

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

-against-

Index No. _____/2023

EFSTATHIOS VALIOTIS, ALMA REALTY CORP., NICK CONWAY (a/k/a NICHOLAS CONWAY), 1619-1625 AMSTERDAM AVENUE, 1627-1635 AMSTERDAM AVENUE, LLC, 557 WEST 148 REALTY, LLC, GVS PROPERTIES, LLC, GVS PROPERTIES IV, LLC, 1548-1560 ST. NICHOLAS EQUITIES, LLC, GVS PROPERTIES II, LLC, CLINTON HILL LOFTS I, LLC, GARDEN SPIRES ASSOCIATES, LLC, LUCKEY PLATT EQUITIES, LLC, 38-25 PARSONS BOULEVARD OWNERS CORP., NEW YORK COMMUNITY BANK, JPMORGAN CHASE BANK, N.A., SIGNATURE BANK, DIME COMMUNITY BANK, INVESTORS BANK, APPLE BANK FOR SAVINGS, The Real Property 477 WEST 140TH STREET (New York, Block 2057, Lot 29), The Real Property 1627-1635 AMSTERDAM AVENUE (New York, Block 2057, Lot 56), The Real Property 557-563 WEST 148TH STREET (New York, Block 2080, Lot 5), The Real Property 601 WEST 139TH STREET (New York, Block 2087, Lot 93), The Real Property 961-969 ST. NICHOLAS AVENUE (New York, Block 2108, Lot 83), The Real Property 559 WEST 164TH STREET (New York, Block 2122, Lot 100), The Real Property 600 WEST 161ST STREET (New York, Block 2137, Lot 14), The Real Property 1548 ST. NICHOLAS AVENUE (New York, Block 2158, Lot 7), The Real Property 4445-4465 BROADWAY (New York, Block 2180, Lot 507), The Real Property 227-241 TAAFFE PLACE (Kings, Block 1925, Lot 1), The Real Property 213-225 TAAFFE PLACE (Kings, Block 1925, Lot 7), The Real Property 39-30 59TH STREET (Queens, Block 1229, Lot 55), and The Real Property 38-25 PARSONS BOULEVARD (Queens, Block 5024, Lot 1),

**VERIFIED
COMPLAINT**

**Priority Case Pursuant to
N.Y.C. Admin. Code
§ 28-205.1.1**

Defendants.

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Plaintiff The City of New York (the “City”), by its attorney, the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, hereby alleges upon personal knowledge as to itself and upon information and belief as to all other matters as follows:

PRELIMINARY STATEMENT

1. Efstathios Valiotis has allowed many of his large New York City apartment buildings to fall into dangerous states of disrepair, posing an imminent threat to the health, life and safety of hundreds of residential tenants and the public. He and the other defendants, who together own the real estate portfolio of 13 buildings at issue in this lawsuit (the “Premises”), have failed to maintain those buildings for years, have accumulated hundreds of open violations from numerous City agencies, and have failed to take adequate corrective action to address the buildings’ dangerous conditions, endangering both tenants and the public.

2. These violations include lead-based paint hazards, infestations of vermin, impermissible occupancy of basement areas and apartments partitioned without a permit, unabated visible mold, unsafe wiring, and missing or defective fire doors, among numerous other hazards. Many of the buildings also have serious facade defects, which threaten both tenants and nearby pedestrians.

3. These buildings and conditions therein constitute public nuisances and violate City laws enacted to protect tenants and safeguard buildings.

4. The 13 residential properties at issue in this case, which collectively contain more than 750 residential units, are:

- i. The Real Property 477 West 140th Street (New York, Block 2057, Lot 29) (“477 West 140th Street”),
- ii. The Real Property 1627-1635 Amsterdam Avenue (New York, Block 2057, Lot 56) (“1627-1635 Amsterdam Avenue”),

