



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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JEFFREY LEFRANCOIS
Chair

JESSE R. BODINE
District Manager

October 16, 2023

Honorable Lawrence K. Marks
Chief Administrative Judge of Housing Court
New York County Housing Court
111 Centre Street
New York, NY 10013

Re: 410-412 West 46th Street

Dear Judge Marks,

During the MCB4 full board meeting held on October 4, 2023, the board voted 40 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, to request a speedy decision on the pending Article 7A proceeding brought by HPD for 410 West 46th Streets.

At Manhattan Community Board 4's (MCB4) Housing, Health, and Human Services (HHHS) Committee meeting on September 7th, 2023, the committee received a presentation from David Stuart, President of the West 45th/46th Street Block Association, and Jordan Feiner, liaison to MCB4 in the District Office of NYC Councilmember Erik Bottcher regarding 410-412 West 46th Street located between 9th and 10th Avenue. During the meeting, questions were raised about the actions of the owner and the super of both buildings concerning tenant harassment, and the status of the Department of Housing Preservation and Development's (HPD) Article 7A proceeding, on which the Housing Part of the Civil Court of the City of New York trial has occurred but not yet been ruled on by Judge Norma Jean Jennings.

Background

410 and 412 West 46th Street are 5 story multiple dwellings located in the Special Clinton District¹. These buildings, built in the 1880's, were purchased by Highpoint Associates XII, LLC on June 30th, 1999. Since the time since purchase, there is a long history of

¹ Manhattan Community Board 4

website: <https://cbmanhattan.cityofnewyork.us/cb4/all-committees/clinton-special-district/>

ownership negligence, tenant harassment, and incidents risking harm to the health, safety, and property of the tenants, which include:

- A fire on February 4th, 2015, at 412 West 46th Street resulted in tenants having to move temporarily to 410 West 46th Street. Those rent-stabilized tenants who temporarily moved because of the fire, as of today's date, have not been issued leases.
- The 412 fire also caused severe damage to the roof, the owner's repairs consisted of temporary plywood and tarps. From that temporary repair, there has been ongoing flooding in 412, creating structural damage and flooding into 410 creating ongoing damage to occupied apartments. The fire and water damage in 412 led to a NYC Department of Buildings vacate² and an order for demolition of this residential building protected by the Clinton Special District Zoning. That demolition was avoided by structural repair work by prospective purchaser and HPD ERP Program.
- Apartments in 410 and 412 West 46th Street were continually illegally rented as daily Airbnb rentals, resulting in the Mayor's Office of Special Enforcement taking legal action against Daniel Ohebshalom in August 2019³.
- On March 31, 2022, local politicians, tenants, and tenant advocates held a press conference on the steps of 412 West 46th Street condemning the hazardous living conditions and neglect by the building owners and management. Residents cited lack of heat and hot water on numerous occasions, multiple leaks, mold, collapsing ceilings, lack of security, rodent and roach infestation, and lack of essential repairs, including broken plumbing, holes in the floors and walls, without repair or response from management.
- In March 2023, another press conference was held regarding the continued lack of resolution to the conditions of both buildings.
- At the end of April 2023, a fire in the cellar of 412 West 46th Street, attributed to squatters, led to the Commissioner of HPD visiting the site.
- During May 2023, the lack of locked front door to 410 led Councilmember Erik Bottcher's office to intervene with HPD ERP to install a new front door.
- In July 2023, the District Attorney of Manhattan began an investigation into the buildings and management.

² DOB Vacate Order Complaints at BIN #1026462: <https://a810-bisweb.nyc.gov/bisweb/ComplaintsByAddressServlet?requestid=2&allbin=1026462&fillerdata=B>

³ City sues landlords for listing rent-stabilized Hell's Kitchen apartments on Airbnb: <https://www.6sqft.com/city-sues-landlords-for-listing-rent-stabilized-hells-kitchen-apartments-on-airbnb/>

- Currently at 410 West 46th Street **there are 440 outstanding open HPD violations**⁴, 101 of which are Class C, designated Immediately Hazardous and carry fines ranging from \$250 to \$10,000 per day. At 412 West 46th Street, vacated since the fire in 2015, there are 94 open violations⁵, 40 of which are Class C.
- There is an open Partial Vacate order on 412 West 46th Street⁶.

Article 7A Proceeding

- Commenced by HPD in mid-2021.
- On May 31, 2023, arguments concluded in front of the Honorable Judge Jennings, presiding over the matter.
- On May 31, 2023, decided to visit the buildings and observe the living conditions in person.
- To the current date, the Honorable Judge Jennings, has not yet issued any decision and order.

Issues and Ongoing Risks

The above detailed information highlights a long period of illegal use, lack of basic repairs, neglect for the buildings' structural integrity, poor living conditions and ongoing tenant harassment of long-term tenants, some of whom are senior citizens. These two buildings and the safety of their tenants have been the focus of Hell's Kitchen community for 8 years. Assisting the tenants have been housing advocates, community organizations, multiple city agencies and elected officials. All groups and individuals have spent countless hours seeking to protect tenants and restore basic building services and a decent quality of life to these tenants.

Conclusion

Given the ongoing issues, numerous resources, and extensive hours spent by stakeholders involved in this difficult and hazardous situation, MCB4 requests your assistance in moving the HPD Article 7A proceeding a final decision and order. Given the 8 years of community and City agency involvement, MCB4 believes the tenant safety and safe living conditions can only be restored with the appointment of Article 7A Administrator.

MCB4 thanks you for your attention to the critical matter.

⁴ HPD Online 410 West 46th Street:

<https://hpdonline.nyc.gov/hpdonline/building/33344/overview>

⁵ HPD Online 412 West 46th Street:

<https://hpdonline.nyc.gov/hpdonline/building/33345/overview>

⁶ DOB Property Profile Overview 412 West 46th Street: [https://a810-](https://a810-bisweb.nyc.gov/bisweb/PropertyProfileOverviewServlet?bin=1026462&requestid=1)

[bisweb.nyc.gov/bisweb/PropertyProfileOverviewServlet?bin=1026462&requestid=1](https://a810-bisweb.nyc.gov/bisweb/PropertyProfileOverviewServlet?bin=1026462&requestid=1)

Sincerely,



Jeffrey LeFrancois
Chair
Manhattan
Community Board 4



Joe Restuccia
Chair
Housing, Health, Human Services
Committee



Maria Ortiz
Chair
Housing, Health, Human Services
Committee

Cc: Commissioner Adolfo Carrión Jr. – Commissioner of HPD
Lynette Parker - Supervising Attorney, Manhattan, Housing Litigation Division
Office of Enforcement and Neighborhood Services, NYC Department of Housing
Preservation & Development
Hon. Judge Norma Jean Jennings – Supervising Judge of New York County
Housing Court