NEW YORK CITY DEPARTMENT OF BUILDINGS
HEARING BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
DECEMBER 13, 2018

Good morning, Speaker Johnson, Chair Cornegy and members of the Housing and Buildings Committee. I am Rick Chandler, Commissioner of the New York City Department of Buildings ("the Department"). I am joined by Patrick A. Wehle, Assistant Commissioner of External Affairs, and the Department's Buildings Marshal, Salvatore Agostino. We are pleased to update this Committee on the work the Department has been doing to protect tenants living in buildings under construction and to offer testimony on twelve of the bills before the Committee today.

Before I begin, I would like to thank the City Council and the tenant advocacy community, including the Stand for Tenant Safety Coalition, for their partnership in this important work. The use of construction to harass tenants is an absolutely dreadful practice and the Department takes seriously its obligation to work with our partners in government to hold recalcitrant landlords accountable to the fullest extent of the law. Thanks in part to the work of the City Council and the tenant advocacy community, we have made significant strides in protecting tenants and holding landlords accountable, and with your continued support, additional progress will be made to effectively combat this problem.

The Department values its participation in the Tenant Harassment Prevention Task Force ("Task Force"), a partnership of City and State agencies which was created to investigate and bring

enforcement actions against landlords who harass tenants by creating unsafe living conditions. Separately, the Department partners with the Department of Housing Preservation and Development ("HPD") to perform inspections. Over the last two years, both on its own and with the Task Force, the Department has performed 2,300 inspections and issued more than 1,600 summonses. Additionally, the Department revokes or suspends the licenses or filing privileges of construction professionals who use construction to harass tenants. Finally, the Department continues to work with its prosecutorial partners, including the State Attorney General and District Attorney's Offices to bring criminal and civil actions against landlords for endangering and harassing tenants. Resulting from the Department's investigations, cases involving several owners have been referred to the State Attorney General's Office and are in various stages of prosecution. These investigations have resulted in unprecedented penalties for bad actor landlords, including jail time.

In addition to its participation in the Task Force, the Department is hard at work implementing and enforcing a dozen laws enacted in 2017, which are intended to combat this very issue. Over the past year the Department has:

- Prioritized its inspection of Work Without a Permit ("WWP") complaints in multiple dwellings. Those complaints deemed immediately hazardous receive an inspection within twelve hours and all others receive an inspection within ten days.
- Required more detailed Tenant Protection Plans, made them available on our website, and required posting notice of their availability within buildings.
- Performed proactive inspections of work requiring a Tenant Protection Plan.

- Performed more frequent audits of professionally certified work in occupied multiple dwellings and further reduced the ability of bad actor landlords to professionally certify their work.
- Applied greater scrutiny of contractors who perform WWP and performed proactive inspections of their work.
- Ensured that the Safe Construction Bill of Rights is posted within buildings so tenants are aware of the work occurring in their building and how it might impact them.
- Launched the Office of the Tenant Advocate ("OTA"), which serves as a resource to help tenants understand the laws that govern construction and to investigate complaints of construction as harassment. The OTA accomplishes this through monitoring compliance with Tenant Protection Plans and facilitating inspections of complaints concerning construction as harassment. The OTA also works closely with the Department's Buildings Marshal to coordinate inspections, enforce Tenant Protection Plans, penalize predatory landlords, and make referrals to criminal law enforcement.

While these laws have significantly improved protections for tenants, the Department believes that more can be done to ensure no tenants – including those in rent regulated units – slip through the cracks.

The Department is integrating data it receives from New York State Homes and Community Renewal ("HCR") regarding the rent regulation status of buildings into its systems. Owners of buildings that contain occupied dwelling units subject to rent regulation will no longer be allowed to proceed with an application for construction document approval to the Department if the information they submit is not consistent with the HCR data the Department has on file.

This measure will prevent owners of rent regulated buildings from getting construction permits if they submit false statements to the Department regarding either the rent regulation or occupancy status of their buildings.

I would like to turn now to the bills before the Committee today, starting with the three that relate to Tenant Protection Plans ("TPPs").

The Department is largely supportive of **Intro. 1107,** which would shift the burden of creating and submitting a TPP to the Department from owners to contractors. Given that contractors are performing the work, they are in a far better position than owners to determine the means and methods for protecting tenants from construction. The Department believes more can be done to ensure compliance with TPPs and suggests amending this bill to also require that the TPP be subject to frequent inspections by Department-approved third party inspectors. These inspections could occur throughout the duration of construction work and would be in addition to the proactive and complaint-based inspections the Department already performs. This bill and the amendments we are proposing will further improve TPP quality and compliance.

Intro. 1278 would require that the Department ensure that specific components of TPPs meet certain standards in the Construction Codes. Additionally, the bill requires that the Department perform inspections of 20% of sites with TPPs within seven days after the commencement of work and perform additional inspections every 120 days until work for which the TPP is required is completed and within 72 hours of receipt of a complaint concerning such work.

The Department is supportive of the provisions in this bill that call for greater scrutiny of TPPs. As for the additional inspections required by this bill, as an alternative, the Department supports

the inspections we are suggesting as amendments to Intro. 1107, which would be in excess of those required under this bill.

Intro. 1280 would require that TPPs identify the total number of units in a building and the total number of occupied units in such building. This bill also increases the penalties for a false filing related to a new building, alteration or full demolition permit or for failure to file a TPP where such TPP is required to a minimum of $10,000 for a first offense and a minimum of $25,000 for a subsequent offense.

The Department is supportive of including the total number of units in a building and the total number of occupied units in such building on TPPs as this would increase the information available to tenants. The Department also supports increasing penalties for failure to file a TPP. However, given that false filings can include what amount to clerical errors, the Department does not support increasing penalties for all incorrect information on a construction document, particularly if it is an isolated incident rather than a pattern of deception.

The next four bills relate to false statements on applications and construction documents submitted to the Department.

Intro. 1171 would require that the Department conduct an audit of a building owner's portfolio to determine if any additional false statements have been made when it discovers that such owner has made a false statement to the Department on a construction application. The Department would also be required to notify other agencies, including the Department of Investigation and HCR, when it discovers a false statement. This bill would also require that the Department audit applications submitted by building owners who file for more than five Post-Approval

Amendments ("PAAs") and that finally, the Department audit 25% of buildings on HPD's Speculation Watch List.

The Department is largely supportive of this bill. Currently, when the Department discovers that a false statement has been made with respect to the rent regulation status of a building, the Department already reviews the building owner's portfolio to determine if any additional false statements have been made with respect to other buildings in such owner's portfolio. Furthermore, as discussed previously, the Department's efforts to integrate HCR data into its systems will prevent owners of rent regulated buildings from getting construction permits if they submit false statements to the Department regarding either the rent regulation or occupancy status of their buildings.

The Department is certainly supportive of sharing information with its partner agencies where it discovers a false statement related to the rent regulation status of a building and already does so regularly.

Regarding PAAs, changes are common as a job progresses. The PAA process allows applicants to make minor changes or to correct errors in applications or construction documents submitted to the Department, which in turn allows the Department to maintain accurate records of construction jobs and ensure compliance. As such, the Department does not believe that PAAs are an appropriate indicator of harassment and does not want to discourage applicants from filing PAAs when necessary.

Finally, the Department supports auditing buildings included on HPD's Speculation Watch List to determine if any false statements have been made with respect to applications for construction submitted for such buildings.

Intro. 1275 would require that the Department deny permits for a building for one year when it discovers that a false statement regarding the occupancy status of the building has been made to the Department or where a WWP violation is issued to such building.

The Department requires permit applicants to identify both the number of dwelling units in a building and the number of occupied dwelling units in a building. This information is then populated on building permits. The number of occupied dwelling units may change over time as new tenants move into the building or existing tenants move out, which makes verifying the number of occupied dwelling units very challenging. Furthermore, as discussed previously, the Department's efforts to integrate HCR data into its systems will prevent owners of rent regulated buildings from getting construction permits if they submit false statements to the Department regarding either the rent regulation or occupancy status of their buildings. For these reasons, the Department is not supportive of the bill's provision related to false statement as it relates to occupancy status. Additionally, the Department does not support denying permits for buildings that have previously received a WWP violation. Such an approach effectively prevents bad actors from coming into compliance and makes continued non-compliance the only path available to them. Absent the Department's scrutiny, this work can put tenants and the public in harm's way.

To be clear, we are not suggesting that bad actors who perform unpermitted work do not deserve to be punished. We can and do hold these bad actors accountable. Our concern with this bill is that it may worsen the problem it seeks to solve.

Intro. 1277 would require that the Department perform inspections before approving an application for construction documents where such application indicates that the building that is

the subject of such application is unoccupied. The stated purpose of this inspection is to ascertain the occupancy status of such buildings.

While the Department recognizes the importance of ascertaining the occupancy status of a building, we are not supportive of this bill given that its approach would add questionable value and strain the Department's limited resources. An application for construction document approval does not guarantee that the Department will approve such application – and what's more, the issuance of a permit does not guarantee that the property owner will actually conduct any work. Accordingly, many of the proposed inspections will add no value for tenants. Furthermore, as discussed previously, the Department's efforts to integrate HCR data into its systems will prevent owners of rent regulated buildings from getting construction permits if they submit false statements to the Department regarding either the rent regulation or occupancy status of their buildings.

Intro. 1279 would require that the Department audit 20% of certificates of correction of immediately hazardous violations filed with the Department. Such audit must include an inspection by the Department to ensure that the condition subject to the certificate of correction has been corrected.

The Department takes very seriously conditions that result in the issuance of immediately hazardous violations and such conditions are re-inspected every sixty days, unless a certificate of correction is submitted to the Department. Building owners typically have forty days to correct a condition that resulted in a violation being issued. The Department received approximately 19,000 certificates of correction for immediately hazardous violations last year. As a matter of

practice, the Department already audits the certificates of correction that are submitted and is therefore supportive of the intent of this bill.

The next five bills focus on bad actors.

Intro. 975 would require that the Department deny permits where a building has multiple Housing Maintenance Code or Construction Code violations. The Department would be required to make the determination that a building with fewer than 35 units has three or more violations per unit and that a building with greater than 35 units has two or more violations per unit.

With some exceptions, the Department supports denying permits to bad actors and is doing so in a way that it believes is more effective than the proposal offered in this bill. Local Law 160 of 2017 requires the Department to deny or revoke permits for owners who have accumulated more than $25,000 in debt to the City. The Department believes this is a better approach than what is provided for in this bill in that it prevents bad actor landlords from pulling permits but makes exceptions for affordable housing projects, permits for the purposes of correcting outstanding violations, and for units owned as cooperatives and condominiums.

Intro. 977 would require that the Department sanction registered design professionals where such professionals have submitted two professionally certified applications for construction document approval to the Department that contain errors that resulted in a stop work order. Additionally, **Intro. 1241** would require that the Department sanction all other registered design professionals working for a firm where one of such firms' registered design professionals is sanctioned by the Department. Additionally, the Department would be required to report this information to the City Council on an annual basis.

The Department already sanctions registered design professionals who have submitted two professionally certified applications for construction document approval to the Department that contain errors that result in the revocation of an associated permit. The Department is supportive of Intro. 977 as it would reinforce the Department's existing authority and practice.

While the Department appreciates the intent of Intro. 1241, which is to prevent registered design professionals who have been sanctioned by the Department from continuing to do business with the Department, the Department would like to discuss this bill further given that it may not always be appropriate to impute the sanctions imposed on a registered design professional to other registered design professionals employed by the same firm. Further, imputing sanctions to other registered design professionals employed by the same firm presents due process concerns for the Department. The Department takes its obligations to address bad actors seriously, and is aggressive in utilizing existing tools to ensure that those who are found to have engaged in actions that violate the law are held accountable.

Intro. 1247 would require the Department to provide copies of summonses to all tenants living in the building to which such summonses have been issued. This bill also requires the Department to provide such tenants with information about the adjudication process.

The Department issues over 150,000 summonses per year. While the Department supports the goal of sharing this information with tenants, providing a copy of such summonses to each tenant living in the building at which such summonses have been issued is not practical given that we have limited resources that would be far better directed toward investigating problems in buildings or on construction sites. Further, information pertaining to a summons issued by the Department is already available on the Department's website. Tenants are already able to see

information pertaining to the violations issued, including any applicable ECB hearing dates and times. Therefore, the Department does not support this bill as drafted but looks forward to discussing other ways to increase awareness around summonses to tenants, like requiring that such summonses be posted within a building until they are resolved.

Intro. 1257 would require the Department to issue a stop work order where a permit holder refuses to grant the Department access to the property for which a permit has been issued for the purposes of conducting an inspection.

While the Department understands the intent of Intro 1257, it does not support this bill as it is unnecessary. The Department already has the authority to address the concern this bill is intended to address and utilizes such authority, as appropriate.

Thank you for your attention and the opportunity to testify before you today. We welcome any questions you may have.

Testimony by
Commissioner Maria Torres-Springer
Of the
New York City Department of Housing Preservation and Development
to the
New York City Council Committee on Housing & Buildings
regarding Introductions 1279, 1274, 59, 551, 1242, and 30

Thursday, December 13, 2018

Good morning Speaker Johnson, Chair Cornegy, and members of the Committee on Housing and Buildings. I am Maria Torres-Springer, Commissioner at the New York City Department of Housing Preservation and Development (HPD), and I am here today to testify on Introductions 1279, 1274, 59, 551, 1242, and 30. I am also joined today by AnnMarie Santiago, our Deputy Commissioner for Enforcement and Neighborhood Services.

Everyday New Yorkers continue to feel the strain of extraordinary market pressures. Some have the added pressure of bad landlords who illegally deny essential services, create unsafe or intolerable living conditions, or otherwise try to force them to leave their buildings or surrender their rights. The de Blasio Administration has made protecting tenants a core part of its strategy to confront the affordable housing crisis. These bad actors use multiple angles to exploit the system. For that reason, this Administration has worked in partnership with the City Council and partners at various branches of government to tackle the issue with a comprehensive, multi-pronged approach. As a City, we are focused on keeping people in their homes and neighborhoods by closing loopholes in rent regulation laws at the State level, creating and preserving historic numbers of affordable homes through a variety of tools, empowering tenants with more resources, aggressively enforcing City codes, and utilizing all of our partnerships to create data-driven, innovative tools targeted at stopping harassment before it starts. The Council has been an invaluable partner in every step of this work, and we thank Speaker Johnson for his leadership on this issue from the very beginning.

HPD is in the business of protecting tenants, and our work is a critical piece of this aggressive approach to combatting tenant harassment. I will now speak to each of these efforts further.

Strengthening the State's Rent Regulation Laws

Core to this effort is strengthening the State laws on rent regulation. As rent regulation comes up for renewal in Albany next year, the de Blasio administration will fight for vital reforms to retain the stock of rent regulated apartments, ensure current tenants are secure in their homes, and protect the benefits of rent regulation for future tenants. Those reforms include:

- Ending High-Rent Vacancy Decontrol: The City is calling for the elimination of vacancy decontrol. Currently, a vacant apartment with a rent of $2,733.75 per month may be deregulated and gives bad landlords a target to aim for when considering how to game the system.
- Ending the Vacancy Allowance: The City is calling for the elimination of the 20 percent increase in monthly rent when tenants vacate an apartment. This allowance has created strong incentives for bad actors to pressure tenants out of their homes in the hopes of faster-rising rents.
- Limiting Individual Apartment Improvement (IAI) and Major Capital Improvement (MCI) Increases: The City is calling for reforms on how landlords can use permanent rent increases for building-wide or individual apartments. These increases are used as a mechanism to drive up legal rents to reach the threshold for rent deregulation.

Reforming our State's rent laws is vital for New York City residents to continue to exercise their choice to stay in a neighborhood they call home. We know the Council shares the same goal and we look forward to working together to fight for all New Yorkers in 2019, the "year of the tenant." For us, every year is the "year of the tenant." We are always thinking about the needs of both today and tomorrow. For that reason, HPD will need adept nimbleness to respond to the bad actors that may try to exploit the new laws that come out of Albany in 2019. It will be critical to ensure that the rent regulations laws in Albany fulfill the goals we laid out, which include constant assessment of any unintended consequences that may arise. We must be both responsive and proactive to the changing facets of tenant harassment.

Creating and Preserving Existing Affordable Units

Keeping New York affordable is an important part of the goal to give tenants the choice to stay in their homes. I'm pleased to say that last fiscal year HPD financed the development and preservation of more than 32,000 affordable homes in the last fiscal year, breaking an all-time record previously set in 1989. In total, this administration has financed over 109,000 affordable apartments under Housing New York.

We achieved these overall numbers while exceeding our commitment to provide housing for the lowest-income New Yorkers, a priority for the Council as well. In 2017, the Mayor committed to a historic investment over the remainder of the HNY plan to ensure that 25 percent of our volume is for extremely low-income (ELI) and very low-income (VLI) New Yorkers. To date, we have exceeded even this revised commitment: last year, 57% of the housing we created or preserved served individuals making less than $37,000 per year or $47,000 for a family of

three. To date, forty percent of all the housing we have created or preserved is for extremely- and very low-income New Yorkers; and 85 percent of the plan serves low-income residents.

The cornerstone of the Mayor's housing plan continues to be the preservation of affordability in existing buildings, many of which are in need of physical and financial assistance or face expiring protections. Last year, the City used a wide array of programs and tools to extend affordability and finance needed improvements in nearly 23,000 homes. To date, more than 76,000 homes have been preserved through Housing New York, securing greater affordability for tenants and financing building-wide and apartment-level repairs to ensure the long-term quality of that housing.

The City also utilizes voucher programs distributed at all levels of government and the NYC Rent Freeze Program in rent-regulated units, which includes the Senior Citizen Rent Increase Exemption (SCRIE) and the Disabled Rent Increase Exemption (DRIE), whenever possible. These are important benefits so that our most vulnerable New Yorkers can stay in their homes, and the City they love, without the fear of being displaced by escalating rents.

Empowering Tenants with More Resources

The City does extensive outreach and education to ensure tenants, especially those in regulated units, understand their housing rights and responsibilities. The Mayor's Tenant Support Unit (TSU) specialists from the Mayor's Public Engagement Unit are on the ground citywide, conducting proactive outreach to tenants to inform them of their housing rights, identify housing-related issues and document building violations, and connect tenants to free City services, like legal assistance, to mitigate displacement, landlord harassment and facilitate home-related repairs. Since its creation by Mayor de Blasio in 2015, through November 2018, TSU's specialists, who collectively speak over 12 languages, have done outreach to over 365,000 tenants across New York City.

The Council and Administration have taken unprecedented steps in recent years to better even the playing field for tenants. The Universal Access to Counsel (UATC) team, also part of the Mayor's Public Engagement unit, conducts proactive outreach to tenants with cases in housing court to connect them to free legal assistance through HRA's Office of Civil Justice. Since beginning outreach in 2018 through November 2018, UATC has made over 45,000 outreach attempts to tenants in 15 zip codes where the UATC program is currently active.

If you are facing an eviction case, a lawyer can:

- Explain the details of your case and give you confidential advice;
- Stand up in court for you and communicate for you with judges, lawyers and court staff;
- Raise errors or problems with the landlord's case against you;
- Fight for necessary repairs in your apartment, even if you might owe unpaid rent;
- Help ensure that your rent is calculated correctly and help you to get back rent paid; and
- Protect your rights as a tenant;

Since 2013, there has been a 27% drop in evictions. Today, 30% of tenants who appear in eviction cases in Housing Court are represented by counsel, compared to only 1% in 2013.

HPD also holds events and resource fairs, distributes essential tenant guides such as the *ABCs of Housing* widely, and now has a mobile van that travels throughout the city providing information and services directly to tenants in their communities. Every summer, we also partner with Council on *HPD in Your District*, where representatives from our Office of Enforcement & Neighborhood Services spend a day in Council Members' district offices, providing one-on-one education and assistance to tenants and owners. We are continually looking for opportunities to reach tenants and would be happy to partner with Council Members on additional outreach in your districts or provide tenant rights trainings to your staff.

Enforcing the City's Codes

In addition to the efforts DOB spoke to in their testimony, HPD aggressively enforces the City's Housing Maintenance Code (HMC) by responding to complaints, conducting inspections, and issuing violations with a variety of partners. In Fiscal Year 2018, we attempted more than 700,000 inspections and issued more than 522,000 violations. We also utilize a variety of HPD programs targeted at our most problem buildings. Through the Alternative Enforcement Program (AEP), HPD works with severely distressed multiple dwellings to provide additional support aimed at addressing violations and qualifying conditions for the health and safety of the tenants. Our Underlying Conditions Program allows HPD to issue an administrative order to correct underlying conditions that have caused, or are causing, a violation of the HMC.

When landlords do not address the most hazardous violations, we step in and do the work to protect tenants. In Fiscal Year 2018, HPD spent $10 million in construction and utility costs to conduct repairs or provide services in thousands of buildings. This includes installing window guards, replacing boilers, addressing lead paint hazards, and other work to address qualifying immediately hazardous violations not being done in the required timeframes or manner.

Our Housing Litigation Division also brings cases in Housing Court against owners who do not correct outstanding violations and, when necessary, seeks findings of contempt and jail against recalcitrant landlords. HPD initiated over 7,000 Housing Court cases and collected $7 million in settlements and judgments in Fiscal Year 2018. We also work with the Attorney General's office, the State's Tenant Protection Unit and the City's Department of Buildings (DOB) in the Tenant Harassment Prevention Task Force, which investigates potential harassment and brings enforcement actions—including two indictments for criminal charges—against landlords who do not provide safe and habitable living conditions for tenants.

We encourage all tenants who believe their landlord committing harassment or who have questions about their rights to call 311 or send an email to the City Tenant Harassment Protection Task Force at THPT@hpd.nyc.gov for more information.

Working Together to Create New, Innovative Tools

As I said earlier, with any new regulation, there will always be bad actors looking to exploit loopholes in that regulation. Innovation and nimbleness are essential in both responding to the needs of tenants today and building the capacity across agencies to respond to the new

ways that landlords might exploit the system as the rent regulation landscape changes. That is why this Administration has recently created even more tools to increase our proactive approach to stop harassment before it starts.

HPD is proud to have recently announced the creation of the City's Tenant Anti-Harassment Unit, which will have ten dedicated staff members, including two attorneys to initiate litigation against unscrupulous owners and landlords. In fact, for the first time, HPD will bring claims of "harassment" to Housing Court based on building conditions supported by violations in addition to HPD initiated cases. The new Unit will use data analysis to identify potential buildings and portfolios where harassment is occurring; respond to emergency complaints; partner closely with the Department of Buildings and other agencies to address issues in buildings where maintenance as harassment has been identified; and connect tenants with legal services resources. The new Unit will enable HPD to increase the number of buildings with potential construction or maintenance harassment that HPD can inspect from 200 buildings annually to approximately 1,500 buildings.

HPD is also rolling out our new Partners in Preservation initiative to develop comprehensive anti-displacement strategies in changing neighborhoods. HPD will pair available data with the on-the-ground experience and work of community-based organizations to tailor strategies, including tools to address harassment and disrepair, anti-eviction legal services; homeowner assistance; etc. in neighborhoods identified as most at risk of losing affordability.

The City Council has been an essential partner in combatting the ever-changing issue of tenant harassment and we appreciate that we are getting to a better place on an issue where, fundamentally, we share the same goals. For example, HPD recently expanded the Certification of No Harassment program and launched the Speculation Watch List, both of which were developed in close partnership with the Council. These data-driven tools work to identify buildings where there is the greatest risk for harassment and speculative behavior in order to protect tenants. Previously, we worked together to strengthen the position of tenants in Housing Court by expanding the definition of tenant harassment to include such items as repeated buyout offers; increasing civil penalties for harassment; and creating a rebuttable presumption for tenant harassment. We are excited to see the impacts of these efforts reveal themselves over time as tenants and legal service providers are just beginning to understand and utilize these tools in Housing Court. Education on these new laws is essential to their success, and we would appreciate the Council's support with this goal.

Responding to Legislation

Today, we reiterate HPD's appreciation of the Council's sustained focus and partnership in the anti-harassment efforts that are the core of our work. With this in mind, I will now turn to the bills on the agenda. We support effective efforts to prevent harassment whenever possible.

Once an HPD violation has been issued, owners are required to correct the condition and then certify to the agency that this correction was completed. HPD takes very seriously its responsibility to audit owner certifications, and we currently do so aggressively. Therefore, HPD

supports the Council's Intro 1279 audits of class C certifications of correction filed with the department.

HPD also supports giving tenants information to ensure they are better protected. Intro 1274 gives tenants more information about their rental history, and we support this aim.

In 2015, the Council took important steps to strengthen tenant protections around buyout offers at the time they are given. We would be interested in exploring other methods that could meet the Council's intent to proactively educate tenants about their rights related to buyout offers.

And while we understand the intent to keep careful watch on bad property owners, Intro 1242 requires technology upgrades and data HPD does not have access to from HCR and would divert resources that are critically needed elsewhere.

Finally, HPD has worked with Council Member Chin closely on vacate orders in her district and appreciates her partnership to ensure that landlords are addressing the conditions of their damaged or unsafe buildings to get the tenants back home as soon as possible. HPD feels strongly that unsafe conditions must be addressed urgently to get the tenants home, and this should be the focus of our efforts. We look forward to working with the Council Member on discussions around Intro 30 to give HPD additional and more effective tools to do this with increased speed and efficiency. HPD takes the recovery of relocation expenses, just like tenant harassment, very seriously. We are always willing to discuss best practices to ensure the best results for tenants.

Conclusion

Overall, the Administration has made a comprehensive and concerted effort to address tenant harassment through a multi-pronged approach. HPD recognizes that as we continue to produce historic levels of affordable housing, we must also protect New Yorkers from illegal activity by landlords looking to push them out to charge higher rents and deregulate units. With extreme market pressures and strong incentives for bad actors to go down this path, a coordinated effort among different agencies and branches of government is more important than ever. We thank the Speaker, all members of the City Council, and our advocate partners for their unceasing commitment to promoting the rights of all tenants in the city, and we look forward to working with everyone to continue and expand our existing efforts with data-driven, targeted solutions.

Thank you again for the opportunity to testify, and I will now take any questions.

Testimony of Casey Adams
New York City Department of Consumer Affairs

Before the
New York City Council Committee on Housing and Buildings

Hearing on Introduction 1258-2018
December 13, 2018

Good morning Chairman Cornegy and members of the committee. My name is Casey Adams and I am the Director of City Legislative Affairs for the New York City Department of Consumer Affairs (DCA). I would like to thank the committee for the opportunity to testify today on behalf of DCA Commissioner Lorelei Salas about Introduction 1258-2018 (Intro. 1258), a bill that would require DCA to audit annually the records of at least 20% of active, licensed process servers.

DCA appreciates and shares the Council's desire to protect New Yorkers from being victimized by improper service in housing proceedings. However, we believe that Intro. 1258, in its current form, would impose a substantial burden on DCA without yielding commensurate benefits for the public.

Currently, DCA is empowered to audit the records of licensed process servers in order to monitor compliance with applicable laws and rules. These audits are time and resource intensive because a process server's records consist of hard-copy paper log books, electronic service records, affidavits of service, and electronic GPS-location information. Auditing a process server's records involves reviewing and cross-checking all of these records for potential discrepancies. The GPS location records are particularly difficult to analyze because they are delivered to DCA in the form of lists of coordinates logged by a licensee that must be translated into usable location information. DCA currently licenses almost 800 individuals and organizations as process servers.

