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Thursday, December 18, 2014

Tenants' Rights Trashed Amidst Market-Rate Conversion

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BY WINNIE McCROY | In a case of landlord harassment that State Senator Brad Hoylman called "egregious," the longtime tenants of 222-224 W. 21st St. are allegedly being illegally evicted so that Slate Property Group can construct high-end rentals in place of their subsidized housing.

Only seven of the original 23 tenants remain, and these holdouts say they are subjected to drilling and jackhammering from 7 a.m. until midnight, random cuts to utilities (including water, cable and Internet), unsafe living conditions, and a campaign of harassment intended to make them leave their home of nearly 20 years.

By the time tenants Cher Elyse Carden, Andrew Rai and Steve Schaeffer contacted Chelsea Now about what was happening to their home, construction workers had already torn out the floors and ceilings, walls and insulation, locked them out of the basement storage and laundry room, disconnected their buzzers and changed the locks on their front door.

"If I had the money, I would have packed up and moved," said Carden, who has lived in the building since 1986. "Now I'm appalled

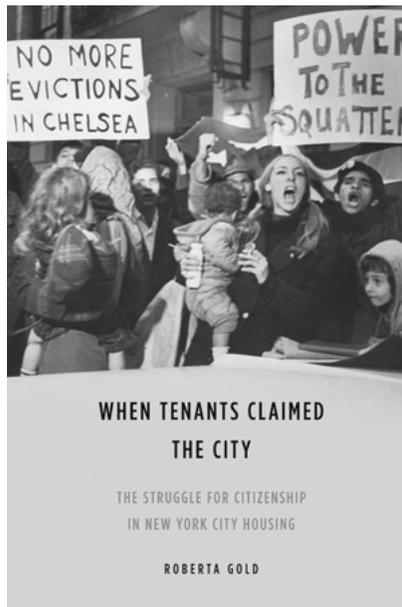


Image courtesy University of Illinois Press
 History repeating itself: Chelsea tenants from another era are cover material for this book by Roberta Gold, who teaches American Studies at Fordham University and has been an active member of her Tenants'

that this seems to be endemic in the city. If they would have kept 20 or 30 percent of it as affordable housing, that would have been okay. But they didn't. They just bulldozed their way through."

THE VILLAGER

All seemed fine in the building until it was sold this March. By the end of the year, she came home to discover a generic eviction notice from MGT Property Management's storied LaSalle program looking for next stars

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Ira Blutreich, Week of Dec. 11, 2014

Evicted from the apartment for the holding over after the expiration of your term."

DOWNTOWN EXPRESS

A lot of tenants got these generic eviction letters, where the lawyer writes a letter saying in 30 days we will start eviction proceedings," said Carden. "But it's not that simple."

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Rape attempt at Southbridge: Police blotter, week of Dec. 11, 2014

Transit Sam, week of Dec. 11, 2014

to inform the owner and several men in her living room, telling her she had to leave by the end of the weekend. When she balked, said Rai, a pipe broke near her closet, ruining all of her clothing. She moved out soon after.

"People got scared," said Rai, a social worker who has lived in the building since 1998. "Most tenants don't know what their rights are." The problem was, the holdouts weren't exactly sure of their rights, either. So they banded together to figure out exactly what was happening with their home.

"It's history repeating itself," said Carden, pointing to the cover of the Roberta Gold book, "When Tenants Claimed the City," whose cover shot features tenants picketing in front of her very building.

PRESENT CONFLICT HAS DEEP ROOTS

The saga of the building's current renovations began way back in 1972, when the previous owner (McConnell Wetenhall & Co.) took out an Article 8 loan under the New York City Private Housing Finance Law program to renovate. Under the law, the apartments were placed under rent control for the 20-year duration that the loan was in place, during which the owner received a J-51 tax abatement/exemption. The Division of Housing and Community Renewal (DHCR) indicated that the apartments would be subject to the Rent Stabilization Code immediately after rent decontrol went into effect.

In New York City, rent stabilization applies to buildings with six or more units. It gives tenants the right to renew their leases, and protects them from sharp rent increases by having the Rent Guidelines Board set the allowable percentage increase for rent renewals each year.

Rent stabilization came to this building back in April 2004, 20 years after the loan was paid off. But tenants said that they never received any notice that their rent was now stabilized, a requirement under the law.

