



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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BURT LAZARIN
Chair

JESSE R. BODINE
District Manager

August 10, 2018

Rick D. Chandler, P.E.
Commissioner
New York City Department of Buildings
280 Broadway
New York, NY 10007

Re: Tenant Harassment through Construction
454 West 47th Street
439-443 West 48th Street

Dear Commissioner Chandler:

On June 21, 2018, Manhattan Community Board 4's (CB4) Housing, Health, and Human Services Committee received a presentation from Housing Conservation Coordinators and building tenants regarding construction without permits and tenant harassment at these sites:

- 454 West 47th Street
- 439-443 West 48th Street

Members of the Committee expressed their concern regarding these sites. By a vote of 29 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, MCB4 voted to request a DOB audit on all job applications at these two sites.

Background

454 West 47th Street:

454 West 47th Street is a 5 story tenement building containing 15 units.

Tenants in the building stated that the building has undergone renovation work—most of which was completed without a permit. The owner, however, obtained permits shortly after tenants began making 311 complaints.

The owner attempted to install electric equipment in the apartments without permits or a licensed electrician. After tenants requested the permit, owner requested a permit for 'general wiring'.

The DOB job application for work in the cellar is exclusively for storage facilities for the tenants, but plans obtained by tenants also show the construction of two offices as well as a bathroom in the space. The permit issued by DOB excludes any change in use. Furthermore, West 47th Street between 9th and 10th Avenues is in an R8 district in which commercial space is not permitted¹.

The owner and her contractors entered the private courtyard, which was part of a ground floor unit, on October 12, 2017. The contractor then boarded up the tenant's backyard door, thus restricting access and reducing light coming to the apartment. The garden was then used to store construction debris from un-permitted construction work on the building's roof.

In December 2017, owner and contractors were ordered by DOB to clean up the debris in the courtyard. Those directions were followed. However, the contractor then proceeded to discard additional construction material in the courtyard for another four months. In April 2018, a DOB inspector visited the site and once again required the removal of the construction material. The contractor once again complied. The owner continues to claim that the courtyard does not belong to the ground floor apartment, despite the lease stating otherwise.

In July 2018, under the pretense of repairing the fence and deck as ordered by a Housing Court judge, the owner's contractor moved a tenant's deck furniture to an unspecified location without providing any notice to the tenant.

The owner has proposed to erect scaffolding in the courtyard corresponding to unit 1R in order to complete facade renovations of the building's rear. The owner is attempting to complete this work over the summer and has informed tenants that they should not open rear windows because of incoming dust from the renovation work. 5 apartments have no other windows besides the rear ones and they do not get fresh air from any other source. Additionally, these apartments would have their fire egress compromised.

439-443 West 48th Street

439-443 West 48th Street is a 5 story tenement building containing 17 units.

Tenants in this building report that the roof is in poor condition, with cracks and water leaking around the skylight. The owner has completed repairs over the last ten years but has not replaced the roof despite extensive ongoing problems. In the top-floor apartments, ceilings have suffered damage due to leaks.

¹ See [Zoning Map 8C](#)

From 2016 to 2018, the owner completed a series of building improvements. Most of the work, however, including staircase repairs, entrance door replacement, and electrical work, was completed without permits. In some cases, the owner obtained permits retroactively after tenants made complaints about work without permits. Upon reviewing filings for the building, MCB4 only found one recent filing from 2015. The scope of work for that job filing was to replace gas meters and risers.

MCB4 Request

MCB4 would like to ensure that tenants at both of these sites are safe. The Board understands that DOB has commenced an audit for job applications # 123140966 and # 123266063 for 454 West 47th Street. The Board requests that an additional audit be conducted for 439-443 West 48th Street. Furthermore, the Board expects DOB to follow up with appropriate action pursuant to the findings of the audits. MCB4 looks forward to working with DOB to ensure that the sites and the tenants who live on them are safe.

Sincerely,


Burt Lazarin
MCB4 Chair

Signed [8/9/18]
Barbara Davis, Co-Chair
Housing, Health &
Human Services Committee



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

cc: Hon. Jerry Nadler, U.S Congress
Hon. Brad Hoylman, New York State Senator
Hon. Gale Brewer, Manhattan Borough President
Hon. Linda Rosenthal, New York State Assembly
Hon. Richard Gottfried, New York State Assembly
Hon. Helen Rosenthal, City Council
Hon. Corey Johnson, Speaker City Council