In DCA's experience, process server record audits that are unconnected with a complaint, identified pattern of misconduct, or other information about a specific server or service are not the most effective approach. This is because process servers who violate the law by engaging in improper service are unlikely to submit documentation establishing those violations to their regulator. Consequently, the great majority of these audits result in recordkeeping, not sewer service, violations. We have found that complaint-based enforcement is the most effective way to monitor compliance, a position that is reflected in the discretionary approach taken by current law. Intro. 1258 would force DCA to devote substantial resources to conducting random audits, diverting time and attention from matters where there is evidence that noncompliance is actually occurring.

I would like to thank the Committee for the opportunity to testify today. DCA looks forward to working with the Council to ensure that licensed process servers comply with all applicable laws and rules, and we are happy to engage in a dialogue with Council and advocates about how best to identify and remedy process server issues that arise frequently in housing matters. While we share the Council's goals, we do not believe that Intro. 1258, as currently drafted, represents the best approach. I am happy to answer any questions you may have.

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Fight against Tenant Harassment

Testimony by Assembly Member Richard N. Gottfried
New York City Council Committee on Housing and Buildings
Thursday, December 13, 2018

My name is Richard N. Gottfried. I represent the 75th Assembly District in Manhattan, which includes the neighborhoods of Chelsea, Hell's Kitchen, Midtown, the Flatiron District, and part of the Upper West Side and Kip's Bay. Thank you for this opportunity to testify about the City Council's legislative efforts to protect tenants and increase transparency.

By many accounts, housing-based harassment in the city is rapidly increasing. Predatory landlords are subjecting their rent regulated tenants to various types of abuse to get them to leave. This abuse includes subjecting tenants to disruptive construction while failing to observe basic health and safety codes during construction and offering inadequate compensation for buyouts. Current laws fail to adequately protect tenants' rights. Greedy or unscrupulous landlords gain additional profits at the expense of tenants, particularly low-income tenants who have few financial and legal resources to protect their rights. The current system does not provide any effective legal pressure on landlords to deal fairly with tenants. *Even when the court fines building owners, the owners know that if they fail to pay, the City will not subject them to meaningful punishment such as placing a lien on their buildings. After eight years, those fines are wiped from the City's books.*

Building owners routinely fraudulently secure permits from the Department of Buildings (DOB) by falsely claiming that all of their units are vacant, even though tenants continue to live in their buildings and face substantial disruptions during construction.

Harassment is now practically a business model for the real estate industry in New York City. This harassment needs to be ended. The bills pending before the Council will help do that. However, even more work needs to be done.

With rising property values and relatively lax laws, building owners have more of an interest in capitalizing on the weaknesses in our housing laws than ever before. As the housing market has become ever more inflated, landlords are targeting low- and middle-

income residents in rent-stabilized apartments. These building owners are typically pursuing one of two goals: transforming rent-stabilized units to market rate apartments; or converting rental buildings to co-ops or condos. Many landlords are using harassment, bad buyout offers, and scofflaw construction to force tenants to leave their homes. Practices like this are morally repugnant and also put more pressure on public and non-profit resources, like shelters and services for the homeless.

The increasing number of unregulated housing units in New York City has intensified the affordable housing crisis. Throughout the five boroughs, we have lost hundreds of thousands of affordable housing units, affecting some of our City's most vulnerable populations: families, students, seniors, and immigrants. Predatory owners exacerbate inequality: while abusive landlords are enjoying historically unprecedented profits, we are seeing more homeless New Yorkers than ever before.

Most tenants are largely unaware of their legal rights, leaving them defenseless and vulnerable to abuse from an unscrupulous landlord. Tenants' lack of familiarity with their legal rights leads to under-reporting, which affects the City's ability to understand the prevalence and magnitude of this problem. Thanks to social media, we know about landlords, like the New York City Management Corporation, who are alleged to have subjected tenants to multiple forms of harassment and to have falsified documents to commence construction.

There are other cases that highlight the extent to which construction can be used as a form of harassment. For example, in 2015, Leor Sabet, the owner of 264 and 266 West 25 Street in Manhattan in the Assembly District that I represent, used illegal construction to prod tenants from their homes. After Sabet Construction bought the properties, tenants were subjected to substantial disruptive construction, having to file 30 DOB complaints in between . The DOB found that Sabet fraudulently claimed on the permit application that his building was vacant, which enabled construction to be undertaken without safeguards in place for existing tenants, as is legally required by the City for work done in inhabited residential buildings. Despite the complaints, the landlord was allowed to self-certify and reapply for a permit with corrected information without enduring any sanction or punishment. These tenants are still fighting to protect their homes.

Throughout the City, landlords fail to give tenants an objective, accurate assessment of their property when proffering buyout deals because the building owners of their self-interest.

It is for these reasons and many more that I applaud the City Council's work to protect tenants' rights through these 18 bills. These bills range from requiring HPD to oversee buyout agreements to ensure fair deals (Intr0. 0059-2018, Cornegy, Jr.) to assessing the environmental externalities of illegal construction as it pertains to tenants' health and well-being (Intro. 1278-2018, Rivera). These bills contain strong language that outlines landlords' legal obligations to provide information to their tenants, and institutionalizes penalties for non-compliance.

Through bills like Intro.1257-2018 (Cornegy, Jr) and Intro. 1277-2018 (James) that allow DOB to visit sites and identify permit violations, City agencies will be better able to participate in the process to protect tenants. Intro. 1242-2018 (Ayala) creates a database that will enable tenants to make more informed decisions about where they choose to live which would include remaining in their current apartment. Intro. 1242-2018 (Ayala) publicly names and shames abusive landlords through the establishment of an online database, giving landlords a financial incentive to comply with municipal codes. Bills such as Intro. 1107-2018 (Rosenthal) and Intro. 1247-2018 (Cabrera) empower tenants by requiring contractors to submit tenant protection plans and provide residents with copies of the notices of violations. Other bills, like Intro. 0059-2018 (Cornegy, Jr.), promote transparency by requiring HPD to report on the median market rate to better inform residents that are considering buyout offers. It would also require landlords to file all buyout transactions with HPD or face a civil penalty of one hundred dollars ($100) for every day they do not file. Measure such as Intro. 1277-2018 (James), Intro. 0977-2018 (Reynoso), Intro. 1275-2018 (Powers), and Intro. 1280-2018 (Rosenthal) expand civil and criminal penalties for false reporting by institutionalizing fines, denying permits for buildings that have excessive violations, and expanding sanctions for false building applications.

I greatly appreciate the City Council's work on these bills, which will have a positive impact on the quality of life of my constituents and other New Yorkers. While this legislation is a great start, even more safeguards to protect tenants need to be enacted: too much responsibility for enforcement remains with landlords. Furhter, I believe more needs to be done to better educate tenants about their rights. By collaborating with various advocacy organizations, the City Council can strengthen these proposals by supplementing them with citywide tenant education classes and outreach.

I look forward to working with the City Council to strengthen protections for affordable housing and tenants. Thank you for your work and for giving me this opportunity to testify.

MARTIN MALAVÉ DILAN
SENATOR, 18TH DISTRICT

ASSISTANT DEMOCRATIC CONFERENCE LEADER
FOR POLICY AND ADMINISTRATION

MEMBER
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

MEMBER
NEW YORK METROPOLITAN TRANSPORTATION AUTHORITY CAPITAL REVIEW BOARD

THE SENATE
STATE OF NEW YORK
ALBANY 12247

RANKING MINORITY MEMBER
TRANSPORTATION

COMMITTEES
ELECTIONS
ENERGY AND TELECOMMUNICATIONS
FINANCE
INFRASTRUCTURE AND CAPITAL INVESTMENT
JUDICIARY
LABOR
RULES
TECHNOLOGY AND INNOVATION
SELECT COMMITTEE

June 1, 2018

Ms. Maria Torres-Springer
Commissioner
NYC Housing Preservation & Development
100 Gold St., New York, NY 10038

Dear Commissioner Torres-Springer:

The work undertaken by your staff at Housing Preservation & Development greatly influences the daily lives of so many New Yorkers. The breadth of programs you oversee and the laws that you enforce shape the city for years to come. In that light, a constituent of mine has been seeking determinations on her place of residence with your agency with varying success.

Specifically, Lyric Thompson, residing at 1355 Decatur Street, Apt. #3, has sought assistance from my office, and other local elected officials, as the resident of a rent-stabilized apartment for removal of common space radiators, upkeep of access doors, changing of gas lines without permits, illegal leases and overcharging of tenants, and compliance with 421a rules and HPD building standards.

Some of these concerns have continued for years at both 1355 and 1357 Decatur buildings. After navigating typical paths of recourse, Ms. Thompson and I have become frustrated with what appears to be a disregard for compliance and enforcement of the law. We both recognize the undertaking your agency has and respect the enormity of your responsibilities. However, I am personally concerned for the countless New Yorkers that do not have the tenacity that Ms. Thompson has shown throughout her two-year quest for justice. I believe more can be done.

For your review, I have enclosed a document prepared by Ms. Thompson that details compliance concerns with respect to building standards. We believe these buildings do not meet the standards set forth by HPD and 421a rules and yet have received an abatement for years.

Beyond HPD, we have worked with the Tenant Protection Unit and DHCR with some success. It is my hope that your agency will continue to partner with these resources to assist Ms. Thompson and other New Yorkers that face similar circumstances.

Thank you for your attention to this matter and I look forward to working together to find tangible results.

Sincerely,

Martin Malavé Dilan

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RENT STABILIZATION ASSOCIATION • 123 William Street • New York, NY 10038

MEMORANDUM IN OPPOSITION
Intro.'s 30, 59, 551, 975, 1242, 1274 & 1278

FOR THE RECORD

The Rent Stabilization Association (RSA) represents 25,000 owners and managers of multiple dwellings in New York. The buildings that they own and manage contain over 1 million units of housing. Of the 18 different bills being heard today we are limiting our comments to the seven bills referenced above. Today's hearing focuses on housing harassment legislation. As we have stated before there are at least 18 different laws that address the issue of harassment. The solution is enforcement, not more laws. Listed below are RSA's comments on the various bills.

Intro. 30 – ***Relocation deposit*** – Most vacate orders are a result of a structural problem or a fire safety issue. Requiring a deposit by an owner of 10% of 5 years of rent payments is ridiculously high and would drive many buildings into foreclosure. Denying owners the income they need to remedy the safety issue will only lengthen the timeframe needed to get tenants back in their apartments. There is no justification for denying a building of such a large portion of its operating income.

Intro. 59 - ***Buyouts***- Requiring a provision that relies upon non-regulated rents for comparable apartments in the same community district as a basis for comparison with the buyout is misleading because it ignores the median regulated rents and it presumes that the tenant would want a comparable apartment in the same community district. There are Urstadt issues to the extent the bill applies to regulated tenants.

Intro. 551 - - ***Buyouts***- there are at least two major concerns with this bill. First, by imposing filing requirements for buyouts of rent-regulated tenants, it violates Urstadt. Second, by requiring public filing of private agreements, the bill violates the privacy of not only the owner but the tenant as well. There are many tenants that are happy to be bought out but do not want the terms disclosed.

Intro. 975 - ***Building Permits/Violations***- The fact that the bill has an exemption to allow the DOB commissioner to issue permits necessary for the correction of violations only means that well-intentioned owners will have to confront additional administrative obstacles at DOB to the ones that already exist in practice. This bill will also discourage well-intentioned purchasers of troubled properties from acquiring these properties given the administrative hurdles that will result.

Intro. 1242 - ***Rent Overcharge Information***-Requiring the reporting of rent overcharge information on the HPD online portfolio report ignores the reality that this information is already available through DHCR

Intro. 1274 - ***Rent History***-Amending the stabilization provisions of the administrative code to require owners to provide tenants with the prior four years of rent history violates Urstadt and also is unnecessary because tenants can obtain that information from DHCR.

Intro. 1278 - - ***Tenant Protection Plans***- Requiring the DOB commissioner to review and approve tenant protection plans will only add further delay to the delay-plagued DOB review and approval process for alteration applications.

Testimony of the Real Estate Board of New York before the New York City Council Committee on Housing and Buildings on Anti-Displacement Legislation

December 13, 2018

INTRODUCTION

The Real Estate Board of New York, Inc. (REBNY) is a broadly-based trade association representing owners, developers, brokers, managers and real estate professionals active throughout New York City. Thank you for the opportunity to participate in today's hearing and to provide support and constructive comments on the bills being considered this morning.

Allow us to emphatically state at the outset that the Real Estate Board of New York stands with public officials, advocates and other stakeholders in finding sensible policy measures to root out bad landlords and to protect tenants from deceitful actions. We have an affordability crisis in New York City, and illegal measures taken by unscrupulous landlords should be met with full punishment allowed by the law, along with supportive enforcement efforts to do so.

We also want to applaud the Council for considering a wide array of legislation. As written, many of the bills being considered seek to target fraudulent information submitted as part of permit and certificate of correction applications, add additional requirements for tenant protection plans, and add new requirements to increase transparency for tenants occupying buildings undergoing construction. Today, we would like to provide support for many of the bills, as well additional feedback, including ways that legislative language could be strengthened or clarified.

Bills such as Intros. 551 and Intro. 1242 make attempts to increase transparency both for public consumption and to help make data-driven policy decisions, which REBNY absolutely supports. We fully support Intro. 1242 to expand the available data in the online property owner registry, but do want to caution that while we support the intent of Intro. 551, which is to help get better data on the universe of buyout agreements, the types of information being asked for would likely lead to a false or an incomplete dataset illustrating the nuances of a buyout agreement.

Legislation such as Intro. 1258 sponsored by Chair Cornegy, would ensure that an audit process take place by the NYC Department of Consumer Affairs (DCA) to ensure that tenants are properly served with eviction notices of a court proceeding. Sewer service is especially unacceptable when it comes to evicting someone from their home, and we support the Council's efforts to take additional steps to root out dishonest servers.

Notwithstanding a number of recommended changes, we also support some of the Council's efforts to generally conduct audits of submissions and corrections given to City agencies, such as in Intros 1171 and 1279. Intro. 1171 would among many important provisions, require that DOB conduct inspections of building portfolios or the HPD Speculation watch list and make referrals where false statements are made. We do recommend that for any legislation requiring audits can realistically be met with agency resources, some level of discretion is included to take into account instances where it is clear that a trivial error was made, and to withhold audits of the Speculation Watch List as it is early in its inception with further refinements needed to the methodology. This will ensure that the limited resources used by agencies and enforcement officials are used for appropriate cases.

We also support the Council's efforts to target buildings where there are an excessive number of violations, such as in Intro. 975 where building permits would be denied. We appreciate that the Council is thinking ahead to include exceptions where the permit needs to be issued to perform necessary work to correct dangerous conditions. We would recommend that the Council consider other extenuating circumstances where a building permit should be issued, such as rehab projects.

While we fully support the goals of many of the bills in this package, we do have concerns regarding the practical realities, operational difficulties, one-size fits all approach, or level of punitive measures being taken in some.

We think there are practical challenges to requiring additional layers of compliance from an owner or contractor. Increasing regulatory burdens make it exceedingly difficult to perform necessary renovations and improve building quality. For Intros. 1277 and 1280, we do have concerns regarding the delays that may be issued to projects for being caught up in an across-the-board audit process or the level of fines for what may be genuine mistake. We do look forward to working with the Council to find other alternatives to meet the policy goals of these bills and exploring ways to improve these bills to target truly bad actors.

In Intro. 1278, which would ensure that DOB does additional TPP review for air and fire compliance, we are concerned that this may make it harder for applicants to complete the TPP and risk the potential for compliance issues. We would enjoy the opportunity to work with the Council to ensure that City government helps applicants better comply with TPPs through standardized reviews.

Lastly, in an environment of mistrust toward landlords and government alike, increasing pre-emptive inspections, notices, and requests for information from tenants may push a law-abiding landlord into a tightrope walk between compliance and harassment and privacy concerns. As an example, it is overly burdensome to grant DOB unfettered access as a condition of retaining a permit, especially in cases where a tenant refuses access, as proposed in Int. No. 1257. We recommend including a noticing requirement in Int. 1279 to tenants and landlords that their unit/building may be selected for an audit and that a visual inspection may be required. This is also an opportunity for city agencies to provide help lines and general information on building quality standards.

Additionally, beyond the legislative discussion today, the city needs to allocate appropriate resources and ensure agency coordination on the city and state level if we are to see improvements in enforcement. Generally, the issues related to tenant harassment can be addressed with more targeted enforcement and proper government coordination. According to research recently published by the Regional Plan Association (RPA), a handful of landlords are responsible for a disproportionate amount of the city's poor housing and eviction cases. RPA estimated that "of the 763,276 buildings with residential units in NYC, less than 2 percent are managed by bad landlords."[1] It is our hope that as we move forward through the legislative process, efficient and accurate mechanisms can be put in place that enable government to truly target and eradicate bad actors.

REBNY has the following specific comments to offer on each of the proposed bills:

[1] Mandu Sen and Moses Gates. "The High Cost of Bad Landlords: Impacts of Irresponsible Building Ownership in New York City." *Regional Plan Association*. Published Oct 2018. Accessed 12/13/18 <http://library.rpa.org/pdf/RPA_Cost_of_Bad_Landlords.pdf>

INTRO NO: 30

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to the recovery of relocation expenses incurred by the department of housing preservation and development pursuant to a vacate order.

SPONSORS: Chin, Cornegy, Brannan, Levine, Rivera

The bill allows the NYC Department of Housing Preservation & Development (HPD) to recover relocation expenses from building owners for up to 10% of the rent roll pursuant to a vacate order. While REBNY agrees with the overall intent of the legislation to prevent the wrongful displacement of tenants and immediate funds available to rectify these circumstances, the bill will erroneously apply to an entire universe of ownership. Vacate orders can be issued for a number of reasons—to ensure tenants remain safe—unrelated to tenant harassment, such as damage from major storms or accidental fires for example. We recommend the bill clarify the specific conditions of a vacate order that will trigger the recovery of relocation expenses. Additionally, forcing a property owner to put aside ten percent of the rent roll is untenable for the majority of owners and significantly impacts the ability for ongoing capital investment or ensuring there is enough cash-flow to support a building's operation. Mandating this type of an across the board escrow account will force many property owners to increase rent for market rate units, further contributing to the City's affordability crisis.

INTRO NO: 59

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to required disclosures by persons making buyout offers

SPONSORS: Cornegy

REBNY understand that the purpose of this bill is give tenants more information about a potential buyout offer to make an informed decision. However, every building is different – there are different amenities, different levels of furnishings, different services offered to tenants, etc. These numerous variables all contribute to what rent a tenant may pay. Furnishing the median market rate rent gives wrongful impressions to the tenant about what goes into their rent for the specific building and unit they may live in. It is also important to note that today's requirement is to notify the tenant that the owner or representative will contact them to discuss a buyout offer or relocation or other arrangement. Under 27-2004 f-2, this bill changes the meaning and purpose of the notice requirement that exists today. The addition of subparagraph (7) requires that the notice include the actual offer. Thus, it requires the owner to make an offer before he or she even knows whether the tenant is interested in having any discussion.

INTRO NO: 551

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of information regarding buyout agreements

SPONSORS: Levine

REBNY fully supports the Council's efforts to gather information about these instances to better inform policy-making. However, data-driven policies are only as good as the quality of the data received. The info required would only allow the city to be able to determine buyout amount per apartment by neighborhood. No information by apartment size, or arrears in rent or other circumstances and variables that impact offers are included in the legislation. This would lead to a false data set or picture

of the buyout market, but we look forward to working with the Council to refine this legislation to ensure accurate information with real context is collected

REBNY recommends that the definition of buyout agreement be redefined. It currently leaves open the question of whether waiver of rent constitutes "money or other consideration." Often, non-payment proceedings are settled by waiver of rent in exchange for possession. Such stipulations are usually filed with the court. This seems to require that even in such situations the filed stipulation (or court order) must be filed with HPD or the owner is subject to penalty.

INTRO NO: 1107

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to requiring contractors to prepare and submit tenant protection plans, and to repeal section 28-104.8.4 of the administrative code of the city of New York, relating to requiring architects or engineers to prepare such plans.

SPONSORS: Rosenthal, Ayala

INTRO NO: 1278

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to requiring heightened review of tenant protection plans and increased enforcement of building code standards

SPONSORS: Rivera, Levine, Ampry-Samuel

We share the Council's concerns in ensuring that the most appropriate person is preparing and submitting tenant protection plans. We would like to better understand the perspectives of architects, engineers, and contractors to ensure there are no unintended consequences with this legislation. In order to achieve the aims of this bill, which include ensuring tenants are aware of their rights and protections, the Council should ensure HPD/DOB have the appropriate staffing to review and inspect submitted TPPs. The bills should also clarify which agencies are responsible for each of the requirements of the TPP to allow for better coordination. To assist further with compliance, the Council should require a template tenant protection plan to be published to assist contractors and owners in meeting all of the requirements laid out by the City and to expedite the approval of permit applications.

We believe that Int. No. 1278 may add an unnecessary layer of redundancy since its our understanding that City agencies are already required to review TPPs prior to approval. We are concerned that codifying this process will increase review times for permit applications. Additionally, Int. No. 1278 adds new provisions requiring DOB to inspect and reinspect sites until work is completed. We do want to highlight that from a tenant's perspective, having repeated visits by a City agency are at times considered to be a nuisance and potentially infringe upon their right to privacy as was discussed in Seattle where a similar law was approved.[2] Lastly, the Council should consider combining both of these bills into specific provisions (§28-105.13) as Int. No. 1107 repeals §28-104.8.4.

INTRO NO: 1247

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to providing residents with copies of notices of violations

[2] Sisson, Patrick. "Seattle's Mandatory Rental Inspection Law Challenged in Lawsuit." *Curbed*. Accessed 12.12.18. < https://www.curbed.com/2018/12/6/18129672/seattle-apartment-lawsuit-rental-inspection>

SPONSORS: Cabrera, Brannan

REBNY supports the Council's overall efforts to improve transparency for residents. However, notifying residents of every notice of violation would require the property owner to provide residents with copies of even the most mundane violations, including minor or administrative violations. This would be counterproductive for City agencies to attempt to enforce and for property owners to administratively follow through on. We would like to work with the Council to refine the types of violations where a resident should be notified of a notice of violation.

INTRO NO: 1257

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to granting access to the department of buildings as a condition of obtaining a permit

SPONSORS: Cornegy

While this bill is intended to ensure City agencies can perform audits and inspections to root out illegal activity and fraud, we are very concerned about any City agency having unfettered access to a building or a tenant's home. We understand that one of the legislative goals is to ensure that DOB does not have to pursue a warrant after an investigation may be closed if they make visits at times where an owner, contractor, or tenant may not be available. We would first like to better understand the universe of instances where this occurs, how prevalent a problem this is, and identify other solutions to address a laudable legislative goal.

INTRO NO: 1274

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords to obtain and provide tenants with the previous four years of rental history

SPONSORS: Levine, Lander, Ampry-Samuel

REBNY is supportive of the City's efforts to discover illegal rent increases and agrees that the City should penalize bad actors. We are concerned that the bill will alarm tenants to increases in their rent unless they are given the necessary context to understand whether the increase was issued legally (through abatements or rent guidelines board approvals) or illegally. Rather than adding a new and significant administrative burden for owners, the City could easily achieve the objective of this bill by requiring DHCR to coordinate with the DOB and/or HPD to provide tenants with this information. Lastly, the bill should clarify the types of leases this will be applicable to as this kind of information may not be as relevant for existing tenants that have continuous lease agreements.

INTRO NO: 1275

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to denying permits for occupied buildings

SPONSORS: Powers, Brannan

We support the Council's efforts to find non-monetary ways to punish landlords who truly falsify their records to make it appear a unit is vacant when it may not be. A one year denial of any permits could serve as a detriment not just for the property owner but for tenants in a building where non-emergency

work is being done for their benefit. We ask that the Council reconsider its approach, especially to clarify what qualifies as a fraudulent statement and whether an honest mistake wrongly noting the number of occupied units, for example, would trigger this level of response from the City. Perhaps instituting a strong notice of violation with a period to correct the violation would be a more appropriate measure that would allow for continued progress on building projects.

INTRO NO: 1277

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to preliminary inspections

SPONSORS: James

We appreciate the legislative goals of ensuring buildings and units are actually vacant when this information is presented in an application. However, the success of this bill is fully dependent on the agency's ability to inspect such a significant number of units without delaying the permitting process (which can already be lengthy in its current form). If improperly resourced, the bill will only add an unnecessary layer of compliance that will make it significantly more difficult to construct, which increases the costs for producing units that are ready for a tenant.

We believe that we should first explore additional and unexplored ways using the resources and data housed by multiple agencies to better target where preliminary inspections would be most useful, instead of an across the board 15% requirement.

INTRO NO: 1280

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to the tenant protection plan and penalties for false statements relating to tenant occupancy on certain construction documents

SPONSORS: Rosenthal, Levine, Ampry-Samuel

We support the Council's efforts to reduce instances of fraud, especially when it comes to ensuring that a property owner accurately informs the agency of unit occupation during building alteration. However, the assigned penalties for an unintended omission or a needed correction within the Tenant Protection Plan is far too punitive.

INTRO NO: 975

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to denying building permits where a residential building has an excessive number of violations

SPONSORS: James, Brannan, Holder, Koslowitz, Yeger

REBNY is fully supportive of this bill and applauds the Council's efforts to enforce against owners with an excessive number of building and maintenance code violations. REBNY agrees with the Council that there should be an exception to this rule that allows for permits to be issued to perform necessary work to correct dangerous conditions. We would also request that the Council ensure that any type of special circumstances, for example a change in ownership where a new owner inherits excessive number of building and maintenance code violations with the ultimate goal of rehabilitating these units for the benefit of the tenants and building operations as a whole, be considered when granting an exception.

INTRO NO: 1171

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to identifying unlawful statements in submissions to the department of buildings

SPONSORS: Torres, Williams, Powers, Rivera, Kallos, Chin

REBNY is generally supportive of this legislation. We are especially supportive of notification [28-211.1.3] and reporting [28-211.1.4] requirements by government agencies. We are also encouraged by efforts to require coordination by city and state agencies [28-211.3] so that everyone is working off the same data set to identify errors. However, we are concerned by the requirement of a mandatory audit all buildings by an owner if there is an honest paperwork error with one application in one unit of many of a property owner's portfolio. We would ask that the Council consider some level of discretion be included within the legislation to ensure the agency focuses on clearly egregious falsified statement.

In addition, one of the provisions of this legislation would require DOB to audit 25% of buildings on HPD's Speculation Watch List. In the case of the Speculative Watch List, the Administrative Code gives HPD the power to remove a building from the watchlist if the department analysis has changed. Currently, the list captures buildings that are sold even when they are new construction and not fully leased up. This is both problematic for Affordable New York projects and for any MIH project where you have one team that builds and another that owns and manage. Given that the Speculation Watch List is in its very first iteration, we would ask that this provision be withheld until the methodology can be improved to ensure the right types of properties are truly captured, so that both agency and a good property owner's resources aren't wasted on an audit process that would result in zero issues.

INTRO NO: 1242

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to expanding available data in the online property owner registry

SPONSORS: Ayala, Lander, Brannan, Ampry-Samuel

REBNY supports the Council's efforts for greater transparency. Arming tenants with information about their housing conditions and findings of rent overcharges will allow them to make better decisions about their housing conditions and allow them to stay informed about potential illegal rent increases.