Association in Harlem for two decades.

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De Blasio seems on same page with evicted news vendor



Photo by Winnie McCroy
The entryways of 222-224 W. 21st St. are hung with plastic barriers that workers pass through to carry garbage cans full of drywall and other dismantled building parts.

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By October 2005, the owners had petitioned the DHCR to remove rent stabilization altogether, citing the extensive improvements they had made to the building — back in 1972. The court removed the rent stabilization, providing only 180 days for “undue hardship the tenant may face upon the issuance of this order.”

But tenants still didn't receive any word from owners about these changes, with Rai saying, “Our leases were basic. There was no indication of a J-51 loan or the rent stabilization change. The managing agents of the previous owner lived next door, and later told us that the apartments had once been rent stabilized. That's when we decided to look further into this. Because how do you destabilize rent that was never legally stabilized?”

Rai said they took the case to a DHCR officer, who found it so confusing, he advised them to hire a lawyer. After trying unsuccessfully to get Legal Aid on the phone, they approached Hoylman, who asked the lawyers at the nonprofit Housing Conservation Coordinators (HHC) to hear them out, even though the building was outside their usual service area.

CITY OFFICIALS STEP IN TO HELP

By the time they got help from elected officials Hoylman, Councilmember Corey Johnson and Assemblymember Richard Gottfried, only seven tenants were left in the building.

Bob Kalin and Betsy Eichel from HHC investigated their situation, and Rai said they offered some hope in their story of a similar case of a building that was destabilized without tenants being informed.

“He said he recently won a case like ours, and that if...tenants weren't notified of their destabilization, they are automatically rent stabilized,” said Rai. “We want to be reverted back to rent stabilized status. If we knew it was going to be destabilized, we would have fought it. We want to stay here. This is our home.”

“My understanding is that if they argue that the building was improperly destabilized and they win, they would stay in their homes and would fall under the umbrella of rent regulation in some form,” noted Eichel, who stresses that she is not a lawyer, and is primarily helping tenants with concerns like security, noise and unscheduled cuts to utilities. “If they wanted to relocate, they could avoid dealing with Housing Court and negotiate a buyout. I believe some tenants did go this route, but the people I am working with are committed to staying, if at all possible.”

Elected officials have been sending their representatives to Tenants Association meetings, and following up with tenants' complaints to 311 and the Department of Buildings. This helped when the landlord got a two-week variance to work from 6 p.m.–12 a.m., Monday through Friday, a measure intended for high-traffic areas where construction would otherwise be dangerous. It also helped them obtain a Stop Work order.

“They took down the firewalls that keep a fire from spreading from room to room, and save your life in the case of a fire,” said Rai. “The inspector was horrified that you could see through the bedroom walls, that there was no barrier between floors. He placed a Stop Work order on the building until necessary safety measures were taken. It's all plywood. It looks terrible.”

In that aspect, it looks pretty much like the rest of the building. The marble entryway was reduced to jagged shards of cement and stayed that way for months until workers were ordered to lay down a plywood floor. The entryways are hung with plastic barriers that workers pass through to carry garbage cans full of drywall and other dismantled parts of the building to the dumpster sitting flush with the curb. In short, it doesn't look like a place that even a squatter would want to live.

And these “subsidized Section 8” tenants are hardly the welfare cases that some would make them out to be. Curious as to the “low-rent” price tag that these tenants pony up each month to live in this hell house? Upwards of \$3,200 a month — hardly “affordable housing” in the eyes of most Americans.

“This is a case of unscrupulous landlord who is literally and figuratively gutting New York's housing laws by trying to convert the building into market-rate apartments,” said Hoylman. “It's a tried and true tactic of an unscrupulous landlord who harasses tenants, refuses to inform them of their legal rights, doesn't issue new leases and then makes their life a living hell through construction. And if you don't have a lawyer or know the housing law, you probably do what many of these tenants do, which is move out and give up their homes, and that's wrong. We have laws to protect these tenants and that's why the Councilmember and Assemblymember and I have gotten them legal representation, and will continue to fight for their rights.”

