



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**CHRISTINE BERTHET**  
Chair

**Jesse R. Bodine**  
District Manager

June 29<sup>th</sup>, 2015

Gale Brewer  
Manhattan Borough President  
1 Centre Street  
New York, New York 10007

Corey Johnson  
Council Member  
224 West 30<sup>th</sup> Street  
Suite 1206  
New York, New York 1000

***Re: Harassment & Eviction through  
Lack of required Tenant Protection Plans during Building Renovations***

Dear Borough President Brewer and Council Member Johnson,

In the past 5 years, CB4 has heard a dramatic increase in complaints related to construction in occupied buildings during extensive building renovation. Such renovation takes place in rent regulated buildings occupied by long-term neighborhood residents. Renovation work often commences with little or no regard for tenant safety. Rent regulated tenants have been subject to unprotected demolition, removal of essential services (water, electricity, heating and elevators) with little or no notice, asbestos removal and severe interior damage to their apartments. Such actions result in hazardous conditions, a breach of the Warranty of Habitability and constitute tenant harassment.

With such self-created hazardous conditions, owners then seek to relocate or buy out tenants due to those same self-created hazards.

Save Chelsea and the Council of Chelsea Block Associations have undertaken thorough due diligence and documented that the majority of owners filing a Department of Buildings (DOB) application for major renovation plans in occupied buildings certify the property as “Vacant” and/or “having no rent regulated units” on the DOB filing documents. On the DOB Construction Permit application PW1, Section 26 requires Owners Certifications to acknowledge:

- if a construction site will contain residential units to remain occupied during construction
- if such units are rent regulated

When occupied units are present during construction, then a Tenant Protection Plan<sup>1</sup> must be submitted to DOB for its review and approval prior to approval of the Permit Application.

Indicating an occupied building is instead vacant, when it is not, removes the requirement for the filing Tenant Protection Plan, securing its review and approval and adhering such a plan to maintain safety for the building tenants. These false claims further facilitate approval of After Hours Variances to work in buildings late hours and even seven days a week.

Most Recently, the Community and Resident Protection Working Group (CRP) a joint working group formed by Council of Chelsea Block Associations along with Save Chelsea, conducted a survey of buildings under renovation in Chelsea and the surrounding area. In April, CRP reported to CB4's Housing, Health and Human Services Committee that 49 out of 58 buildings surveyed in the CD4 boundaries provided false certification where buildings checked as "Vacant" were actually occupied by rent regulated tenants and did not provide a tenant protection plans.(Attachment A)

***The existing legal requirements to acknowledge occupancy and rent regulation status along with the requirement to submit and secure an approved Tenant Protection Plans to ensure the safety of existing tenants must be enforced by DOB for renovations in occupied buildings.***

To address this public safety issue MCB4 proposes the following changes to administrative and enforcement mechanisms:

- Procedural Changes on DOB Plan Approval and Permit Issuance
  - Building permits should indicate "Building Vacant" or "Building Occupied" in large type to alert residents of the building
  - Tenant Protection Plans should be required to be posted in a building along with Building Permits
  - DOB must scan Tenant Protection Plans and make them accessible on line in its Building Information System (BIS) under the buildings Building Information Number (BIN)
  - Prior to approval DOB should systematically refer plans to HRC for extensive alterations such as:
    - ❖ vertical extensions (entire new stories to a building)
    - ❖ horizontal extensions
    - ❖ gut renovations to apartments
    - ❖ reconfigurations to combine apartments in occupied buildings
  - Occupancy and Rent Regulation Status must be electronically verified by DOB prior to issuance of permits.

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<sup>1</sup> New York City Administrative Code (new) - Article 104 - § 28-104.8.4 Tenant Protection Plan

- The PW1 Occupancy Section 26 answer must be verified by comparing it to DOB's own currently existing internal Property Profile data base status that lists building vacancy status.
- DOB must request Rent Regulation Status from New York State Homes & Community Renewal (NY HCR)
- Increased enforcement against owners performing construction in occupied residential buildings, having indicated on DOB filing such buildings are vacant.
  - Imposition of immediate Stop Work Orders by DOB if a building noted as "Vacant" on DOB Alteration 1 or Alteration 2 Applications are documented as occupied. Such Stop Work Orders may not be lifted until a Tenant Protection Plan is filed and approved by DOB
  - Imposition of significant fines and loss of DOB self-certification by architects for falsely certifying Occupied Buildings as Vacant
  - Loss of DOB self-certification by architects for not filing a Tenant Protection Plan in an Occupied Building
- Tenant Education
  - New York City and elected Officials websites should have a links with the following questions:
    - "There is construction being done in my building. What are my rights?"
    - "How can I find out if my apt is rent stabilized?"

Manhattan Community Board 4 (MCB4) requests your assistance to prevent the further loss of affordable rent regulated apartments in our district due to the lack of enforcement by DOB of existing safeguards related to acknowledgement of occupancy, rent regulation status, and Tenant Protection Plans. Increasing such enforcement will not only protect the health and safety of existing tenants but also reduce the loss of affordable rent regulated apartments in our district.

MCB4 also requests DOB conduct a plans file audit of the DOB applications for the projects identified in Attachment A.

We appreciate your assistance in addressing this critical issue.