INTRO NO: 1279

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings and the department of housing preservation and development to audit a certain percentage of certifications of correction

SPONSORS: Rosenthal, Ampry-Samuel

REBNY supports the Councils efforts to reduce fraud by enforcing against falsely certified certificates of correction. REBNY would like to better understand how the agency's resources would be deployed to meet the aggressive target of 25% audits of certificates of correction. REBNY generally supports this bill as long as other essential agency operations are not compromised and proper staffing is in place to accommodate these additional audits. To support the auditing process, the Council should also consider requiring the agency to notify the building owner and tenant prior to the audit to allow for the inspection to take place.

INTRO NO: 1258

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers.

SPONSORS: Cornegy

REBNY is supportive of this bill. It is our understanding that despite City laws being adopted to require process servers to have GPS trackers to ensure property delivery, that there are instances where a tenant was never properly notified of an eviction proceeding, leading to a summary judgment. Unfortunately, despite making good faith efforts, property owners are at times forced into a position of needing to engage in eviction proceedings where a tenant may be repeatedly engaged in illegal or disruptive behavior or have significant arrears in rent. To do so, a process server would need to formally serve court papers to the tenant. Sewer service of court papers, especially when it comes to housing evictions is simply unacceptable. If a tenant and landlord are in a position where they need to proceed to court to address issues, the tenant has every right to be notified properly. To the extent auditing the records of process servers can help ensure this happens, REBNY would like to lend its support to this legislation.

INTRO NO: 1241

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to expanding sanctions for submission of professionally-certified false or noncompliant building permit applications or plans.

SPONSORS: Ampry-Samuel, Lander

INTRO NO: 977

SUBJECT: A Local Law to amend the administrative code of the city of New York, in relation to mandatory sanctions for submitting incorrect professionally certified applications for construction document approval.

SPONSORS: Reynoso, Holden

REBNY appreciates the Council's specific focus on ensuring that professional who certify applications meet the highest of standards and that the applications are complete and accurate. We believe that this is worth additional discussions with stakeholders who would be most impacted by the legislation, including the American Institute of Architects (AIA) and the American council of Engineering Companies (ACEC) to ensure there are no unintended consequences.

* * *

Thank you for the opportunity to provide comments on these bills. REBNY hopes to continue to partner with the New York City Council on the proposed bills to advance changes that will reduce instances of tenant harassment and displacement effectively.

A STRONG VOICE FOR TENANTS

TenantsPAC

New York City Council
Committee on Housing & Buildings
Public Hearing
December 13, 2018

Testimony of Michael McKee, Treasurer
Tenants Political Action Committee

Let me cut to the chase: the New York City Department of Buildings is a disgrace.

There are many government agencies, local, state or federal, that deserve criticism. But DOB stands apart.

For several years, speculators have been buying rent-regulated buildings all over the city and trying to force tenants to vacate their homes. Among the tactics these sharks employ, first and foremost, is gut renovation and construction as a quick way to make tenants' lives miserable.

I have first-hand experience with this issue on my own block. Trying over a two-year period to help my neighbors living with construction as harassment, I came to understand just how broken the entire Department of Buildings system is, and how they clearly refuse to acknowledge that their responsibility is not only to facilitate development but to protect tenants, and our housing stock, from bad actors.

In the spring of 2014, two dumpsters appeared in front of 222 and 224 West 21st Street. Members of the block association wondered what was going on. A few days later Pamela Wolff and I encountered a tenant coming out of the building and asked her about it. That is when we learned that the tenants were already going through hell.

The two buildings had recently been bought by the Slate Property Group. Slate immediately began gut renovations. One of the first things they did was to rip up the lobby floors, making it hard for anyone to go in or out of the building. Tenants were subjected to deafening noise and dust for several months, as well as interruptions of gas and water service, and construction accidents such as holes being punched through ceilings and walls by untrained workers, and cascading floods from the same source. A tenant was even injured when the workers were jack-hammering in the hallways, from flying debris.

... over ...

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By the time we held the first meeting with tenants, members of the block association, and staff from the offices of elected officials, several tenants had already vacated their apartments, including a family with an infant – and who could blame these parents, given the uncertainty of what toxins might be contained in the dust.

Using non-professional, non-union labor, Slate's plan was to convert the family-occupied units into what can only be described as dormitories. They subdivided apartments to create four teensy bedrooms, then rented to four young roommates just out of college and entering the job market. We met several of these new tenants, who told us that Slate representatives had grossly mis-represented the condition of the building and the promised amenities, including a roof deck that was erected without a permit and which the landlord eventually had to remove.

During this long period of construction as harassment, the tenants suffered from frequent loud and drunken fraternity-style parties on the illegal roof deck. People would advertise the party on line, including the entrance code to gain entry to the building, and dozens of strangers would stream in and out of the building for hours.

There was even a period of about three weeks when the workers removed the front doors to the two buildings. Any stranger could wander into the building during this time and the residents were understandably frightened. Squatters moved into some vacant apartments. The mailboxes were removed and not replaced for several months; tenants had to go the post office to get their mail.

One by one the original tenants moved out, until only two were left out of the twenty-two apartments that had been occupied prior to the purchase by Slate. These two heroic tenants are still there. Many of the young professionals who rented apartments in response to Slate's advertising also moved out. Now, in addition to the two original tenants, the building is populated by Google and Amazon workers, and a steady parade of tourists renting apartments through Airbnb. Slate flipped the building in 2016.

Let me list the elected officials who tried to help us fight back on behalf of their constituents who lived in these two buildings: Manhattan Borough President Gale Brewer, State Senator Brad Hoylman, Assembly Member Dick Gottfried, and City Council Member Corey Johnson. Over a period of several months, we had numerous meetings with these elected officials and/or their staff; for a period, we were meeting on a weekly basis.

All these elected officials put pressure on the Department of Buildings to stop the outrages. I think it fair to say that all the elected officials and their staff members were as frustrated with DOB as we were. The fines DOB imposed on the landlords were ignored; they didn't even slow them down.

The only time we were able to get any relief from DOB was when the landlord's workers removed the fire stops in the building, at which point DOB issued a stop-work order until the fire stops were restored.

All the other violations by the landlord went unpunished, including constant illegal weekend construction. There was no way to get DOB to deal with illegal weekend construction until the following Monday. Consequently, the landlord got away with this, week after week after week.

Some of the elected officials we worked with have also been involved over time in attempts to negotiate improvements in how DOB treats these kinds of cases. As far as I can see, these problems remain. DOB essentially gives lip service to tenant protection, but its practices allow massive landlord fraud, egregious harassment, inevitable displacement, and loss of our scarce affordable housing stock.

Tenants PAC supports the various bills before you today that are designed to protect tenants from harassment and displacement. We support the recommendations for amendments made by the Legal Aid Society.

But unless there is a change of culture at the Department of Buildings, I am not sure any of these reforms will make a lot of difference. The failure to reform DOB is one of the biggest disappointments of the de Blasio administration. We need a sea change.

Legal Services NYC
DEMAND JUSTICE

Testimony of Laura Hecht-Felella, Staff Attorney, Tenant Rights Coalition, Legal Services NYC

New York City Council Committee on Housing and Buildings
December 13, 2018

Good morning City Council Members,

My name is Laura Hecht-Felella and I am a Staff Attorney at the Tenant Rights Coalition at Legal Services NYC.

Legal Services NYC (LSNYC) is the largest civil legal services provider in the United States, with deep connections to the communities we serve at our neighborhood-based offices throughout New York City. Our staff members assist more 80,000 low-income New Yorkers each year. In particular, the Tenant Rights Coalition is at the forefront of the fight to prevent evictions, preserve affordable housing, combat harassment, and ensure that our clients' homes are safe and in good repair.

LSNYC welcomes the opportunity to give testimony before the New York City Council's Committee on Housing and Buildings and commends the City Council for its continuing efforts to address tenant displacement and harassment.

Preventing Tenant Displacement – Intros. 30, 975, 59, 551, 1274, and 1258.

LSNYC's clients are increasingly at risk of displacement as landlords, eager to raise rents, engage in a variety of tactics to induce tenants to leave their apartments. These include refusing to make repairs, failing to correct Department of Building (DOB) vacate orders, making

predatory buy-out offers, and obtaining possession in Housing Court through default judgments after failing to properly notify tenants of eviction cases against then. Especially at risk are long-term rent regulated tenants, in particular people of color, who are often the bedrock of their communities.

Intros. 30, 975, 59, 551, 1274, and 1258 would enhance the City's efforts to stem the tide of tenant displacement occurring across New York City.

In our experience, it is not uncommon for landlords to fail to make the repairs necessary to lift DOB vacate orders. As a result, some of our clients have been displaced for months or even years due to uncorrected vacate orders. Many eventually decide to abandon their apartments and move elsewhere. To the extent that Intro. 30 incentivizes landlords to remediate outstanding vacate orders and creates financial consequences if they fail to do so, it will help address this problem and combat tenant displacement.

In a similar vein, it is important that landlords are prevented from performing luxury renovations in some apartments in a building while completely neglecting others. We see this happen most often in gentrifying neighborhoods, where landlords renovate vacant apartments to increase the rents, but refuse to make even the most basic repairs for long-term rent regulated tenants, forcing them to live with severe mold, widespread vermin infestations, and persistent leaks. For many of our clients, this creates incredible stress, serious health problems, and it contributes to displacement, in particular by making tenants vulnerable to predatory buy-out offers. Intro. 975 would help to address this issue. However, one concern we have regarding the existing bill is that it is triggered based on a ratio of violations per units in the building. This may not accurately capture the severity of this problem in those buildings where there are only a few long-term tenants remaining.

LSNYC recognizes the Council's efforts to address the challenge of buy-out offers in Intros. 59 and 551. Predatory buy-out offers are common occurrences for our clients, especially those who are long-term rent regulated tenants.

Intro. 551's requirement that landlords report buy-out agreements to the Department of Housing Preservation and Development (HPD) would provide much needed oversight.

However, with respect to Intro. 59, LSNYC is concerned that the bill does not go far enough in providing tenants with meaningful information regarding their ability to re-rent in their neighborhood. There are many additional factors that impact a tenant's ability to secure another apartment in the same or nearby neighborhood, beyond whether or not the median rent is affordable to them. For example, many of our clients face barriers related to their income, source of income, credit history, racism, past Housing Court cases, and the costs of moving. Even when the median market rent is something they can technically afford, often our clients find it almost impossible to rent a new apartment in their neighborhood. To effectively protect tenants from predatory buy-out offers, mandatory disclosures would need to provide tenants with more comprehensive information about their ability to re-rent in their neighborhood and all of the factors that impact it.

LSNYC appreciates Intro. 1274 as an important tool in ensuring the long-term affordability of rent stabilized buildings in New York City. In our experience it is common for new tenants of rent stabilized buildings to either not know they are entitled to rent stabilized leases or to be illegally upcharged rent in violation of the Rent Stabilization Code. If landlords are required to provide rent registration histories to new tenants it will prevent this kind of behavior and encourage new tenants to verify their rent amount is correct.

The proposed efforts in Intro. 1258 to impose greater oversight of process severs would protect tenants who are facing eviction in Housing Court. Housing Court eviction cases are a key tool used by landlords to displace low-income tenants of color in gentrifying neighborhoods. Many of these eviction cases are frivolous, or involve issues that could have been resolved without a court case. A significant number of our clients never receive court papers informing them that they are being sued. Many first learn they are at risk of eviction when they get a postcard from the Court, or in the worst cases (which are all too common) a marshal's notice on their door. Ensuring tenants are properly served with court papers will enable tenants to defend their homes at the earliest opportunity, including by getting legal assistance from organizations like ours early in their cases, when there is a lot more we can do to assist them.

Strengthening Department of Building (DOB) Oversight of Construction – Intros. 977, 1171, 1241, 1242, 1257, 1275, 1277, 1107, 1278, and 1280.

Many of LSNYC's clients face issues related to construction. Examples of this include landlords engaging in work without a permit or beyond the scope of their permit and landlords failing to implement adequate safeguards for construction when there are tenants living in the building. This threatens the health and safety of our clients and their families.

LSNYC shares the City Council's commitment, as reflected in Intros. 977, 1171, 1275, 1257, and 1277, to strengthening DOB oversight of permit applications, particularly when buildings are occupied. In our experience, landlords engaging in work without a permit or with falsified permits often pose the greatest threat to tenant safety. Strengthening DOB oversight of permits and implementing sanctions where permit applications are false or misleading will ensure that the proper City agencies are aware of construction, incentivize landlord compliance with permitting requirements, and better protect the health and safety of tenants.

Intros. 1107, 1278, 1280 strengthen existing Tenant Protection Plan (TPP) legislation. In our experience, requiring landlords create and comply with a robust Tenant Protection Plan (TPP) is essential to ensuring tenant safety and combating construction as harassment. We have found that it is important that the contractors, who are actually doing work in buildings, be a part of the TPP planning process, not just engineers or architects who oversee construction from afar. Additionally, it is important that DOB reviews TPPs to ensure they are thoughtful and specific in detailing protective measures and so that landlords are required to provide more than a few generalized statements.

Violations and Certifications of Violations – Intros. 1247 and 1279.

One of the most effective means of overseeing the condition of buildings across New York City is DOB and HPD violations. Intro. 1247, which would require notices of DOB violations be sent to tenants, will help ensure that tenants are aware of outstanding violations. We, and our fellow legal services providers in the City's Anti-Harassment and Tenant Protection program, do our best to work with as many tenants as possible to address their bad living conditions. However, there are still many tenants who do not have legal representation and may not realize the extent of the construction-related issues in their buildings. Intro. 1247 will give unrepresented tenants a fuller picture of what construction their landlord is doing. Hopefully it will encourage them to connect with tenant organizing groups or legal services organizations like ours if their individual apartment issues are a part of larger systemic problems in their buildings.

Intro. 1279, which requires DOB and HPD oversight of certifications of correction for building violations, will also enhance tenant protections in our City. False certifications are common in our experience, which results in dangerous building conditions going unaddressed. This is both detrimental to tenants, whose health and safety are affected by the uncorrected

issues, and it is also a drain on City resources, as HPD and DOB are often called to reinspect and place an identical violation for the same unaddressed condition. Greater oversight of certifications of correction will strengthen protections for tenants and ensure that violations are actually corrected.

Thank you to the City Council for this opportunity to testify about these important issues and for its continued efforts, as reflected in these bills, to address tenant displacement and harassment.

ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, INC.

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TESTIMONY OF EMILY GOLDSTEIN, BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON HOUSING AND BUILDINGS INTROS 30, 59, 551, 975, 977, 1107, 1171, 1241, 1242, 1247, 1257, 1258, 1277, 1274, 1275, 1278, 1280, 1279,

December 13th, 2018

Good Morning. I'd like to start by thanking Chair Cornegy, Speaker Johnson, and the members of the Committee for the opportunity to testify today.

My name is Emily Goldstein and I am the Director of Organizing and Advocacy at the Association for Neighborhood and Housing Development (ANHD). ANHD's mission is to advance equitable, flourishing neighborhoods for all New Yorkers. We are a coalition of 100 community-based affordable housing and equitable economic development organizations in New York City, and we use organizing, policy, advocacy, and capacity-building to advance our mission.

I am here to testify in support of the bills before the committee today. ANHD and our members have a long-standing commitment to fighting tenant harassment and displacement. Over the past few years we have worked with the City Council to pass a range of legislation to provide new tools and support in this fight, including Right to Counsel, the Stand for Tenant Safety package, the Certificate of No Harassment pilot, and a stronger definition of harassment itself. The bills proposed today build on and add to these efforts – adding enforcement mechanisms, closing gaps and loopholes, addressing ongoing health and safety concerns, and providing additional transparency and information that can help tenants understand and defend their rights.

ANHD would like to state our firm support for all of the proposed bills, and we thank all of the council members sponsoring them for you commitment to and advocacy for tenants' rights in New York City.

We do have specific suggestions for additions to 2 of the proposed bills:

On Intro 1242, I suggest specifying that the report disaggregate the number of findings of harassment on record for each property owner by building address (page 1, line 9-10). I'd also suggest that in addition to findings of rent overcharges, information be provided on any fraudulent MCI's, fraudulent IAI's, and illegal deregulation found by a state agency, to the extent possible based on information made available by the state (page 1, line 12-13).

On Intro 1274, I suggest specifying that the owner obtain from DHCR, and provide to the City, both the history of legal registered rents and the history of actually charged or preferential rents where applicable (page 1, line 3-4).

Again, thank you for the opportunity to testify, and for your work on this valuable legislation.

THE LEGAL AID SOCIETY

Testimony by The Legal Aid Society

Before a Hearing of the New York City Council

Committee on Housing and Buildings

December 13, 2018

Introduction

The Legal Aid Society (the Society) is the nation's oldest and largest not-for-profit legal services organization advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With a staff of more than 2,000 lawyers, social workers, investigators, paralegals and support and administrative staff; and through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel. The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Society is counsel on hundreds of cases concerning the rights of tenants in regulated and unregulated apartments across the city. As such, we are intimately familiar with the pressure experienced by tenants in the current and developing housing market. In particular, the Society's Tenants' Rights Coalition (TRC) works directly with tenant groups in neighborhoods across the City experiencing the most aggressive displacement. TRC represents tenants associations, tenant groups, and individuals in affirmative litigation seeking correction of Housing Maintenance Code violations including harassment, administrative proceedings related to the Rent Stabilization Code including overcharge, and defense in summary eviction proceedings.

The importance of tenant protections cannot be overstated. Despite regulation of reporting requirements and disclosures landlord must make to city agencies, owners routinely

flout the law. Tenants at risk of displacement from regulated and unregulated housing deserve to have confidence that the law will protect them from predatory and harassing actions, and that landlords who fail to comply with the law will be held accountable.

Background of Tenant Harassment and Displacement

Tenants in regulated and unregulated apartments across the City are under serious threat of displacement. State law has long created incentives for landlords to pursue eviction or relocation of longtime tenants. In particular, the vacancy bonus, the use of preferential rents, and vacancy deregulation have exacerbated tenant harassment.

It is well-established that landlords use harassment as a strategy to push out tenants, particular tenants in rent-regulated apartments.[1] Harassment is reported at an alarming rate; 41 percent of low-income renters experienced at least one form of harassment. Further, a significant percentage of both regulated (22 percent) and unregulated (17 percent) renters experienced two or more types of harassment.[2] Harassment has been defined to include failure to make repairs, repeated interruptions of essential services, deliberately creating construction-related problems for tenants, making false representations related to the property, threats and intimidation, overcharging rent-regulated tenants, repeated buyout offers, and filing frivolous court proceedings. While tenants have growing access to legal representation, without enforcement efforts by the City and the implementation of penalties, property owners have no incentive to comply with laws intended to protect tenants.

One of the greatest challenges for tenants is the enforcement of the law that are designed to protect their interests.[3] Indeed, despite the longstanding protection of the Housing Maintenance Code, housing code violations have been on the rise for the last four years. Between 2016 and 2017 alone, there was an 11.3 percent increase in violations issued.[4] The Society supports the continued progress in creating protections for tenants who are being

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[1] See, Community Service Society, "Unheard Third, Tenants at the Edge: Rising insecurity Among Renters in New York City," Jan. 2017 (available at http://www.cssny.org/publications/entry/tenants-at-the-edge); Steven Wishnia, "How Forcing Tenants to Move Became a Business Model for NYC Landlords," The Village Voice, Sept. 18, 2018.
[2] *Id.*
[3] See, e.g., New York University Furman Center, "Gentrification Response: A Survey of Strategies to Maintain Economic Diversity," Oct. 2016. (available at http://furmancenter.org/files/NYUFurmanCenter_GentrificationResponse_26OCT2016.pdf).
[4] New York University Furman Center, "State of New York City's Housing and Neighborhoods in 2017," 2017 (available at http://furmancenter.org/files/sotc/SOC_2017_Full_2018-08-01.pdf).

harassed by their landlords. The bills proposed here today are an important step toward holding landlords accountable for their unlawful practices.

Proposed Bills to Protect Tenants from Displacement and Harassment

The proposed bills before the Committee today seek to establish means by which to hold property owners accountable for violations of existing tenant protections. The majority of these proposals are designed to address the concerns raised by tenants, advocates, and agency officials. The Society recommends that the City Council pass the following bills, subject to our recommendations:

Agency Oversight

- Int. No. 551: requiring disclosure of buyout agreements
- Int. No. 977: report to City Council of design professionals who are sanctioned
- Int. No. 1171: requiring reports to City Council of unlawful statements and guidance for making a determination of false statement
    - Recommendation: this bill should include a penalty for the submission of a false statement. See, e.g., Int. No. 1241 (below).
- Int. No. 1257: requiring access for inspection as a condition to permit issuance
- Int. No. 1258: requiring audits of process server records
- Int. No. 1277: requiring inspection of 15 percent of applicant for permits
- Int. No. 1278: requiring review and approval of tenant protection plan prior to permit issuance[5]
- Int. No. 1279: requiring audits of owner certifications of correction

Penalties/Enforcement

- Int. No. 30: allows the Department of Housing Preservation and Development (HPD) to require owner make deposits in escrow for relocation costs
- Int. No. 975: create penalty (no permits) for excessive housing code violations
- Int. No. 1241: expand existing penalty for submission of false statements

[5] The Society supports the improvements to the Tenant Protection Plan as proposed in Int. No. 1107. However, the proposed relocation of TPP from 28-104 to 28-105, results in a conflict with the proposed changes in Int. No. 1278 and 1280. We recommend that all proposed changes to TPP be consolidated.

- Int. No. 1275: penalty for false statement or work without permit
- Int. No. 1280: amending Tenant Protection Plan (TPP) and creating financial penalty for failure to submit TPP, false statements or failure to pay arrears
    - Recommendation: 28.202.1(11) should include denial of permits as a penalty for violations.

Transparency

- Int. No. 59: adding to required disclosures made in buyout agreements
- Int. No. 1242: expand data available on HPD website to include violations issued by the Department of Buildings and overcharge findings from the State Division of Homes and Community Renewal (DHCR).
    - Recommendations: proposed 27-2109.2(v) should include violations of the TPP.
- Int. No. 1247: adds notice to tenants of housing code violations
- Int. No. 1274: requires owner to provide 4 year rent history from DHCR
    - Recommendation: language should be added to clarify recipient of rent history.

Recommendation

The New York City Council should pass these proposed bill, after review to ensure that overlaps in proposed language can be incorporated without conflict, and with the above recommended changes.

Respectfully Submitted:
Adriene Holder, Attorney in Charge, Civil Practice
Judith Goldiner, Attorney in Charge, Law Reform Unit
Kat Meyers, Of Counsel
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® NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS

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Gary A. Crowe, Administrator administrator@napps.org

December 12, 2018

The Committee on Housing and Buildings
Council Chambers
250 Broadway
New York, NY 10007

On behalf of the National Association of Professional Process Servers (NAPPS), we are greatly opposed to bill Int 1258 (Audits Required for NY Process Servers) for civil code 20-406-3 on the grounds that New York Process Servers and Service agencies are already over regulated with Department of Consumer Affairs (DCA). The DCA currently requires licenced process servers to take GPS photos of each service location, when performing service of process, along with added task of data entry into journal log books on every service performed.

There have been many challenges and regulations over the years in the profession and believe that New York State already has the strictest regulations and is adding an undue burden to process servers, plus not including the added expense to process server agencies and or process servers. If a process server fails to maintain these records to the satisfaction of the DCA he/she is fined $500 per instance, and if the credibility of the server is in doubt, their license is revoked. Since 2011, 70% of licenced process servers have stopped serving due to the over regulated system in New York, when the city's revised code 20 (chapter 2 - sub chapter 23), not with standing the additonal cost to the plaintifff seeking relief. Process serving cost to the plaintiff has more than doubled in recent years and is passed down to the consumer.

I believe this proposed change to civil code 20-406-3 bill Int 1258 to the Administrative code will cause even more process servers to leave the industry and make it more expensive to the consumer. Loss of process servers is a detriment to due process in providing judicial notice and who is not a party to the action. I also believe process servers are being unfairly targeted, when a process servers sole job is delivering notice. Process Servers are currently adhering to strict city regulations and this additional requirment is not necessary to cause an incumbrance to all.

Sincerely,

Michael Kern
NAPPS President

Demovsky Lawyer Service

VIA FIRST CLASS MAIL
The Honorable Robert Cornegy, Jr., Chairman
Housing & Buildings Committee
New York City Council
1360 Fulton Street, Suite 500
Brooklyn, NY 11216

January 12, 2018

Re: Proposed Bill No.: 1258

Dear Councilman Cornegy:

I submit this correspondence in strong opposition to your proposed bill, No.: 1285, amending the New York City Administrative Code, mandating audits of the records of process servers.

I am the president and chief executive officer of *DLS, Inc.*, a very well respected attorney service company providing process serving for over 35 years. Our industry has seen far-reaching change within the past decade but your recommended bill will have significant and critical effects to process servers in New York City. Back in 2010, the Council passed sweeping new legislation raising the standard in our business, requiring new exams and the use of electronic devices with GPS to record time, date and location of each attempt at service of process. Additionally, both individual process servers and licensed agencies are required to post bonds and maintain records further enhancing the goal of the Council's legislative intent, eliminate 'sewer service.'

While this agency and its colleagues have seen a remarkable increase in diligence and care with respect to service of process, these new requirement coupled with the significantly higher costs associated with the 2010 law, have resulted in the loss of over half of the servers during that time. Many individual servers have left the business and substantial number of agencies closed down because they simply could not turn a profit under the new requirements. However, one could argue, the City simply eradicated those individuals and companies from the industry involved in questionable work ethic; the 'bad seeds' were removed.

Your proposed bill requiring the mandatory audit of 20% of licensed process servers who have served process for a housing court procedure and requiring litigants to be informed of failed audits will have further detrimental effects on our shrinking industry. The Department of Consumer Affairs, which regulates the process serving business, already has purview and routinely audits agencies. Moreover, a better forum for policing our industry is found in the courts. Traverse hearings, a court proceeding held to determine the validity of service with results required to be submitted to the Department of Consumer Affairs not only oversees the process server's work, but in effect, regulates us all. Adding an additional random audit and posting results will only cause more servers and agencies to leave the business.

Demovsky Lawyer Service

I support your office in its efforts to purge our industry from dishonest, immoral and unprincipled individuals and agencies but your new bill will impair all the scrupulous and honorable servers who provide an extremely vital role in the legal system. I especially urge you not to pass this bill.

If you would like to discuss this matter, I would welcome the opportunity to meet with you at your convenience. Thanking you for your time and anticipated cooperation, I remain,

Respectfully yours,

Howard Daniel Goldman, J.D.
Chief Executive Officer & Director
Of Operations

HDG:pst

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TRACY J. HARKINS

Attorney at Law

December 10, 2018

Re: Intro. 1258-2018

To: The Honorable Council for the City of New York,

Intro 1258-2018 proposes to require the Commissioner of the Department of Consumer Affairs to conduct annual "audits" of the electronic logbook records of at least twenty percent (20%) of licensed process servers who have served process directing an appearance or response to a legal action, legal proceeding or administrative proceedings that is subject to the provisions of section 110 of the civil court act, and to impose penalties in accordance with Admin. Code 20-409 and 20-409.1 where the required audit reveals a pattern of incorrect or misleading records or fraudulent service, and to provide a record of "such pattern" to the parties in all litigation such process server or process serving agency was engaged to serve process.