- iii. The Real Property 557-563 West 148th Street (New York, Block 2080, Lot 5) (“557-563 West 148th Street”),
- iv. The Real Property 601 West 139th Street (New York, Block 2087, Lot 93) (601 West 139th Street”),
- v. The Real Property 961-969 St. Nicholas Avenue (New York, Block 2108, Lot 83) (“961-969 St. Nicholas Avenue”),
- vi. The Real Property 559 West 164th Street (New York, Block 2122, Lot 100) (“559 West 164th Street”),
- vii. The Real Property 600 West 161st Street (New York, Block 2137, Lot 14) (“600 West 161st Street”),
- viii. The Real Property 1548 St. Nicholas Avenue (New York, Block 2158, Lot 7) (“1548 St. Nicholas Avenue”),
- ix. The Real Property 4445-4465 Broadway (New York, Block 2180, Lot 507) (“4445-4465 Broadway”),
- x. The Real Property 227-241 Taaffe Place (Kings, Block 1925, Lot 1) (“227-241 Taaffe Place”),
- xi. The Real Property 213-225 Taaffe Place (Kings, Block 1925, Lot 7) (“213-225 Taaffe Place”),
- xii. The Real Property 39-30 59th Street (Queens, Block 1229, Lot 55) (“39-30 59th Street”), and
- xiii. The Real Property 38-25 Parsons Boulevard (Queens, Block 5024, Lot 1) (“38-25 Parsons Boulevard”).

5. The New York City Department of Buildings (“DOB”) has issued hundreds violations for failure to maintain the buildings in code compliance, work without a permit, failure to maintain the buildings’ facades, and other Administrative Code violations. The Department of Housing Preservation and Development (“HPD”) has issued hundreds of violations under the Housing Maintenance Code and Multiple Dwelling Law. Additionally, the Fire Department of the City of New York (“FDNY”), Department of Health and Mental Hygiene (“DOHMH”), and Department of Environmental Protection (“DEP”) have issued numerous violations under the Fire,

Health, and Environmental Protection Codes, respectively. Defendants' unwillingness to cure these violations shows complete disregard for the law and the orders of the agencies tasked with enforcing those laws. Their attempts to flout the law have already resulted in vacate orders displacing tenants due to the immediate threat to their health and safety. Should the above conditions continue unabated, further displacement and possible harm to occupants, passersby and the general public is inevitable.

6. Despite the issuance of numerous Notices of Violation and Commissioner's Orders to correct, Defendants have failed to make necessary repairs for an extended period of time.

7. In this action, Plaintiff seeks (1) an injunction stopping Defendants' unlawful behavior, (2) the abatement of the hazardous conditions at the Premises, and (3) civil penalties, pursuant to various New York City Administrative Code provisions and the Nuisance Abatement Law.

THE PARTIES

8. Plaintiff the City of New York is a domestic municipal corporation organized and existing under the laws of the State of New York. This action is brought on behalf of the City of New York, and the Commissioners of DOB, HPD, FDNY, DOHMH, and DEP.

9. Defendant Efstathios Valiotis is an owner of each building comprising the Premises, according to registrations filed with the HPD on October 6, 2021 (for 600 West 161st Street), October 13, 2021 (for 4445-4465 Broadway), October 26, 2021 (for 601 West 139th Street and 559 West 164th Street), October 31, 2021 (for 39-30 59th Street), November 23, 2021 (for 557-563 West 148th Street), November 30, 2021 (for 961-969 St. Nicholas Avenue, 38-25 Parsons Boulevard, and 213-225 Taaffe Place), December 21, 2021 (for 1627-1635 Amsterdam Avenue

and 227-241 Taaffe Place), and January 4, 2022 (for 477 West 140th Street and 1548 St. Nicholas Avenue).

10. Defendant Alma Realty Corp. is a managing agent of each building comprising the Premises, according to registrations filed with the HPD on October 6, 2021 (for 600 West 161st Street), October 13, 2021 (for 4445-4465 Broadway), October 26, 2021 (for 601 West 139th Street and 559 West 164th Street), October 31, 2021 (for 39-30 59th Street), November 23, 2021 (for 557-563 West 148th Street), November 30, 2021 (for 961-969 St. Nicholas Avenue, 38-25 Parsons Boulevard, and 213-225 Taaffe Place), December 21, 2021 (for 1627-1635 Amsterdam Avenue and 227-241 Taaffe Place), and January 4, 2022 (for 477 West 140th Street and 1548 St. Nicholas Avenue).

