

EMERGENCY HEAT AND HOT WATER OUTAGE

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: HOUSING PART H

Index No. H.P. _____

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530-540 EAST 169TH STREET TENANTS ASSOCIATION
CHARLENE BANKS, CASSANDRA BUCHANAN, ANA SALAS,
JAMES BUTLER, DORIAN ALICEA, GLEN TERRELL, MARIE
HODGE, GISSEL BERRIO, FLOYD HALL, ALBERT SMITH,
VICTORIA GUZMAN, JOHN WILSON III, MAGALY SANCHEZ,
ELISE MONCION, BOBBY CARTER, DOROTHY GLOVER,
WILLIAM CARTER, ANGELA BELL, NATALIE CHAPMAN,
DEREK YOUNG, JOHNN OQUENDO, WILMA ANN SEALY,
YVETTE HAWKINS, ALBERT GEORGE, KAMEELAN DOBY,
JESSIE A. THOMAS, JORGE DOWNES, CARMELO ENGLISH,
TAMIKA LAMBRIGHT, TIFFANIE BANKS, SHARMEILLEA
LEACH, CHANTAL SANTANA CRUZ, SHERON HOLLEY,
TALIBRA HARRISON, PATRICIA EGBUFOR, BARBARA
FRANKLIN, RHINA TAVAREZ, RHINA TAVERAS, CATHY
TRIBBLE, MARIE CATHERINE DICKERSON, SHELDON
ATKINSON, CASSANDRA LEWIS, MARIA CORTORREAL,
MARIAME KEITA, DESIREE PENA, WANDA TOWNSEND,
WILLA D. PELZER, MARK MITCHELL, BETTY DIAZ,
HADIA KANE, NICOLE JENKINS, WENDY BROWN, LYDIA
MUSHIKORI, WILLIAM BROWN, KEVIN CRUZ, CAROLYN
MELVIN, OLIVA RODRIGUEZ, CECELIA FOX, MILDRED
CRUZ, CHARITY GONZALEZ, ANDREA RYER,
CARMEN LUCIANO

ORDER TO SHOW
CAUSE

Subject Premises:
530-540 East 169th Street
Bronx, NY 10456

Petitioner-Tenants,

- against -

FORDHAM FULTON REALTY, KARAN SINGH,
SEAN CAMPBELL, RAFAEL BAEZ, RAJMATTIE
PERSAUD

Respondent-Owners,

NEW YORK CITY DEPARTMENT OF BUILDINGS
& NEW YORK CITY DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT, NEW YORK
CITY DEPARTMENT OF HEALTH AND MENTAL
HYGIENE

Respondent-City Agencies.

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UPON the annexed Verified Petition of the above-named Petitioners and good cause having been

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shown, it is hereby:

ORDERED that Respondents KARAN SINGH, SEAN CAMPBELL, FORDHAM FULTON REALTY, RAFAEL BAEZ, RAJMATTIE PERSAUD, THE NEW YORK CITY DEPARTMENT OF BUILDINGS, THE NEW YORK CITY DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT, and THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE shall appear at the Housing Part of this Court, in Part H, Room 390, at the courthouse located at 1118 Grand Concourse, Bronx, New York, 10456, on April _____ 2024, at _____, or as soon thereafter as the parties can be heard, and show cause why Orders should not be issued and entered:

1) Pursuant to NYC Civ. Ct. Act §§ 110(a)(7), 203(n) and NYC Admin. Code § 27-2115(h)(1), finding that the conditions in the individual apartments and common areas of the subject building described in the Verified Petition are violations of housing standards and constitute violations of the Multiple Dwelling Law, the New York City Housing Maintenance Code, Building Code, Electrical Code, Health Code, Fire Code, and/or Air Pollution Control Code, or any other applicable housing standard, and designating a hazard class for each violation;

2) Pursuant to NYC Civ. Ct. Act §§ 110(a)(4), 203(o) and NYC Admin. Code § 27-2115(h)(1), directing Respondents to correct outstanding violations, as well as any new violations which arise during the pendency of the proceeding, within periods of time according to each respective hazard class by a date certain, or be subject to civil penalties;

3) Pursuant to NYC Civ. Ct. Act §§ 110(a)(1), 203(k), 1 RCNY § 103-04(d), and NYC Admin. Code § 27-2115, imposing civil penalties upon Respondents in the event of a failure to correct any violation recorded by Respondents Department of Housing and Preservation (“DHPD”), Department of Buildings (“DOB”), Department of Health and Mental Hygiene (“DOHMH”), or the Court, within the

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time permitted by the Court; and,

4) Pursuant to the definition set forth in NYC Admin. Code § 27-2004 (a)(48), finding that Respondent-owners have harassed Petitioners in violation of NYC Admin. Code §27-2005(d), by neglecting long-term living conditions in the building and falsely certifying HPD violations to obscure the severity of those living conditions; imposing punitive damages and civil penalties pursuant to Section 27-2115(m) of that Code, and enjoining Respondent-owners from engaging in acts or omissions which constitute harassment; and

5) Granting Petitioners such further relief as the Court deems just and proper.

It is further **ORDERED** that Respondents DHPD, DOB, and DOHMH shall (i) inspect the subject premises and common areas within the subject building (ii) determine the existence therein of violations of the New York City Housing Maintenance Code, the Multiple Dwelling Law, the Building Code, or any other applicable housing standards, and (iii) produce a violation report based on these findings at the first appearance, as set forth above.

It is further **ORDERED** that Respondent DOB shall generate a scope of work assessment or an estimated timeframe in which Respondents can be reasonably expected to complete the repair work sufficient to lift the Partial Vacate Order pursuant to § 28-207.4 of the NYC Admin Code;

It is further **ORDERED** that Respondents NYC DOHMH shall produce all reports of rat inspections conducted at the subject premises;

It is further **ORDERED** that service of copies of this Order, the Verified Petition, and the exhibits annexed thereto, shall be made by April _____, 2024, and that service in the manner set forth herein shall be deemed good and sufficient:

- a) Upon Respondent KARAN SINGH, by certified mail, return receipt requested, located at 530 East 169 Street, OFC, Bronx, NY 10456;

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- b) Upon Respondent FORDHAM FULTON REALTY, by certified mail, return receipt requested, located at 530 East 169 Street, OFC, Bronx, NY 10456;
- c) Upon Respondent RAFAEL BAEZ, by certified mail, return receipt requested, located at 530 East 169 Street, OFC, Bronx, NY 10456;
- d) Upon Respondent RAJMATTIE PERSAUD, by certified mail, return receipt requested, located at the address listed the mortgage documents: 45 Jackson Street, Hempstead, New York 11550; also upon RAJMATTIE PERSAUD at their additional addresses, which are believed to be 40 Laurel Woods Dr, Oyster Bay, NY 11771 and 31 Amber Lane, Oyster Bay, NY 11771, each by certified mail, return receipt requested.
- e) Upon Respondent DOB by certified mail, return receipt requested, located at 280 Broadway, New York, New York, 10007;
- f) Upon Respondent DHPD by certified mail, return receipt requested, located at 100 Gold Street, Litigation Department, New York, New York, 10038; and
- g) Upon Respondent DOHMH by certified mail, return receipt requested, located at Gotham Center, 42-09 28th Street - CN31, Long Island City, Queens, NY 11101.

Service in the manner set forth herein shall be deemed good and sufficient pursuant to Housing Maintenance Code Section 27-2115(j), and it is further, **ORDERED** that answering affidavits or responsive papers, if any, must be served upon counsel at least two days before the return date for this motion.