Under Gen Bus Law 89-jj the Council's authority to enact Local Laws regulating process servers is limited to enacting Local Law which provides greater protection to consumers. The Charter prohibits the Council from enacting Local Laws which are inconsistent with State Law. Intro 1258-2018 is not narrowly drawn in a manner specifically to provide greater protection to consumers since it applies to all process served in connection with proceedings in the Housing Part of the Civil Court.

Local Law 1258-2018 proposes to empower the Commissioner of the Department of Consumer Affairs to perform oversight of the activities of process servers serving process of the Housing Part of the NYC Civil Court. The Housing Part of the NYC Civil Court exercises jurisdiction over

(1) Actions for the imposition and collection of civil penalties for the violation of state and local laws for the establishment and maintenance of housing standards, including, but not limited to, the multiple dwelling law and the housing maintenance code, building code and health code of the administrative code of the city of New York.

(2) Actions for the collection of costs, expenses and disbursements incurred by the city of New York in the elimination or correction of a nuisance or other violation of such laws, or in the removal or demolition of any dwelling pursuant to such laws.
(3) Actions and proceedings for the establishment, enforcement or foreclosure of liens upon real property and upon the rents therefrom for civil penalties, or for costs, expenses and disbursements incurred by the city of New York in the elimination or correction of a nuisance or other violation of such laws.
(4) Proceedings for the issuance of injunctions and restraining orders or other orders for the enforcement of housing standards under such laws.
(5) Actions and proceedings under article seven-A of the real property actions and proceedings law, and all summary proceedings to recover possession of residential premises to remove tenants therefrom, and to render judgment for rent due, including without limitation those cases in which a tenant alleges a defense under section seven hundred fifty-five of the real property actions and proceedings law, relating to stay or proceedings or action for rent upon failure to make repairs, section three hundred two-a of the multiple dwelling law, relating to the abatement of rent in case of certain violations of section D26-41.21 of such housing maintenance code.
(6) Proceedings for the appointment of a receiver of rents, issues and profits of buildings in order to remove or remedy a nuisance or to make repairs required to be made under such laws.
(7) Actions and proceedings for the removal of housing violations recorded pursuant to such laws, or for the imposition of such violation or for the stay of any penalty thereunder.
(8) Special proceedings to vest title in the city of New York to abandoned multiple dwellings.

The NY Constitution vests exclusive authority to regulate practice and procedure in the State and City Courts with the State Legislature, subject only to delegation to the Chief Administrator of the Courts [NY Const. Art XI §30], and prohibits Local Laws which restrict or impair the power of the Legislature with regard to courts [NY Const Art IX §3(a)(2)]. NY Mun Home Rule Law prohibits Local Laws which supersede State law and affect Courts [MHR §11(e)].

With the exception of actions to recover residential real property under UCCA §101(5), none of the actions under Civil Court Act §101 appear to involve consumer transactions over which regulation of process servers is arguably permissible.

Even if it were within the Council's authority to regulate process service and process servers in the City, on its face, there are numerous deficiencies in the manner in which the proposed legislation is drafted.

The language of the legislation is imprecise. An "audit" is an official examination of accounts. What is actually sought here is to empower the Commissioner to conduct unfettered "random" investigations, which will likely involve the Commissioner issuing subpoenas under threat of sanctions, to compel individual process servers to submit to examinations of their logbook records, and provide potentially inculpatory material without any underlying formal complaint or other factual basis to establish probable cause to believe that the process server has engaged in misconduct. While the Commissioner is empowered to issue subpoenas, such authority only exists in the context of investigations and complaints [Charter §2203; Code §20-104(d)]. It is unlawful for a government entity to compel a private party to submit to governmental intrusion into their activities without probable cause or to compel testimony against one's interests under threat of one's livelihood without any factual basis. An agency asserting its subpoena power must show its authority, the relevancy of any items sought, and some basis for inquisitorial action [Myerson v. Lentini, 33 NY2d 250, 256 (1973); Parkouse v. Stringer, 12 NY3d 660 (2009)]. This legislation seeks to empower the Commissioner to audit records to uncover possible violations [A'Hearn v. Committee on Unlawful Practice of Law of NY County Lawyers' Assn, 23 NY2d 916 (1969)]. Such "audits" are the equivalent of intrusion into the personal papers of persons without probable cause or other reasonable cause to believe that a violation has occurred and is specifically prohibited under the protections of the Fourth Amendment of the US Constitution as well as Article One, section 12 of the NY Constitution.

The legislation also lacks guidance for the Commissioner as the meaning of the phrases "pattern of incorrect or misleading records" or "fraudulent service". The Commissioner has a history of ignoring its own legislative mandates [Charter 1043(d), Local Law 35/2013, Charter 1046, Charter 2203(h)(2)], abusing authority, using tactics of threats and intimidation, statutory misinterpretation, targeting individuals for political reasons, and imposing penalties on the basis of unsubstantiated charges, and ignoring all of the due process provisions which exist in the Charter and the Code.

The Commissioner has never complied with the Charter §1043(d)(1)(c) or Local Law 35/2013 which require the Commissioner to draft

regulations in a manner which afford an opportunity to cure violations or provide an explanation why no opportunity to cure is provided. This legislation is also contrary to Local Law 35/2013 which requires an opportunity to cure violations prior to the imposition of a penalty unless an explanation is provided why an opportunity to cure is not provided.

The legislation also proposes to empower the Commissioner to provide a record of "such pattern" to the parties in all litigation such process server or process serving agency was engaged to serve process. As has been the practice of the Commissioner in the past, this legislation envisions and condones the Commissioner compelling process servers to provide records for review, the Commissioner making a summary determination of a pattern of incorrect or misleading records or fraudulent service, imposing fines in the thousands of dollars, and then disseminating the Commissioner's findings to all litigants in litigation the process server served process (regardless of whether the litigation was part of the pattern of incorrect or misleading records, or fraudulent service), apparently for the purpose of destroying the process server's credibility and employability because the Commissioner determined there was a pattern of errors, misleading information or what the Commissioner views as fraudulent service. In the undersigned's experience the Department of Consumer Affairs views fraudulent service as service where the party served denies being served with papers, a view which has been expressly rejected by the Courts [see Feldman v. City of New York, Index Nos. 100225/2016, 100287/2016, at 8 - 11 (Sup Ct NY County, 2017)].

The Commissioner has also been derelict in its duty under Code §20-406.4 by failing to develop educational materials identifying the laws and regulations pertaining to service of process in the City of New York. Although there were significant changes to the regulations in 2016, the Commissioner still maintains the purported educational materials dated 2013 on its website.

Council members and the Commissioner act in a manner contrary to law [e.g. NY Constitution Art. IX; NY Mun. Home Rule Law §11(e); NY City Charter §§28(a), 2203(h)(2), 1046, and 1048], yet they require others such as process servers to adhere strictly to the law under threat of harsh penalties and destruction of livelihoods and professional reputations.

If it is the goal of the Council to target a group of undereducated, unsophisticated and underpaid individuals trying to make a living

by performing the public function of process service that many are unwilling or unsuited to perform, under threat of fines of tens of thousands of dollars, and destruction of their livelihood and professional reputations, then this legislation, like the process server regulations all ready on the books, will accomplish this. Since the amendment of the process server regulations in October, 2010 to February, 2014, the regulations have put approximately forty-percent of licensed process servers, mostly minorities and immigrants, out of business without any formal findings of "sewer service" in the context of consumer transactions[1].

After studying the NY Constitution, the Charter, the Code and the Rules, and court decisions applicable to the authority of local governments and business licensing for over six years, in my view the Council exceeds its authority and usurps the authority of the State Legislature and the courts in regulating process servers, the Codes are too imprecise to afford any fair administration, and the Commissioner is derelict in its duty to promulgate clear rules and procedures and to adhere to the limits on its authority. In addition, the Commissioner's staff lacks the professionalism, discipline, and experience in Court and legal practice to act as an objective overseer or enforcer of the activities of process servers.

Respectfully Submitted,

s/ *Tracy J. Harkins*
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1 See Report of Department of Consumer Affairs First Deputy Commissioner Alba Pico to NY Council pursuant to Code 20-409.3 dated February 3, 2014.

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13th December 2018

NYC Council
Committee Housing & Buildings
Council Chambers City Hall
New York NY

RE: Testimony with regard to owner false filings with DOB & HPD

Dear Council Members,

With so many bills being put forward with regard to landlords and developers filing false documents with DOB I felt I should come forward and share my experience with making complaints to both DOB and HPD about my landlord filing false documents with both agencies.

1} DOB

Councilmen Cabrera's bill 1247-2018 calling on DOB to notify tenants of violations written and how the tenant can offer their testimony before the ECB tribunal courts is a good start but lacks a pathway for the tenants to make a complaint when the landlord false certifies a repair with DOB.

In our case the landlord is illegally cutting two parking places into four and is forcing two tenants to share one space while he rents the other space to a car service. This is a violation of the C of O on two counts.. One, its only one space not two as well as its residential parking , not meant for commercial purposes. DOB was called and on 2-2-2017 wrote a violation # 35138123J to cure the parking situation.

The landlord filed a AEU2 Certificate of Correction that was received by DOB on 3- 13-2017. He simply told DOB he remedied the situation and offered one photo along with a statement to document said remedy.

Sadly the landlord didn't stop renting out my car space. DOB informed me to call 311 again, so I did. We went through that a few times but by happenstance, when DOB came out the cars were moved. It appeared that my landlord knew exactly when DOB was coming out to inspect. The inspectors would not take my photo evidence but kept telling me that they have to witness it with their own eyes.

As I didn't' want to waste our City resources playing whack a mole with the landlord I inquired as to how I prove that he fase certified this repair. I was told to submit a sworn affidavit along with evidence.

I offered DOB five sworn affidavit along with almost a hundred photos. That was not good enough, they needed the exact two cars that the DOB inspector had taken a photo of when the original violation was written. I was told to wait for the photo so we could see if any of those I provided showed the same two cars.

On May 19th 2017 I thought my luck had changed.. Right in front of my parking space was a DOB inspector.. The landlord hadn't told the owner of the car serves to move his cars so there were two cars, both service vehicles in my one residencial space. I approached the DOB inspector and informed him of the parking situation and violation, I asked him if he would write another violation. His response was " NO, I'm not here for htat " I told him that my landlord had certified this as corrected and if he could please just note it so we could have his previous certification pulled.. No, he wouldn't write a violation nor even make a note of it. By the time we received the photo from DOB the statute of limitations to false certify was over.

DOB will accept a landlords word and one photo to clear a violation but not the sworn testimony of tenants or our evidence ? These agencies rely on input from the citizens to function yet treat us with contempt.

We would be well served if DOB provided a pathway for the citizens to inform the City of a landlords false certification. The AEU2 Certificate of Correction has a statement at the bottom of the page which informs you that false certification is a crime and punishable by up to $ 50,000 in fines. These fines are meant to prevent landlords from falsely certifying repairs , yet is ineffective if we don't actually use said fines to force compliance.

The landlord is still renting out my car spot..

HPD

My first experience with HPD was in the summer of 2015 when my landlord was trying to clear the building. I found out that our building was rent stabilized pursuant to the 421a program. The landlord however had lied on our leases and hadn't registered with DHCR as he was legally required to. Nor had he finished his 421a application has legally required. After many calls to HPD's 421a office I spoke with Elaine Toribio who was the Director of the Tax Incentives program. I informed her that none of the tenants had rent stabilized leases, the landlord was shared metering with the tenants to provide the gas and hot water for our common area heating, the building wasn't finished and

tenants have been living here prior to the issuance of the C of O. How this landlord was entitled to the 421a tax exemption was a mystery to me.

Her response to my complaint was to have the landlord register our apartments with DHCR as legally required so we could make our DHCR complaints. With regard to tenants living here prior to the C of O, a lease from a tenant from 2008, a DOB violation for building being occupied without a C oF O and an HPD emergency repair was not enough for Ms Toribio to look at our allegation that the building was occupied prior to the C of O. The City has given this landlord nearly $ 40,000 in tax exemptions for a time when the building was occupied which removes him from being eligible for said tax exemption.

As for our allegation that the building wasn't completed. This is the root of a lot of our issues. Mrs. Toribio asked for evidence , all I could provide at the time was that the building didn't match the plans and there is a lot of our building left unfinished.

Her response was.. " Well, he has a C of O so I DON'T CARE.

Point of Fact.. Our building was signed off by Gordon Holder and Artan Mujko, both of whom were busted by DOI in 2015 for taking bribes to sign off incomplete buildings.

On December 1st 2015 I wrote Assistant Commissioner, Housing Incentives Miriam Colon informing her that our building was not complete, the landlord was shared metering with the tenants for gas for our common area heating system , no one has a rent stabilized lease and that we've learned that the landlord claimed he provided gas and fuel on his 421a paperwork making him legally obligated to provide said base service. She wrote me back on December 8th 2015 telling me that they would investigate our claims.

That was the last I heard from HPD's 421a office. When the ProPublica article came out we noticed that there where forged leases in his 421a application. We informed HPD of the forgeries as well as the probable papers which clearly show that the building has been occupied since 2007. They did about the forgeries or anything for the tenants other than throw us at enforcement to deal with our unfinished building and the manny issues that rise from said condition. HPD didn't even bother to look at our allegations until the summer of 2016 when I went to a town hall provided by Council Member Espinal and the Mayor. Informing the Mayor of our issues with our 421a building along with a ProPublica article that was published a few months later spurred some action. By that time HPD had already approved his final certificate of eligibility. They did so knowing that he was not in compliance.

November 22nd 2016 HPD was before this body offering testimony with regard to 421a compliance. Our building along with the ProPublica article were mentioned. HPD testified that they were working with the tenants to address all of our issues, heating among many others.

In truth they haven't offered us any help at all. We've had to fight with HPD for basic repairs . We have asked HPD how to make a complaint with regard or base services as the landlord claims it therefore they must provide it. HPD refuses to provide said pathway.

Black Mold is allowed to be wiped off rather than properly removed. Our common area heating, HPD told my landlord that he doesn't have to provide heating so he can simply rip it out, floors were left undone, the front doors to both buildings are not up to basic code { not self closing or locking } to list a few.

For the last 3 ½ years I have gone round and round with HPD Enforcement . Violations are written only to be removed without the repairs being done.

Take our front door for example..

There have been four violations written to rehang our front door.. I offer you two photos, one from 2016 and one from November 2018.. Does the door look rehung? No, yet HPD refuses to force this repair.

Both doors aren't self closing or locking due to the stricker box which is broken. Many violations have been written for the striker plate too, only to be removed. Does the striker plate look repaired? Yet HPD has removed all the violations off both front doors.

I could offer you videos that demonstrate the non self closing and locking nature of our doors from 2015 to the present. Violations for our door have been revolving and at the end of 3 ½ years its in worse condition than it was years ago.

HPD clearly has an issue with standards. What one inspector finds to be a violation is perfectly okay with other inspectors. This I have witnessed repeatedly over the last 3 ½ years.

Additionally, HPD standards don't rise to basic construction codes. This is especially apparent when our complaints for kitchen cabinet shelves and back panels were mocked. Both of which are required by our construction codes, reference standards AND HPD's renovation standard.

We've had violations for roach infestation written and removed without extermination services being provided.. Every single tenant in both buildings has mice and roaches. In my apartment I had a violation written in 4-5-2017

Violation ID11715691 This violation was removed in October of 2017 based on the landlords word that he would exterminate. He didn't' so I had to once again make 311 complaints. I even began writing the new Commissioner Ms. Santiago to inform her of the our heating that was ripped out, and HPD not writing needed violations.

I included a response from HPD with regard to one of my many letters. HPD states that heating is not required , my cabinets and roach complaint was unfounded. Please take note of the photo of my cabinet and the roach and mice photos. It took a few months before another violation was written. That violation was removed this October as when the inspector showed up with the landlord to remove violations as he stated.. "I have been here almost a minute and haven't seen any roaches" . He was standing in my doorway. I told him we still have serious problems that no extermination had been provided. He points at the floor and informs me that he doesn't' see any dead roaches on my floor.. Vermin carry diseases , I don't leave them on my floor. He removed the violation.

That same day I found 3 mice. Our building is infested. Again it took a few inspections before HPD would write a violation and I had to leave mice feces on my floor as evidence of said infestation. How unsanitary is that?

As for our heating December 2015 HPD told our landlord that he could rip out our common area heating that we had building wide.. We're a rent stabilized building and that heating was a required base service even so HPD has an internal policy that heating is not required per law SO a landlord can remove it if they want too.

The New York Consolidated Laws, Multiple Dwelling Law - MDW § 78. Repairs

1. Every multiple dwelling, including its roof or roofs, and every part thereof and the lot upon which it is situated, shall be kept in good repair. The owner shall be responsible for compliance with the provisions of this section; but the tenant also shall be liable if a violation is caused by his own wilful act, assistance or negligence or that of any member of his family or household or his guest. Any such persons who shall wilfully violate or assist in violating any provision of this section shall also jointly and severally be subject to the civil penalties provided in section three hundred four .

Why is HPD telling landlords that they can intentionally put into a state of disrepair this heating system? The MDW states that buildings must be kept in a state of good repair and not to damage your own building..

Then we have the heating statute

New York Consolidated Laws, Multiple Dwelling Law - MDW § 79. Heating

On and after November first, nineteen hundred fifty-nine, every multiple dwelling shall be provided with heat or the equipment or facilities therefore. During the months between October first and May thirty-first, such heat and the equipment or facilities shall be sufficient to maintain the minimum temperatures required by local law, ordinance, rule or regulation, in all portions of the dwelling used or occupied for living purposes provided, however, that such minimum temperatures shall be as follows:

The heating statute offers a choice as to where to put heating . Either all portions of the building used OR occupid for living spaces. Whenever the words occupied or used are used they must be construed as if to be followed by intended , arranged or designed to be used. There is a choice.. Our developer Sonia Lugo chose to put heating in all portions of the dwelling used.

She put heat in all our apartments, she wanted the building to be warm so she put a radiator in the entrance foyer, the hallway { big enough to heat 3 floors} downstairs in what was to be our laundry room and in the bathroom downstairs we also had a radiator. This was her choice and said choice was removed upon issuance of the C of O. Sadly, Sonia Lugo never saw the completion of her building. The contractor walked out half way through and she got cancer and passed away. The building was never completed BUT the plumbing was already done and the heating working building wide.

This choice became a required base service upon the issuance of our C of O pursuant to

State of New York Codes, Rules and Regulations (NYCRR)

9 NYCRR § 2520.6

(r) Required services.

(1) That space and those services which the owner was maintaining or was required to maintain on the applicable base dates set forth below, and any additional space or services provided or required to be provided thereafter by applicable law. These may include, but are not limited to, the following: repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, elevator services, janitorial services and removal of refuse.

(4) The base dates for required services shall be:

(ii) for housing accommodations subject to the RSL pursuant to section 421-a of the Real Property Tax Law, for building-wide and individual dwelling unit services: the date of issuance of the initial Certificate of Occupancy;

After a few HPD inspections including one ordered via housing court where HPD refused to violate this broken system I I wrote Commissioner Vito and informed him that our common area heating was a required base service. WHY was HPD refusing to violate this intentionally damaged heating system? He had a violation written to repair the broken radiator Violation ID 11081230. The landlord ripped the system out completely and HPD false certified that repair. Additionally HPD had two more violations written to replace two of the radiators..

1} Violation ID 11426746 NOVDescriptionSECTION 27-2005 ADM CODE REPLACE WITH NEW THE MISSING RADIATOR AT PUBLIC HALL, 1st STORY

2} Violation ID 11426787 NOVDescriptionSECTION 27-2005 ADM CODE REPLACE WITH NEW THE MISSING BASEBOARD RADIATOR AT PUBLIC HALL, 1st STORY

Both violations to replace our heating were removed 4-2017 when the landlord put one tiny electrical heater in the hallway. I informed HPD that this was not a comparable exchange and that said heater was causing electrical issues building wide. They don't care nor are they following their own rules.

NYC Administrative Code » Title 27 - CONSTRUCTION AND MAINTENANCE » Chapter 2 - HOUSING MAINTENANCE CODE » Subchapter 2 - MAINTENANCE, SERVICES, AND UTILITIES

Article 8 - HEAT AND HOT WATER

Section 27-2029

§ 27-2029 Minimum temperature to be maintained.

a. During the period from October first through May thirty-first, centrally-supplied heat, in any dwelling in which such heat is required to be provided, shall be furnished so as to maintain, in every portion of such dwelling used or occupied for living purposes:

b. During the period from October first through May thirty-first, all central heating systems required under this article shall be maintained free of any device which shall cause or which is capable of causing an otherwise operable central heating system to become incapable of providing the minimum requirements of heat or hot

water as required by this article for any period of time. This subdivision shall not apply to any safety device required by law, or by a rule or regulation of any city agency, to be used in conjunction with a central heating system.

OR

§ 27-2032 Gas-fueled or electric heaters.

a. Gas-fueled or electric space or water heaters, where permitted by this article as an alternative to a central supply of heat or hot water, shall be governed by the provisions of this section.

b. The capacity, number and location of such heaters shall be such as to furnish the same standard of heat or hot water supply, as the case may be, as is required to be furnished from a central heat or hot water system.

f. Notwithstanding any provision of prior law, it shall be the duty of the owner to keep each such heater in good repair and good operating condition, regardless of the identity of the person originally owning or installing the heater.

Replacing a building wide system with one mia colpa heater that doesn't come close to furnishing the same standard of heating is not in accordance with the laws. In fact it's insulting that the city would allow this as the reason the heating system was removed was so the landlord could evade his legal obligation to provide base services as he claimed.

I have written our Mayor who forwards my complaints about our removed heating to Ms Santiago. Her response is always the same. She quips about the Housing Maintenance code and tells me that no heat is required in common areas. She is ignoring the fact that said heat is a required service or that HPD should NOT be telling landlords to violate state law as its a violation of public policy.

The removal of said heating system has caused other issues. We've had gas leaks on both sides of our buildings. 1355 had gas leaks behind the walls that were found when the landlord tried to clear the DOB violation for gas being supplied without testing. We lived with that leak for years. The gas leak at 1357 was found via a safety sweep provided by our Mayor in the summer of 2016. Thank the Gods I went to that town hall as that gas leak could have taken out half the block. We have black mold, rotting walls, holes where the heating was ripped out, and the plumbing in our once working bathroom downstairs is removed.

Which brings me to our issue with HPD closing out complaints without inspecting.

On 8-1-2018 my complaint for 1357 Decatur with regard to the missing radiators in the unfinished laundry, as well as the fact that the sink has the plumbing removed.

Take note that HPD claims to have inspected yet found NO violation. .

Let's take a look at the photos.. The first photo you see is of the vanity in our unfinished laundry room.. There is black mold, rot , a missing pipe and huge holes around the plumbing..

You also see two huge holes in the ceiling, one from a plumbing pipe exploding , the other exposing a rotting floor beam. The walls are rotting from the bottom up, there is black mold on every wall and the ceiling.

Did HPD inspect? OR did they simply close out the complaint? Either they didn't inspect OR they did and have no standards. Both are problematic.

Thank you to my Council Member Rafael Espinal for contacting HPD and forcing them to inspect. Even so, they still refuse to write a violation for the missing plumbing, holes in the walls or ripped out heating. They wrote a B violation for mold and told the landlord to fix the fire rated ceiling. Nothing about the rotting floor beam.

The New York Consolidated Laws, Multiple Dwelling Law - MDW § 77. Plumbing and drainage

4. The owner of every multiple dwelling or part thereof shall thoroughly cleanse and keep clean at all times, and in good repair, the entire plumbing and drainage system including every water-closet, toilet and sink and every other plumbing fixture therein.

Why is the plumbing in our unfinished laundry satisfactory to HPD? Does it appear to be in a state of good repair?

Furthermore New York Consolidated Laws, Multiple Dwelling Law - MDW § 80. Cleanliness

1. The owner shall keep all and every part of a multiple dwelling, the lot on which it is situated, and the roofs, yards, courts, passages, areas or alleys appurtenant thereto, clean and free from vermin, dirt, filth, garbage or other thing or matter dangerous to life or health.

6. Every dwelling erected after January first, nineteen hundred forty-seven, shall be so constructed as to be rat-proof. The agency of a city authorized by

law to make rules supplemental to laws regulating construction, maintenance, use and area of buildings shall have the power to make rules and regulations to supplement the requirements of this subdivision.

Does our unfinished laundry look clean and rat proof? The holes created when they ripped out the heating are mice entrances and have aided in the infestation of the building. I can show you a video of hundreds of roaches crawling out of the floor vent.

I have written Ms Santiago with regard to this issue, the response is included. Again she quips about us not being entitled to heating in common areas and tells me to go to housing court nad DHCR.

I don't know if this woman is being intentionally obtuse or if her behavior is due to ignorance, both i find problematic .

At this point HPD refuses to answer as to WHY they're refusing to write violations. They are using the excuse that there is litigation that prevents them from commenting.

Let me be very clear.. We the tenants are suing the landlord for overcharges in the supreme court. HPD is cited as they provide the exemption. That has NOTHING to do with HPD's lack of standards, the revolving violations or their unlawful policy with regards to heating.

I would appreciate it if HPD no longer attempts to silence me as it's a violation of my first amendment right to petition my government. I do NOT take this type of Trumpian behavior lightly nor will it be tolerated .

We must work together to insure compliance with our codes. Additionally we must insure that the standards for repairs are in compliance with our basic safety codes which currently they're not.

We must do better..