11. Defendant Nick Conway is a managing agent of each building comprising the Premises, according to registrations filed with the HPD on October 6, 2021 (for 600 West 161st Street), October 13, 2021 (for 4445-4465 Broadway), October 26, 2021 (for 601 West 139th Street and 559 West 164th Street), October 31, 2021 (for 39-30 59th Street), November 23, 2021 (for 557-563 West 148th Street), November 30, 2021 (for 961-969 St. Nicholas Avenue, 38-25 Parsons Boulevard, and 213-225 Taaffe Place), December 21, 2021 (for 1627-1635 Amsterdam Avenue and 227-241 Taaffe Place), and January 4, 2022 (for 477 West 140th Street and 1548 St. Nicholas Avenue).

12. Defendant 1619-1625 Amsterdam Avenue is an owner of 477 West 140th Street according to a deed recorded in the New York City Department of Finance, Office of the City Register.

13. Defendant 1627-1635 Amsterdam Avenue, LLC is an owner of 1627-1635 Amsterdam Avenue according to a deed recorded in the New York City Department of Finance, Office of the City Register.

14. Defendant 557 West 148 Realty, LLC is an owner of 557-563 West 148th Street according to a deed recorded in the New York City Department of Finance, Office of the City Register.

15. Defendant GVS Properties, LLC is an owner of 601 West 139th Street, 559 West 164th Street, and 600 West 161st Street according to deeds recorded in the New York City Department of Finance, Office of the City Register.

16. Defendant GVS Properties IV, LLC is an owner of 961-969 St. Nicholas Avenue according to a deed recorded in the New York City Department of Finance, Office of the City Register.

17. Defendant 1548-1560 St. Nicholas Equities, LLC is an owner of 1548 St. Nicholas Avenue according to a deed recorded in the New York City Department of Finance, Office of the City Register.

18. Defendant GVS Properties II, LLC is an owner of 4445-4465 Broadway according to a deed recorded in the New York City Department of Finance, Office of the City Register.

19. Defendant Clinton Hill Lofts I, LLC is an owner of 227-241 Taaffe Place according to a deed recorded in the New York City Department of Finance, Office of the City Register.

20. Defendant Garden Spires Associates, LLC is an owner of 213-225 Taaffe Place according to a deed recorded in the New York City Department of Finance, Office of the City Register.

21. Defendant Luckey Platt Equities, LLC is an owner of 39-30 59th Street according to a deed recorded in the New York City Department of Finance, Office of the City Register.

22. Defendant 38-25 Parsons Boulevard Owners Corp. is an owner of 38-25 Parsons Boulevard according to a deed recorded in the New York City Department of Finance, Office of the City Register.

23. Defendant New York Community Bank is an owner of 477 West 140th Street, 1627-1635 Amsterdam Avenue, 601 West 139th Street, 559 West 164th Street, and 600 West 161st Street by virtue of assignments of leases and rents recorded in the New York City Department of Finance, Office of the City Register.

24. Defendant Signature Bank is an owner of 1548 St. Nicholas Avenue, 227-241 Taaffe Place, and 39-30 59th Street by virtue of assignments of leases and rents recorded in the New York City Department of Finance, Office of the City Register.

25. Defendant Dime Community Bank is an owner of 961-969 St. Nicholas Avenue by virtue of an assignment of leases and rents recorded in the New York City Department of Finance, Office of the City Register.

26. Defendant JPMorgan Chase Bank, N.A. is an owner of 4445-4465 Broadway and 557-563 West 148th Street by virtue of assignments of leases and rents recorded in the New York City Department of Finance, Office of the City Register.

27. Defendant Investors Bank is an owner of 213-225 Taaffe Place by virtue of an assignment of leases and rents recorded in the New York City Department of Finance, Office of the City Register.

28. Defendant Apple Bank for Savings is an owner of 38-25 Parsons Boulevard by virtue of an assignment of leases and rents recorded in the New York City Department of Finance, Office of the City Register.

29. The above Defendants are all owners and/or persons in control of the Premises as defined by the governing codes, including the Building Code § 28-101.5; Multiple Dwelling Law § 4(44); Housing Maintenance Code § 27-2004(a)(45); and New York City Health Code, 24 RCNY § 151.01(c); and therefore, are responsible for the Premises.

30. The Real Property 477 West 140th Street (New York, Block 2057, Lot 29) is one of the Premises upon which the activities and violations described herein have occurred.