Dated: April _____, 2024
Bronx, New York

JUDGE OF THE CIVIL COURT
OF THE CITY OF NEW YORK

EMERGENCY HEAT AND HOT WATER OUTAGE

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: HOUSING PART H

Index No. H.P. _____

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530-540 EAST 169TH STREET TENANTS ASSOCIATION,
ANA SALAS, ET. AL.

Petitioner-Tenants,

VERIFIED PETITION

- against -

FORDHAM FULTON REALTY, KARAN SINGH,
SEAN CAMPBELL, RAFAEL BAEZ, RAJMATTIE
PERSAUD

Respondent-Owners,

Subject Premises:
530-540 E. 169th Street
Bronx, NY 10456

NEW YORK CITY DEPARTMENT OF BUILDINGS,
NEW YORK CITY DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT, NEW
YORK CITY DEPARTMENT OF HEALTH AND
MENTAL HYGIENE

Respondents.

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Petitioners alleges as follows through the undersigned counsel, Zoe Kheyman, Esq. and Vanessa Adegbite, Esq., of counsel to Twyla Carter, Attorney-In-Charge of The Legal Aid Society:

Preliminary Statement

1. The “subject premises” is a severely neglected property comprised of two connected buildings, 530 East 169th Street and 540 East 169th Street, Bronx, NY 10456. There are building-wide conditions which require immediate repair such as leaks, elevator outages, lack of heat, lack of hot water, vermin infestation, and other severe living conditions in both buildings.

2. Petitioners seek an order to correct for their individual apartments and the building-wide conditions which have plagued both buildings and immensely impacted the conditions in their apartments.

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3. Petitioners also seek the implementation of integrative pest control in the building to address the infestations of cockroaches, black flies, rats, and mice in common areas and inside individual apartments.

4. Upon information and belief, the basis of which is the New York City Department of Housing Preservation and Development (“HPD”) public database records, there are 321 units at the combined subject premises.

5. There are currently over 600 HPD violations at the subject premises, with over 200 classified as “Class C” or “immediately hazardous” to the tenants in the building. See Exhibit A – HPD Registration Page.

6. These “Class C” or “immediately hazardous” violations are present in both common areas and individual Petitioners’ apartments.

7. The building also contains over 30 New York City Department of Buildings (“DOB”) violations, over 40 OATH-ECB violations, multiple elevator violations, and a DOB partial vacate order under Violation #2328281 for defective balcony slabs with rebar exposed, degraded masonry, spalled masonry, and balcony slabs forming a hazardous condition. See Exhibit B – DOB Violations and DOB Vacate Order

8. The New York City Department of Health and Mental Hygiene (“DOHMH”) has flagged the building for rat activity, with consistent (nearly monthly) sightings of rats throughout the past year. See, <https://a816-dohbesp.nyc.gov/IndicatorPublic/Rats/>

9. Upon information and belief, the basis of which is the HPD database, there were over 1,200 HPD Violations placed at the subject premises earlier this year, 2024. According to reports from tenants, the violations have begun to rapidly disappear from the HPD database in the last weeks without any corresponding increase in repairs.

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10. Upon information and belief, the basis of which is the HPD database and conversations with Petitioners, the Respondent-owners have falsely certified the correction of numerous conditions. These false certifications are accompanied by falsified affidavits from Respondents or their agents. These false certifications are an attempt to remove violations from the public database and obfuscate the severe nature of the buildings' neglect. These false certifications form the basis of the harassment claims discussed below.

11. These numerous HPD violations, both open and closed, demonstrate that Respondent-owners have neglected the building and created a dangerous living environment which affects each Petitioner and their families.

12. Respondent-owners have refused to enact lasting repairs to the subject premises, i.e. concealed leaks are plastered over, vermin infestations are not properly addressed, heat has not been consistent, hot water outages remain, elevators are constantly out of service, and mold is merely painted over only to return again.

13. Petitioners thus seek an order to correct these violations, as well as an order finding that Respondent-Owners have harassed them, enjoining Respondent-owners from continuing the harassment, and imposing civil penalties and/or punitive damages for Respondent-owners' illegal conduct.

Parties

14. The individual Petitioners herein are tenants and/or lawful occupants of the subject premises and are entitled to enforce the Housing Maintenance Code and other Administrative Codes including the DOB Construction Code.

15. The term "resides" as used herein shall include, without limitation, those who reside by tenancy, co-tenancy, sublease, and/or license of the tenant.

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16. Upon information and belief, the basis of which is conversations with Petitioners and an examination of leases, the subject premises is leased to Petitioners pursuant to the Rent Stabilization Laws.

17. Upon information and belief, the basis of which is publicly available data on <https://whoownswhat.justfix.org/en/>, there are 11 buildings in Respondent-owners' portfolio with a total of 963 units.

18. Respondent FORDHAM FULTON REALTY is the "Corporation" that owns the subject premises, as they are listed as both the corporation and the managing agent of the subject building on the Multiple Dwelling Registration Statement filed with Respondent HPD pursuant to Section 27-2115(h)(1) of the Housing Maintenance Code. See NYC Admin. Code § 27-2004(a)(45); MDL § 4(44) and Exhibit A.

19. Respondent KARAN SINGH is listed as the "Head Officer" of the subject building on the most recent Multiple Dwelling Registration Statement filed with Respondent HPD and is directly in control of the day-to-day operations at the subject building. As such, this Respondent is an "owner" of the subject building for purposes of Section 27-2115(h)(1) of the Housing Maintenance Code. See NYC Admin. Code § 27-2004(a)(45); MDL § 4(44); DHPD v. Livingston, 169 Misc. 2d 660 (App. Term 2d Dep't 1996) and Id.

20. Respondent SEAN CAMPBELL is listed as "Head Officer" of the subject building and is thus a proper Respondent-Owner pursuant to NYC Admin. Code § 27-2004(a)(45). See Id.

21. Respondent RAFAEL BAEZ is listed as the "managing agent" of Respondent FORDHAM FULTON REALTY CORP (a.k.a "FORDHAM FULTON REALTY") and is thus a proper Respondent-Owner pursuant to NYC Admin. Code § 27-2004(a)(45). See Id.

22. Upon information and belief, Respondent RAJMATTIE PERSAUD is listed as the "Chairman of the Board/Chief Executive Officer/President" of Respondent FORDHAM FULTON REALTY CORP, pursuant to various mortgage documents dated December 27, 2018, between Respondent

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RAJMATTIE PERSAUD and a lender called Greystone Servicing Corporation, Inc. This publicly available document purportedly consolidates a mortgage worth about \$61,545,000.00 and is endorsed by Respondent RAJMATTIE PERSAUD'S notarized signature. As such, Respondent RAJMATTIE PERSAUD is also an "owner" of the subject building pursuant to NYC Admin. Code § 27-2004(a)(45). See Exhibit C – Mortgage Document Excerpts (Full document available on ACRIS).

23. Upon information and belief, Respondent RAJMATTIE PERSAUD owns the subject premises as part of a vast real estate portfolio worth many millions of dollars. RAJMATTIE PERSAUD'S address on ACRIS is listed as 45 Jackson Street, Hempstead, New York 11550 and according to additional searches, RAJMATTIE PERSAUD'S additional addresses are believed to be 40 Laurel Woods Dr, Oyster Bay, NY 11771 and 31 Amber Lane, Oyster Bay, NY 11771.