According to the New York State Attorney General's Tenants' Rights Guide (ag.ny.gov), a landlord cannot use “threats of violence, remove a tenant's possessions, lock the tenant out of the apartment, or willfully discontinue essential services such as water or heat.” The NYC

Admin. Code Subsection 26-523 and 26-521 also says that a tenant evicted from an apartment in this unlawful manner is "entitled to recover triple damages in a legal action against the landlord," who could be subject to "both criminal and civil penalties. Further, the tenant may be entitled to be restored to occupancy."

But when the case goes to Housing Court, as Johnson says it most likely will, this failure to inform tenants of their rent stabilization status may well be the deciding factor.

"I'm not a lawyer, but the building's rent stabilized history dates back to 1989, so this has been going on for 25 years and a lot has happened since. A judge needs to look at what's occurred. The landlord is required to let tenants know if rent has been destabilized, so this calls into question their situation for the past 10 years," said Johnson.

Hoylman — who is a lawyer — agrees, saying, "That seems to be the case. The lawyers sent a notice ending their tenancy, but many of those tenants were rent stabilized and they can't do that." He said that he would work with the tenant's attorneys at DHCR via their Tenant Protection Unit, which looks at "bad actors like this landlord, and hopefully will intercede and protect their homes."

The management company for the building is Slate Property Group, a real estate investment firm founded last fall by Martin Nussbaum, a founding principal at Silverstone Property Group, with top executives Steven Figari and Michael Zampetti joining him in the venture, to be operated out of 850 Third Ave.

When Chelsea Now asked Zampetti, Slate Property Group's Owner Representative for the building, about the current situation at 222-224 W. 21st St., he simply replied, "We have no comment."

LOCKS CHANGED, SERVICES CUT

Meanwhile, the harassment continues. It started early, when construction workers ripped out the marble entrance hallway, leaving 30 feet of jagged concrete for tenants to tiptoe over. Then there were the sounds of drilling, coming from all directions. Next, there was no hot water, or for some residents, no water at all.

"The people in 222 didn't have water for three days, and why they didn't scream bloody murder is beyond me," said Steve Schaeffer, a tenant since 1992. "There is a hole in my radiator that goes straight through the floor. The only thing separating me from the apartment below is the floorboards."

Workers reportedly cut the phone and cable lines of a neighbor with two young kids, and got a variance to work on Saturdays starting at 7 a.m.

Then came the stories of damage to personal belongings. Rai and Carden said that the former managing agents, elderly couple Sidney and Sandy Gecker of 226 W. 21st St., had stored their antiques and rare books in the basement, and had made an arrangement with owners to get their things out. After the July 4 weekend, the new landlord reportedly threw all of the Geckers' antiques into a dumpster. They then changed the basement locks, providing tenants no keys to the room where they stored their bikes. When Rai finally did see the basement door left ajar, he went in to retrieve his bike, only to find the lock broken and his bike stolen.

"I called the police and filed a complaint with the 10th Precinct," said Rai. "They tried to call the super, who came to my apartment that evening and said 'Sorry, I don't know where your bike is.' But one construction worker told police that he saw the bike the day before."

Insult was heaped on injury when tenants found the stairwell landing bulbs removed, and the fire lights ripped out. They gritted their teeth when they discovered that the doorbell buzzers had been disconnected, preventing them from buzzing neighbors in.

"Forget about FedEx," said Carden.

On June 25, tenants came home to find that the landlord had changed the lock on the front door of the building, without providing them with a key. Carden said, "It wasn't until I angrily spoke to these workers and insisted that we get keys that we were let in."

"We'd have to wait until a construction worker came out or phone a neighbor to get in," added Rai.

On June 30, Carden discovered that the door to the laundry room was padlocked with no explanation. Management later attributed this to "safety reasons," but as she notes, "a service we've had for three decades now is gone, and we have to take our clothes to the laundromat, which is three times as expensive."

Workers did remove some padlocks, however, including those on the roof of the building. This creates a safety issue, as anyone from adjacent buildings can now easily enter 222-224 W. 21st St., where apartments under renovation are reportedly left wide open, some with windows taken out, leaving six-foot holes in the wall that anyone could fall right through, worried Carden.

In late June, they began tearing down the apartment walls and converting one bedrooms into two-bedrooms, and two-bedrooms into three-bedrooms. Able to see clearly between rooms, Carden became alarmed at the fire danger, and called the DOB to inspect this.