31. The Real Property 1627-1635 Amsterdam Avenue (New York, Block 2057, Lot 56) is one of the Premises upon which the activities and violations described herein have occurred.

32. The Real Property 557-563 West 148th Street (New York, Block 2080, Lot 5) is one of the Premises upon which the activities and violations described herein have occurred.

33. The Real Property 601 West 139th Street (New York, Block 2087, Lot 93) is one of the Premises upon which the activities and violations described herein have occurred.

34. The Real Property 961-969 St. Nicholas Avenue (New York, Block 2108, Lot 83) is one of the Premises upon which the activities and violations described herein have occurred.

35. The Real Property 559 West 164th Street (New York, Block 2122, Lot 100) is one of the Premises upon which the activities and violations described herein have occurred.

36. The Real Property 600 West 161st Street (New York, Block 2137, Lot 14) is one of the Premises upon which the activities and violations described herein have occurred.

37. The Real Property 1548 St. Nicholas Avenue (New York, Block 2158, Lot 7) is one of the Premises upon which the activities and violations described herein have occurred.

38. The Real Property 4445-4465 Broadway (New York, Block 2180, Lot 507) is one of the Premises upon which the activities and violations described herein have occurred.

39. The Real Property 227-241 Taaffe Place (Kings, Block 1925, Lot 1) is one of the Premises upon which the activities and violations described herein have occurred.

40. The Real Property 213-225 Taaffe Place (Kings, Block 1925, Lot 7) is one of the Premises upon which the activities and violations described herein have occurred.

41. The Real Property 39-30 59th Street (Queens, Block 1229, Lot 55) is one of the Premises upon which the activities and violations described herein have occurred.

42. The Real Property 38-25 Parsons Boulevard (Queens, Block 5024, Lot 1) is one of the Premises upon which the activities and violations described herein have occurred.

JURISDICTION AND VENUE

43. The Court has jurisdiction over the parties and claims alleged herein pursuant to New York Civil Practice Law and Rules (“CPLR”) § 302(a)(4) and New York City Administrative Code (“Admin. Code”) §§ 7-704, 17-128, 27-2120, 28-205.

44. Venue in New York County is proper pursuant to CPLR §§ 502 and 507 and Admin. Code § 7-704.

FACTS

DEFENDANTS’ NEGLIGENCE OF THE PREMISES HAS RESULTED IN MORE THAN 800 OPEN VIOLATIONS ISSUED BY FIVE DIFFERENT CITY AGENCIES

45. Over many years, multiple City agencies have inspected the Premises and found numerous conditions that violate City codes designed to ensure that residents and the public are safe and that dwellings are habitable.

46. DOB, HPD, FDNY, DOHMH, and DEP have issued violations against the owners of the Premises.

47. Violations were served on the Defendants by a Notice of Violation or Summons directing that they remediate the conditions and then timely certify such correction with the issuing agency. For all Environmental Control Board (“ECB”) summonses/violations, Defendants had or will have the opportunity to contest the violations at a hearing held at the Office of Administrative Trials and Hearings (“OATH”).¹

48. Defendants have failed to correct many of the violations found by the issuing agencies, or have failed to correct the underlying conditions, leading to repeated issuance of violations. For many of these violations, months and even years have elapsed without the Defendants establishing compliance as required. As detailed below, many of these violations have posed a serious risk of injury to tenants and nearby pedestrians.

1627-1635 Amsterdam Avenue (BIN 1061214/BBL 1020570056)

49. 1627-1635 Amsterdam Avenue is a multiple dwelling in Manhattan with 19 residential units, 16 of which are rent regulated.

50. Defendants have failed to show compliance for more than 90 violations for this building, including about 30 from HPD and more than 50 from DOB. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, a dangerous building facade, lead paint hazards, visible mold, and infestations of vermin. Defendants’ own Facade Inspection & Safety Program (FISP) filings report the building’s facade to be unsafe.

¹ In addition to civil summonses, FDNY also issues criminal summonses and violation orders. In this Complaint, all references to FNDY violations connote FDNY civil summonses that are pending before, or have been adjudicated by, OATH.

51. Of the roughly 30 open HPD violations, more than half a dozen are Class C violations—which means they involve “immediately hazardous” conditions. These include violations for, among other things, failing to abate lead-based paint hazards and an infestation of mice (*e.g.*, Violation Nos. 14808295, 14808296, 14808733, and 15388037).