24. Respondents DOB, DOHMH, and DHPD are New York City agencies charged with, *inter alia*, enforcement of the Multiple Dwelling Law, the New York City Housing Maintenance Code, Building Code, Electrical Code, Health Code, Fire Code, and/or Air Pollution Control Code, and/or other housing standards, and therefore are proper parties. See NYC Civ. Ct. Act § 110(d).

Legal Authority

25. Section 110 of the New York City Civil Court Act authorizes "proceedings for the... imposition of... violation[s]" 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," §110(a)(7), "[p]roceedings for the issuance of injunctions and restraining orders or other orders for the enforcement of housing standards under such laws," §110(a)(4), and "[a]ctions for the imposition and collection of civil penalties for the violation of such laws". §110(a)(1). See also NYC Civ. Ct. Act §§ 203(k), (n), (o).

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26. Therein “the court may recommend or employ any remedy, program, procedure or sanction authorized by law for the enforcement of housing standards, if it believes they will be more effective to accomplish compliance or to protect and promote the public interest”. NYC Civ. Ct. Act § 110(c). See also NYC Admin. Code § 27-2121.

27. The Court may order agencies and departments of New York City and New York State to inspect a building. See NYC Civ. Ct. Act § 110(d); Schanzer v. Vendome, 7 Misc. 3d 1018(A) (Civ. Ct. N.Y. Cty. 2005). See also Garcia v. Adelfio, 12/23/91 N.Y.L.J. 23, col. 4 (App. Term 1st Dep’t) (affirming Order issued by Hon. Klein, JHC, directing Department of Health to inspect subject premises for asbestos).

28. Pursuant to Section 27-2115(h)(1) of the Housing Maintenance Code:

Should the department fail to issue a notice of violation upon the request of a lawful occupant... within thirty days of the date of such request, or if there is a notice of violation outstanding respecting the premises in which the lawful occupant... resides, ... the lawful occupant or any group of lawful occupants, may individually or jointly apply to the housing part for an order directing the owner and the department to appear before the court. Such order shall be issued at the discretion of the court for good cause shown and shall be served as the court may direct. If the court finds a condition constituting a violation exists, it shall direct the owner to correct the violation and, upon failure to do so within the time set for certifying the correction of such violation pursuant to subdivision (c) of this section, it shall impose a penalty in accordance with subdivision (a) of this section. Nothing in this section shall preclude any person from seeking relief pursuant to any other applicable provision of law.

29. The “long-established practice of the court has been to request DHPD inspectors to visit the premises prior to the first court appearance; that inspection provides the court at an early opportunity with objective proof of whether ‘a condition constituting a violation exists’ in the premises, and after results in violations being placed on the building. If conditions or violations are proven to exist, whether by inspectors or by tenant testimony, the court may then order them corrected.” Chan v. 60 Eldridge Corp., 129 Misc. 2d 787, 494 N.Y.S.2d 284 (Civ. Ct. N.Y. Cty. 1985).

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As and For a First Cause of Action – Emergency Order for Heat and Hot Water

30. Petitioners seek an emergency interim Order from the Court finding the heat and hot water violations exist in the subject premises and are Class C violations pursuant to the New York City Housing Maintenance Code.

31. According to public records on ACRIS, the Respondent-owners have not paid their outstanding oil invoices. A company called “Approved Oil Co” has placed a lien on the subject property in or about May 2023. See Exhibit D– Respondent-owners Oil Lien

32. Upon information and belief, the basis of which are HPD public records, the City has stepped in to pay over \$17,000.00 in heat expenses to maintain essential services in the building, charging the Respondent-owners \$27,720.88 to “fill the fuel tank”. See Id.

33. Upon information and belief, the basis of which are HPD public records, this fee has been transferred to the NYC Department of Finance.

34. Petitioners thus seek an emergency interim Order requiring Respondents to provide heat and hot water, as well as unfettered access to City inspectors for the heating systems at the subject premises or be subject to civil penalties.

As and For a Second Cause of Action

35. Based on the facts set forth *supra*, Petitioners seek an Order from the Court finding the conditions in the subject premises and common areas of the subject building described herein and/or determined to be violations of the Multiple Dwelling Law, the New York City Housing Maintenance Code, Building Code, Electrical Code, Health Code, Fire Code, and/or Air Pollution Control Code, or any other applicable housing standard, and designating a hazard class for each violation.

THE FOLLOWING RESIDENTS RESIDE IN BUILDING 530 E 169th St:

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36. Petitioner ANA SALAS resides in Apartment 3B alleges the following conditions in their unit:

- a. Broken apartment entryway door lock,
- b. Bedroom ceiling contains hole around steam pipe,
- c. Abate source of leak in bedroom ceiling and walls,
- d. Abate and repair source of leaks in living room,
- e. Paint and plaster throughout (ceiling and walls),
- f. Defective intercom/doorbell, and
- g. Lack of heat.

37. Petitioner SHELDON ATKINSON resides in Apartment 3F alleges the following conditions in their unit:

- a. Exterminate mice,
- b. Exterminate roaches,
- c. Defective/broken apartment entryway door (not self-closing),
- d. Defective/broken vents throughout,
- e. Plaster and paint throughout,
- f. Defective/broken closet doors throughout (reframe/do not open/close),
- g. Defective/broken/eroded kitchen cabinets,
- h. Clogged bathtub,
- i. Lack of heat, and
- j. Lack of hot water.

38. Petitioner JAMES BUTLER resides in Apartment 3J alleges the following conditions in their unit:

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- a. Living room closet door broken,
- b. Exterminate bedbugs,
- c. Defective doorbell/intercom,
- d. Lack of heat,
- e. Lack of hot water,
- f. Exterminate mice,
- g. Exterminate rats,
- h. Exterminate roaches,
- i. Defective bathroom faucet (leaks),
- j. Reglaze bathtub,
- k. Defective toilet,
- l. Defective showerhead (leaks),
- m. Hole in ceiling surrounding steampipe, and
- n. Paint and plaster throughout.

39. Petitioner SHERON HOLLEY resides in Apartment 5D alleges the following conditions in their unit:

- a. Defective outlets throughout,
- b. Mold throughout,
- c. Leaking bedroom ceiling,
- d. Peeling walls and ceiling throughout,
- e. Paint and plaster throughout (ceiling and walls),
- f. Defective, uneven and chipped floors throughout,
- g. Leaking bedroom walls,

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- h. Defective intercom/doorbell,
- i. Defective entryway apartment door,
- j. Obstructed toilet, and
- k. Bathroom walls leak.

40. Petitioner DORIAN ALICEA resides in Apartment 6A alleges the following conditions in their unit:

- a. Exterminate roaches,
- b. Mold throughout,
- c. Lack of heat, and
- d. Lack of hot water.

41. Petitioner GLEN TERRELL resides in Apartment 6B alleges the following conditions in their unit:

- a. Defective bedroom entryway door (lock and door)
- b. Defective bedroom outlets,
- c. Paint and plaster bedroom peeling ceiling,
- d. Defective bedroom closet door,
- e. Defective living room closet door,
- f. Lack of heat, and
- g. Lack of hot water.

42. Petitioner MARIE HODGE resides in Apartment 6C alleges the following conditions in their unit:

- a. Paint and plaster throughout (ceiling and walls),
- b. Broken bedroom closet door,

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- c. Broken living room closet door,
- d. Mold throughout the bathroom,
- e. Lack of heat, and
- f. Lack of water.