Sincerely,

Lyric Thompson

DOB right in front of a false certification. Refused to notate or violate

May 19, 2017 at 11:55:00 AM


April 10, 2017 at 1:14:47 PM


April 12, 2017 at 6:19:46 AM


April 12, 2017 at 6:19:50 AM


April 12, 2017 at 10:30:52 AM


April 14, 2017 at 7:27:26 AM


April 14, 2017 at 7:27:34 AM


April 15, 2017 at 7:46:12 AM


April 15, 2017 at 7:46:13 AM


April 16, 2017 at 9:34:22 AM


April 16, 2017 at 9:35:31 AM


April 16, 2017 at 9:35:48 AM


April 17, 2017 at 6:49:32 AM


April 17, 2017 at 6:49:51 AM


April 18, 2017 at 6:34:23 AM


April 18, 2017 at 6:34:33 AM


April 19, 2017 at 6:34:31 AM


April 19, 2017 at 6:34:36 AM


April 19, 2017 at 11:45:02 AM


April 19, 2017 at 11:45:20 AM


April 19, 2017 at 11:45:20 AM


April 20, 2017 at 6:15:52 AM


April 20, 2017 at 7:40:20 PM


April 20, 2017 at 7:40:23 PM


April 21, 2017 at 6:51:38 AM


April 21, 2017 at 6:51:40 AM


April 22, 2017 at 6:17:04 AM


April 22, 2017 at 6:17:20 AM


April 22, 2017 at 6:17:26 AM


April 23, 2017 at 6:48:40 AM


April 23, 2017 at 6:48:54 AM


April 24, 2017 at 6:04:30 AM


April 26, 2017 at 6:03:11 AM


April 26, 2017 at 6:03:18 AM


April 27, 2017 at 6:56:19 AM


April 27, 2017 at 1:41:44 PM


April 28, 2017 at 6:05:27 AM


April 29, 2017 at 6:08:38 AM


April 30, 2017 at 6:17:57 AM


May 1, 2017 at 5:40:11 AM


May 1, 2017 at 2:01:36 PM

May 1, 2017 at 7:34:58 PM

May 2, 2017 at 6:56:03 AM

May 4, 2017 at 5:28:57 AM

May 5, 2017 at 6:14:54 AM

May 6, 2017 at 6:25:56 AM

May 7, 2017 at 6:11:17 AM

May 7, 2017 at 6:20:46 AM

May 8, 2017 at 6:03:18 AM

May 8, 2017 at 7:38:25 PM

May 9, 2017 at 7:47:55 PM

May 9, 2017 at 7:56:44 PM

May 10, 2017 at 6:03:47 AM

May 11, 2017 at 6:02:24 AM

May 12, 2017 at 10:27:23 PM

May 13, 2017 at 6:55:15 AM

May 14, 2017 at 7:12:15 AM

May 15, 2017 at 8:06:26 AM

May 15, 2017 at 8:04:38 PM

May 16, 2017 at 9:21:10 PM

May 17, 2017 at 6:27:15 AM

May 19, 2017 at 6:07:33 AM

May 19, 2017 at 6:16:55 AM

May 19, 2017 at 11:55:00 AM

May 20, 2017 at 8:42:47 AM

May 21, 2017 at 8:45:05 PM

May 22, 2017 at 12:48:47 PM

May 23, 2017 at 6:13:41 AM

May 24, 2017 at 6:41:51 AM

May 25, 2017 at 6:32:13 AM

May 27, 2017 at 6:56:40 AM

May 28, 2017 at 5:38:53 AM

May 29, 2017 at 7:40:14 AM

June 2, 2017 at 6:01:51 AM

June 5, 2017 at 8:21:36 AM

June 6, 2017 at 8:05:16 PM

June 30, 2017 at 6:41:27 AM

July 24, 2017 at 6:42:37 AM

July 27, 2017 at 6:40:02 AM

July 28, 2017 at 6:28:42 AM

July 28, 2017 at 1:12:18 PM

August 4, 2017 at 8:25:53 AM

August 5, 2017 at 6:05:53 AM

August 6, 2017 at 5:58:48 AM

August 7, 2017 at 7:29:33 AM

August 8, 2017 at 8:03:58 PM

August 9, 2017 at 5:10:49 AM

August 10, 2017 at 9:04:27 AM

August 11, 2017 at 5:24:36 AM

August 11, 2017 at 9:35:45 PM

August 12, 2017 at 4:34:58 AM

August 13, 2017 at 8:35:43 AM

August 14, 2017 at 6:24:58 AM

August 15, 2017 at 6:01:26 AM

August 16, 2017 at 6:26:23 AM

August 17, 2017 at 6:54:54 AM

August 18, 2017 at 6:49:08 AM

August 18, 2017 at 10:08:53 AM

August 21, 2017 at 5:57:57 AM

August 22, 2017 at 6:49:15 AM

August 24, 2017 at 4:59:37 AM

August 25, 2017 at 1:42:39 AM

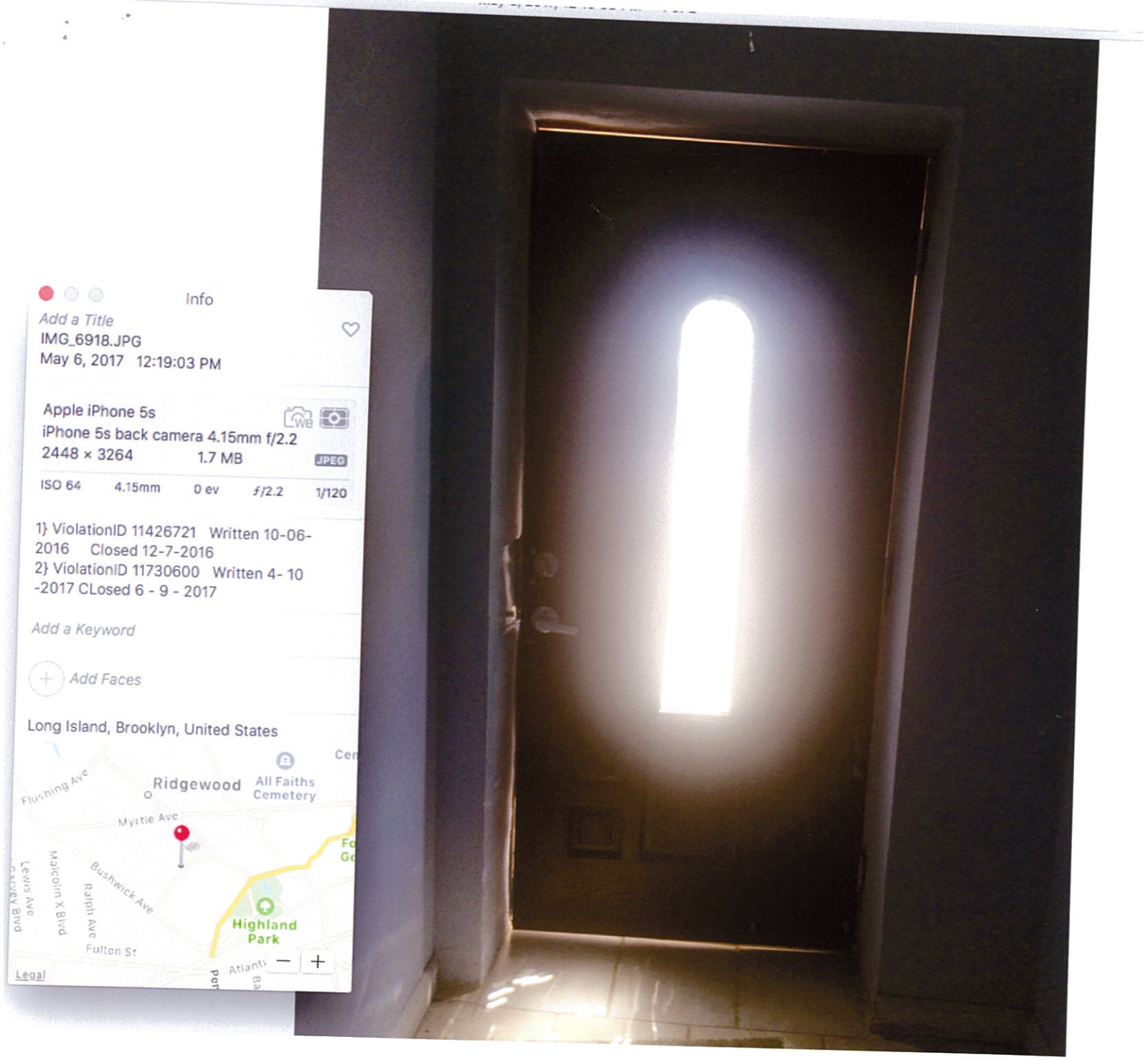
August 25, 2017 at 11:43:58 AM

August 28, 2017 at 4:59:31 AM

September 2, 2017 at 6:26:18 AM

September 5, 2017 at 7:05:26 AM

September 20, 2017 at 6:12:15 AM



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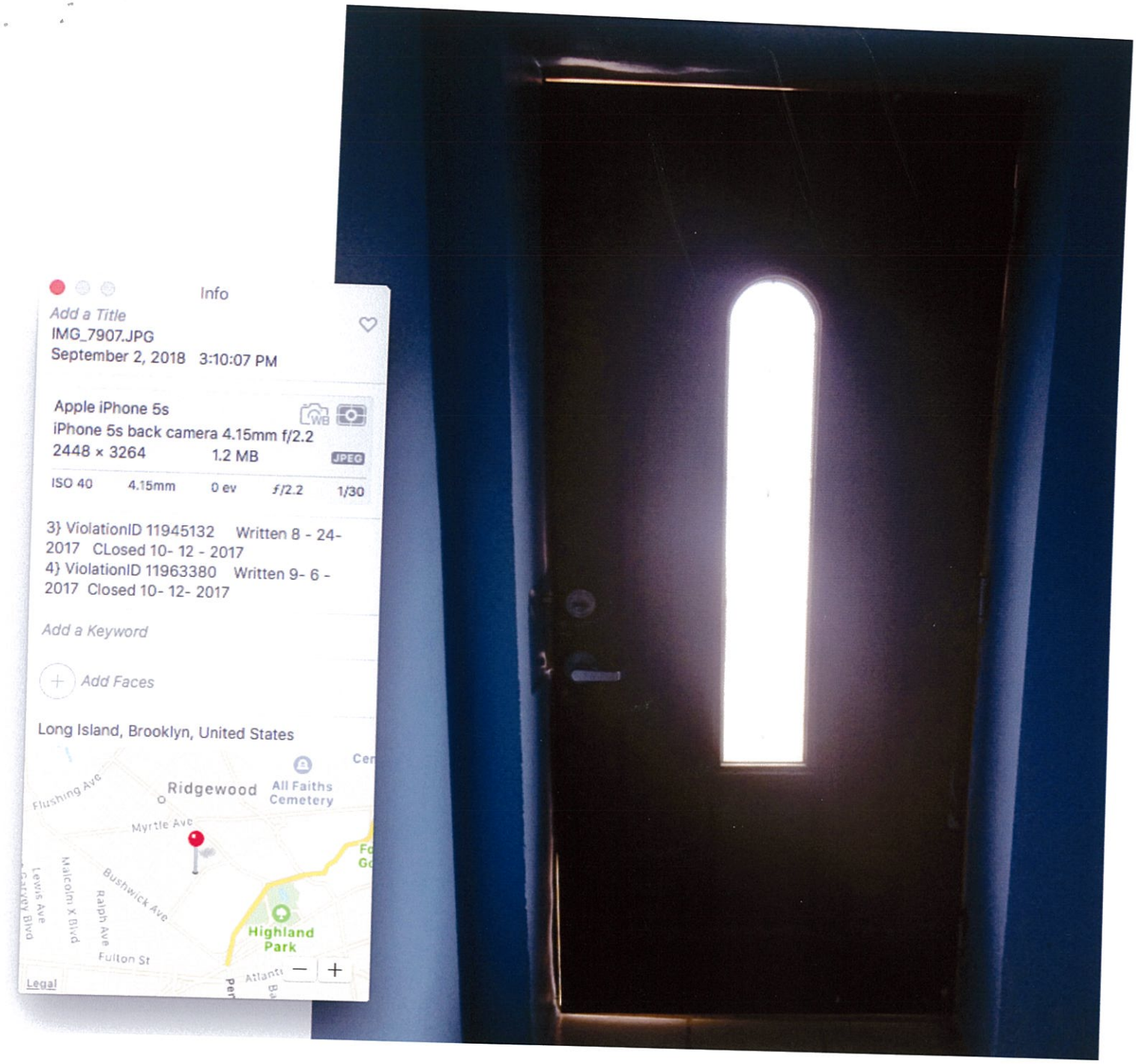


cember 11, 2018 at 6:38:41 AM

May 30, 2016 at 9:23:18 AM

Repair striker plate

June 1, 2016 at 5:50:38 PM

Broken striker plate

June 3, 2016 at 10:02:13 AM

ly 25, 2016 at 8:22:39 AM

HPD accepted repair for striker plate & broken lock

February 5, 2017 at 11:03:36 AM

Striker plate still broken

February 5, 2017 at 11:04:12 AM

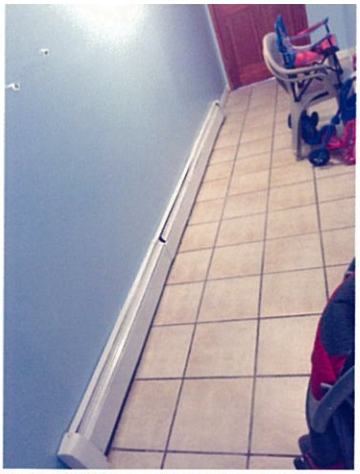
l not repaired , olving violations

6, 2017 at 12:29:26 PM

August 18, 2017 at 10:07:33 AM

HPD says this is repaired.

November 29, 2018 at 9:32:03 AM

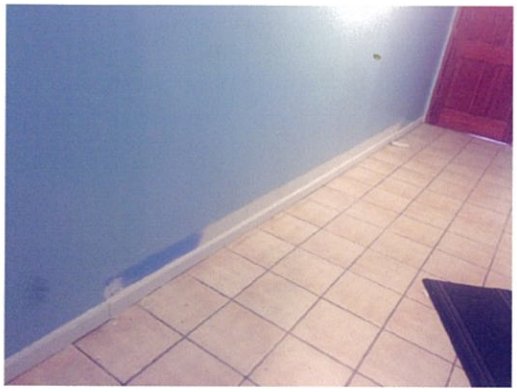


August 4, 2015 at 11:03:51 AM

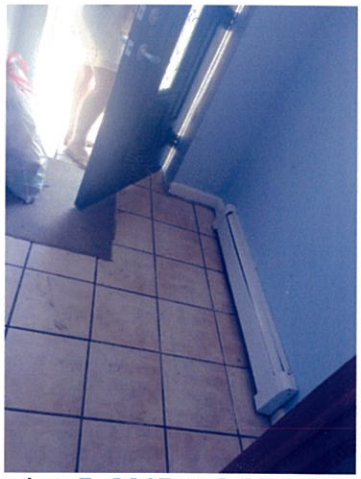
Removal heating 1355
February 3, 2016 at 10:13:43 AM

Pipes that had to be cut to remove heating 1355
February 3, 2016 at 10:14:07 AM

cocked over pipe 1355
February 4, 2016 at 9:37:36 AM



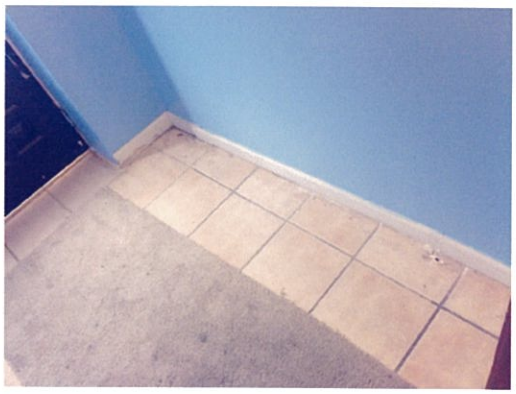
heating is gone.. 1355
February 4, 2016 at 9:37:27 AM



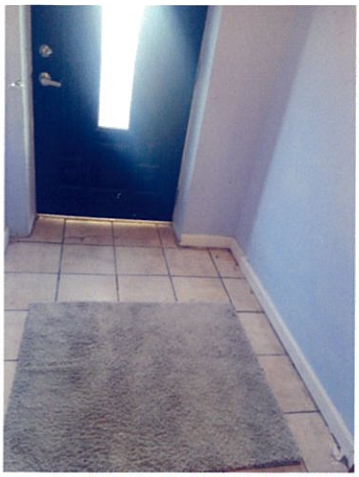
September 5, 2015 at 2:05:58 PM

foyer heating removed
February 4, 2016 at 9:37:50 AM

cut pipe
February 14, 2016 at 9:00:18 AM



foyer heating gone
October 12, 2017 at 8:56:01 AM



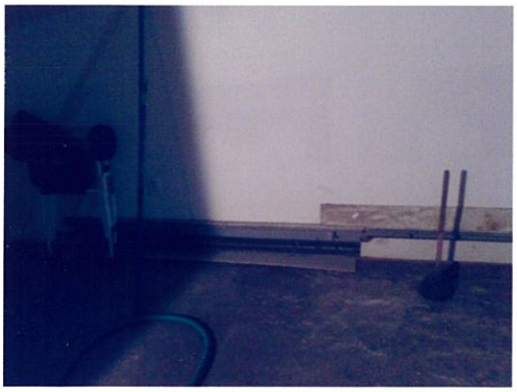
February 6, 2016 at 3:30:34 PM

heating in common area bathroom 1355

August 11, 2015 at 5:41:54 PM

heating removed common area bathroom 1355

January 30, 2017 at 11:16:01 AM



basement/ laundry heating

August 11, 2015 at 5:41:13 PM

cut pipes basement to removed hot water system

January 12, 2016 at 9:42:53 AM

More cut pipes to rip out hot water heatign 1355

January 12, 2016 at 9:42:57 AM

January 12, 2016 at 9:43:04 AM

gasline removal due to leaks 1355

April 13, 2017 at 10:26:29 AM

One to replace 6 that were removed? Ah no

May 2, 2017 at 2:29:54 PM

The City of New York
Department of Housing Preservation and Development
Division of Code Enforcement

Open Violation Summary Report

For The Following Selected Criteria: From Date - All Through Date - All, Viol Hazard Code - All, Violation Order No. - 501, Apt No. - All, Violation Category. -

Building Location:

Address: 1355 DECATUR STREET Range: 1355-1355
Boro: BROOKLYN Zip: 11237 CD: 4
Block: 03431 Lot: 0028 Census Tract: 40900

Building Profile:

A Units: 3 Ownership/Prog: *PVT*
B Units: 0 Bldg Class: HEREAFTER ERECTED CLASS A
No. of Stories: 3
MDR #: 382789

Last Insp Dt: 02/26/2016
ERP Repair Ind: Y
Last ERP: 12/12/2010

HPD Registration Information

Owner Type	Last Valid Reg. Date	Organization	Last Name	First Name	Boro	House No.	Steet Name	Apt.	City	State
Officer	10/06/2015	DECATUR ASSETS LLC	TEHRANI	FRANK		172-13	HILLSIDE AVENUE	201	JAMAICA	NY
MANAGING AGENT	10/06/2015		TEHRANI	FRANK		172-13	HILLSIDE AVE	201	JAMAICA	NY

Story	*Apt*	*Date Reported*	*Hazard Class*	*Order No*	*Violation Seq No*	*Item No*	*Violation Status*	*Status Dt*	*Certification Status*	*NOV Issue Dt*	*Cert Due Date*	*Cert Rcvd*	*Reinspect Dt*
1		01/19/2016	B	501	11081230		CIV10 MAILED	02/29/2016	FALSE CERT	01/25/2016	03/14/2016	02/22/2016	02/26/2016

Viol Desc § 27-2005 ADM CODE PROPERLY REPAIR THE BROKEN OR DEFECTIVE BASEBOARD RADIATOR AT PUBLIC HALL, 1st STORY

Total Open Violations for the Bldg: 11 A = 0 B = 11 C = 0 I = 0 Other = 0

Total Open Violations for the Bldg for the selected criteria: 1 A = 0 B = 1 C = 0 I = 0 Other = 0

For The Following Selected Criteria: From Date - All Through Date - All, Viol Hazard Code - All, Violation Order No. - 501, Apt No. - All, Violation Category. -

Department of
Housing Preservation
& Development
nyc.gov/hpd

Office of Enforcement &
Neighborhood Services
100 Gold Street
New York, N.Y. 10038

MARIA TORRES-SPRINGER
Commissioner
ANNMARIE SANTIAGO
Acting Deputy Commissioner

February 26, 2018

Lyric Thompson
1355 Decatur Street, #3
Brooklyn, NY 11237-6403

Dear Ms. Thompson:

I am writing in response to your message to Mayor de Blasio, a copy of which was forwarded on your behalf to the Department of Housing Preservation and Development, concerning the removal of heating devices from the public hallways of your building.

The New York City Housing Maintenance Code states that during the heat season, October 1st through May 31st, residential building owners are required to provide heat in every portion of a dwelling that is used for living purposes. Owners are not required to heat public hallways because these spaces are not designed for living purposes. In actual dwelling units owners must provide heat at a minimum temperature of 68° Fahrenheit from 6:00 a.m. until 10:00 p.m., if the outside temperature falls below 55 ° Fahrenheit and at a minimum of 62° Fahrenheit from 10 p.m. until 6:00 a.m., regardless of the outside temperature.

With regard to the shelving in your apartment, an inspector from the Brooklyn Code Enforcement office conducted an inspection on November 21st, 2017 in response to your most recently reported 311 complaint, which concerned roaches and damaged or missing kitchen cabinets. The inspection found no cause to warrant the issuance of violations.

To report future complaints please contact the City's Citizen Service Center by dialing 311 or visiting their website, www.nyc.gov/311. Once a complaint has been made, it will be referred to the appropriate jurisdictional agency. You may inquire about the status of a housing maintenance complaint by calling HPD's Tenant Information Message Service at 212-863-8307, or by visiting our website at www.nyc.gov/hpd.

Thank you for bringing this matter to our attention.

Sincerely,

AnnMarie Santiago

October 14, 2017 at 10:38:58 AM

October 14, 2017 at 10:40:28 AM

October 14, 2017 at 10:42:02 AM

October 14, 2017 at 10:43:49 AM

October 14, 2017 at 10:45:48 AM

October 14, 2017 at 10:46:34 AM

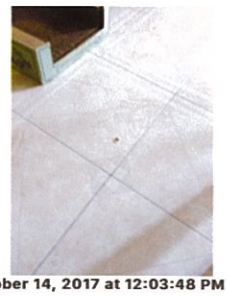
October 14, 2017 at 11:59:30 AM

October 14, 2017 at 12:01:15 PM

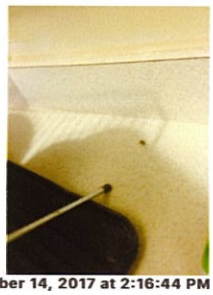
October 14, 2017 at 12:02:27 PM

October 14, 2017 at 12:02:37 PM

October 14, 2017 at 12:03:46 PM

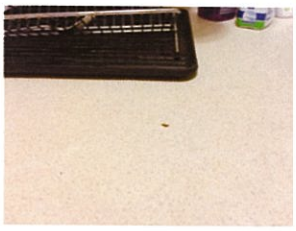


October 14, 2017 at 12:03:48 PM



October 14, 2017 at 2:16:44 PM

October 14, 2017 at 2:16:49 PM



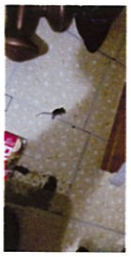
October 14, 2017 at 2:18:18 PM

October 18, 2018 at 3:44:57 PM

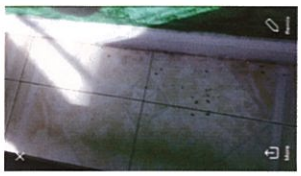
October 18, 2018 at 4:09:02 PM

October 18, 2018 at 4:09:09 PM

October 18, 2018 at 9:04:55 PM



1357 # 1
November 4, 2018 at 10:10:42 PM



Mouse feces
November 28, 2018 at 10:43:03 AM

IPD#	Range	Block	Lot	CD	CensusTract	Stories	A Units	B Units	Ownership	Registration#	Class
13840 Active	1357-1357	03431	0128	4	40900	3	3	-	PVT	382790	E

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Complaint Status
Estado de Queja

**** Please Note this report will only display complaints associated with this building ****

Complaint status can be obtained 24 hours after a complaint has been filed with 311.

All open violations may be viewed by clicking the 'All Open Violations' or the 'Prior Year Open Violation' links to the left.

Search by (•) Complaint ID ( ) SR Number

A Complaint ID is provided by 311 at the time you filed the complaint. If you do not know your complaint number, click on 'Complaint History' button in the left hand column of this page and you should be able to identify your complaint conditions and obtain the correct complaint number.

Enter a Complaint ID: 9128216

Clear 8-1-2018 Submit Clear

Address: 1357 DECATUR STREET, Brooklyn 11237 APT #BLDG

5 Problems Reported to HPD

The Department of Housing Preservation and Development inspected the following conditions. No violations were issued. The complaint has been closed.

BRKN OR MISSING	RADIATOR	BASEMENT
BRKN OR MISSING	RADIATOR	COMMUNITY BTHRM
BRKN OR MISSING	RADIATOR	LOBBY
BRKN OR MISSING	RADIATOR	PUBLIC HALL
PIPE-BROKEN	BASIN/SINK	COMMUNITY BTHRM

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with it.

If you require information regarding a complaint older than 1 year, you may contact HPD at any of the Borough Office locations to request a copy. There may be a fee for any requested copies.

TENANTS: If your landlord does not correct the condition(s), you have the right to initiate a tenant action against him/her in Housing Court. The Court has the authority to order the landlord to correct the condition(s) and can assess penalties for failure to comply. There is a $45 fee to file, which the Court may waive if you are unable to pay. For further information on the court process, you can call the Citywide Task Force on Housing Court at 212-962-4795, weekdays between 2 PM and 5PM.

LANDLORDS: Take immediate action to correct the conditions cited below. Failure to comply may result in the issuance of a violation and/or Housing Court action.

Find Apartment# Clear Search

Complaint Date	Complaint#	SR#	Apt#	Complaint Condition	Condtion Detail	Location
07/27/2018	9128216	1-1-1595312122	BLDG	RADIATOR	BRKN OR MISSING	BASEMENT
07/27/2018	9128216	1-1-1595312122	BLDG	RADIATOR	BRKN OR MISSING	COMMUNITY BTHRM
07/27/2018	9128216	1-1-1595312122	BLDG	RADIATOR	BRKN OR MISSING	LOBBY
07/27/2018	9128216	1-1-1595312122	BLDG	RADIATOR	BRKN OR MISSING	PUBLIC HALL
07/27/2018	9128216	1-1-1595312122	BLDG	BASIN/SINK	PIPE-BROKEN	COMMUNITY BTHRM
07/05/2018	9107935	1-1-1585565732	3	RADIATOR	BRKN OR MISSING	LOBBY
07/05/2018	9107935	1-1-1585565732	3	RADIATOR	BRKN OR MISSING	PUBLIC HALL
07/05/2018	9107935	1-1-1585565732	3	RADIATOR	BRKN OR MISSING	BASEMENT
07/05/2018	9107935	1-1-1585565732	3	BASIN/SINK	PIPE-BROKEN	COMMUNITY BTHRM
07/04/2018	9107345	1-1-1585129172	1FL	REFRIGERATOR	BROKE DOOR SEAL	KITCHEN
06/29/2018	9101851	1-1-1583105122	BLDG	BASIN/SINK	PIPE-BROKEN	COMMUNITY BTHRM
06/29/2018	9101851	1-1-1583105122	BLDG	RADIATOR	BRKN OR MISSING	PUBLIC HALL
06/29/2018	9101851	1-1-1583105122	BLDG	RADIATOR	BRKN OR MISSING	LOBBY
06/29/2018	9101851	1-1-1583105122	BLDG	RADIATOR	BRKN OR MISSING	BASEMENT
06/05/2018	9079787	1-1-1572011512	123	DOOR FRAME	FRAME BROKEN	LOBBY
06/05/2018	9079787	1-1-1572011512	123	DOOR	NOT SELF CLOSE	PUBLIC HALL
06/05/2018	9079787	1-1-1572011512	123	BASIN/SINK	PIPE-BROKEN	COMMUNITY BTHRM
06/05/2018	9079787	1-1-1572011512	123	RADIATOR	BRKN OR MISSING	COMMUNITY BTHRM
06/05/2018	9079787	1-1-1572011512	123	RADIATOR	BRKN OR MISSING	BASEMENT
06/05/2018	9079787	1-1-1572011512	123	DOOR	LOCK BRKN/MISS	LOBBY
06/05/2018	9079787	1-1-1572011512	123	RADIATOR	BRKN OR MISSING	LOBBY
06/05/2018	9079775	1-1-1572011362	2	WINDOW FRAME	LOOSE/DEFECTIVE	ENTIRE APT
06/05/2018	9079775	1-1-1572011362	2	SLOWLEAK	AT WALL/CEIL	LIVING ROOM
06/05/2018	9079772	1-1-1571992812	3	DOOR	BRKN / MISSING	OTHER
06/05/2018	9079772	1-1-1571992812	3	FLOOR	BRKN/DEFECTIVE	PRIVATE HALL
06/05/2018	9079772	1-1-1571992812	3	FLOOR	BRKN/DEFECTIVE	LIVING ROOM


Gain

Rotting vanity

August 5, 2018 at 10:22:10 AM

August 5, 2018 at 10:22:26 AM

Missing pipe, mold, rat enterance HPD refuses to write a violation.