52. More than a dozen of the HPD violations are Class B violations, for hazardous conditions. These include violations for visible mold in tenants’ apartments, including one apartment that has more than 20 square feet of mold (*see* Violation Nos. 15283960, 15283961, 12498860, and 15071637), for failure to abate water leaking into the ceilings of the tenants’ apartments (Violation Nos. 15283959 and 13197889), and for a missing smoke detector (Violation No. 15555243).

53. Of the more than 50 violations from DOB, nearly three dozen are ECB violations. These include violations for performing work without a permit to install an air conditioning system in a manner that created a fire hazard (Violation No. 35578778J), occupancy of illegal and hazardous basement and cellar apartments, including an apartment that was illegally converted from a storage area (Violation Nos. 34527124Y and 34910484J), defective wiring for a basement light fixture (Violation No. 35079832P), and failure to maintain the building’s boiler, resulting in heavy soot accumulation in the fire tubes (Violation No. 32067791K).

54. Many of the ECB violations for this building involve the Defendants’ failure to maintain the building’s exterior in a safe condition (Violation Nos. 34910483H, 34984725N, 34872316X, 35180307N, 34744426K, 34872195Z, and 35001816P). That neglect has yielded, among other things, a severely corroded cornice, a defective brick parapet at the corner of the roof, defective brick work with missing mortar, a deteriorated metal sheathed cladding, missing tiles fallen from the exterior, and deteriorated metal capping (*see id.*). There is also an open violation

for Defendants' failure to adequately protect the public from the building's unsafe exterior, such as with a sidewalk shed or scaffolding (Violation No. 35365813R).

55. Defendants also have about 20 non-ECB violations from DOB. These include violations for failing to certify correction of three immediately hazardous Class 1 ECB violations regarding the building's unsafe facade, Defendants' failure to protect the public from that unsafe facade with a sidewalk shed or other means, and unpermitted and hazardous air conditioning installation (Violations Nos. V041322AEUHAZ100073, 021920AEUHAZ100128, and 021920AEUHAZ100127). Numerous other open non-ECB violations from DOB concern the building's unsafe facade conditions (*e.g.*, Violation Nos. V112519CLL0901RF, V021121FISPHAZ909243, V022015FISPHAZ75533, and V022015FISPHAZ55531).

557-563 West 148th Street (BIN 1062016/BBL 1020800005)

56. 557-563 West 148th Street is a multiple dwelling in Manhattan with 49 residential units, all of which are rent regulated.

57. Defendants have failed to show compliance for nearly 20 violations for this building, including more than a half dozen from DOB and about ten from HPD. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, a dangerous building facade, lead paint hazards, and visible mold. Defendants' own FISP filings report the building's facade to be unsafe.

58. Defendants have roughly a dozen open HPD violations for this building. More than half are for Class C (immediately hazardous) violations, and include violations for Defendants' failure to abate lead-based paint hazards (Violation No. 8864356), failure to abate a visible mold condition (Violation No. 13694825), failure to repair or replace missing or defective self-closing

fire doors (Violation Nos. 15308454 and 13540496), and hot water exceeding 130 degrees in an apartment's bathroom (Violation No. 15628728).

59. Defendants also have more than half a dozen open violations from DOB, most of which concern the building's unsafe facade. These include ECB violations for failure to submit a required report documenting the condition of the building's exterior wall and appurtenances (Violation No. 37013296L), as well as non-ECB DOB violations for filing a report indicating the facade is unsafe (Violation Nos. V022120FISPHAZ88741 and V022321FISPHAZ909267) and for failing to timely file a required report regarding the state of the building's exterior (Violation No. V073118FISPNRF00359).

477 West 140th Street (BIN 1061193/BBL 1020570029)

60. 477 West 140th Street (also known as 1619 Amsterdam Avenue) is a multiple dwelling in Manhattan with 18 units, all of which are rent regulated.

61. Defendants have failed to show compliance for more than 70 violations for this building, including nearly three dozen from HPD and nearly 30 from DOB. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, gas leaks, fire code violations, lead paint hazards, vermin infestations, and failure to protect the public from the building's unsafe exterior. Defendants' own FISP filings report the building's facade to be unsafe.