43. Petitioner GISSEL BERRIO resides in Apartment 6E alleges the following conditions in their unit:

- a. Broken bedroom entryway door,
- b. Defective intercom/doorbell,
- c. Defective apartment entryway door,
- d. Missing smoke detector,
- e. Paint and plaster throughout,
- f. Lack of heat,
- g. Lack of hot water,
- h. Exterminate rats,
- i. Exterminate mice,
- j. Exterminate roaches,
- k. Re-glaze bathtub,
- l. Defective bathroom entryway door (lock and door),
- m. Broken bathroom outlets, and
- n. Defective oven and stove.

44. Petitioner FLOYD HALL resides in Apartment 6F alleges the following conditions in their unit:

- a. Bedroom entryway door lock broken,

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- b. Bedroom has broken light,
- c. Peeling paint bedroom ceiling,
- d. Bedroom closet door broken,
- e. Seal bedroom window,
- f. Lack of hot water,
- g. Lack of heat,
- h. Broken toilet,
- i. Mold throughout,
- j. Paint and plaster throughout,
- k. Defective kitchen sink faucet (leaks, inconsistent hot and cold water),
- l. Exterminate rats,
- m. Exterminate mice, and
- n. Exterminate roaches.

45. Petitioner ALBERT SMITH resides in Apartment 7D alleges the following conditions in their unit:

- a. Broken bedroom door,
- b. Leaking bedroom ceiling,
- c. Paint and plaster throughout,
- d. Living room light broken,
- e. Leaking bathtub faucet,
- f. Lack of heat, and
- g. Lack of hot water.

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46. Petitioner VICTORIA GUZMAN resides in Apartment 7G alleges the following conditions in their unit:

- a. Collapsing bathroom ceiling,
- b. Plaster and paint throughout,
- c. Holes in walls near sink (caused by rats),
- d. Defective/broken seal surrounding kitchen cabinets to wall,
- e. Defective/broken bedroom window (cannot open/close), and
- f. Defective apartment entry door peephole.

47. Petitioner JOHN WILSON III resides in Apartment 7J alleges the following conditions in their unit:

- a. Lack of heat, and
- b. Lack of hot water.

48. Petitioner MARIE CATHERINE DICKERSON resides in Apartment 8B alleges the following conditions in their unit:

- a. Defective/broken floor tiles,
- b. Exterminate rats,
- c. Defective/broken bathroom radiator,
- d. Exterminate mice,
- e. Exterminate roaches and water bugs,
- f. Defective/broken stove/oven,
- g. Defective/broken closet doors throughout,
- h. Missing doorknobs throughout,
- i. Defective bathroom light (flickers),

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- j. Lack of hot water,
- k. Defective kitchen sink (pipe leaks),
- l. Defective/eroded kitchen cabinets,
- m. Defective/broken toilet, and
- n. Lack of heat.

49. Petitioner ELSIE MONCION resides in Apartment 8H alleges the following conditions in their unit:

- a. Lack of heat,
- b. Lack of hot water,
- c. Clogged bathtub, and
- d. Plaster and paint throughout.

50. Petitioner BOBBY CARTER resides in Apartment 9D alleges the following conditions in their unit:

- a. Paint and plaster throughout,
- b. Leaking bedroom radiator,
- c. Leaking bedroom windows,
- d. Seal living room windows,
- e. Exterminate rats,
- f. Exterminate mice,
- g. Exterminate roaches,
- h. Lack of heat and
- i. Lack of hot water.

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51. Petitioner DOROTHY GLOVER resides in Apartment 9G alleges the following conditions in their unit:

- a. Lack of heat, and
- b. Lack of hot water.

52. Petitioner WILLIAM CARTER resides in Apartment 9H alleges the following conditions in their unit:

- a. Plaster and paint throughout,
- b. Defective, warped floors throughout,
- c. Broken living room closet door,
- d. Lack of heat,
- e. Lack of hot water,
- f. Exterminate rats,
- g. Exterminate roaches,
- h. Exterminate mice,
- i. Mold throughout bathroom, and
- j. Broken stove and oven.

53. Petitioners ANGELA BELL resides in Apartment 9J alleges the following conditions in their unit:

- a. Mold throughout bedroom,
- b. Paint and plaster throughout,
- c. Defective bedroom closet door,
- d. Plaster and paint throughout,
- e. Lack of heat, and

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f. Lack of hot water.

54. Petitioners NATALIE CHAPMAN resides in Apartment 9K alleges the following conditions in their unit:

- a. Paint and plaster throughout (ceiling and walls),
- b. Peeling ceilings and walls throughout,
- c. Broken bedroom entryway door lock,
- d. Defective bedroom floors (broken and missing tiles),
- e. Mold throughout,
- f. Bathtub faucet leaks,
- g. Re-glaze bathtub,
- h. Defective bathroom door (door and lock);
- i. Inadequate bathroom water pressure
- j. Bathroom sink faucet leaks (pipes leak),
- k. Broken toilet,
- l. Leaking bathroom walls,
- m. Collapsed kitchen ceiling,
- n. Defective kitchen sink faucet and pipes leak,
- o. Lack of heat,
- p. Lack of hot water,
- q. Exterminate roaches,
- r. Exterminate mice, and
- s. Exterminate rats.

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55. Petitioners JOHN OQUENDO resides in Apartment 10K alleges the following conditions in their unit:

- a. Broken bedroom entryway door,
- b. Broken bedroom closet door,
- c. Broken and missing bedroom floor tiles,
- d. Living room closet has mold,
- e. Broken apartment entryway door,
- f. Lack of heat,
- g. Lack of hot water throughout,
- h. Missing smoke detectors,
- i. Peeling and cracked bathtub,
- j. Collapsed bathroom ceiling,
- k. Exterminate roaches,
- l. Exterminate mice,
- m. Exterminate rats, and
- n. Defective doorbell/intercom.

56. Petitioners DEREK YOUNG resides in Apartment 10A alleges the following conditions in their unit:

- a. Seal bedroom window (leaks),
- b. Seal living room window (leaks),
- c. Re-glaze bathtub,
- d. Mold throughout bathroom,
- e. Inadequate bathroom water pressure,

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- f. Defective kitchen sink (clogged),
- g. Inadequate kitchen water pressure,
- h. Broken kitchen faucet and pipe leaks,
- i. Lack of heat,
- j. Lack of hot water,

57. Petitioner WILMA ANN SEALY resides in Apartment 11BS alleges the following conditions in their unit:

- a. Paint and plaster throughout,
- b. Lack of hot water throughout,
- c. Inadequate bathtub water pressure,

58. Petitioner YVETTE HAWKINS resides in Apartment 11C alleges the following conditions in their unit:

- a. Defective bedroom entryway door lock,
- b. Bedroom ceiling peeling paint,
- c. Defective bedroom closet door,
- d. Living room floor warped,
- e. Hole around living room steam pipe,
- f. Living room radiator leaks,
- g. Mold throughout (ceiling, closets)

59. Petitioner ALBERT GEORGE resides in Apartment 11E alleges the following conditions in their unit:

- a. Paint and plaster throughout,
- b. Bedroom closet door broken,

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- c. Seal bedroom window/window frame,
- d. Seal living room window/ window frame,
- e. Lack of hot water throughout, and
- f. Broken doorbell/intercom.

60. Petitioner KAMEELAN DOBY resides in Apartment 12A alleges the following conditions in their unit:

- a. Lack of heat, and
- b. Lack of hot water.

61. Petitioner JESSIE A. THOMAS resides in Apartment 12B alleges the following conditions in their unit:

- a. Lack of heat, and
- b. Lack of hot water.

