



TO: Westview Taskforce, Inc.
FROM: Chad Marlow, President, The Public Advocacy Group LLC
DATE: May 21, 2010
RE: Decision in *Westview Taskforce, Inc. et al v. New York State Division of Housing and Community Renewal et al.*

Through this memorandum, I wanted to provide some brief observations with respect to the adverse decision we received in the above titled case on May 19, 2010. In short, the Supreme Court's decision one was of the most poorly reasoned I have read in my entire legal career. For example, it was stunning to see a judge dismiss our strongest claim with a sentence that began with the word "presumably", as well as to dismiss our second strongest claim based exclusively on the rejection of an argument that WTI not only never made, but repeatedly stated in its briefs and arguments that it was not making. In fact, rather than take on the many compelling arguments we actually presented in our briefs, the judge instead chose to address only DHCR's and the owners' inaccurate characterizations of our arguments, as doing so presented a far easier means of disposing of our case. These shortcomings are truly only the tip of the iceberg.

The simple and unfortunate fact is that Westview Taskforce, Inc. lacks the resources to appeal this decision. If it were possible to appeal this decision, I think it would be easily reversed. While I cannot say whether we would ultimately win the case on remand, where the Supreme Court would be forced to render a new decision, I am confident that the current decision would not withstand appellate scrutiny.

Nevertheless, barring some eleventh hour non-profit or pro bono assistance (which is being sought), it is time to return to the other methods of preserving Westview's affordable housing that WTI has been pursuing for years. It is important to note that WTI presented an outstanding legal case and did more than one could reasonably expect from any tenants' association. I genuinely feel that, with the support of Westview's residents, they will ultimately find a way to protect all those who currently call Westview home.

I urge you to continue to support WTI in any and every way that you can.

One final note: As a result of the decision, the temporary restraining order allowing certain tenants not pay the September 2009 rent increase has been lifted. I anticipate Westview's ownership will be contacting the affected tenants shortly to request payment of the withheld rents. The owners' request for such payments is valid and completely consistent with the order of the court.