62. There are more than 30 open HPD violations for this building. More than half of these are for Class C (immediately hazardous) violations, including for failing to correct lead-based paint hazards (*e.g.*, Violation Nos. 15389983, 15389984, 15389985, 14776390, and 14776389), failing to repair or replace missing or defective self-closing fire doors (Violation Nos.

15369616 and 15307177), and failing to abate infestations of mice (*e.g.*, Violation Nos. 15302339, 15307178, 15308537, and 15133056).

63. Of the nearly 30 open violations from DOB, more than a half dozen are ECB violations. Most of the ECB violations involve the building's unsafe exterior and the threat it poses to occupants and the general public; these include violations for failing to maintain the facade, including failing to repair cracks and deteriorating elements in the facade and cornices (Violation Nos. 35001817R and 34984726P), and failing to adequately protect the public from the building's unsafe exterior with a sidewalk shed (Violation No. 35365815K). Defendants also have about 20 open DOB violations that are not ECB violations, including for a leaking gas stove in a residential unit (Violation No. V050222P22-01291) and for failing to properly maintain the building's facade (Violation Nos. V112519CLL0902RF, V073118FISPNRF00115, V083013FISPNRF00809, V022015FISPHAZ65535, V022015FISPHAZ75534, and V050421FISPHAZ909329).

601 West 139th Street (BIN 1062310/BBL 1020870093)

64. 601 West 139th Street (also known as 3421 Broadway) is a six-story, one-elevator multiple dwelling in Manhattan with 33 units, 17 of which are rent regulated.

65. Defendants have failed to show compliance for more than three dozen violations for this building, including more than a dozen from DOB and more than 20 from HPD. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, the building's unsafe facade, electrical code violations, lead paint hazards, vermin infestations, and visible mold. Defendants' own FISP filings report the building's facade to be unsafe.

66. Defendants have more than 20 open HPD violations for this building. Nearly half are for Class C (immediately hazardous) violations, which include violations for failing to remedy lead paint hazards (*e.g.*, Violation Nos. 11171721 and 7488627), for failing to abate infestations of mice (Violation Nos. 13905658 and 13451375), and for failing to provide an adequate supply of cooking gas to a tenant's kitchen (Violation No. 11112275). And about half of the open HPD violation are Class B (hazardous) violations, including violations for failing to abate a visible mold condition (Violation No. 14082413) and for failing to supply adequate gas to a residential apartment (Violation No. 10858048).

67. Of the more than one dozen violations from DOB, more than half are ECB violations. The open ECB violations are for, among other things, defective outlets throughout an apartment in violation of the electrical code (Violation No. 35021669M), and failing to repair cracks, missing mortar, and visible water penetration in the building's exterior (Violation No. 35318830R). Defendants also have about half a dozen open DOB violations that are not ECB violations, most of which concern the building's unsafe facade and defendants' failure to timely file required reports regarding the state of the facade (*see, e.g.*, Violation Nos. V083013FISPNRF00836, V073118FISPNRF00730, V051921FISPHAZ909349).

961-969 St. Nicholas Avenue (BIN 1062527/BBL 1021080083)

68. 961-969 St. Nicholas Avenue is a six-story, one-elevator multiple dwelling in Manhattan with 54 units, 43 of which are rent regulated.

69. Defendants have failed to show compliance for more than one hundred violations for this building, including more than 80 from HPD and about a dozen from DOB. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these

violations concern, among other things, lead-based paint hazards, rat infestations, missing fire doors, and visible mold.

70. Defendants have more than 80 open HPD violations for this building. Nearly three dozen of these are for Class C (immediately hazardous) violations. The open Class C violations arise from, among other things, at least six missing fire doors in public hallways throughout the building (Violation Nos. 15453462, 15224503, 15224508, 15224512, 15224516, 15224520, and 15224524) and lead-based paint hazards in at least six different apartments (*e.g.*, Violation Nos. 12233089, 13512120, 14830627, 13621439, 13621440, 13621444, 13621446, 13621447, and 14830626).