62. Petitioner JORGE DOWNES resides in Apartment 12H alleges the following conditions in their unit:

- a. Paint and plaster throughout,
- b. Bedroom ceiling collapsed,
- c. Kitchen ceiling collapsed,
- d. Kitchen sink faucet leaks,
- e. Ceiling leaks throughout,

63. Petitioner CARMELO ENGLISH resides in Apartment 14A alleges the following conditions in their unit:

- a. Defective bedroom entryway door,
- b. Broken bedroom outlets,

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- c. Mold throughout,
- d. Collapsed bedroom ceiling,
- e. Defective closet bedroom door,
- f. Defective and missing bedroom floor tiles,
- g. Defective living room electrical outlets,
- h. Collapsed living room ceiling,
- i. Defective and missing living room floor tiles,
- j. Missing smoke detector,
- k. Lack of heat,
- l. Lack of hot water, and
- m. Defective doorbell/intercom.

64. Petitioner TAMIKA LAMBRIGHT resides in Apartment 14H alleges the following conditions in their unit:

- a. Defective kitchen sink pipes (leaks),
- b. Exterminate roaches,
- c. Defective doorbell/intercom,
- d. Lack of heat,
- e. Lack of hot water,
- f. Defective kitchen sink,
- g. Broken refrigerator,
- h. Defective stove,
- i. Hole in kitchen wall,
- j. Defective kitchen cabinets (rotted and broken).

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65. Petitioner TIFFANIE BANKS resides in Apartment 15E alleges the following conditions in their unit:

- a. Defective doorbell/intercom,
- b. Exterminate roaches,
- c. Lack of heat,
- d. Lack of hot water,
- e. Mold in bathroom,
- f. Plaster and paint throughout,
- g. Defective/broken kitchen floor tiles,
- h. Defective/broken bedroom floor tiles,
- i. Defective/broken terrace floor (leaking)
- j. Defective kitchen sink faucet (loose pipe and leaks)
- k. Leaky ceiling throughout,
- l. Leaky walls throughout.

66. Petitioner CARMEN LUCIANO resides in Apartment 15G alleges the following conditions in their unit:

- a. Defective kitchen cabinets,
- b. Paint and plaster throughout,
- c. Lack of heat,
- d. Lack of hot water,
- e. Defective/warped floors throughout,
- f. Defective doorbell/intercom.

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67. Petitioner SHARMEILLEA LEACH resides in Apartment 15H alleges the following conditions in their unit:

- a. Broken bedroom entryway door lock,
- b. Broken bedroom light,
- c. Defective outlets throughout,
- d. Mold throughout (closets, ceiling, walls),
- e. Leak at ceilings throughout,
- f. Paint and plaster throughout,
- g. Defective closet doors throughout,
- h. Warped/defective/broken floors throughout,
- i. Hole in ceiling surrounding bedroom steam pipe,
- j. Collapsing ceiling throughout,
- k. Exposed electrical living room wiring,
- l. Defective windows throughout (does not open/close, broken lock),
- m. Defective apartment entryway door (lock broken, reframe)
- n. Missing smoke detectors,
- o. Reglaze bathtub,
- p. Defective bathroom sink faucet,
- q. Broken bathroom entryway door,
- r. Broken showerhead,
- s. Defective bathroom sink faucet (leaks)
- t. Bathroom window not properly sealed,
- u. Inadequate water pressure at faucets throughout,

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- v. Defective stove/oven,
- w. Defective refrigerator,
- x. Kitchen sink clogged,
- y. Kitchen window improperly sealed,
- z. Lack of heat,
- aa. Lack of hot water.

68. Petitioner CHANTAL SANTANA CRUZ resides in Apartment 16A alleges the following conditions in their unit:

- a. Lack of heat,
- b. Lack of hot water,
- c. Exterminate roaches,
- d. Abate source of leak at ceiling throughout,
- e. Warped floors throughout,
- f. Mold throughout (window frames), and
- g. Paint and plaster throughout.

69. Petitioner CHARLENE BANKS resides in Apartment 16C alleges the following conditions in their unit:

- a. Walls leak throughout,
- b. Lack of hot water,
- c. Broken showerhead,
- d. Mold throughout.

70. Petitioner TALIBRA HARRISON resides in Apartment 16G alleges the following conditions in their unit:

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- a. Abate source of leak throughout,
- b. Paint and plaster throughout,
- c. Properly seal windows throughout,
- d. Broken living room light,
- e. Mold throughout (closets, window frames).

71. Petitioner PATRICIA EGBUFOR resides in Apartment 17A alleges the following conditions in their unit:

- a. Broken bedroom entryway door lock,
- b. Plaster and paint throughout,
- c. Defective doorbell/intercom,
- d. Lack of heat,
- e. Lack of hot water,
- f. Broken bathtub faucet.

72. Petitioner BARBARA FRANKLIN resides in Apartment 17E alleges the following conditions in their unit:

- a. Broken oven/stove,
- b. Broken refrigerator,
- c. Paint and plaster throughout,
- d. Lack of heat,
- e. Lack of hot water,
- f. Defective/broken kitchen closet door,
- g. Mold in bathroom,
- h. Defective/broken floors throughout,

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- i. Exterminate mice,
- j. Exterminate roaches, and
- k. Exterminate rats.

73. Petitioner RHINA TAVAREZ resides in Apartment 17F alleges the following conditions in their unit:

- a. Broken bedroom entryway door lock,
- b. Defective electrical outlets throughout,
- c. Defective bedroom closet door,
- d. Exposed electrical wiring (bedroom, living room),
- e. Paint and plaster throughout,
- f. Defective living room closet door,
- g. Broken living room window lock,
- h. Broken entryway door lock,
- i. Lack of heat,
- j. Lack of hot water,
- k. Exterminate mice,
- l. Exterminate roaches, and
- m. Exterminate rats.
- n. Defective/warped floors throughout,
- o. Broken toilet.

74. Petitioner CATHY TRIBBLE resides in Apartment 17K alleges the following conditions in their unit:

- a. Broken bedroom closet door,

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- b. Missing/broken floor tiles throughout,
- c. Defective electrical outlets throughout,
- d. Paint and plaster throughout,
- e. Broken bathtub faucet,
- f. Broken bathroom entry door lock,
- g. Mold throughout bathroom,
- h. Leak at ceiling throughout,
- i. Lack of hot water,
- j. Lack of heat,
- k. Inadequate water pressure throughout, and
- l. Broken showerhead.

75. Petitioner CASSANDRA BUCHANAN resides in Apartment 18C alleges the following conditions in their unit:

- a. Mold throughout bedroom (ceiling, closets interior, window frames),
- b. Plaster and paint throughout,
- c. Leak at ceiling throughout,
- d. Defective bedroom closet door,
- e. Broken/missing floor tiles throughout,
- f. Leak at radiators throughout,
- g. Defective living room closet door;
- h. Defectively sealed windows throughout,
- i. Hole around hallway steampipe,
- j. Inadequate water pressure,

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- k. Broken bathroom sink faucet (pipe leaks),
- l. Clogged toilet,
- m. Lack of heat,
- n. Lack of hot water, and
- o. Bathroom window leaks.

THE FOLLOWING RESIDENTS RESIDE IN BUILDING 540 E 169th St:

76. Petitioner MAGALY SANCHEZ resides in Apartment 2B alleges the following conditions in their unit:

- a. Mold throughout (ceiling, closets, window frames, walls),
- b. Broken bedroom closet door,
- c. Warped floors throughout,
- d. Paint and plaster throughout,
- e. Broken living room closet door,
- f. Lack of heat,
- g. Lack of hot water,
- h. Broken/defective stove/oven,

77. Petitioner CASSANDRA LEWIS resides in Apartment 2D alleges the following conditions in their unit:

- a. Lack of hot water, and
- b. Lack of heat.

