsea buildings are, of course, just one piece of the bigger picture, which includes thousands of angry tenants and millions more, advocates say, at risk of being displaced. If the rooms being eaten up by illegal hotel rentals were returned to tenants, Feinblatt said at the rally, the housing squeeze could be relieved by literally hundreds of thousands of units. But if the practice continues unabated, the officials and tenants agreed, New York could be in for a new level of “housing emergency.”

All of which fell contained in the cheerful-sounding rage of the mass climbing that hill on Sunday, including Marinac, Bermudez and the other tenants and legislators. Their voices soared from the sub-freezing chill, they shouted to keep their courage up: “Whose buildings? Our buildings!”