71. More than 40 of the open HPD violations are Class B (hazardous) violations. These include violations for, among other things, unsafe exposed electric wiring in a public hallway (Violation No. 15224528), an egress window sealed shut (Violation No. 13167899), Defendants' repeated failure to abate visible mold conditions in at least three separate apartments (Violation Nos. 15467847, 13442264, 14417142, 14787392, 14787393, 14417141, 14417143, 12605422, and 12605424), their failure to certify compliance with lead-based paint hazard control requirements during periods of unit vacancy (Violation Nos. 14849087, 14849088, 14849089, 14849090, 14849091, 14849092, 14849093, 14849094, 14849095, 14849096, 14889799, 14889800, 14889801, 14889802, and 14889809), and their failure to abate a water leak in a bathroom ceiling (Violation No. 14889804).

72. Defendants have more than 10 open violations from DOB, nearly all of which arise from Defendants' failure to keep the building's sole elevator in safe working order (Violation Nos. 38257180R, 38213467J, 38233236K, 38257628X, 38257637H, V053014ACC104280, and V111416ACC104826).

73. Defendants have multiple open violations from DOHMH arising from Defendants' failure to abate rodent infestations, including rat infestations (Violations Nos. 800082553 and 800599800).

559 West 164th Street (BIN 1062934/BBL 1021220100)

74. 559 West 164th Street is a multiple dwelling in Manhattan with 48 units, all of which are rent regulated.

75. Defendants have failed to show compliance for more than 40 violations for this building, including more than 30 from HPD and more than a dozen from DOB. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, the building's unsafe exterior, lead-based paint hazards, visible mold, and vermin infestations. Defendants' own FISP filings report the building's facade to be unsafe, and there is no sidewalk shed in place to protect passersby.

76. Defendants have more than 30 open HPD violations for this building. About one quarter of these are for Class C (immediately hazardous) violations, which include violations for failing to correct lead-based paint hazards (Violation Nos. 10662614, 13938647, 13938645, and 13938648) and failing to abate infestations of mice and roaches (Violation Nos. 14036300 and 14036301).

77. Nearly 20 of the open HPD violations are Class B (hazardous) violations. These include violations for failing to abate an infestation of mice (Violation No. 10146031), failing to abate visible mold conditions (Violation Nos. 14146699 and 15236963), and failure to abate an unsafe electrical wiring condition consisting of exposed electrical wires, loose electrical outlet, and missing outlet cover (Violation Nos. 15416406, 15416407, and 15416408).

78. Of the more than one dozen open violations from DOB, about half are open ECB violations. All the ECB violations arise from Defendants' failure to maintain the building's exterior in a safe condition, and Defendants' failure to protect the public from the building's unsafe

exterior. This includes Defendants' failure to maintain the building's facade, roof, chimney, and rear retaining wall (Violation Nos. 35095587K, 34852676L, 34860057M, 35264539K, and 35647359L), Defendants' failure to provide a sidewalk shed or netting to protect passersby from the building's dangerous facade (Violation No. 35647360Z), and Defendants' failure to file a required report certifying examination and documentation of the building's exterior (Violation Nos. 37018589H). Defendants also have open non-ECB violations from DOB regarding Defendants' failure to file required reports regarding the building's unsafe exterior (Violation Nos. V061121FISPHAZ809360, V123113FISPNRF00835, V061121FISPHAZ909361, and V043019FISPNRF00511).

600 West 161st Street (BIN 1063351/BBL 1021370014)

79. 600 West 161st Street is a multiple dwelling in Manhattan with 54 dwelling units, 47 of which are rent regulated.

80. Defendants have failed to show compliance for more than 70 violations for this building, including nearly 70 from HPD and more than a half dozen from FDNY. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, lead-based paint hazards, infestations of vermin, failure to supply adequate gas and heat, visible mold, fire hazards, and illegal occupancy.

81. Defendants have nearly 70 open HPD violations for this building. More than half are for Class C (immediately hazardous) violations, including violations for failing to correct lead-based paint hazards in at least five separate units (Violation Nos. 13622685, 14705369, 12118863, 13622682, 13622683, 13464230, 13464231, 13464232, 13464233, 13464234, 13464235, 13464237, 13464238, 13464239, 11965627, 12000089, 13128952, 13331438, 13622680, 13622684, and 14705368), failing to remove illegal locks on doors leading to fire escapes in at

least three different apartments (Violation Nos. 11965627, 13128952, and 12280707), failing to abate infestations of mice (Violation Nos. 15294391, 12988727, and 14849377), failing to provide an adequate supply of gas for cooking (Violation Nos. 13778953 and 10457853), failing to provide adequate heat (Violation No. 14753113), and failing to abate visible mold conditions in at least four separate units (Violation Nos. 14003176, 13694820, 13637166, 14677446, and 14476764).