78. Petitioner MARIA CORTORREAL resides in Apartment 2H alleges the following conditions in their unit:

- a. Holes in walls throughout caused by rats,

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- b. Exterminate rats,
- c. Defective/leak ceiling throughout,
- d. Defective terrace drainage,
- e. Lack of hot water,
- f. Lack of heat,
- g. Defective terrace door,
- h. Defective bedroom entry door,
- i. Defective/warped floor throughout,
- j. Paint and plaster throughout.

79. Petitioner ANDREA RYER resides in Apartment 8D alleges the following conditions in their unit:

- a. Lack of hot water,
- b. Lack of heat,
- c. Broken hallway door closer,
- d. Mold throughout,
- e. Defective smoke detector,
- f. Paint and plaster throughout,
- g. Defective floors throughout,
- h. Leak at ceiling throughout,
- i. Defective/broken refrigerator seal,
- j. Defective/broken stove/oven,
- k. Eroded/defective kitchen cabinet,
- l. Defective kitchen sink faucet,

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80. Petitioner MARIAME KEITA resides in Apartment 4B alleges the following conditions in their unit:

- a. Mold throughout (ceiling, closets, window frames)
- b. Broken/defective doorbell/intercom, and
- c. Defective/broken apartment entry door

81. Petitioner DESIREE PENA resides in Apartment 4J alleges the following conditions in their unit:

- a. Broken/defective bedroom entry door,
- b. Broken/defective bedroom closet door,
- c. Leaking walls,
- d. Defective/broken/missing floor tiles throughout,
- e. Defective/broken seal around windows throughout,
- f. Exterminate bedbugs,
- g. Lack of hot water,
- h. Lack of heat,
- i. Plaster and paint throughout,
- j. Defective electrical outlets throughout,
- k. Collapsing ceiling,
- l. Leak at ceiling throughout,
- m. Defective/broken balcony door seal,
- n. Broken toilet,
- o. Defective/broken stove/oven,

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82. Petitioner WANDA TOWNSEND resides in Apartment 5G alleges the following conditions in their unit:

- a. Mold throughout (walls, ceiling, window frames),
- b. Broken living room closet door,
- c. Defective/broken floors throughout,
- d. Paint and plaster throughout,
- e. Defective/broken window seals throughout,
- f. Broken doorbell buzzer/intercom.

83. Petitioner WILLA D. PELZER resides in Apartment 6H alleges the following conditions in their unit:

- a. Broken bedroom door,
- b. Broken bedroom closet door,
- c. Mold throughout (walls, ceiling),
- d. Plaster and paint throughout,
- e. Broken living room closet door,
- f. Broken/defective bathroom entry door,
- g. Lack of hot water,
- h. Inadequate water pressure,
- i. Loose vanity,
- j. Leak at kitchen sink pipe

84. Petitioner MARK MITCHELL resides in Apartment 7J alleges the following conditions in their unit:

- a. Broken bedroom closet,

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- b. Broken/defective doorbell/intercom,
- c. Lack of heat,
- d. Lack of hot water,
- e. Exterminate mice,
- f. Exterminate roaches,
- g. Exterminate rats,

85. Petitioner BETTY DIAZ resides in Apartment 8K alleges the following conditions in their unit:

- a. Defective/broken kitchen cabinets,
- b. Leak at ceiling throughout,
- c. Leak at walls throughout,
- d. Lack of heat,
- e. Lack of hot water,
- f. Defective/broken toilet (leak, constant running)
- g. Defective closet doors throughout,
- h. Defective/broken doorbell/intercom,
- i. Mold in bathroom,
- j. Defective electrical wiring throughout,
- k. Defective/broken/warped floor throughout, and
- l. Paint and plaster throughout.

86. Petitioner ELISE MONCION resides in Apartment 8H alleges the following conditions in their unit:

- a. Mold throughout bathroom,

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- b. Plaster and paint throughout,
- c. Defective/broken toilet,
- d. Lack of heat,
- e. Lack of hot water,
- f. Bathtub drainpipe clogged,
- g. Kitchen ceiling is cracked.

87. Petitioner HADIA KANE resides in Apartment 9A alleges the following conditions in their unit:

- a. Lack of heat,
- b. Bathroom ceiling has mold,
- c. Bathroom veiling is peeling,
- d. Bathroom ceiling needs to be painted,
- e. Apartment needs to be painted,
- f. Toilet is broken,
- g. Mailbox broken,
- h. Intercom broken,
- i. Lack of heat,
- j. Lack of hot water.

88. Petitioner NICOLE JENKINS resides in Apartment 10C alleges the following conditions in their unit:

- k. Lack of heat,
- l. Lack of hot water.

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89. Petitioner WENDY BROWN resides in Apartment 10F alleges the following conditions in their unit:

- a. Defective/broken bedroom entry door,
- b. Mold throughout bedroom (ceiling, walls)
- c. Collapsing bedroom ceiling,
- d. Plaster and paint throughout, and
- e. Defective/broken living room closet door.

90. Petitioner LYDIA MUSHIKORI resides in Apartment 10G alleges the following conditions in their unit:

- a. Defective/broken bedroom entry door lock,
- b. Defective/broken electrical outlets throughout,
- c. Mold throughout (ceiling, walls),
- d. Plaster and paint throughout,
- e. Collapsing and peeling ceiling throughout,
- f. Defective/broken/missing/warped floor tiles throughout,
- g. Hole around bedroom steam pipe,
- h. Defective/broken closet doors throughout,
- i. Exterminate bedbugs,
- j. Defective/broken doorbell/intercom,
- k. Defective/broken apartment entryway door,
- l. Re-glaze bathtub,
- m. Defective/broken bathtub faucet,
- n. Defective/broken bathroom entry door,

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- o. Defective/broken stove/oven,
- p. Defective/broken refrigerator,
- q. Defective/broken kitchen sink faucet (pipe leaks).

91. Petitioner RHINA TAVERAS resides in Apartment 10J alleges the following conditions in their unit:

- a. Lack of heat,
- b. Lack of hot water,
- c. Mold throughout (ceiling, walls, window frames),
- d. Exterminate mice,
- e. Exterminate roaches,
- f. Plaster and paint throughout.

92. Petitioner WILLIAM BROWN resides in Apartment 11F alleges the following conditions in their unit:

- a. Defective/broken radiators/risers throughout,
- b. Defective/broken b
- c. Bedroom closet door,
- d. Defective/broken kitchen cabinets,
- e. Defective/broken electrical outlets throughout,
- f. Defective/broken apartment entryway door,
- g. Lack of heat,
- h. Lack of hot water, and
- i. Exterminate mice.

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93. Petitioner KEVIN CRUZ resides in Apartment 11J alleges the following conditions in their unit:

- a. Lack of heat, and
- b. Lack of hot water.

94. Petitioner CAROLYN MELVIN resides in Apartment 12G alleges the following conditions in their unit:

- a. Defective/broken/missing floor tiles throughout,
- b. Defective/broken bedroom window (does not open/close),
- c. Defective/broken living room window seal,
- d. Defective/broken hallway window seal,
- e. Re-glaze bathtub,
- f. Lack of hot water,
- g. Defective/broken showerhead (leaks),
- h. Obstructed toilet, and
- i. Defective/broken kitchen sink (leaks).

