

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART B

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**CRYSTAL BROWN, APRIL CHEEKS, MARCY
GARCIA, JENNA HUBER, KIEA JOHNSON, and
LOUIS SANCHEZ**

Petitioners,

-against-

**FOOD FIRST HOUSING DEVELOPMENT FUND
COMPANY, INC., ALFRED THOMPSON,
ONESOURCE PROPERTY MANAGEMENT
SERVICES, INC., VALENTINA GOJCAJ,**

Respondents,

-and-

**NYC DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT,**

Respondent.
-----X

Index No. HP

**VERIFIED PETITION
FOR APPOINTMENT OF
ADMINISTRATOR
PURSUANT TO
ARTICLE 7A OF THE
RPAPL**

Premises: 201 Pulaski
Street a/k/a 199 Pulaski
Street a/k/a 326 Throop
Avenue, Brooklyn, NY
11206 (Block No. 01772,
Lot. No. 0051)

The above-named Petitioners, CRYSTAL BROWN, APRIL CHEEKS, MARCY GARCIA,
JENNA HUBER, KIEA JOHNSON, and LOUIS SANCHEZ allege as follows:

1. Petitioners are tenants in occupancy of separate apartment units within the premises located at 201 Pulaski Street, Brooklyn, New York 11206 (the “subject building” or “subject premises”), a class A multiple dwelling situated within the jurisdiction of the Civil Court of the City of New York, County of Kings.

2. Upon information and belief, the subject building contains nine (9) apartments, all of which are presently occupied by tenants, and all of which are rent-stabilized. Petitioners number six tenants in separate apartments and therefore constitute more than one-third of the

tenants in occupancy of the subject building. See List of the petitioners, their apartment numbers, and their monthly rents, annexed hereto as Exhibit 1.

3. Petitioners seek the appointment of an administrator for the subject building pursuant to Article 7A of the Real Property Actions and Proceedings Law (“RPAPL”).

4. Upon information and belief, Food First Housing Development Fund Company, Inc. (herein after “Food First”) is the owner and deed holder of the subject premises. A true and correct copy of the deed registered on ACRIS is annexed hereto as Exhibit 2. Alfred Thompson is currently registered as the head officer of Food First on the Department of Housing Preservation and Development (“HPD”) website pursuant to Sections 27-2097, et seq., of the Administrative Code of the City of New York. A true and complete copy of the property owner information registered with HPD is annexed hereto as Exhibit 3. Valentina Gojcaj is registered as the managing agent and Onesource Property Management Services, Inc. (hereinafter “Onesource”) is registered as the “Organization.” Id.

5. Upon information and belief, the mortgage on the property has been satisfied.

6. Upon information and belief and a review of online documents from The New York City Department of Finance (hereinafter “DOF”), there is currently no mortgage, no lienors of record, and no other financial entities that have a financial interest in the building.

7. However, according to DOF records, there is currently an outstanding tax bill of \$91,580.05 due to The City of New York Department of Finance. A true and complete copy of the DOF records from April 1, 2024 is annexed hereto as Exhibit 4.

8. According to HPD records, there is currently outstanding charges of \$17,205.75 owed to HPD. A true and complete copy of the property owner charges information with HPD is annexed hereto as Exhibit 5.

9. This is the **third** court proceeding filed by tenants in an effort to enforce their rights to safe and habitable premises, which the owner refuses to provide to date. (*Brown, et al. v. Food First*, LT-006143-19/KI and *Brown, et al. v. Food First*, LT-313494-23/KI)

10. The first HP case seeking correction of HPD violations was initiated on April 30, 2019 and an Order to correct outstanding HPD violations was issued on August 2, 2019. See August 2, 2019 Order to Correct under *Brown, et al. v. Food First*, LT-006143-19/KI , annexed as Exhibit 6.

11. On February 4, 2020, the owner was found in contempt of the Order to Correct and a Decision/Order was issued and the matter was set down for a hearing on the damages. See February 4, 2020 Contempt Order, annexed as Exhibit 7. On March 31, 2023, an Order was issued after the hearing awarding \$3,500.00 to Petitioner Marcy Garcia; \$3,000.00 to Petitioner Crystal Brown and \$350.00 to Petitioner April Cheeks as she had already been granted an abatement in another proceeding, and \$4,552.00 was awarded to The Legal Aid Society for legal fees. See March 31, 2023 Decision, annexed as Exhibit 8.