In addition to the physical perils, the tenants have also reported feeling psychologically tormented by the new landlord and his agents.

Schaeffer said that since the construction workers tore out the walls, ceilings and insulation, he could hear every conversation workers have. Most disquietingly, he said, are moments like when he recently awoke, sat up in bed, and before his feet even hit the floor, heard workers below say, "He's up."

Rai said that he believes the workers monitor their presence, following them from room to room from the apartment to spy on them, and alternately to drill and make loud noises, to harass them into leaving.

"It's a coordinated plan to annoy us so we'll leave, but it makes me just want to dig my heels in," echoed Schaeffer. "At no point did anyone try to talk with us about their plans. They just say get out in 30 days, but if you've lived somewhere for 15 years, that's an unreasonable expectation."

Although this seems hard to believe, during a recent visit, the loud pounding of construction noises came to a halt during the time this reporter visited the tenants on-site. They resumed when we exited Schaeffer's apartment, and all of the adjoining apartment doors that had been wide open were now shut tight.

EGREGIOUS CASE NOT AN ISOLATED ONE

It would be comforting to think that this hellish scenario is an isolated incident inflicted on this ragtag group of uninformed tenants on W. 21st St. But in reality, it is a common occurrence.

"The overheated housing market in Chelsea has created an incentive for bad actors like this landlord to try and move tenants out and move market rate tenants in," said Hoylman. "This is a crisis that I see all across my district, on both the East and West Side. Because many of these tenants are rent regulated and in very valuable properties, landlord will often go to illegal measures to get rid of them, like turning off their hot water or making excessive noise."

A community activist recently reported a similar situation occurring on W. 22nd St., just one block away, where tenants who should be rent stabilized are being given eviction notices.

Community Board 4 District Manager Bob Benfatto said while they haven't received many complaints, tenants often approach elected officials or housing advocacy groups in these situations. He did, however, reference a recent situation at a Hell's Kitchen Catholic Charities property, where the nuns at St. Joseph's Immigrant Home raised the rent nearly 50 percent on the working class women living there in a bid to boot them out.

"It feels like it's becoming more common," said Johnson. "We've seen in the past months multiple buildings that have situations like this, but what's occurring on 21st Street is the most egregious we've seen."

PLEDGES TO STAND WITH TENANTS, STRENGTHEN LAWS

For these seven tenants, living in a building that is literally being torn down around them, what is their end game? Do they want to stay in a building where owners clearly have an animus toward them? Could they be compensated for their troubles with enough money to set up a household someplace else?

"There needs to be notification when there are changes, some communication between management and the tenants," said Carden. "And we would like to have the restoration of services like laundry, basement access, etc." Rai added that they also wanted to get their status as rent stabilized tenants back.

Hoylman said that the best-case scenario would be if they got DHCR to step in while they continue to fight back in court so that the landlord stops the disruptive work and the tenants get to stay in their homes. At the least, he said, these people should be treated with the dignity they deserve, rather than the disrespect that's been heaped upon them.

It is this behavior that Hoylman is trying to make illegal, per Senate Bill 1273, legislation he has sponsored in Albany that would strengthen anti-harassment laws.

Gottfried championed Hoylman's efforts to eradicate this type of harassment, saying, "What's happening at 222-224 West 21st Street is a really bad case of landlord greed destroying affordable housing. Unfortunately, it's been going on for a long time, in lots of buildings. We're working to help the tenants save their homes. But we also need stronger laws."

Elected officials agreed that these bastions of affordable housing must be kept because the diversity of housing stock on the West Side is crucial to maintaining the balance of community interests that keep Chelsea, Greenwich Village and Hell's Kitchen a great place to live.

"So many of our beloved community members live in rent stabilized housing and we need to protect their rights," said Hoylman. "We need places for people like schoolteachers, artists and government workers to live in our neighborhood. It enriches all of us to have a diverse community. If we're gentrified to the point where we're one class of very rich people, that's a sad day."

Carden echoed this sentiment, saying, "I got to move from my home of 28 years so someone else can get rich? They call it gentrification. But they get tax abatements for affordable housing."

At least now, said Rai, the landlord will know that they are organized and fighting, and that they have the elected officials behind them.