August 5, 2018 at 10:22:37 AM

August 4, 2018 at 2:10:50 PM

How did HPD miss these huge holes?
August 5, 2018 at 10:23:01 AM

Crack in ceiling is back..
August 5, 2018 at 10:24:21 AM

August 4, 2018 at 2:12:02 PM

Moldy insulation & rotting beam
August 5, 2018 at 10:27:46 AM

Rotting wall
August 4, 2018 at 2:11:15 PM

removed heating
August 4, 2018 at 2:12:50 PM

mold eating bottom of walls
August 4, 2018 at 2:14:29 PM

removed heating & jacked outlet
August 5, 2018 at 10:23:59 AM

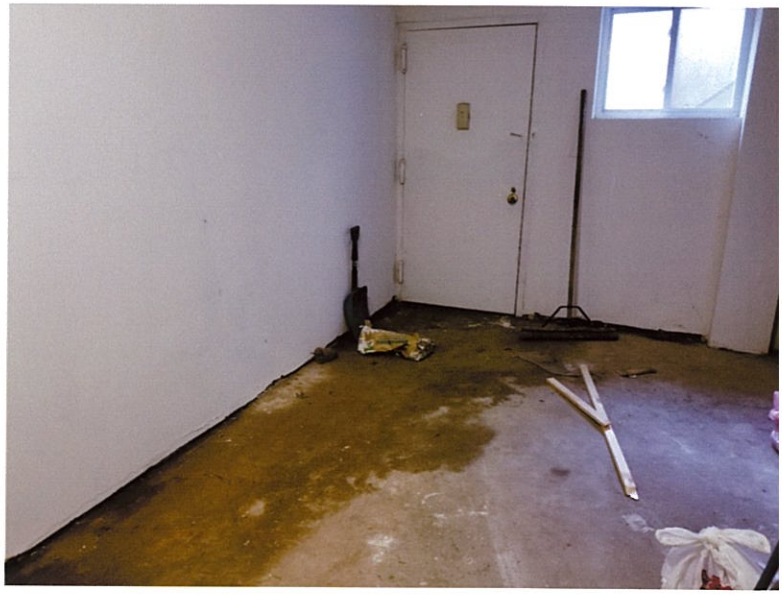
No violation here?
August 5, 2018 at 10:23:13 AM

Mold is back, same place as two years ago
August 5, 2018 at 10:24:52 AM

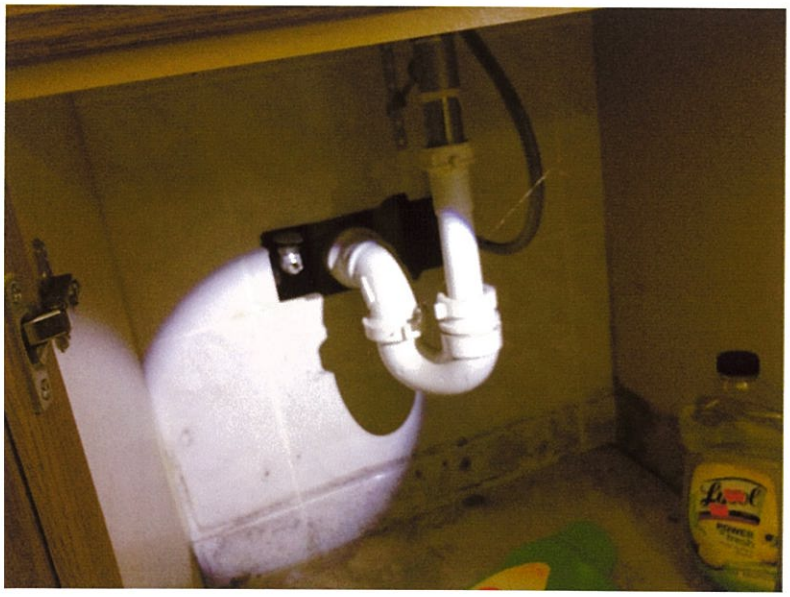
Mold
August 5, 2018 at 10:25:07 AM

rotting walls & removed heating.
August 5, 2018 at 10:26:29 AM

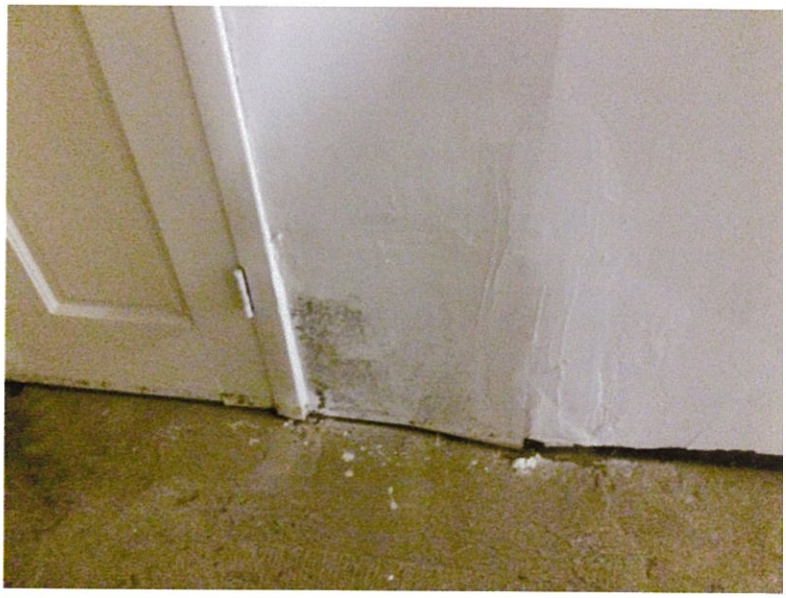
rotting walls
August 5, 2018 at 10:28:06 AM



Rotting walls, removed radiator..
August 5, 2018 at 10:29:12 AM



Taken during the HPD inspection.. No violation? Missing pipe, mold, open unsealed around pipes, rat enterance , rotting
September 9, 2018 at 10:41:44 AM



Mold is rapidly spreading
August 29, 2018 at 11:50:38 AM

Gmail lyric thompson <lyricdthompson@gmail.com>

Margie, please pass this along 1355 &1357 Decatur.

2 messages

lyric thompson <lyricdthompson@gmail.com> Mon, Sep 17, 2018 at 10:24 AM
To: "Seabrook, Margie (HPD)" <seabroom@hpd.nyc.gov>, "Ferrigno, Mario (HPD)" <FERRIGM@hpd.nyc.gov>, ejohnson@doi.nyc.gov, Millie Sandoval <msandoval@bka.org>, "Espinal, Rafael" <REspinal@council.nyc.gov>

Dear Commissioner Maria Torres-Springer ,
I'm writing you today with regard to 1355 & 1357 Decatur street Brooklyn NY 11237.

There are many issues in our 421a building that include but are not limited to our building is not finished, mold, leaks, plumbing issues and our common area heating which HPD allowed landlord Alen Paknoush to rip out to list a few. HPD refuses to write violations for the heating as well as cut pipes in the once common area bathroom. { Our landlord now refuses access due to us making complaints about the gas line tampering. } This was also ruled illegal by DHCR.

The common area heating in our building was a required base service pursuant to the rent stabilization laws. The removal DHCR has determined was illegal. The fact is, our building was built to be owner occupied which is WHY the previous owner had claimed fuel and gas on the 421a paperwork. As stated in the 421a rules, if you claim gas and fuel you must provide it.

HPD has told me repeatedly that they cannot write a violation for the heating
1} between 2015- 2016 the excuse was, landlords don't have to provide it in common areas regardless of the Rent stabilization laws. He can rip it out if he wants.

2} Then in 2016 it changed too.. if its there it must be maintained..

3} Vito had a violation written and said repair was false certified due to the landlord ripping the system out.

4} HPD wrote 2 violations only to remove them when he put a electrical heater in the hallway. This is NOT an accepted repair by DHCR standards . Nor does it make sense to allow a landlord to hack out 6 radiators and replace it with ONE small one that gets turned off . yet HPD removed both violations and told me once again that the landlord doesn't have to provide it SO ..

Then we have the issues that HPD refuses to write violations for. Ive written Mario Fariggno as well as Mari Ann Santiago with NO resolve .

HPD inspectors have closed out complaints without bothering to inspect and HPD refuses to write violations for the bathroom in our laundry/ basement even though there are ripped out pipes, and a rotting vanity.

But HPD can do something about it..

NYC Administrative Code
Title 27 - CONSTRUCTION AND MAINTENANCE » Chapter 2 - HOUSING MAINTENANCE CODE » Subchapter 4 - ADMINISTRATION » Article 1 - POWERS AND FUNCTIONS OF THE DEPARTMENT

§ 27-2091 Power to issue orders.
a. The department shall have power to issue notices and orders to secure compliance with the requirements of this code, of the multiple dwelling law, and of other state and local laws that impose requirements on dwellings.

c. The department shall have the power to issue an order to correct any underlying condition existing in a building that has caused or is causing a violation of this code, of the multiple dwelling law, or of other state and local laws that

impose requirements on dwellings.

As stated in § 27-2091 HPD has the power to issue an order to correct any underlying condition that has or is causing a violation of the maintenance code, the MDL or of other state laws.. The rent stabilization laws impose requirements on dwellings therefor HPD does have the power & authority to order this violation of the RSL to be corrected.

Where the MDL does offer landlords a choice as to where to install heating { in all portions fo the dwelling used OR occupied for living purposes } that choice was removed in case when the building received its C of O

Pursuant to the Rent stabilization law.

9 NYCRR § 2520.6 R.1
(1) That space and those services which the owner was maintaining or was required to maintain on the applicable base dates set forth below, and any additional space or services provided or required to be provided thereafter by applicable law. These may include, but are not limited to, the following: repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, elevator services, janitorial services and removal of refuse.

(4) The base dates for required services shall be
(ii) for housing accommodations subject to the RSL pursuant to section 421-a of the Real Property Tax Law, for building-wide and individual dwelling unit services: the date of issuance of the initial Certificate of Occupancy;

When 1355 & 1357 C of O was issued we had a working hot water heating system that was building wide.. DHCR has determined that said common area heating was illegally removed as well as a require base service . We had a radiator in the entrance foyer, the hallway, 3 radiators which heated our laundry room which is in reality an unfinished basement and a radiator in the bathroom in said basement . I've included a photo of the vanity..

Is there some reason that the unfinished basement which according to the plans was a laundry room is exempt from being kept in a state of good repair?

I would be remiss if I didn't add how shocked I am at the behavior of HPD to date. One would think that HPD would stand with the tenants against a landlord who forged documents for his 421a application , paid Gordon Holder and Artan Mujko to sign off on an unfinished building and who lied to the tenants about the legal status of the building .. Oh let me not leave out the shared metering. But HPD KNEW about the shared metering BEFORE you gave him the final certificate of eligibility. Imagine how shocked I was when I saw that he claimed fuel & gas.

We want resolve.. Its going on year 4 and that is ridiculous. No citizen should have to deal with a housing agency for years upon years.

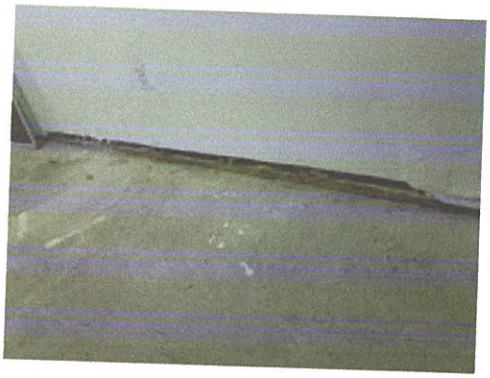
I respectfully ask that you use the power vested in HPD via § 27-2091.C
and issue an order to correct said violation of the RSL and in doing so bring much needed relief to the tenants of both buildings.

In closing .. I would also ask that HPD enforcement no longer try to silence me via the " she's suing us" excuse. The tenants of our building are suing the landlord for overcharges and HPD is cited as HPD doles out the 421a exemption. Lets not pretend that removes me from being able to discuss a lack of enforcement . It's a pale attempt to violate my first amendment right, so please ,lets not go there.

Thank you and I look forward to hearing from you,
Lyric

2 attachments

20180805_102237.jpg
3277K



20180804_141250.jpg
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lyric thompson <lyricdthompson@gmail.com>
To: lbrea@council.nyc.gov

Wed, Sep 19, 2018 at 10:09 AM

[Quoted text hidden]

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2 attachments

20180805_102237.jpg
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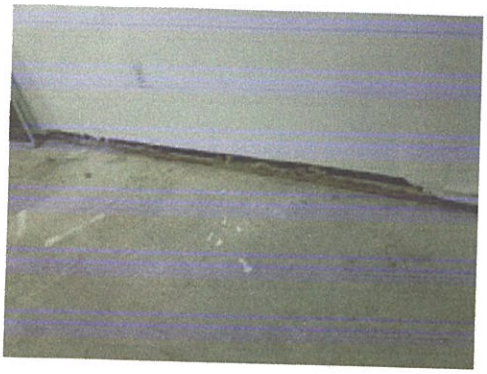
20180804_141250.jpg



5381K

Gmail

City of New York Auto Acknowledgment Correspondence # 1-1-1618902426

reply@customerservice.nyc.gov <reply@customerservice.nyc.gov> Mon, Sep 17, 2018 at 11:38 AM
Reply-To: reply@customerservice.nyc.gov
To: LYRICDTHOMPSON@gmail.com

Dear LYRIC THOMPSON:

Thank you for contacting the City of New York. Your message has been forwarded to the appropriate agency for review and handling.

For future reference, your service request number is 1-1-1618902426.

Sincerely,

The City of New York

This is an auto-generated system message. Please do not reply to this message. Messages received through this address are not processed.

Thank you.

The information you have provided is as follows:
Form: Customer Comment
Topic: CASE
Name: LYRIC THOMPSON
Street Address:
City, State Zip: ,
Country:
Email: LYRICDTHOMPSON@GMAIL.COM
Company:
Work Phone: (212) 470-5170
Message:
Dear Mayor De Blasio ,

We could really use your help. In fact Ive reached out previously without result and even spoke with you on the Brian L show. Still nothing.
HPD allowed my landlord to rip out our common area heating. First they said he didnt have to have it there and the rent stabilization law didnt matter. THEN that changed to , he has to maintain it THEN oh its gone? We cant do anything about it and in fact theyve on more than one occasion has closed out complaints without inspecting. We have hacked at plumbing that HPD refuses to violate. Yes, I have evidence. WHY? Because thats how I roll.

This is our 4th heating season were entering into without said required service and I find that YES HPD CAN write an order to correct. Its actually in their job description..

NYC Administrative Code
Title 27 - CONSTRUCTION AND MAINTENANCE » Chapter 2 - HOUSING MAINTENANCE CODE » Subchapter 4 - ADMINISTRATION » Article 1 - POWERS AND FUNCTIONS OF THE DEPARTMENT

§ 27-2091 Power to issue orders.
a. The department shall have power to issue notices and orders to secure compliance with the requirements of this code, of the multiple dwelling law, and of other state and local laws that impose requirements on dwellings.

c. The department shall have the power to issue an order to correct any underlying condition existing in a building that has caused or is causing a violation of this code, of the multiple dwelling law, or of other state and local laws that impose r...

· · Please Note this report will only display complaints associated with this building · ·

Complaint status can be obtained 24 hours after a complaint has been filed with 311.

All open violations may be viewed by clicking the 'All Open Violations' or the 'Prior Year Open Violation' links to the left.

Search by ○ Complaint ID ◉ SR Number

A Service Request(SR) number was provided to you at the time you filed your complaint with 311.
You can enter that Service Request number below(please include dashes)

Enter SR Number: 1-1-1636399142

10-26-2018

Submit Clear

Address: 1355 DECATUR STREET, Brooklyn 11237 APT #3

6 Problems Reported to HPD

The Department of Housing Preservation and Development inspected the following conditions. No violations were issued. The complaint has been closed.

BRKN / MISSING	DOOR	BLDG ENTRANCE
ROACHES	PESTS	BASEMENT
BASIN BKN OR DE	BASIN/SINK	COMMUNITY BTHRM
BRKN OR MISSING	RADIATOR	COMMUNITY BTHRM
NOT SELF CLOSE	DOOR	FIRE STAIRS/TWR
BRKN OR MISSING	RADIATOR	PUBLIC HALL

Complaint Status

Estado de Queja

**** Please Note this report will only display complaints associated with this building ****

Complaint status can be obtained 24 hours after a complaint has been filed with 311.

All open violations may be viewed by clicking the 'All Open Violations' or the 'Prior Year Open Violation' links to the left.

Search by ○ Complaint ID ◉ SR Number

A Service Request(SR) number was provided to you at the time you filed your complaint with 311.
You can enter that Service Request number below(please include dashes)

Enter SR Number: 1-1-1641847292

11-8-2018

Submit Clear

Address: 1355 DECATUR STREET, Brooklyn 11237 APT #3

9 Problems Reported to HPD

The Department of Housing Preservation and Development inspected the following conditions. No violations were issued. The complaint has been closed.

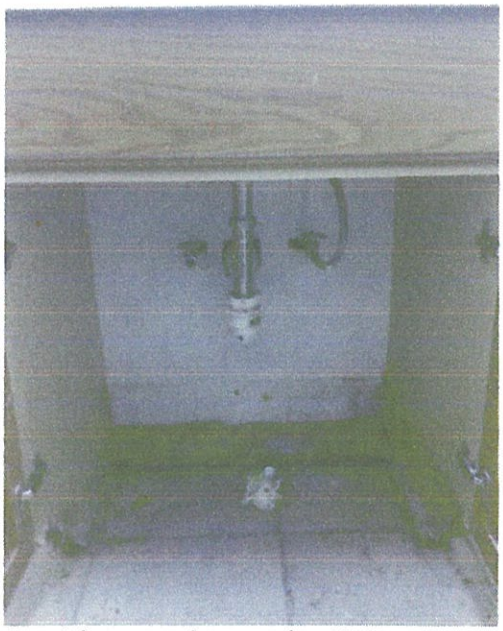
DISCONNECT APT	RADIATOR	BASEMENT
COLLAPSING/FALL	WALLS	LAUNDRY ROOM
BULGING	WALLS	COMMUNITY BTHRM
NOT SELF CLOSE	DOOR	PUBLIC HALL
BRKN / MISSING	DOOR	BLDG ENTRANCE
PIPE-BROKEN	BASIN/SINK	COMMUNITY BTHRM
N/A	MOLD	LAUNDRY ROOM
NO WATER	WATER-SUPPLY	COMMUNITY BTHRM

The Department of Housing Preservation and Development inspected the following conditions. Violations were issued.

FRAME BROKEN	DOOR FRAME	BLDG ENTRANCE

October 24, 2018 at 12:06:55 PM

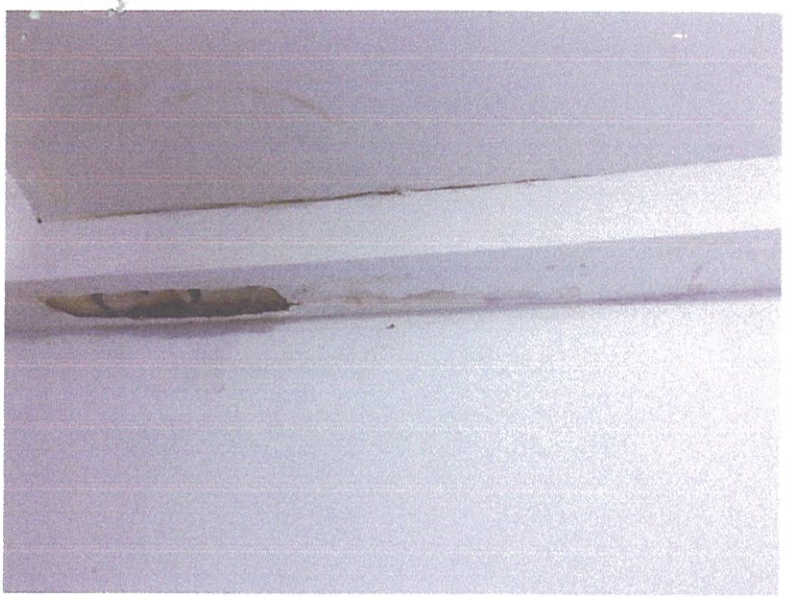
October 24, 2018 at 12:10:11 PM



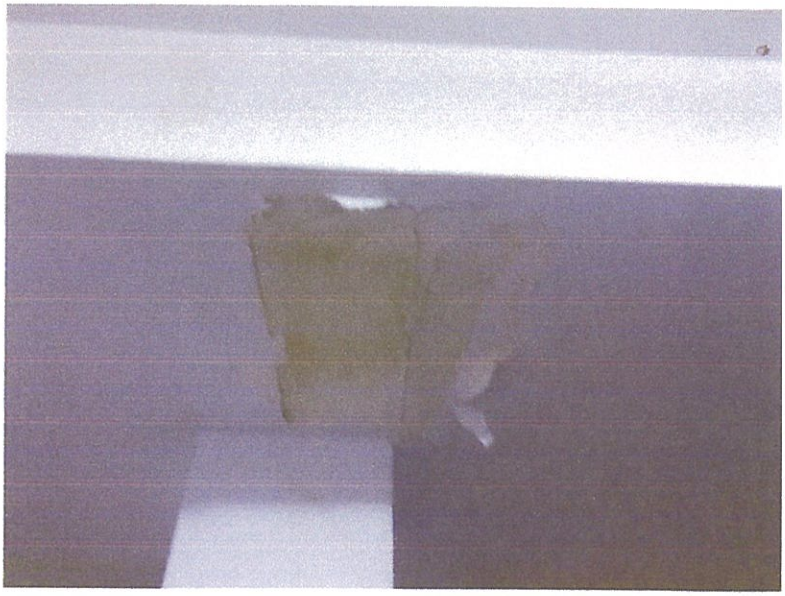
Removed plumbing, rotting vanity HPD refuses to write a violation for this WHY?

October 24, 2018 at 12:07:03 PM

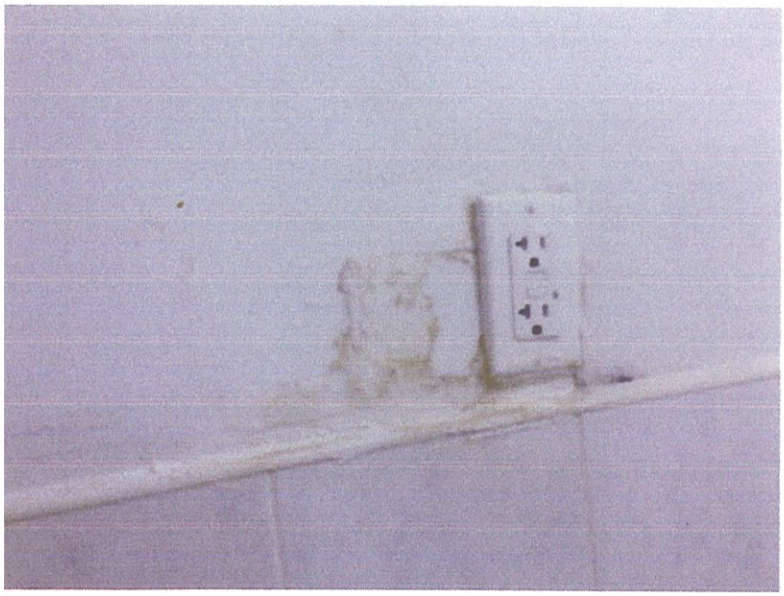
October 24, 2018 at 12:07:32 PM



October 24, 2018 at 12:07:47 PM



October 24, 2018 at 12:09:12 PM



October 24, 2018 at 12:10:18 PM

NYC
Department of
Housing Preservation
& Development
nyc.gov/hpd

Office of Enforcement &
Neighborhood Services
100 Gold Street
New York, N.Y. 10038

MARIA TORRES-SPRINGER
Commissioner
ANNMARIE SANTIAGO
Deputy Commissioner

September 19, 2018

Lyric Thompson
1355 Decatur Street, #3
Brooklyn, NY 11237-6403

Dear Ms. Thompson:

I am writing in response to your September 17, 2018 message to Mayor de Blasio, a copy of which was forwarded on your behalf to the Department of Housing Preservation and Development, concerning the removal of heating devices from the public hallways of your building.

I responded to you regarding this matter, in writing, on February 26, 2018 (copy enclosed). To reiterate, owners are not required to heat public hallways because these spaces are not designed for living purposes. Article 8, Section 27-2029 of the New York City Housing Maintenance Code states that during the period from October 1 through May 31, centrally supplied heat, in any dwelling in which such heat is required to be provided, shall be furnished so as to maintain in every portion of such dwelling used or occupied for **living purposes.** Basements, public halls and bathrooms are not considered living spaces. There is no requirement in the code against which HPD would issue an order related to public hall heating. As you are aware, this issue is most appropriately addressed by the NYS Homes and Community Renewal. My understanding from HCR and you is that HCR is addressing this matter.

Since my last correspondence to you dated June 15, 2018 (copy enclosed), the Brooklyn Code Enforcement Office conducted seven (7) inspections at your building, including one at your request to be conducted by Supervising Inspector Thomas Mulligan. These inspections resulted in the issuance of twenty-three (23) violations instructing the landlord to correct the conditions.

I have enclosed a Violation Summary Report detailing the open violations on record for your building. There is an open tenant action in Housing Court, returnable in early October. I trust that the court will appropriately address any issues that fall under the court's jurisdiction.

For future complaints regarding maintenance conditions in your apartment or building, please call the City's Citizen Service Center at 311.

Thank you for bringing this matter to our attention.

Sincerely,

AnnMarie Santiago

Encl.

2 YEARS OF HARASSMENT AT A GLANCE

WWW.MYHARASSMENTSTORY.COM

- ✔ Prologue: The evicted old lady I took in tries to take my apartment!
- ✔ The old lady drops the Protection Order & the JackHammering starts!
- ✔ The 1st bedroom slegehammer hole
- ✔ The accidents increase after the old lady moves out after I jumpstart her PR career
- ✔ Silverstone Starts an Eviction Process for Me
- ✔ New paint over my 20 year old paint was requested
- ✔ My Paint dates are denied at the last minute?
- ✔ Can a 3 day paint job be done in 2 days?
- ✔ Tenants moving IN, then moving OUT. Why? Part 1 of 2
- ✔ Tenants moving IN, then moving OUT. Why? Part 2 of 2

I urge you to vote **NO** on Council Member Cornegy's bill

Titled Int 1258
A local law to amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers.

This bill would require that the commissioner of consumer affairs annually audit the record of at least 20% of licensed process servers who have served process for a housing court procedure. And it also requires that litigants are informed that a process server or process server agency has failed its audit.

Current Regulation

As a business owner and process server, I deplore the instances of improper service.