Sincerely,

  
Christine Berthet  
Chair

  
Joe Restuccia  
Co-Chair  
Housing, Health and  
Human Services Committee

[Signed 6/29/2015]  
Barbara Davis  
Co-Chair  
Housing, Health and  
Human Services Committee

Enclosure

cc: Rick D. Chandler, Commissioner, Department of Buildings  
Darryl C. Towns, Commissioner, NYS Division of Housing & Community Renewal  
Vicki Been, Commissioner, Department of Housing Preservation & Development  
Hon. Adriano Espaillat, State Senate  
Hon. Brad Hoylman, State Senate  
Hon. Liz Kreuger, State Senate  
Hon. Richard Gottfried, State Assembly  
Hon. Deborah Glick, State Assembly  
Hon. Linda B. Rosenthal, State Assembly  
Hon. Scott Stringer, New York City Comptroller  
Hon. Helen Rosenthal, City Council  
Council of Chelsea Block Associations

**Buildings in Community Board 4 with false filings and non-compliant Tenant Protection Plans (As of April, 2015)**

**All answers in RED are FALSE STATEMENTS or NOT COMPLIANT**

**Provided by Council of Chelsea Block Associations**

Building #	Street Name	Building Occupied	Answered affirmative to re-occupancy	registered with DHCR	Self identified as having rent regulated units	Tenant Protection Plan Filed	Professional Self-Certified
339	W 29	Yes	No NA	Yes	No	No	Yes
264-266	W 25	Yes	No	Yes	No	Yes	Yes
222	W 23	Yes	No	Yes	No	No	
255	W 23	Yes	No	Yes	No	No	Yes
216 - 218	W 22	Yes	No Yes	Yes	No	No Yes	
255	W 22	Yes	No	Yes	No	No	
308	W 22	Yes	No	Yes	No	No	
329 - 331	W 22	Yes	No	Yes	No	No	
198 9th Ave -	W 22	Yes	No Yes	Yes	No	No	
140	W 22	Yes	No	Yes	No	No	
9th Ave 176	W 21	Yes	No	Yes	No	No	Yes
315	W 21	Yes	No	Yes	No	No	Yes
308 - 310	W 21	Yes	No	Yes	No	No	Yes
300	W 21	Yes	No	Yes	No	No	Yes
222 - 224	W 21	Yes	Yes	Yes	No	N\A	
214	W 21	Yes	No	Yes	No	No	Yes
204	W 21	Yes	No	Yes	No	No	Yes
201	W 21	Yes	No	Yes	No	No Yes	Yes
200	W 20	Yes	No	Yes	No	No	Yes
339	W 20	Yes	No	Yes	No	No	Yes
9th Ave 169	W 20	Yes	No	Yes	No	No	Yes
8th Ave 178	W 19	Yes	No	Yes	No	No Yes	Yes
301 305							
8th Ave 169	W 18-19	Yes	No	Yes	No	No	Yes
7th Ave 163	W 17	Yes	No	Yes	No		Yes
221	W 16	Yes	No Yes	Yes	No Yes	No Yes	Yes
200	W 16	Yes	No Yes	Yes	No	Yes	

**Buildings in Community Board 4 with false filings and non-compliant Tenant Protection Plans (As of April, 2015)**

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**Provided by Council of Chelsea Block Associations**

161	W 16	Yes	No	Yes	No	No	Yes
239	W 15	Yes	No Yes	Yes	No	No Yes	Yes
253	W 15	Yes	No	Yes	No	No	Yes
255	W 15	Yes	No	Yes	No	No	Yes
301	W 53	Yes	No	Yes	No	No	
201-15	W 15 St	YES	NO	YES	NO	NO	Yes
211	W 16 St	YES	NO	YES	NO	NO	Yes
235	W 16 St	YES	NO	NO	NO	NO	Yes
161	W 17 St	YES	NO	YES	NO	NO	
300	W 17 St	YES	NO	YES	NO	NO	Yes
448	W 19 St	YES	NO	YES	NO	NO	Yes
313	W 21 St	YES	NO	YES	NO	NO	Yes
325	W 21 St	YES	NO	YES	NO	NO	Yes
421	W 21 St	YES	YES	YES	NO		Yes
218	W 22 St	YES	NO	YES	NO	NO	Yes
277	W 22 St	YES	NO	YES	NO	NO	Yes
235	W 23 St	YES	NO	YES	NO	NO	Yes
519	W 23 St	YES	NO	YES	NO	NO	Yes
214	W 24 St	YES	NO	NO	NO	NO	Yes
245	W 25 St	YES	NO	YES	NO		
266	W 25 St	YES	NO	YES	NO		Yes
85	8th Ave	YES	NO	YES	NO	NO	
98	8th Ave						
152	8th Ave	YES	NO	YES	NO	NO	Yes
170	8th Ave	YES	NO	YES	NO	NO	
192	8th Ave	YES	NO	YES	NO	NO	Yes
203	8th Ave	YES	NO	YES	NO	NO	Yes
205	8th Ave	YES	NO	YES	NO	NO	Yes
207	8th Ave	YES	NO / YES	YES	NO / YES	NO	
212-214	8th Ave	YES	NO	YES	NO	NO	
228	8th Ave	YES	NO	YES	NO	NO	Yes