"It's our hope that they can get protection under the Rent Stabilization law and are able to live in a building that is safe and free from harassment," said Johnson, vowing, "I will stand shoulder to shoulder with these tenants, and help as this moves forward to ensure they are protected."

20 Responses to *Tenants' Rights Trashed Amidst Market-Rate Conversion*



Bill Goodhart

August 14, 2014 at 10:09 pm

I'm almost surprised that no one blamed the fact of the gentrifying High Line as the cause of this! I love the High Line, but it was landlords like this one who, before, claimed that the decrepit state of the High Line since 1980 was "depressing values" of their real estate holdings. But, sleaze is sleaze. When they didn't inform the tenants of their rent stabilization rights – they should be taken to court and all their "improvement" work stopped short. Don't you think this is a crime?



James Edstrom

August 15, 2014 at 7:12 am

What is happening in NYC is a horror. All our neighborhoods are being destroyed to make room for the rich. Iconic restaurants, delis, shoe repairs and every other mom and pop shops are being forced out and replaced by high end stores and housing for the rich. Look at the decrepit ave deli. Landlord raised rent so high, they closed and replaced by a bank. Remember the subway strike a few years ago? Duane Reades, McDonalds and so many more businesses did not open because their workforce lived in the Bronx Or Brooklyn and there was no way to get to work. This is what happens when you replace affordable housing and the workers of this city have to live elsewhere. In a few years there will be no workforce around to serve the rich. Everything these landlords and developers do now will backfire on them in a few years. Workers do not want to travel a hour to work and they do not want to pay transportation costs when they are only making minimal wage. They will look elsewhere. What they are doing now, will destroy the reason people moved into the neighborhoods in the first place, services.



ex G.I.

August 15, 2014 at 7:58 pm

So where is our "tenant friendly" liberal Mayor now to help these tenants and to put pressure on the dept. of Buildings to get fines going against the owners some of these accusations also sound criminal.

Martin Nussbaum, Steven Figari and Michael Zampetti should all be in prison and

 **scot** barred from conducting any real estate business in NYC forever.

August 21, 2014 at 9:52 pm



Steven

August 22, 2014 at 11:34 am

I know Andrew Rai who is a friendly affable fixture of the Chelsea community. At any given time you can see this guy helping a elderly lady with her groceries or helping a blind person (many blind people in chelsea due to the associatin of the blind) cross the street. These investors who are doing this should be thoroughly investigated and as should the history of the building. These tenants need the protection of our elected officials, and they should be able to stay in their homes.



scot

August 22, 2014 at 12:02 pm

The tenents should not let these landlords bully them! Under ANY circumstances do NOT move, and just stay put. The block and community are behind you, as are the elected officials. I am aware of the crooks at Silverstein property, Martin nussbaum is a recent outcast of the mentioned firm. They say the apple does not fall far from the tree.



Ari Cohen.

August 30, 2014 at 12:33 pm

Terrible! this should not be happening to the tenants. As some of the above posters said: Do not move period. Let this drag out to court, it will take years. I am well aware of how such slumlords like Zampetti and Nussbaum operate. Cudos to Hoylman, Correy and Gottfried for standing with the tenants. The tenants should now take an offensive stance, it seem they have just been on the defense till now. Take action and teach these tyrants a lesson they will never forget.



Rachel Miller

September 3, 2014 at 2:38 pm

Start to picket. Picket in front of the building when potential new tenants are shown the building. Picket in front of the owners home and places where they dine etc etc. Make their loved ones and community aware of what they are doing. This works. You need to take this to them, turn it up several notches. Good luck.



Jane

September 3, 2014 at 5:51 pm

said new owners just built roof deck to attract frat-house types? picketing could deter them from moving in? hope so! will picket! (will now try to contact Andrew, Frank)



Jane

September 3, 2014 at 6:11 pm

PS: no one with wee shred of conscience would/should move in under these obscene circumstances (but, sadly, enragedly, have seen quite a few eager wall-st.-frat-boys bopping around that roof)



Charles

September 5, 2014 at 12:07 pm

I live down the block from this building. Why aren't the tenants shouting more they are. They should canvas the neighborhood with fliers, should petition their cause to community boards over and over. Do you have a tenant organizer? You must be on the attack, call 311, call the police EVERY time there is even a small violation observed. I

have called 311 a couple of times as I can't even walk my dog on that part of the block because of the construction debris on the street. And do not budge from your apartments.