12. On May 1, 2023, the same tenants from the first case along with three additional tenants--Jenna Huber, Kiea Johnson and Louis Sanchez--brought a second HP proceeding under docket LT-313494-23/KI, seeking an Order to Correct and a finding of Harassment. See 2023 HP and Harassment Petition annexed as Exhibit 9. A trial is still underway in that proceeding. However, during the pendency of this 2023 HP proceeding, violations have increased from 57 total outstanding violations to 166 total outstanding violations. See HPD violation report dated April 14, 2023, annexed as Exhibit 10; and see HPD violation report dated April 3, 2024, annexed as Exhibit 11.

13. Therefore, these tenants CRYSTAL BROWN, APRIL CHEEKS, MARCY GARCIA, JENNA HUBER, KIEA JOHNSON, and LOUIS SANCHEZ now seek the appointment of a 7A Administrator.

14. Respondent HPD is the city agency charged with enforcing housing standards in New York City and a necessary respondent.

15. Conditions dangerous to life, health and safety now exist and have existed in the subject apartments of the Petitioners and in the common areas of the subject building for a period of more than five (5) days. These conditions include, but are not limited to, vermin infestations, persistent roof leaks, inadequate heat, and inadequate janitorial services.

16. As of April 1, 2024, there are 166 open violations of the Housing Maintenance Code in the building, including 30 class “C” violations, 105 class “B” violations and 31 class “A” violations. A copy of the open violations listed on the HPD website, dated April 1, 2024, for the premises is attached hereto as Exhibit 10.

17. Upon information and belief, there are many more violations dangerous to Petitioners’ health and safety that are not recorded on the HPD website, but have existed for more than five (5) days.

18. Upon information and belief, Petitioners have verbally and/or in writing informed property management of each condition described in Exhibit 11.

19. Upon information and belief, Landlords-Respondents have failed to complete any significant repairs or construction on any of the petitioners’ residents, equating to harassment.

20. The owner has maintained a course of conduct of harassment and continued deprivation of services, and other acts dangerous to the life, health and safety of the petitioners.

21. Upon information and belief, an administrator appointed pursuant to Article 7A of the RPAPL may not have sufficient funds immediately available from the building's rent roll to replace or substantially rehabilitate deteriorated building systems or to make other necessary repairs or capital improvements.

22. Upon information and belief, an administrator appointed pursuant to Article 7A of the RPAPL may apply to HPD for a loan of up to \$20,000.00 per dwelling unit or \$100,000.00, whichever is greater, to assist in replacing or substantially rehabilitating deteriorated building systems or making other necessary repairs or capital improvements.

WHEREFORE, Petitioners respectfully request that a final judgment be entered:

1. Appointing an administrator pursuant to Section 778 of the Real Property Actions and Proceedings Law ("RPAPL") for the building located at 201 Pulaski Street, Brooklyn, NY 11206;

2. Directing that, pursuant to Section 776 of the RPAPL, the rents due on the date of entry of said judgment from the petitioning tenants and the rents due of the dates of service of said judgment on all other residential and nonresidential tenants occupying the building from such other tenants be deposited with the administrator;

3. Directing that any rents to become due in the future from the petitioners and from all other tenants occupying the building be deposited with the administrator as they fall due;

4. Directing that the deposited rents be used, subject to the Court's direction, to the extent necessary to remedy the conditions alleged in the petition herein and to undertake work as authorized and outlined in Section 778(1) of the RPAPL;

5. Directing that the administrator or any other person who may be duly appointed as administrator for the subject premises at a later time be authorized to borrow up to \$20,000.00

per dwelling unit or \$100,000.00, whichever is greater, from HPD for the purposes set forth in Section 778(1) of the RPAPL and to enter into an agreement with HPD for the repayment of those monies;

6. Authorizing HPD to compute a statement of account and file a charge against the subject premises pursuant to Section 778(1) of the RPAPL and Article 8 of subchapter 5 of the Housing Maintenance Code of the City of New York; or in the alternative, an order:

7. Directing respondents to correct conditions set forth herein as well as any and all other violations of the Housing Maintenance Code, Building Code and Multiple Dwelling Law that exist in petitioners' apartments and the public areas of the subject building;

8. Imposing civil penalties upon the respondents pursuant to Section 27-2115, et seq. of the Administrative Code of the City of New York for failing to correct the outstanding violations of the Housing Maintenance Code, Building Code and Multiple Dwelling Law within the time required by law; and in addition to any of these remedies, an order:

9. Finding that Landlord-Respondents have engaged in acts constituting harassment in violation of NYC Administrative Code Section 27-200d(5), and classifying such actions as Class C immediately hazardous violations pursuant to NYC Administrative Code Section 27-2115(m)(1);