I am aware of the serious concern over the issue of Housing and Re-gentrification displacing people in the city. I have reacted sympathetically with most New Yorkers to articles such as the NY Times piece "UNSHELTERED" citing the problems within this Housing System.

NYC has the most regulated laws regarding service of process in the nation.

Unscrupulous landlords can find similarly unscrupulous people to serve process. But, in the NY Times article referenced above, four of the six people/companies suspected of improper service are no longer licensed by the city of New York. This shows that the system in place is working. The housing industry may have a problem, but the issue is not your average process server making $10-17 a paper

The Responsibility of A Process Server

We have no power to prevent a person from getting evicted. We have no way to judge whether he or she has paid his rent. We have no knowledge if he/she is being evicted fairly. That's not in our purview. And although we do our best to go at times, we believe people are home, we cannot control whether the person is home when we arrive. Our job is to give the notice; the courts job is to decide the merits of the case.

The process server is an integral part of the checks and balances system of the constitution of the United States and an important part of due process and the 5th and 6th amendment. We are the **impartial**, party whose role is to serve notice. It is a thankless and often a dangerous job as you never know who is behind the door.

No matter what people think about us as messengers of bad news and no matter the bad publicity this job gets, the process servers' job is to serve notice that someone is in litigation. That is all. We do that by following the NY State Rules Governing Process & the NYC Codes. In landlord tenant cases, this mandates a process server attempt personal service and post the service after due diligence. We also make additional notice by first class and certified mailings which complete the service. Added to this we must conform to the time limits put upon us by the laws directing service. Since we have no control over when we receive the documents, we are often operating under strict time constraints.

By following these laws, we are not giving any advantage to the Petitioner/Landlord, and in the same instance we

cannot and are not able to favor the Defendant /Tenant.

The city administrative code regarding process servers strictly mandates the way service in the city is conducted * including costly licensing and bonding, testing servers for their knowledge of the rules of process, GPS and electronically documenting each service and attempt of service and stringent record keeping requirements. Failure to fully comply can result in serious consequences to the process server.

Current Consequences

The department of consumer affairs can and does already audit these records at their discretion. If a process server fails to maintain these records to the satisfaction of the DCA he/she is fined $500 per instance. Most of the errors that are found in these audits revolve around the transcribed records kept in the hand-written log book which is a duplication of the electronic record, such as a missing entry in a field, a omitted zip code, or an inappropriate abbreviation. They seldom have anything to do with the actual service of process. The fines for these errors can add up to thousands of dollars for the process server. If the DCA feels a process server is not trustworthy, he is fined and his license is revoked.

The result of this strict regulation and the new technology required to conform to the same, has cut down the number and instance of bad service. But the fines and the tedious duplication of records have also caused fewer people to want to continue to be servers. This becomes an issue as you consider adding additional burdens to the process server such as mandatory auditing.

Since 2010 and 2011 when code 20-chapter 2 sub chapter 23 of the city's code was revised the number of process servers has dropped on the DCA rolls by approximately 70% from over 2100 licensees to 678 licensed process servers today . This loss of manpower is a detriment to due process.

Process Servers in Court

In instances of questionable service the law **already** has a remedy: Traverse Hearing. These hearings were instituted to prove that service was done properly. The savvy litigator often uses this tactic to change the dynamics of a case, not because the service is really in question. In traverse hearings involving landlord/tenant cases, few cases ever go to court, most are scheduled, to stall and then dismissed. Statistics show that few traverse hearings wind up overturning a case (and fewer judgments in cases are vacated). This **must** lead to the conclusion that most process servers do their job responsibly.

That same NY times article "UNSHELTERED" sympathetically notes that in landlord tenant court, often, the tenant has no attorney and the landlord is almost always represented. The same is true for process servers at a traverse hearing. The server stands alone. He is not the person who did not pay the rent and he will not profit from the landlord winning. He has no one to represent him. Attorneys represent the landlord or sometimes the tenant, but **never** the process server. He only has his word and his records. So, it behooves the process server to follow the rules and to keep those records as accurately as possible.

In a city that has millions of cases litigated every year, including landlords that sends Notices to tenants every month, 678 process servers is just not enough.

The Consequences of the amendment: Int 1258

This change in civil code 20-406-3 bill Int 1258 to the Administrative code will cause even more process servers to leave the industry. Putting more pressure on the server is not going to make service of process better and is

guaranteed to make it worse.

The question I have for the city council is what is your end game? After legislating the process servers out of business who is going to take our place? What is your fallback position? The marshals, the sheriffs and the police won't cover our job. So you are recreating a system where unregulated process will be rampant in the city.

Most process servers are hardworking, responsible people who feel they are providing a necessary service to the people of the City of New York. Please take my comments into consideration as you review this amendment and do not force more people out of an industry that has already paid the price for the unscrupulous behavior of a few.

Thank you

Gail Kagan
Legislative Chair and Past President of the New York State Professional Process Server Association, Member of the National Association of Professional Process Servers, the New Jersey Professional Process Server Association, et al

References

*Civil code title 20: chapter 2 subchapter 23 mandates among other things that

- Every process server serving process in NYC be licensed and bonded
- Each service or attempt of service is to be electronically recorded on a handheld device, including the time, date and geo-locate each service or attempt of service, the address of the service, and a description of the person served, the plaintiff and defendant in the case, the docket number if any
- Further the process server must contract with a 3rd party independent contractor
- Each of the electronic record is uploaded to the 3rdparties server and stored for seven years.
- The process server has no way to access or alter those record
- The records must be available to be presented if requested by a court or regulatory body.
- The server also keeps a paginated hand-written log of each service and attempt of service citing all the same details as the electronic record transcribing the electronic record
- The code also requires that Process Servers Agencies routinely audit the record of the process server for consistency by monitoring the log book and the electronically stored record.

www.The Independent Server.com
A Unified Effort for an Independent Solution!

Home | Search Images | DCA Report | Edit Profile | Tutorials | Process Server Directory |

Image Results

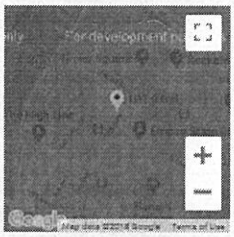
PHOTO	INFO	LOC	Print Map
PHOTO ARCHIVED CLICK HERE TO VIEW	Process Server: Andre Meisel Agency: 4448-2018-APSO Job Number: 2018001354 Addr: 463 Seventh Ave. Entire 6th Floor New York NY 10018 Uploaded: 2018-08-01 18:55:19 UTF EXIF DATETIME: 2018:08:01 14:42:17 EXIF Latitude: 40.7519641667 EXIF Longitude: -73.9899163333		
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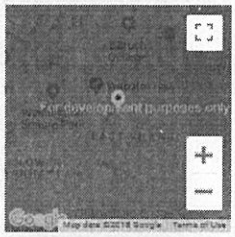
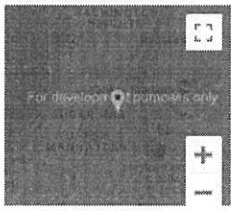
PHOTO ARCHIVED CLICK HERE TO VIEW	Process Server: Andre Meisel Agency: 4448-2018-APSO Job Number: 2018001363 Addr: 237 East 10th Street , Apt. 6A New York NY 10003 Uploaded: 2018-08-06 17:22:35 UTF EXIF DATETIME: 2018:08:06 13:17:57 EXIF Latitude: 40.72895 EXIF Longitude: -73.9860363556		
PHOTO ARCHIVED CLICK HERE TO VIEW	Process Server: Benjamin Lamb Agency: 4448-2018-APSO Job Number: 2018001221 Addr: 99 Macombs Place New York NY 10039 Uploaded: 2018-08-08 19:51:36 UTF EXIF DATETIME: 2018:08:08 13:00:26 EXIF Latitude: 40.8272730556 EXIF Longitude: -73.9366622222		

Electronic Record

DCA Report

[illegible]LastName	ServerFirstName	JobIdentifier	ServerLicense#	Agency	AgencyLicense#	Title	ServeOnLast	ServeOnFirst	Delivery	Nature	Court	County	Index#	Type	Date	Time	Address	City	Zip	LetterSentLastName	LetterSentFirstName	Sex	Hair	Skin Color	Age	Height	Weight	Other	Door/Area Desc
[illegible]Amend	Andre	2018001304	1372356	Action Subpoena Inc	2067743-DCA	S.T.A. Associates v. NH New York City, LLC	NH New York City, LLC		Y	Five (5) Day Demand Notice to Tenant				CO	08/01/2018	14:42:00	402 Seventh Ave. Entire 8th Floor	New York	10018	Mylee	Slamow	Female	Black	Black	56	5ft4in-5ft7in	131-160 lbs		N/A -
[illegible]Amend	Andre	[illegible]	[illegible]	Action Subpoena Inc	2067743-DCA	Marine Environmental Remed[illegible] v. Travelers Property Casualty Company of America	Poulson	Atlantic Marine Associates by John Poulson, John Theil, [illegible]	Y	Order Subpoena to Testify at a Deposition in a Civil Action and [illegible]	United States District Court	Puerto Rico	[illegible]	CO	[illegible]	[illegible]	24 Whitehall St., 11th Floor	New York	10004	Poulson	John	Male	White	White	55	Over 6ft	Over 200 lbs	glasses	N/A -
[illegible]Amend	Andre	2018001369	1372356	Action Subpoena Inc	2067743-DCA	BENCHMARK 237, LLC v. Robert Varkony	Varkony	Robert	Y	Three Day Notice to Tenant Demanding Payment of Rent & FDCA Letter				P	08/08/2018	13:17:00	227 East 10th Street, Apt. 6A	New York	10003	Varkony	Robert	Male	Salt and Pepper	White	59	5ft4in-5ft7in	131-160 lbs	mustache beard	N/A -
[redacted]																													
[illegible]Amend	Benjamin	2018001400	1071492	Action Subpoena Inc	2067743-DCA	In the Matter of the Estate of Willie J. Perkins v.	Grady	Alice	Y	Citation and Last Will and Testament of Willie J. Perkins	Surrogates	Kings	2018-1387/B	P	08/10/2018	08:41:00	1308 6th Ave. Apt. #5A	New York	10029	Grady	Alice	Female	Black	Black	52	5ft4in-5ft7in	Over 200 lbs		Apartment -
[illegible]Amend	Benjamin	2018001402	1071492	Action Subpoena Inc	2067743-DCA	Harinder Bains v. Anju Kaur	M.P.H	Bisan A. Fa[illegible], M.D	Y	Subpoena Duces Tecum and Ad Testificandum and Exhibits and witness fee of $15.00	Supreme	New York	[illegible]	P	08/10/2018	15:05:00	1041 Riverside Drive, Unit 5B	New York	10032	M.P.H	Bisan A. Fa[illegible], M.D	Male	Brown	White	54	5ft8in-5ft11in	161-200 lbs	mustache, beard, glasses	Commercial Building -
[illegible]Amend	Andre	2018001450	1372356	Action Subpoena Inc	2067743-DCA	15 W 27 Leasehold LLC v. LAR NY LLC	LAR NY LLC		Y	Five (5) Day Demand Notice to Tenant				CO	08/16/2018	15:34:00	15 West 27th Street, 11th Floor	New York	10001	[illegible]	Daniella	Female	Black	Brown	35	5ft4in-5ft7in	130-160 lbs		N/A -
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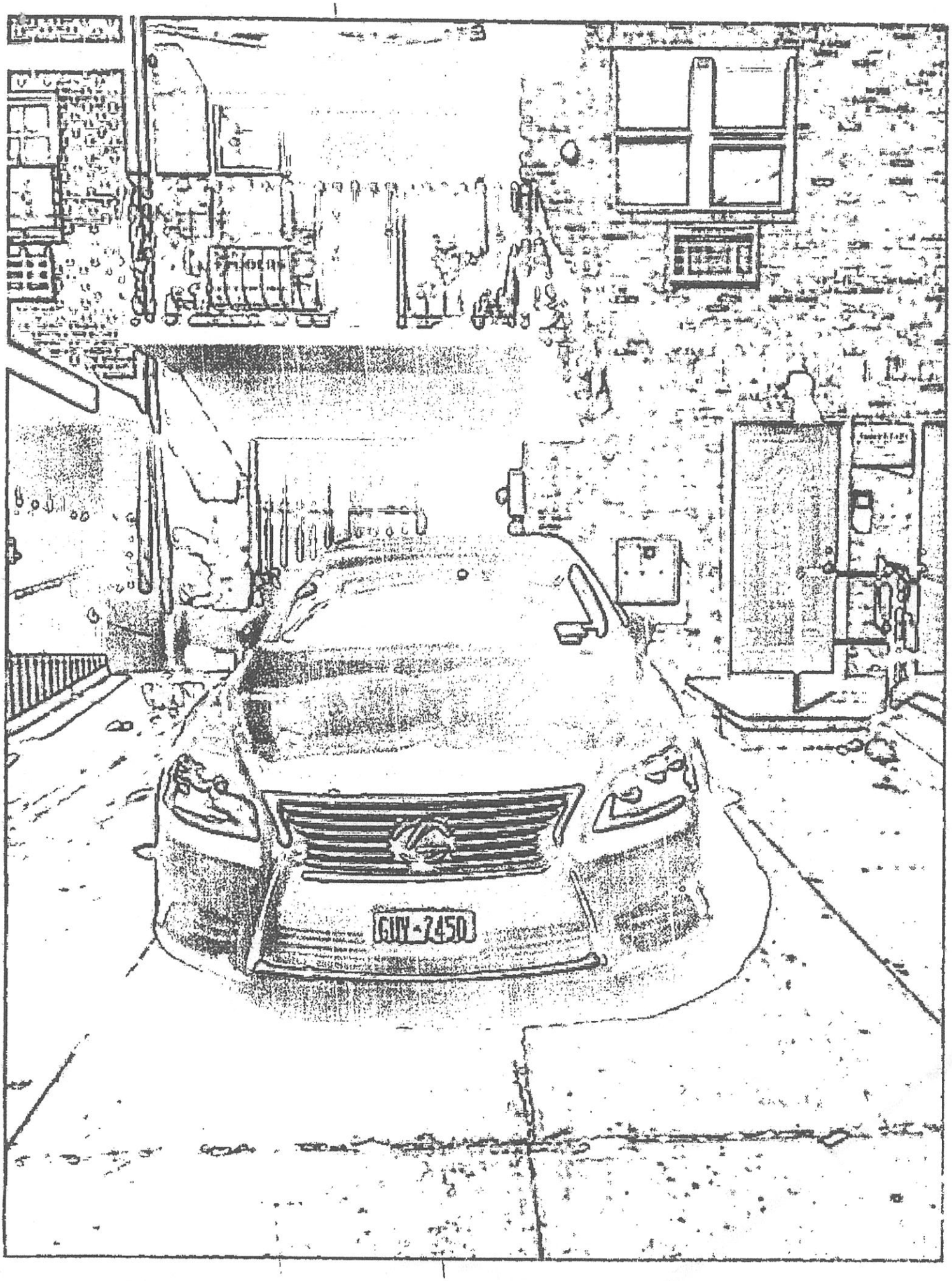
[illegible]Amend	Andre	2018001438	1372356	Action Subpoena Inc	2067743-DCA	Accounting of Llora Elghanayan and Louise Pheghani, as Trustees of Trust U/A Seventh of The Will of Aghadjan Elghanayan a/k/a John Elghanayan v.	Noumand	Nancy	Y	Citation, Affirmation to Amend Accounting, Accounting Summary Statement	Surrogates	Queens	2005-4729/O	P	08/24/2018	13:34:00	401 East 83rd Street, Apt. #5B	New York	10028	Noumand	Nancy	Female	Black	White	55	5ft4in-5ft7in	150-180 lbs		N/A -
[illegible]Amend	Benjamin	2018001409	1071492	Action Subpoena Inc	2067743-DCA	Kenyatta Fun[illegible] v. Chanise Afiane	Afiane	Chanise	N	Summons, Petition and Address Confidentiality Affidavit	Family	Bronx	V-01546-09/18K		08/24/2018	16:27:00	629-620 Courtlandt Ave	Bronx	10451										

Hand Written Log book Transcribed from the Electronic record

AGENCY NAME LICENSE #	TITLE OF ACTION	SERVED Y/N	TYPE OF **DOC#	COURT ***COUNTY	INDEX #	DATE FILED	SERVICE ***TYPE	CERTIFIED OR REGISTERED RECEIPT #	RECIPIENT	NAME OF PERSON SERVED TITLE & DESCRIPTION	ADDRESS	AREA DETAILS	DATE	MILITARY TIME
U	[illegible], et al. v. The City of New York	Y	NOC	—	—		Co		The City of New York	Josefa Estrada F/W/BK/40/5'3/170	1 Centre Street Room 1225 New York, NY 10007		10/21/14	1259
U	Elizabeth [illegible] v. The City of New York	Y	NOC	—	—		Co		The City of New York	Josefa Estrada F/W/BK/40/5'3/170	1 Centre Street Room 1225 New York, NY 10007		10/21/14	1259
U	Melissa [illegible] v. The City of New York, et al.	Y	SC	USS	14 CV 5578		S		Detective Jeremy Vogt (Shield # 02572)	"Jane" Mumford F/BR/BL/40/5'5/135	One Police Plaza Room 1100 New York, NY 10038		10/21/14	1340
U	[illegible] v. [illegible]	Y	SYC&C	S/BX	35730/2014		Co		The New York City Environmental Control Board	D. Pearce F/BR/BR/50/5'3/140	60 John Street 10th Floor New York, NY 10038		10/21/14	1408
U	Paula [illegible], et al. v. The City of New York, et al.	Y	[illegible]	S/K	3457K/12		Co		NYC Buildings	Angela White F/BR/BK/45/5'7/145	280 Broadway Room 701 New York, NY 10007		10/22/14	1200
U	Lucinda [illegible] v. Lewis P. [illegible], et al.	Y	[illegible]	S/NY	12-CV-003464		Co		National Securities Clearing Corporation	Edith Park F/TAN/BK/45/5'0/120	55 Water Street Concourse New York, NY 10041		10/22/14	1515
U	[illegible]	Y	SVC	S/BX	350163-14		Co		MTA Bus Company	"John Doe" M/BR/BALD/35/5'7/150	2 Broadway Messenger Center New York, NY 10004		10/22/14	1524
U	[illegible]	Y	3 day notice	—	—		Co		Schram, Graber & Opell, P.C.	Nancy Vera F/W/BK/25/5'5/125	22 Cortlandt Street 16th Floor New York, NY 10007		10/22/14	1550
U	[illegible]	Y	SC	S/BX	305594/14		Co		City of New York	B. Mazyck F/BR/BK/50/5'6/210	100 Church Street Messenger Center New York, NY 10007		10/23/14	1107
U	Jamal Simmons-El v. The City of New York, et al.	Y	SC	USS	14 CV 8032		Co		City of New York	B. Mazyck F/BR/BK/50/5'6/210	100 Church Street Messenger Center New York, NY 10007		10/23/14	1107
U	Diane Nelson v. The City of New York, et al.	Y	SC	USS	14 CV 8029		Co		The City of New York	B. Mazyck F/BR/BK/50/5'6/210	100 Church Street Messenger Center New York, NY 10007		10/23/14	1107
U	Diane Nelson v. The City of New York, et al.	N	SC	USS	14 CV 8029		—		Det. [illegible] Kennedy ([illegible] Detective Squad)	—	1 Police Plaza Room 1100 New York, NY 10038		10/23/14	1240
U	Diane Nelson v. The City of New York, et al.	N	SC	USS	14 CV 8029		—		P.O. Vincent Tirelli (44th Precinct)	—	1 Police Plaza Room 1100 New York, NY 10038		10/23/14	1240
U	Diane Nelson v. The City of New York, et al.	N	SC	USS	14 CV 8029		—		P.O. Michael Ackermann (Shield # 1179)	—	1 Police Plaza Room 1100 New York, NY 10038		10/23/14	1240
U	Jamal Simmons-El v. The City of New York, et al.	Y	SC	USS	14 CV 8032		S		Det. Christos Dimitrakos (Shield # [illegible])	"Jane" Mumford F/BR/BK/40/5'6/135	1 Police Plaza Room 1100 New York, NY 10038		10/23/14	1240
U	Bao Lung Wu v. James Johnson, et al.	Y	[illegible]	S/Q	704520/2014		Co		Metropolitan Transit Authority	M. Lavaglia F/W/BK/45/5'1/110	347 Madison Avenue Lobby New York, NY 10017		10/23/14	1325


GIW-7450

NYC Buildings

AEU2: Certificate of Correction

Required For Certification Of ECB Violations Only

AFFIDAVIT

1 Violation Information

ECB VIOLATION NUMBER: 3 5 1 3 8 . 1 2 3 J

PLACE OF OCCURRENCE: 1355 Decatur st (Number and street) Brooklyn,NY,11237 (Borough and Zip)

STATE OF NEW YORK COUNTY OF _____

I, ALAN PAKNOUSH, duly swear and affirm under penalty of perjury, that I am the (check one):

- ☐ **Respondent** named on the violation
- ☐ **Officer, Director or Managing Agent** of the named respondent corporation (circle one)
- ☒ **Owner of Property** but not named respondent (if you are a new owner, attach copy of deed)
- ☐ **Managing agent** of place of occurrence (attach letter of designation by owner)
- ☐ **Partner** of named respondent partnership
- ☐ **Contractor or other agent of named respondent** (attach written authorization from respondent)

My mailing address is: 172-13 HILLSIDE AVE #201,JANAICA,NY,11432 (street address, city, state, zip code)

2 Person Who Performed Work

I have complied with the order of the Commissioner to correct each condition cited on this violation. The work described in the attached sworn statement was completed on 2/25/2017 (date) and was performed by (check one):

- ☐ Myself — Name of person who performed work: _____
- ☐ My employee — Company: Raine Cad LLC
- ☒ Contractor — Address: 810 Seventh Ave ,NY,NY,10019
- ☐ Architect/Engineer — License/ Registration No. of professional/licensee/contractor: _____

REQUIRED: I have attached a sworn/affirmed statement describing the work done to correct the violating condition(s). In addition, I have attached copies of all permits, bills, receipts, photographs, and/or other documentary proof that the violating condition(s) has/have been corrected, or have explained in my statement why such are not available. I am aware that I may be required to attend any pending ECB hearing on the violation or risk the imposition of default penalties.

3 Cure Submission (Check box below only if eligible and you are requesting a cure - see reverse)

☒ **CURE REQUEST.** I admit the existence of the violation(s) charged. I am aware that a hearing is required if my request is not accepted.

4 Statement of Signature

I have personal knowledge that the violating condition(s) have been corrected as per this affidavit and statement(s) attached.

Sworn to, or affirmed under penalty of perjury, before me this 5th day of March 2017

Souzan Benyamin
Notary Public

Alan Paknoush
Signature

Affix Stamp

SOUZAN BENYAMIN
Notary Public, State of New York
No. 01BE6288249
Qualified In Nassau County
Commission Expires September 03, 2017

Mail or return this form in person, with supporting documents, to:
NYC Department of Buildings, Administrative Enforcement Unit
280 Broadway, 5th Floor
New York, NY 10007
Phone: (212) 566-2850

False certification is a criminal misdemeanor under sections 28-203.1.1 and 28-211.1 of the NYC Administrative Code, punishable by up to 1 year imprisonment and/or a fine of up to $26,000. It is also punishable with a civil penalty of up to $25,000.

7/08

Decatur Assets LLC.

172-13 HILLSIDE AVENUE SUITE 201 JAMAICA NY 11432
PHONE: (718) 883-1100 FAX: (718) 883-1103

2/15/2017

Re: 1355 Decatur st,
brooklyn,NY,11237
Block: 3431 Lot: 28
ECB: 35138123J

To whom it may concern:

We have ask the tenant who occupy the parking lot to park only one car in front yard to comply with C of O #301680143F issued on 03/05/2010which indicated one parkingand he did .(picture enclose)

This statement is filed to correct violation#35138123J according to NYC building code.

Based on the information provided above, we respectfully request you to kindly approve the violation correction request.

Sincerely,

Alen Paknoush

NYC Buildings

NYC Department of Buildings
280 Broadway, New York, NY 10007
Rick D. Chandler, Commissioner

Administrative Enforcement Unit
280 Broadway, 5th Floor
New York, NY 10007

CERTIFICATE OF CORRECTION APPROVAL (CURE)

ALAN PAKNOUSH
172-13 HILLSIDE AVENUE #201
JAMAICA, NY 11432

Date: March 13, 2017
Place of Violation Occurrence:
1355 Decatur Street
Brooklyn
BIN #: 3393226

RESPONDENT:
DECATUR ASSETS,LLC

ECB Violation No.:	35138123J
DOB Violation No.:	020217C04MS01
Date of Violation:	2/2/2017
Hearing Date:	03/30/17
Cure Date:	03/20/17

Dear Sir / Madam:

Your Certificate of Correction for the above Notice of Violation (NOV) which was received on March 13, 2017 is approved by this department. The Department of Buildings reserves the right to revoke its approval if a subsequent review discloses any inaccuracy in submission; and, in addition, may re-inspect any premises in order to monitor compliance.

Since your Certificate of Correction has been approved, you are exempt from appearing before the Environmental Control Board (ECB) on the date and time specified on the notice of violation and there is no ECB penalty assessed in connection with this violation.

Thank you for your cooperation.

Sincerely,

Dominique Livingston
Administrative Enforcement Unit
(212) 393-2405

NOTICE OF VIOLATION AND HEARING

NYC Buildings

COMMISSIONER OF THE DEPARTMENT OF BUILDINGS
OF THE CITY OF NEW YORK, PETITIONER, AGAINST

Violation No. 35138123J
ENVIRONMENTAL CONTROL BOARD

Respondent	First name (or entity name): Decatur Assets, LLC	Last name		
Mailing address (Check if same address as place of occurrence)	Number and street: 172-13 Hillside Ave	City: Jamaica	State: NY	Zip code: 11432
		License No. (If Applicable)	Construction Activity	

Additional mailing to be sent (agent/care of/other):

Name	First name: Alan Pikorich	Last name	Company		
Mailing address	Number and street: 172-13 Hillside Ave	City: Jamaica	State: NY	Zip code: 11432	

Commissioner's Order To Correct Violations

Place of occurrence	Boro	Date of violation	Type	Dist.	Code	No
1255 Decatur Street	Brooklyn	02/02/2017	C	04	MS	01

Construction type	BIN	No. of stories	Block	Lot	Occupancy at time of inspection	Basis of violation
[illegible]	3393226	03	3431	28	Residential	[illegible]

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the section of law cited below, of Title 27 or Title 28 of the NYC Administrative Code, the NYC Construction Codes, the NYC Electrical Code, the NYC Zoning Resolution, the Reference Standards and/or Titles 1 or 2 of the Rules of the City of New York.

Violating Conditions Observed

Stop Work Order ☐ Full ☐ Partial | Class 1 ☐ | Class 2 ☐ | Class 3 ☒ | Recurring Condition ☐

Infraction Code	Provision of Law	
B303	28-118.3.2	Occupancy contrary to that allowed by the certificate of occupancy or Building Department records. At time of inspection observed [illegible] contrary to C of O # 301680143F issued on 03/05/2016 which [illegible]

Remedy: Discontinue illegal use or amend C of O.

☐ ILLEGAL CONVERSION - CLASS 1. Per 28-202.1 & 1RCNY 102-01, additional daily penalties for continued violation of 28-210.1 or 28-210.3 also applicable.

