



## Community Board 12 - Manhattan Washington Heights & Inwood

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George Fernández Jr. - Chair  
Ebenezer Smith, District Manager

May 14, 2013

Hon. Doris Figueroa  
Vice President  
Developmental Disabilities Services  
Services for the UnderServed  
Corporate Office  
305 7th Avenue 10th Fl.  
New York, NY 10001

Dear Ms. Figueroa:

At the General Meeting on Tuesday, April 23, 2012 Community Board 12 Manhattan, passed the following resolution with a vote of (32)In Favor, (6)Opposed, (0)Abstain, that Community Board 12-Manhattan calls upon Services for the Underserved to address the status of all the current and future violations in the apartment and in the building and have them corrected to code and will remind this organization that their performance and commitments will be noted in any future applications to place their clients in our community district.

**Whereas:** On March 19, 2013 Services for the Underserved, Inc. a not-for-profit organization maintaining offices at 305 Seventh Avenue, 10th Floor, NYC in conjunction with the NYS Office of People with Developmental Disabilities (OPWDD) submitted a certified letter requesting Community Board 12 Manhattan's approval to establish and place two clients in a community residence located in Apt. 3D at 660 West 178<sup>th</sup> Street, New York, NY10033; and

**Whereas:** On April 4, 2013 to expedite this request a public hearing was held at the stated monthly meeting of the Housing and Human Services Committee since the NYS Mental Health Law Section 41.34 requires this request to be acted upon within forty (40) days; and

**Whereas:** On March 26, 2013 to fulfill the requirements of a Notice of a Public Hearing an informational flyer on the Services for the Underserved's request to place two clients in a community residence was posted in English and Spanish in the aforesaid building and distributed to all twenty-five (25) apartments of this six story building; and

**Whereas:** Services for the Underserved, Inc. claims that "the site is suitable for use as a community residence" the board also has an obligation according to NYS Mental Health Law Section33.02 to make a determination whether such residential facility is a "safe and sanitary environment".

**Whereas:** In preparation of the public hearing and concern for the high number of building and maintenance code violations in our community district members of the board first conducted a physical tour of the property to confirm if it was an adequate and habitable space as claimed, then a search of available public records of the property was conducted and finally building residents questioned; and.

**Whereas:** At least nine (9) critical building issues were uncovered with the most serious of these included eleven (11) "C" Class HPD Code Violations on all floors of the building's stairwell, still pending since 2006, the lack of fire apartment escapes, and the also the lack of an approved FDNY building fire safety and evacuation plan; and.

**Whereas:** There was sufficient concern with these discoveries the Community Board a formal letter was sent by requesting all parties at Services for the Underserved, Inc., to release a copy of the architect's report as cited and to be prepared to discuss all the findings of this placement at the public hearing, given the appearance of a lack of due diligence; and

**Whereas:** At the Public Hearing Doris Figueroa, a Vice President for Services for the Underserved stated that their two clients had been living in their apartment, located in a midtown location for some 17 years and the urgency of this community residence placement was due to the fact that these clients are now being evicted as result of mismanagement from their former mental health service agency's failure to pay rent and a no contest order awarding possession of the apartment to their former landlord was issued. OPWDD asked Services for the Underserved to take over their case and relocate them; and

**Whereas:** Services for the Underserved claims that their clients will use public transportation, are ambulatory, still have productive lives, make good neighbors, and there is a plan of home care that includes 24 hour supervision of their clients with OPWDD board certified staff in the apartment, daily meals prepared, senior managerial staff visits, and nursing service to insure that they take care of themselves; and

**Whereas:** Services for the Underserved claims to have installed additional smoke detectors and heat sensors throughout the apartment and are convinced that the apartment even without these improvements is safe and despite the fact that that there are no fire escapes in this six story building and no FDNY fire safety and evacuation plan they considers the building safe, clean, and in good condition; and

**Whereas:** There is a valid Certificate of Occupancy (CFO #016640) from 1930 that certifies the building is fireproof in an elevator building and Services for the Underserved claims that the lack of fire escapes is grandfathered in by the NYC Department of Buildings; and

**Whereas:** The FDNY Fire Code applies to all persons and places in New York City everyone must comply with its prohibitions and fire safety requirements; and

**Whereas:** Members of the Community Board 12 and the public attending the hearing otherwise expressed support for the planned placement residential facility, they still had heavy concerns or reservations over the lack of a secondary means of egress in the building and the "C" violations on the stairwells even in a so called 'fireproof building' and are concerned not only with the flames and heat of a fire, but consequences of the effects of toxic smoke and agreed that they will hold Services for the Underserved accountable for their commitment that once they are in the building they will try to work with landlord to clear up these violations and obtain a valid FDNY fire safety and evacuation plan as per Local Law # 10 of 1999; and now therefore, be it

**Resolved:** Community Board 12-Manhattan does not object to the plan by Services for the Underserved to place two persons with developmental disabilities in a community residential facility in a community residence at 660 West 178th Street – Apt. 3D, New York, NY 10033; and be it further

**Resolved:** Community Board 12-Manhattan calls upon Services for the Underserved to address the status of all the current and future violations in the apartment and in the building and to work with the owner and management company to have them corrected to code in a manner prescribed by law and reminds this organization that their performance and commitments in this effort will be noted in any future applications to place their clients in our community district.

Thank you for your attention to this matter. We look forward to a favorable response to our request.

Sincerely,

George Fernandez, Jr.  
Chair

cc: Hon. Scott Stringer, Manhattan Borough President  
Hon. Adriano Espaillat, State Senator  
Hon. Gabriela Rosa, Assembly Member  
Hon. Robert Jackson, Council Member  
Hon. Ydanis Rodriguez, Council Member  
Jill Gentile, Associate Commissioner, OPWDD  
Gerald Cohen MD, Director of Clinical Affairs, DOHMH  
Donna Limiti, Director Metro DDRO  
Kevin Meade, Bronx DD Council President  
Ilene Sacco, Development Representative, OPWDD  
Donna Colonna, CEO, SUS  
Louis Cavaliere, Senior Vice President, SUS