95. Petitioner OLIVIA RODRIGUEZ resides in Apartment 16D alleges the following conditions in their unit:

- a. Defective/broken bedroom closet door,
- b. Plaster and paint throughout,
- c. Defective/broken/warped floor tiles throughout,
- d. Defective/broken bedroom window lock,
- e. Defective/broken living room light,
- f. Defective/broken electrical outlets throughout,

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- g. Defective/broken living room closet door,
- h. Defective/broken apartment entryway door/lock,
- i. Lack of heat,
- j. Lack of hot water,
- k. Missing smoke detectors,
- l. Exterminate rats,
- m. Exterminate mice,
- n. Exterminate roaches, and
- o. Defective/broken bathroom entry door/lock.

96. Petitioner CECELIA FOX resides in Apartment 16E alleges the following conditions in their unit:

- a. Defective/broken bedroom entryway door/lock,
- b. Defective/broken bedroom window seal,
- c. Defective/broken electrical outlets throughout,
- d. Plaster and paint throughout,
- e. Defective/broken living room closet door,
- f. Mold throughout (closets, ceilings, walls),
- g. Hole around living room steam pipe,
- h. Exterminate bedbugs,
- i. Defective/broken apartment entryway door/lock,
- j. Missing smoke detectors,
- k. Exterminate mice,
- l. Exterminate roaches,

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- m. Exterminate rats, ,
- n. Defective/broken bathroom sink (faucet leaks),
- o. Defective/broken kitchen sink (clogged, pipes leak),
- p. Inadequate water pressure at kitchen sink, and
- q. Defective/broken oven/stove.

97. Petitioner MILDRED CRUZ resides in Apartment 16K alleges the following conditions in their unit:

- a. Defective/broken closet doors throughout,
- b. Defective/broken bedroom entryway door,
- c. Defective/broken doorbell,
- d. Lack of hot water,
- e. Lack of heat,
- f. Exterminate mice,
- g. Exterminate roaches,
- h. Exterminate roaches,
- i. Obstructed toilet,
- j. Inadequate water pressure throughout,
- k. Defective/broken kitchen cabinets,
- l. Defective/broken stove/oven,
- m. Clogged kitchen sink.

98. Petitioner CHARITY GONZALEZ resides in Apartment 18G alleges the following conditions in their unit:

- a. Defective/broken light,

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- b. Defective/broken electrical outlets throughout,
- c. Mold throughout (ceiling, walls, window frames)
- d. Collapsing bedroom ceiling,
- e. Plaster and paint throughout,
- f. Defective/broken closet doors throughout,
- g. Defective/broken doorbell/intercom,
- h. Lack of heat,
- i. Lack of hot water,
- j. Exterminate mice,
- k. Exterminate roaches,
- l. Exterminate roaches,
- m. Re-glaze bathtub,
- n. Defective/broken bathroom entry door,
- o. Defective/broken/missing floor tiles throughout,
- p. Inadequate water pressure throughout,
- q. Leak at kitchen sink faucet, and
- r. Leak at ceiling/walls throughout.

99. In addition to these individual apartment conditions, the following conditions exist in the **COMMON AREAS** at the subject premises: (a) lack of janitorial services, (b) defective/broken intercom, (c) defective or inadequate lighting in building common areas (vestibule, lobby, stairways, elevator, and floor landings), (d) gas leak or odor, (e) building entryway doors do not contain working locks, (f) building inspection card missing, (g) plaster and paint lobby walls, ceiling, (h) broken mailboxes, (i) defective/missing lobby walls tiles, (j) defective/broken steps throughout (loose), (k) defective/broken

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elevators (one is fully out of service and the other has outages/defective service), (l) unsecured garbage in and near trash area (m) exterminate rats/mice/roaches/flies in the common areas *inside* the building, (n) rats/mice/roaches/flies in courtyard areas, (o) lack of heat, (p) lack of hot water in every apartment, (q) defective terraces, (r) building pavement is cracked outside, (s) lack of heat in common areas, (t) flies in the community room, (u) mold in the community room, (v) leaks and water damage on the walls/ceilings of the community room, (w) emergency doors in the community room are padlocked, (x) roaches throughout the building, (y) unsecured loose trash in building's backyard, (z) unsecured loose trash in the front of the building, (aa) defective roof, (bb) dirt and/or garbage in the hallways, (cc) broken tiles in the floors of common areas, (dd) leaking and flooding in common areas, and (ee) noxious odor in the community room stemming from leaks/mold/vermin.

100. Based on the facts set forth in *supra*, Petitioners seek an Order from the Court directing Respondent-owners to correct outstanding violations, placed through inspection or testimony, as well as any violations that arise during the pendency of the proceeding, within periods of time corresponding to each respective hazard class.

As and For a Third Cause of Action – DOB Violations

101. Petitioners seek the correction of all DOB and ECB Violations placed on the publicly available DOB website. See Exhibit B – DOB Violations and DOB Vacate Order

102. Petitioners further seek the placement of a Class C immediately hazardous violation for the DOB Vacate Order placed pursuant to Violation #2328281 and an order directing respondents to address the conditions underlying this Vacate Order by a date certain or be subject to contempt and/or civil penalties. This vacate order stems from defective balcony slabs with rebars exposed, degraded masonry,

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spalled masonry, and balcony slabs forming a hazardous condition. See Exhibit B – DOB Violations and DOB Vacate Order

103. Petitioners further seek the placement of a Class C immediately hazardous violation for the defective elevators at the subject premises, requiring the immediate abatement by a date certain, and any appropriate civil penalties/contempt for noncompliance. Petitioners report that there are frequent elevator outages, lasting for days or weeks, prejudicing Petitioners and preventing them from entering or exiting their homes. As demonstrated by numerous documented complaints to DOB, the open/closed ECB elevator Violations, and the various DOB “Cease Use” Orders, the elevators at the subject premises are dangerous. Elevators are deemed an essential service pursuant to the Housing Maintenance Code §27–2009.2 and as such, the court should determine that the prolonged defective elevator service is an immediately hazardous Class C violation.

As and For a Fourth Cause of Action – Vermin

104. Petitioners seek the placement of a Class C violation and immediate abatement of the vermin at the subject premises, with the appropriate civil penalties for noncompliance. According to the Rat Violation Report generated by DOHMH-- as provided on its website-- rat activity was identified at the subject premises multiple times in the past year.

105. The subject premises has inadequate janitorial services and inadequate garbage storage/removal. Vermin are allowed to proliferate at the subject premises, causing allergic/asthmatic reactions, embarrassment, and discomfort to Petitioners and their families.

106. Petitioners seek extermination through the use of integrative pest management administered by professional exterminators, in accordance with the Housing Maintenance Code, both inside common areas and inside their apartments.

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As and For a Fifth Cause of Action - Harassment

107. Petitioners seek an order finding that Respondent-owners have harassed the tenants in the subject building, directing DHPD to place a Class C violation, assessing civil penalties for such harassment, and enjoining Respondent-owners from continuing to harass Petitioners.

108. The first ground for a harassment finding is a long-term lack of repair and maintenance to the elevators in the building. There are about 17 floors at the subject premises. On information and belief, the basis of which is conversations with Petitioners and a review of the DOB violations at the subject premises, Respondent-owners' continuous refusal to secure the structural stability of the buildings' elevators has resulted in a lack of access to Petitioners' apartments. This is particularly dangerous in an emergency, as first responders could be prevented from providing medical assistance, especially on higher floors. Elderly tenants, tenants with young children, and tenants with disabilities have been especially impacted by Respondents' refusal to enact repairs on the elevator. This refusal to fix this essential service was intended to force tenants to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy. See N.Y.C. Admin. Code § 27-2004(a)(48)(b)(b-2).