☐ Per 28-202.1 & 1RCNY 102-01, additional "Class 1" daily or "Class 2" monthly penalty also applicable. ☐ Aggravated II Condition per 1RCNY 102-01(f)

The Commissioner orders that you timely correct these conditions and file a certificate of such correction. Uncorrected violations are subject to additional violations and penalties. IMPORTANT: See 'Certifying Correction' on reverse.

Important information: As detailed in §28-201.4 and Section 102-01 of Subchapter B of Title 1 of the Rules of the City of New York, violations may be subject to aggravated penalties of the first order, which shall be imposed in accordance with the ECB Buildings Penalty Schedule.

Resolution options

CURE DATE 03/ / /2017

If a date appears in the box above, you may have the option to admit the violation and certify correction by the "cure date." By doing so, you avoid a hearing before the Environmental Control Board and any penalties which would be assessed at the hearing. Note: Depending on the violation, additional DOB civil penalties (separate from ECB penalties) may apply before a cure can be granted. For more information regarding "cures", see reverse side of the respondent copy of this Notice of Violation.

HEARING DATE [illegible] /2017 at ☒ 8:30 AM ☐ 10:30 AM ☐ 1:30 PM

The hearing date above is mandatory if you are either charged with a Class 1 violation, or the violation is marked as an Aggravated II condition, or if no "cure date" is given on this Notice of Violation. Also, the above hearing date is mandatory for all other types of charges if a certificate of correction (for a cure) is not received by the date indicated to the left, or is not approved by the Department, or if you are offered but have not timely accepted a pre-hearing stipulation or admit the violation. Refer to the DOB ECB Penalty Schedule at www.nyc.gov/buildings or check the status on BIS query on this website.
YOU MUST ATTEND THE HEARING IF YOU WISH TO CONTEST THE VIOLATION.

Environmental Control Board hearing locations:

- ☐ Queens, (718) 298-7800 - 144-06 94th Avenue, 1st fl.
- ☐ Manhattan, (212) 361-1400 - 66 John Street, 10th fl.
- ☒ Brooklyn, (718) 923-6100 - 9 Bond Street, 7th fl.
- ☐ Bronx, (718) 993-6110 - 3030 3rd Ave., 2nd fl.
- ☐ Staten Island, (718) 815-8685 - 350 St. Marks Place, 1st fl.

Proceedings will be held under the authority of the NYC Charter section 1049-a and the rules promulgated thereunder. This hearing is your opportunity to answer and defend against the allegations set forth above. Failure to appear, unless you admit the violation or an appearance is not required through availability of a Cure or Stipulation (see reverse) will result in a default and imposition of maximum penalties.

For more information. To reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call Department of Buildings at 311, or visit the ECB Violation section at www.nyc.gov/buildings.

Issuing officer's last name, first initial (print): Samuel, M

Badge number: 2181241 | Unit Code: IX10

I personally observed the violation(s) charged and/or verified their existence through review of departmental records.

Issuing officer's signature: Mia Samuel
This statement is affirmed under penalty of perjury.

35138123J

ACEC New York

American Council of Engineering Companies of New York

Position Statement on
Intro. 977, Intro. 1241, Intro. 1280 and Intro. 1107

Submitted to the City Council Committee on Housing and Buildings
December 13, 2018

ACEC New York represents close to 300 consulting engineering and affiliate firms throughout New York State, with a concentrated presence in New York City. Our members plan and design the structural, mechanical, electrical, plumbing, civil, environmental, fire protection and technology systems for the City's buildings and infrastructure. We thank you for the opportunity to provide the following comments on the above-mentioned bills.

Intro 977, in relation to mandatory sanctions for submitting incorrect professionally certified applications for construction document approval.

This bill would impose *mandatory* sanctions on a design professional who submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in a stop work order, which could be caused by a non-error on the part of the design professional whose interpretation may actually be correct while that of the examiner may ultimately be determined to be incorrect. This subjects the design professional to an onerous administrative proceeding to clear a purported offense based upon a DOB Order which shouldn't have been issued in the first place, or errors where the professional's interpretation was thoughtful and reasonable but where the Department reached a contrary conclusion.

The very complicated Construction Codes and Zoning Resolution are often subject to interpretation. The fact that a field examiner finds objections to an engineer's plans does not necessarily mean an error has occurred; there may not be an error. DOB staff, internally, has two levels of appeals from examiners which demonstrates that even within the Department there is acknowledgement that interpretations differ.

For almost all projects, when initially reviewed, an objections sheet is issued. Some of the objections are cleared by DOB's Borough Offices or central Technical Affairs bureau, because not everything objected too is an error but by that time a stop work order may have been issued.

If a design professional did submit something that is sufficient to warrant a stop work order after final review, if plan related, it would likely also be sufficient for DOB to revoke the permit. Therefore, the existing language which provides for the assessment of sanctions when a permit is revoked provides the appropriate mechanism for determining at what point the same should be considered.

The bill also requires that DOB must maintain a publicly available database of registered design professionals who have been sanctioned and annually report this information to the City Council. The database and report should clearly state whether such sanctions are under review or appeal.

The database should also remove such reports from its listing after the expiration of the rolling twelve month period in which two infractions occur.

Intro 1241, in relation to expanding sanctions for submission of professionally-certified false or noncompliant building permit applications or plans.

This bill would penalize the larger engineering firms disproportionately and would have little to no impact on sole practitioners. It would likely not deter those individuals who are not using the professional certification program responsibly.

The bill fails to take into account that the larger engineering firms already have their own quality control practices and will discourage responsible firms from agreeing to professionally certify projects at all. This seems counterproductive, by driving responsible firms from using the program, therefore limiting responsible developers from access to it, while incentivizing solo practitioners to stamp plans which they may be competent to approve in order not to hold things up by a DOB pre-audit, all without impacting those who may be using the program irresponsibly. With fewer firms willing to use the program this could also slow projects down, make them more expensive and potentially lead to corners being cut by developers and contractors.

Additionally, DOB is in the midst of significant efforts to modernize itself. DOB has made great strides toward this end, though there remains much improvement yet to achieve. ACEC New York strongly supports DOB in this initiative. Intro. 1241, by discouraging engineering firms to professionally certify projects, will create additional workload for DOB. This will further burden DOB and require that either additional resources be allocated to the Department or an end result could be that DOB diverts resources away from these important reform efforts.

ACEC New York is opposed to this bill for the reasons stated above. However, if the bill is to be passed in some form ACEC New York recommends adding a requirement that a warning notification be sent to any affected firm providing them an opportunity to address the issue internally before the firm is sanctioned.

Intro 1280, in relation to the tenant protection plan and penalties for false statements.

To the extent this bill could burden engineering firms with the requirement to physically survey the number of units in buildings and determine the number of occupants in each apartment by going door to door and demanding access, the bill is a concern. The owner is in a better position to access this information.

For example, in the case of an ALT 2 Mechanical/Plumbing filing, it should be the sole responsibility of the building owner to provide and verify the number of units in the building, similar to the PW-3 costing final verification.

Regarding penalties for submitting false information to obtain a PW-1, these should only be imposed on an engineering firm if the information submitted is clearly, factually false as to material matters known to the engineer.

Intro 1107, in relation to requiring contractors to prepare and submit tenant protection plans, and to repeal section 28-104.8.4 of the administrative code of the city of New York, relating to requiring architects or engineers to prepare such plans.

ACEC New York supports this legislation. The bill would require contractors to prepare and submit for approval tenant protection plans when seeking a permit to perform construction and would repeal law that requires architects or engineers to prepare and submit such plans.

Thank you for this opportunity to provide testimony. If you have questions or would like to discuss these comments with representatives of our Codes Committees, please let us know.

ACEC New York contact:
Hannah O'Grady, Vice President or Bill Murray, NYC Director of Government Relations
212-682-6336

COMMUNITY HOUSING IMPROVEMENT PROGRAM, INC.

Community Housing Improvement Program (CHIP) is a trade association representing more than 4,000 residential building owners and managers in New York City. Most CHIP members own buildings that were built before 1974, and typically way before that, so the ability to continuously update, improve, and repair their buildings is integral to their duties as property owners to keep the buildings safe and hazard free. But as the City paints any rental building owner as a harasser, a speculator, or worse, the properties that CHIP members own struggle as a result. While our members are not part of the small contingent of bad actors, they are painted by the broad brush strokes of this Council in passing legislation like this.

Before discussing the bills themselves, we would like to note that despite all the political rhetoric regarding the horrors of housing in privately owned and managed buildings, private rental housing is in the best condition it's ever been. Further, aside from the anecdotal stories in the media, we are not aware of any evidence to suggest a spike in tenant harassment, whether by construction, buyouts, or mere maintenance neglect. The city's public housing, on the other hand, is in dire straits. Yet housing organizations such as CHIP and others here today have to defend their members, who are just as important as any other small businesses in this City, from a constant assault by this Council. From many of our members' perspectives, it appears that many of these bills are political theater, intended to distract attention from the despicable condition of NYCHA housing.

We thank the City Council for giving CHIP the opportunity to testify concerning the following bills.

Testimony of Community Housing Improvement Program In Opposition To Int. 0030-2018

(empowers HPD, as part of action to recover relocation expenses pursuant to vacate order, to require owner to deposit 10% of building's rent roll over past 5 years in escrow account)

The New York City Department of Housing Preservation and Development already has the power, under N.Y.C. Admin. Code §26-305, to assess owners for tenants' relocation expenses following the issuance of a partial or full vacate order provided that "the conditions giving rise to the need for such relocation arose as a result of the negligent or intentional acts of such owner, or as a result of his or her failure to maintain such

dwelling in accordance with the standards prescribed by the housing or health code governing such dwelling." If an owner rightly assessed under these provisions fails or refuses to pay, under §26-305(4) HPD will automatically procure a lien against the owner's property, without the need to afford the owner due process by going to court.

Although there are inequities in the current scheme, it at least has the virtue of assessing owners only for expenses that have actually been incurred by HPD on behalf of displaced tenants. Int. 0030-2018, if enacted, would turn the relocation reimbursement scheme into a summary shakedown of residential building owners, who would be forced to deposit 10% of a building's rent roll over the past five years in an account that HPD would control as escrowee. This forfeiture would be imposed regardless of the actual amount of unreimbursed relocation expenses—even though, by the time HPD commences an action to recover unreimbursed relocation expenses pursuant to §26-305, that precise amount will be known by HPD. Shockingly, this confiscation of an owner's assets would occur regardless of whether the vacate order in question was for an entire 500-unit building or a partial vacate order for a single studio apartment, and regardless of whether the actual balance of unreimbursed relocation expenses was $5 or $5,000,000.This law would essentially allow the government to take 10% of the last five years of rent roll by bureaucratic fiat, in the absence of any semblance of due process.

Finally, as HPD's veteran Deputy Commissioner for Enforcement and Neighborhood Services (and current New York City Housing Authority General Manager) Vito Mustaciuolo stated in opposition to this bill (then known as Int. 0003-2014) before this Committee on April 19, 2017: "HPD does not think this bill is feasible from an operational perspective and would require a significant expansion of HPD resources."

In sum, the shakedown regime that Int. 0030-2018 would impose is wildly disproportionate to the problem it purports to address, flagrantly unconstitutional, and infeasible for the implementing agency to put into practice. CHIP therefore urges the Committee on Housing and Buildings, and the City Council as a whole, to reject this bill.

Testimony of Community Housing Improvement Program In Opposition To Int. 0059-2018

[requires that owner disclose to tenant, as part of buyout offer: 1) the median market rate rent of a comparable unit in the neighborhood as determined by HPD, and 2) the number of months of such rent that the proposed buyout sum would cover]

and

Int. 0551-2018

[mandates that, within 45 days of execution, buyout agreements be filed with HPD, along with forms containing names of owner and tenant, address of rent-regulated unit, "amount of money or consideration agreed upon" in buyout agreement, and date of execution; $100 per day penalty for late filing]

Buyout offers are already regulated by New York City local law to a degree vastly out of proportion to any evidence-based threat that they may pose to a tenant. After all, many tenants receive six- and seven-figure payouts and a new apartment to move into as part of the deal, just for being lucky enough to live in a rent-stabilized apartment. Further, over the last few years, the Council has restricted the times and frequency that owners may communicate such offers to tenants; compelled owners to "Mirandize" tenants of their right to refuse a buyout and ban any future offers; advise tenants to discuss the offer with an attorney before making a decision; and direct tenants to HPD's "ABCs of Housing." If a building owner breaches any of these duties related to buyout offers, she is rebuttably presumed guilty of tenant harassment under N.Y.C. Admin. Code §27-2004(f-2), and may also be sued by the tenant for harassment under §27-2115 who, if successful, can recover compensatory damages, punitive damages, and attorney's fees and costs.

Now, with Ints. 0059-2018 and 0551-2018, this Council proposes to add more hoops for owners to jump through by requiring that, as additional conditions of tendering a buyout offer to a tenant, the owner: 1) ascertain the median market rental amount of a "comparable unit" in the neighborhood as determined by HPD, 2) convey this information to the tenant, and then 3) perform the arithmetic for the tenant of dividing the proposed buyout sum by this rental amount.

Despite neighborhood rental information being readily available to anyone with an internet connection, owners find themselves being forced to perform more ministerial and clerical duties for their tenants. Nor does the punishment fit the crime. Despite the mere informational purposes of the language to be added to the buyout offer, an owner would be labeled with having committed tenant harassment were they to leave out this already readily available information. It is another example of the Council manufacturing a compliance obligation that would have little real-world effect on a tenant, but that can be used to paint an owner with a presumption of harassment and ruin lives and businesses.

Should the buyout be freely agreed to by the tenant, after consulting with their own counsel, the invasion of privacy and interference with freedom of contract come into play, as an owner must: 4) file forms containing all the details with HPD within 45 days—on pain of a $100-per-day fine for late filing, with no maximum. But the negotiation and acceptance of apartment buyouts are, by definition, a mutually beneficial exercise of tenants' and owners' freedom of contract: a right enshrined in the common law as well as the state and federal constitutions. Int. 0551-2018, which imposes the latter requirement, does not disclose what HPD would do with this highly confidential information (names of owner and tenant, address of rent-regulated unit, "amount of money or consideration agreed upon" in buyout agreement, and date of execution), other than compiling an annual report on buyouts, to be delivered to the Council and the mayor.

CHIP therefore urges the Committee on Housing and Buildings, and the City Council as a whole, to draw the line here by voting down these bills.

Testimony of Community Housing Improvement Program In Opposition To Int. 0975-2018

[denies building permits where residential building has "excessive" number of violations]

On February 22, 2016, Patrick Wehle, then as now the New York City Department of Buildings' Assistant Commissioner of External Affairs, testified as follows in opposition Int. 1044-2016, which has been re-introduced—without modifying a single word—as Int. 0975-2018:

> [Int. 0975-2018] seeks to take the [Public Advocate's "Worst Landlords"] Watchlist a step further, by making those owners subject to the criteria used to determine eligibility for the Watchlist, to a prohibition from securing permits from the Department. While the Department appreciates the intent of this legislation, we would like to share some concerns that makes its implementation challenging and cautions its effectiveness.
>
> As written, [Int. 0975-2018] would require the Department to ascertain from construction documents whether planned work cures violating conditions, or is for work unrelated to the violating conditions. The Department does not currently perform such an examination and doing so presents operational challenges that require additional thought. Often times, the work to make alterations to dwelling units encompasses the work performed to correct violating conditions, such that parsing the two out based on a plan review is not possible. Additionally having the ability to issue permits in circumstances where the work is necessary to protect the health and safety of the public is a vague standard that can capture most if not all the violations we issue.
>
> Another concern is that as drafted [Int. 0975-2018] would prohibit owners from performing preventive maintenance on their buildings if the violation threshold was reached, such as replacing an elevator or boiler.

Additionally as drafted [Int. 0975-2018] would apply to coops and condos which does not seem the intent of the legislation. Owners of individual units should not be prevented from making alterations to their units. Also there are buildings that include a mixture of rentals and coops. Under this bill, violations received by the owner of the rentals would impact the owner of a coop.

Finally, given the apparent disregard for the safety of tenants and our laws demonstrated by those owners captured by [Int. 0975-2018], in the Department's experience, many of these bad actors who renovate their buildings are not seeking permits in the first place. Furthermore, a prohibition on issuing permits can have the unintended consequence of further incentivizing recalcitrant landlords to perform work without permits. Absent the Department's critical regulation and scrutiny, this work would further put tenants and the public at risk.

The Department works closely with HPD to identify instances of the use of construction to harass tenants and takes enforcement action where appropriate. In addition to our own enforcement, the Department performs weekly inspections with HPD and over the past eighteen months has issued over 1,500 violations among other penalties. As part of the Tenant Harassment Task Force, the Department and its partner agencies meet regularly with numerous tenant associations to understand their concerns, receive complaints and promptly inspect. Administratively, the Department has begun a process to thoroughly review construction applications to verify occupancy and rent-regulation status. Additionally, we are now requiring that Tenant Protection Plans be submitted separately from the construction plans and they are now posted online. The Department will not approve plans and issue permits unless a Tenant Protection Plan is filed and approved to the Department's satisfaction.

CHIP substantially concurs with the Department of Buildings that Int. 0975-2018 is mistargeted, extremely labor intensive to implement, would cause unintended negative consequences, and would be an inefficient tool to combat an issue that is already being attacked from all angles. CHIP therefore urges the Committee on Housing and Buildings, and the City Council as a whole, to again reject this misguided and counterproductive bill.

Testimony of Community Housing Improvement Program In Opposition To Int. 1171-2018

[requires that DOB: 1) request information from the NYS Division of Housing and Community Renewal regarding "false statements" in written filings, e.g., section 26 of Form PW1; 2) where "owner has been caught either failing to obtain a building permit or submitting false statements regarding occupied and rent-regulated housing on an application for a building permit," audit said owner's entire portfolio of properties, using information obtained from DOF; 3) annually audit 25% of buildings on HPD's Speculation Watch List for compliance with "building permit requirements"; 4) audit entire portfolio of any owner with "unusually high number of amended building permits"; 5) upon finding evidence of "false statement," send written notice to City Council, the NYC Department of Investigation, NYHCR, and the DHCR Tenant Protection Unit; refer matter to County District Attorney and State Attorney General "for potential criminal prosecution"; and annually report to mayor and City Council "on the punitive actions (DOB) took in every case in which it found evidence of a falsified application for a building permit"]

and

Int. 1275-2018

[with exceptions for "emergency work or to correct outstanding code violations to protect public health and safety," denies any work permit for 1 year to any building owner that performs construction without a permit on

tenant-occupied property, or that "falsely state[s], on construction documents [e.g., Form PW1], the number of occupied units" in building]

and

Int. 1280-2018

[requires that Tenant Protection Plan state total number of units in building, occupied and unoccupied; establishes specific civil and criminal penalties (minimum of $10,000 for first offense and minimum of $25,000 for each subsequent offense) for any false statement on Form PW1]

One of the most confusing bureaucratic tasks that confront every building owner that wishes to procure a building permit in the City of New York is the completion of Section 26 of DOB Form PW1 ("Plan/Work Application") which includes a sub-section entitled "Owner's Certification Regarding Occupied Housing". For the several years that this sub-section has appeared on the form, and until this very day, NYC DOB and NYS HCR have held inconsistent and ever-changing interpretations on how to fill out certain questions in the subsection. We know this through the first-hand experience of our members. Certainly it is hard to excuse an application indicating a vacant property when it is clearly occupied, but the questions then delve into whether any apartments are subject to rent regulation (either Rent Control, or Rent Stabilization), and whether the owner has complied with any applicable notice requirements under those regulations. That is where the wheels fall off.

Earlier this year, DOB was denying PW1 applications if owners indicated there were rent regulated tenants in a building but that they did not give any notice to tenants or NYS HCR. Since any notice requirement under rent regulation applies only to Rent Controlled tenancies, there would be no need to notify Rent Stabilized tenants, and thus owners were correct in their completion of section 26. Eventually, DOB recognized this and began to process such applications. But more recently, the NYS HCR has sought to change this interpretation by way of Fact Sheet #11, which deals with the demolition of a building. CHIP has sought clarification on the notice requirements from both DOB and NYS HCR. It has been almost two months and neither agency has provided a substantive response (although to DOB's credit, our members have not reported any changes in the way the agency is applying this requirement since HCR's revision to Fact Sheet #11).

Despite this lack of clarity, the City Council wants it to rain fire and brimstone on an owner who errs in completing this section, even while the regulatory agencies themselves cannot answer the simple question as to the applicability of the notice requirement, or to whom notice should be given and in what form. Consequently,

it is manifestly unjust and inequitable to punish owners for their legitimate confusion regarding the proper completion of Section 26 of Form PW1—a confusion engendered by the state and city regulatory agencies with jurisdiction over rent regulation and work permits. But that is precisely what Ints. 1171-2018, 1275-2018, and 1280-2018 do: impose draconian, strict-liability sanctions—not merely civil, but criminal, for any "false," i.e., incorrect, certification in Section 26 of Form PW1, regardless of an individual owner's good faith or (in extremely rare cases) lack of good faith in checking or not checking one of the boxes referred to above.

For the reasons cited above, Ints. 1171-2018, 1275-2018, and 1280-2018 should either be rejected *in toto*, or radically amended so that the above sanctions for filling out Section 26 of Form PW1 are conditioned upon doing so with the intent to mislead the NYC Department of Buildings concerning the presence of occupants in general, and occupants subject to rent stabilization and rent control, in buildings, any unit or part of which the owner seeks a work permit to repair, renovate, or improve. And as cogently argued by DOB Assistant Commissioner Patrick Wehle in his above-quoted 2/22/16 testimony against the former iteration of Int. 0975-2018, CHIP specifically objects to Int. 1275-2018's imposition of the sanction of denial of any work permit for one year for any "false" —i.e., incorrect, according to DOB and DHCR's policy *du jour*— certification in Section 26 of Form PW1, on the grounds that such a sanction will stultify owners' good-faith efforts to maintain and improve the residential units and common areas in their buildings.

Testimony of Community Housing Improvement Program In Opposition To Int. 1242-2018

[requires that number of violations issued by DOB for work without a permit or violation of a stop work order and findings of rent overcharges be included in HPD's Online Portfolio Report of Registered Property Owners (aka Online Property Owner Registry)]

CHIP objects to the inclusion of gross violation data in HPD's forthcoming Online Portfolio Report of Registered Property Owners, in the absence of any distinction between 1) cured vs. uncured, 2) open vs. closed, and 3) erroneous vs. proper violations issued by DOB; and between proper findings of rent overcharges vs. findings of rent overcharges by an agency such as DHCR that were later reversed by a court. For instance, as an illustration of erroneous vs. proper violations issued by DOB, consider the very common case in which DOB issues a violation for work without a permit despite evidence tending to show that the work in question is no more than a "minor alteration" "ordinary repair," and therefore exempt under N.Y.C. Admin. Code §28-

105.4(2) from the requirement to obtain a DOB work permit. The gross violation data would also be wildly misleading to the general public, in the absence of: 1) the size of the subject owner's portfolio (50 violations in 1 building vs. 50 violations in 100 buildings); and 2) the number of inspections that gave rise to the listed number of violations. CHIP therefore urges the Committee on Housing and Buildings, and the City Council as a whole, to reject Int. 1242-2018 unless it is first amended to lend accuracy to the "violation" and "overcharge" figures that are to be published; and to lend context, and proportionality to the "violation data" that is to be published.

Testimony of Community Housing Improvement Program In Opposition To Int. 1274-2018

[requires owners of rent-stabilized units to "obtain the previous four years of rent amounts from [DHCR] and provide such rent amounts for which such documentation is available for the subject premises"]

CHIP objects to this bill on the grounds that, like Int. 0059-2018 (see above), it would compel owners to provide data (presumably to tenants) that they could obtain themselves, immediately and for free, simply by going to https://portal.hcr.ny.gov/app/ask and requesting the full (not merely the last four years') rent history of one's apartment from the New York State Division of Housing and Community Renewal. See also http://www.nyshcr.org/Rent/tenantresources.htm. Since there is no reasonable policy objective that would justify commandeering all New York City property owners to perform a function that DHCR already performs—and presumably performs well—CHIP urges the Committee on Housing and Buildings, and the City Council as a whole, to reject Int. 1274-2018.

Finally, there is a larger point to be made that much of the information being requested from owners, or provided by owners, under these bills is already available, whether in the public domain or within the data bases of the regulatory agencies. Asking owners to provide the information is duplicative, and when the answers to questions aren't clear, it feels like owners are being set up to fail.

We thank you again for the opportunity to submit this testimony. We hope to continue to have dialogue with the Council, the relevant agencies, and all others involved to draft bills and policies that are more effective at addressing the relevant issues without so many unintended consequences.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: REGGIE THOMAS

Address: 570 Lexington Ave.

I represent: REBNY: Real Estate Board of NY

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

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☐ in favor ☐ in opposition

Date: 12/13/18

(PLEASE PRINT)

Name: Casey Adams

Address: NYC DCA - 42 Broadway

I represent: "

Address: "

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Appearance Card

I intend to appear and speak on Int. No. all Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Emily Goldstein

Address: ~~80 Broad~~

I represent: ANHD

Address: 50 Broad St, 1402

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☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Alek Miletic

Address: 250 Broadway

I represent: M/A Gottfried

Address: _____

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Various Res. No. _____

☒ in favor ☐ in opposition

Date: 12/13/2018

(PLEASE PRINT)

Name: Michael McKee

Address: 233 West 21 (4D) NYC 10011

I represent: Tenants Political Action Committee

Address: 277 Broadway Suite 608 NYC 10007

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Appearance Card

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☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Lyric Thompson

Address: 1355 DeKalb #3

I represent: myself

Address: _____

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Date: 12/13/18

(PLEASE PRINT)

Name: Ann Marie Santiago

Address: 100 Gold

I represent: HRD

Address: _____

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☐ in favor ☐ in opposition

Date: 12/13/18

(PLEASE PRINT)

Name: Maria-Torres Springer

Address: 100 Gold

I represent: HPD

Address: _____

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ALL Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Kat Meyers ~~Abell~~

Address: 199 Water St

I represent: The Legal Aid Society

Address: _____

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Appearance Card

I intend to appear and speak on Int. No. T-2018-3311 Res. No. _____

☐ in favor ☐ in opposition

Date: 12/14/18

(PLEASE PRINT)

Name: Jerry Kevitsky

Address: 75 Maiden Lane NYC

I represent: PM Legal, LLC

Address: same

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 12/13/18

(PLEASE PRINT)

Name: JOSE ALCAZ

Address: _____

I represent: Myself

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1258 Res. No. _____

☐ in favor ☒ in opposition

Date: 12 13

(PLEASE PRINT)

Name: Gail Kagan

Address: PO Box 236 Riverdale NY 10471

I represent: NY Proffesional Process Server Assoc

Address: PO Box 925 Orchard Park NY 14127

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 12/13/2018

(PLEASE PRINT)

Name: GREGG PTECYHNA

Address: 160 EAST 48 STREET #14E

I represent: NYSCLF

Address: WWW.MYHARASSMENTSTORY.COM

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 30-1279 Res. No. _____

☐ in favor ☐ in opposition

Date: 12/13/18

(PLEASE PRINT)

Name: Laura Hecht-Felella

Address: _____

I represent: Legal Services NYC

Address: 40 Worth St, Suite 606 NY NY 10013

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