10. Directing Co-Respondent HPD to post on its website, within ninety (90) days, information regarding the finding of harassment requested in subparagraph (e);

11. Enjoining and restraining Landlord-Respondents pursuant to NYC Administrative Code Sections 27-2120(b) and 27-2115(m)(2) from harassing the Tenant-Petitioners in violation of NYC Administrative Code Section 27-2005(d);

12. Awarding either compensatory damages, as proven at trial, or \$1,000 dollars to the Tenant-Petitioners pursuant to NYC Administrative Code Section 27-2115(o); and

13. Awarding costs, disbursements, and reasonable attorneys' fees to Tenant-Petitioners; and

14. Granting such other and further relief as it may deem just and proper.

Dated: Brooklyn, New York
April 4, 2024

/s/ Linda Holmes
Linda Holmes, Esq., Of Counsel
TWYLA CARTER, ESQ.
THE LEGAL AID SOCIETY
Attorneys for Petitioners
111 Livingston Street
Brooklyn, New York 11201
T: 646-995-9021


VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF KINGS)


Louis A Sanchez being duly sworn deposes and says:

I am a petitioner in this proceeding. I have had the petition read to me and know the truth of the contents thereof except as to those matters alleged to be on information and belief, and as to those matters, I believe them to be true.

Dated: Brooklyn, New York
April 08-24
2024


Louis Sanchez (IA)

Sworn to before me this
04 day of April, 2024.


Notary Public

LINDA HOLMES
Notary Public, State of New York
Reg. No. 02HC6080808
Qualified in Kings County
Commission Expires September 23, 2022

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF KINGS)

April Cheeks, being duly sworn deposes and says:

I am a petitioner in this proceeding. I have had the petition read to me and know the truth of the contents thereof except as to those matters alleged to be on information and belief, and as to those matters, I believe them to be true.


Dated: Brooklyn, New York

April 8,

2024

April Cheeks
April Cheeks-1B

Sworn to before me this
8 day of April, 2024.



Notary Public

LINDA HOLMES
Notary Public, State of New York
Reg. No. 02HO6080808
Qualified in Kings County
Commission Expires September 23, 2022

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF KINGS)


Jenna Huber, being duly sworn deposes and says:

I am a petitioner in this proceeding. I have had the petition read to me and know the truth of the contents thereof except as to those matters alleged to be on information and belief, and as to those matters, I believe them to be true.


Dated: Brooklyn, New York

April 8,

2024


Jenna Huber - 2B

Sworn to before me this
8 day of April, 2024.


Notary Public

LINDA HOLMES
Notary Public, State of New York
Reg. No. 02HO6080808
Qualified in Kings County
Commission Expires September 23, 2022

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF KINGS)

Crystal Brown, being duly sworn deposes and says:

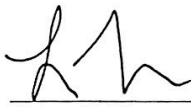
I am a petitioner in this proceeding. I have had the petition read to me and know the truth of the contents thereof except as to those matters alleged to be on information and belief, and as to those matters, I believe them to be true.

Dated: Brooklyn, New York
April 8th,

2024

Crystal Brown
Crystal Brown-3A

Sworn to before me this
8 day of April, 2024.



Notary Public

LINDA HOLMES
Notary Public, State of New York
Reg. No. 02HO6080808
Qualified in Kings County
Commission Expires September 23, 2026

VERIFICATION

STATE OF NEW YORK)

) ss:

COUNTY OF KINGS)

Kiera Johnson, being duly sworn deposes and says:

I am a petitioner in this proceeding. I have had the petition read to me and know the truth of the contents thereof except as to those matters alleged to be on information and belief, and as to those matters, I believe them to be true.

Dated: Brooklyn, New York


April 16,

2024



Kiera Johnson-4A

Sworn to before me this
16th day of April, 2024.



Notary Public

LINDA HOLMES
Notary Public, State of New York
Reg. No. 02HO6080808
Qualified in Kings County
Commission Expires September 23, 2026

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF KINGS)

Marcy Garcia, being duly sworn deposes and says:

I am a petitioner in this proceeding. I have had the petition read to me and know the truth of the contents thereof except as to those matters alleged to be on information and belief, and as to those matters, I believe them to be true.

Dated: Brooklyn, New York
April 8,

2024

Marcy Garcia
Marcy Garcia - 4B

Sworn to before me this
6 day of April, 2024.



Notary Public

LINDA HOLMES
Notary Public, State of New York
Reg. No. 02HO6080808
Qualified in Kings County
Commission Expires September 23, 2024 6