109. As a second basis for a harassment finding, Petitioners allege that Respondent- owners are falsely certifying the completion of repairs at the subject premises. Upon information and belief, HPD has invalidated at least two dozen certifications and the Petitioners report many more violations that have been removed from the inspection reports but continue to exist at the subject premises. HPD has also been a party to several HP lawsuits that allege a lack of heat or hot water. In those cases, some of which were initiated by the agency itself, the violations disappeared only to reappear days or weeks later, demonstrating that the city knew or should have known about the false certifications by Respondent-owners. Petitioner-Tenants who never receive repairs are surprised to learn of their violation count dwindling. Tenants feel defeated, frustrated, and hopeless.

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110. This pattern of false certification is especially severe here, *where some tenants report heating their homes with the oven and electric space heaters* and others report going to bed with their winter coats on. Children and elderly tenants report frequent illness and pain from the cold nights. Some tenants report that they boil water in pots on the stove and bring it to the bathroom to bathe. Tenants have called 311 to report these conditions over and over and over to no avail. These calls are reflected in the HPD database of complaints, and the complaints are in turn confirmed by the numerous violations placed for these recurring issues.

111. The heat and hot water outages are also reflected in the courts, as both tenants and HPD have started HP cases against the Respondent-owners for this, but to no avail. Respondents have replied to these violations, not by engaging professionals to assess the issue, but instead by locking the boiler room thereby preventing access to HPD inspectors and falsely certifying the repairs.

112. It is evident that Respondents have refused to provide adequate oil to heat the building. One oil company has placed a lien at the subject premises, and DHPD spent over \$17,000.00 on heating oil to keep residents safe during the winter months.

113. Despite the pattern of violations appearing, disappearing, and reappearing, Respondent-Owners have not been held accountable for these conditions. This refusal to fix this essential service, coupled with the false certifications, was intended to force tenants to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy. See N.Y.C. Admin. Code § 27-2004(a)(48)(b)(b-2).

114. As a third basis for a harassment finding, Petitioners allege that Respondent- owners failed to provide janitorial and extermination services in the subject building, leading to hazardous common area violations. Respondents allowed the rat infestation and garbage buildups in the building to continue unabated – this was intended to cause Petitioners to vacate their units or waive rights associated with

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their rent stabilized tenancies. Respondents have not secured overflowing trash with sufficient vermin-proof containers. The common areas, specifically the community room is overrun with large black flies and foul odors. There are roaches throughout the common areas and in the laundry area. Respondents have allowed vermin to proliferate at the subject premises, causing tenants to live in substandard conditions. At one point this winter, the violation count for the building surpassed an astonishing 1,200 violations. The building has had scaffolding for years, leading to security concerns, a fire hazard, janitorial problems, and a vermin infestation, as the tops of the scaffolding has accumulated garbage. Petitioning tenants are ready and able to testify about the deplorable conditions in the building and how these conditions are forcing rent stabilized tenants out of their homes. These long-term conditions substantially interfered with tenant's lives and such neglect of building conditions was intended to cause Petitioners to vacate their units or surrender or waive rights associated with their occupancies, and such neglect constitutes harassment. See N.Y.C. Admin. Code § 27-2004(a)(48)(b).

115. As a fourth basis for a harassment finding, Petitioners further allege that Respondent-owners' long-term neglect of Petitioners' apartments, has substantially interfered with and/or disturbed their comfort, repose, peace or quiet, that such neglect was intended to cause Petitioners to vacate their units or surrender or waive rights associated with their occupancies, and such neglect constitutes harassment. Such severe neglect of conditions inside Petitioners' homes constitutes harassment. See N.Y.C. Admin. Code § 27-2004(a)(48)(b)(b-2).

116. As a fifth basis for a harassment finding, Petitioners allege that Respondent- owners repeatedly failed to correct hazardous DOB violations in the building including the boiler, the façade, and other DOB violations of record within the time required for such corrections. Presently, there are over 30 active DOB violations and over 40 active OATH-DOB violations in the subject building. This failure to comply with the NYC construction codes led to dangerous living conditions for Petitioners and their

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families. This lack of compliance with NYC Building and/or Construction Codes was intended to cause Petitioners to surrender their units or waive rights associated with their occupancy and, therefore, that such failures constitute harassment. See N.Y.C. Admin. Code § 27-2004(a)(48)(b-2).

117. As a sixth basis for a harassment finding, Petitioners allege that Respondent-owners failed to provide adequate security for the building. According to DHCR, building security guards are a required service in the buildings. Respondent-owners are seasoned landlords who knew or should have known about this security breach because of the numerous police reports and because Petitioners were reporting these dangerous directly to Respondent-owners or their agents. Upon information and belief, the security personnel in the building are family friends with Respondent-owners and have no training or background in security. This failure to secure these vacant apartments created a dangerous living situation that caused Petitioners to waive rights associated with their occupancy and, therefore, that such failures constitute harassment. See N.Y.C. Admin. Code § 27-2004(a)(48)(g).

118. As a seventh basis for a harassment finding, Petitioners allege that Respondent-owners failed to lift the vacate order in the building. This vacate order pertains to the terraces in the building, which are in severe disrepair. Petitioners with terraces report that there are severe cracks in the terraces which cause unsafe living conditions. There are multiple HPD violations for this condition, but Respondent-owners have consistently failed to enact meaningful, lasting repairs to the terraces leading to this DOB vacate order. This failure to lift the vacate order caused Petitioners to surrender their units or waive rights associated with their occupancy and therefore, that such failures constitute harassment. See N.Y.C. Admin. Code § 27-2004(a)(48)(c).

119. When reporting living conditions to management, tenants are often told that if they don't like it, they should move away. Most tenants who report living conditions to management are ignored or treated with contempt by agents of the Respondent-owners. Respondent-owners enter the apartments with

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HPD inspectors, preventing inspectors from doing their jobs and intimidating tenants who call 311 to report living conditions. It is worth noting that one of the Respondent-owners, SEAN CAMPBELL was recently asked about these living conditions. He refused to take responsibility for these deplorable conditions, telling one ABC News reporter that "I'm glad to break their lease and assist with the moving fee if they find somewhere they would like to move." See <https://abc7ny.com/building-violations-new-york-city-department-of-buildings-7-on-your-side-investigates/14456761/>.

120. This quote reflects the arrogance and lack of empathy with which the Respondent-owners treat their residents. At least one Petitioner reports residing in the subject building for over 50 years. The Petitioning-tenants report that they do not want to leave their homes. In the midst of a housing crisis, most New York City tenants have nowhere else to go. Petitioners seek to create a safe habitable home for their families in their building and in their community. They are now seeking repairs in their home and damages for harassment they have endured.

121. Petitioners are thus seeking compensatory damages and punitive damages for harassment, as well as legal fees.

As and For a Sixth Cause of Action

122. In the event of failure to correct any violation recorded by Respondents DHPD, DOB, DOHMH, or the Court, within the time permitted by the Court. Petitioners seek an Order from the Court imposing civil penalties upon Respondent-owners.

As and For a Seventh Cause of Action

123. Petitioners also seek an Order from the Court granting such further relief as the Court deems just and proper.

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WHEREFORE, Petitioners respectfully request that this Court grant the relief sought in the instant Petition, in its entirety.

Dated: Bronx, New York
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