anonymous

September 10, 2014 at 1:14 pm

The same thing is happening right now at 216 and 218 West 22nd Street. Construction is going on and most of the tenants have moved out. It is owned by the same people (Silverstone) as the above article



Anonymous

September 13, 2014 at 12:18 am

The tenants should know that they can make a complaint straight to the District Attorneys office. D.A Preet Bhararia may launch an investigation on the DHCR and investigate the validity of the order to destabilize the building. DHCR has a history of sloppy decisions that have been overturned often. According to my knowledge your building was built BEFORE 1972, and has more than 14+ units, what was the exact basis of destabilization? are they objectively justified by the law? Most people are not aware that the D.As office does not just investigate criminal cases but civil cases like this one which may lead to a criminal one should any fraud be uncovered.



Anonymous

September 13, 2014 at 8:08 pm

I just saw a flyer that the tenants are having a media rally this Sunday the 14th at 12 noon at 224 west 21 street between 7 and 8th ave. We should all be there to support the tenants. Apparently the Mayor will be present as well.



Charles

September 18, 2014 at 7:17 pm

Attended the first tenants rally, good turn out, they're saying the next one will be over a thousand people and bigger politicians+ press. Good it's about time bad people like Slate meet their match.



Stewart

September 20, 2014 at 10:07 am

My elderly parents live in a rent control apartment where all the work and repairs were done and paid by us because the previous LL never supplied anything, not even heat, gas (we used propane illegally to survive), HW, painting, fixtures, stove, fridge etc... so the rent just kept going down by the Courts for many years. When the new LL as of five yrs ago took over he was shocked to see how beautiful the apt was. When he started renovating the building for high-end rentals illegally, he made sure his workers above cause damage to ours by hosing down the entire apt from above so that ours got soaked, using jackhammers to cause cracking on all our walls and ceiling, making sure all dust work was never covered to protect us and the public, lifting up all the flooring to cause all tiles to lift, making all floors hollow and retaining walls without fire stops, causing sewage to drain out into our floors with an open drain pipe outside and so much more... While this was happening we were prepared with videos, cameras, witnesses... We called in every agency to get help and when help was not provided right away we then threaten to use the videos in the media, that's when DOB, HPD, EPA etc... showed up and gave stop orders, violations up the kazoo! Since then, the LL has retaliated again and has hired many staged tenants to do continuous theatrics after 12:00 am; involving stomping, dropping of heavy objects, slamming doors, partying in large crowds, using motion detecting and audio surveillance... Surprisingly, some of those faux tenants for hire are educators (teachers). LL has a negative past. I on the other hand an audio engineer with a paralegal background. For those of you who are going through similar harassment/ intimidation's, don't quit that's exactly what they want. You are protected by laws and they cannot put you out! Make continuous complaints to 311 and get a copy

for later use. Can't hire a tenant lawyer then seek one for a buyout to protect you or go to Legal Aid for help or advise. Know your rights! Too many people have been evicted without cause. Research the lawyer of your choice.



Stewart

September 20, 2014 at 10:54 am

Continued...What really angers me is that they (LL & faux tenants) new my father was dying at home and they were so eager, heartless, evil and enjoyed every part of it, even made a comment "Were gonna win" when they caused several sewage overflows, making sure my parents hearts kept skipping beats, restless and no sleep. I have now made it a point to stay and deal with all of them.



Brian

September 24, 2014 at 3:57 pm

I don't see this being resolved anytime soon and eventually being settled in the tenants favor. All the fraud that occurred at DHCR during the Pataki years will come to light now for this building as it has for many other buildings. Just sit tight and whatever happens don't move. More rallies more media!



Rachel Miller

September 25, 2014 at 6:08 pm

Apparently there are now BEDBUGS in the building.



A Smith

October 26, 2014 at 7:48 pm

the douchey new tenants had ANOTHER huge roof party on their illegal roof deck (no permit or CoO) on Saturday...peeing on the roof, THROWING PIECES OF WOOD ONTO 21ST St FROM THE ROOF!! POLICE CALLED

http://www.youtube.com/watch?v=IL2GYjWmp_o

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