82. Nearly 30 of the open HPD violations are Class B (hazardous) violations. These include violations for an inoperative or missing smoke detector (Violation No. 12785705), for failing to provide a self-closing door at an apartment entryway (Violation No. 12785707), for failing to abate visible mold conditions in at least six separate units (Violation Nos. 13245276, 13628221, 13705224, 13245277, 14476762, 13245278, 15115201, 13980495, 13980496, 13884226, 13850900, and 13943242), for failing to abate a water leak (Violation No. 15421893), and for subdividing an apartment in contravention of the certificate of occupancy (Violation Nos. 11068386, 11075098, 11145111, and 11148344).

83. Defendants have more than a half dozen open violations from FDNY, including open violations for the use of extension cords in lieu of permanent wiring throughout multiple apartments (Violation Nos. 011462935Z and 011457596R), failure to inspect the standpipe system or obtain a certificate of fitness for that system (Violation No. 011377485Y), failure to repair a defective tank for the standpipe system (Violation No. 011377468M), failure to provide an approved fire hose outlet valve in the laundry room (Violation No. 011377468M), failure to maintain egress passageways free of obstructions (Violation No. 014038793Z), failure to remove combustible items from close proximity to gas meters (Violation No. 014038792R), and failure to repair or replace smoke detectors and light fixtures hanging by wires in public hallways (Violation No. 014038792R).

84. Defendants also have multiple open violations from DEP, including violations for operating fuel burning equipment without an operating certificate or with an expired certificate (*see* Violation Nos. 000402240Z, 000404749K, and 000684834Y).

1548 St. Nicholas Avenue (BIN 1063808/BBL 1021580007)

85. 1548 St. Nicholas Avenue is a multiple dwelling in Manhattan with 56 units, 47 of which are rent regulated.

86. Defendants have failed to show compliance for more than two dozen violations for this building, including numerous stop work orders from DOB and about ten violations from HPD. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, illegal construction and visible mold.

87. DOB has issued five stop work orders for this building, for performing work on the building's gas pipes at night without a permit (*see* Violation Nos. 062817PL12OH01 and 35251375K) and for performing other construction and renovation work without permits (*see, e.g.*, Violation Nos. 122309C12SC01, 34816868H, 100809C1201JL, 091108C12DB01/02, 34700891L, 34700892N, and 062006C12AW01).

88. Defendants have an open ECB violation for performing electrical work without a permit and for removing and replacing fire-rated wall material without a permit (Violation No. 34816868H).

89. Defendants have about half a dozen open HPD violations for this building, including Class B (hazardous) violations for failing to abate visible mold conditions in multiple apartments (Violation Nos. 13662311 and 12666817).

90. Defendants also have open violations from FDNY for the building, including for inadequate maintenance and/or testing of the fire extinguishers and exhaust system (*e.g.*, Violation Nos. 011704926X and 011796280R).

91. Defendants also have an open violation from DEP for failing to obtain a valid certificate for use or operation of fuel burning equipment (Violation No. 000684434P).

4445-4465 Broadway (BIN 1064466/BBL 1021800507)

92. 4445-4465 Broadway is a multiple dwelling in Manhattan with 78 units, 70 of which are rent regulated.

93. Defendants have failed to show compliance for more than 50 violations for this building, including three stop work orders and nearly 20 violations from DOB, and nearly 30 violations from HPD. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, facade defects, electrical hazards, visible mold, lead-based paint hazards, and vermin infestations. Defendants' own FISP filings report the building's facade to be unsafe.

94. Defendants have three open stop work orders from DOB, arising from work performed pursuant to a revoked plumbing permit (*see* Violation No. VIO19-00891), work without a permit on the water, waste and sanitary connections in the cellar for the kitchen and bathroom (*see* Violation No. 051617PL12DB02), and work without a permit for the entire basement, including the wiring, electrical system, and circuit breakers (*see* Violations Nos. 51617EE112RID02 and 51617EE112RID03).

95. Defendants also have about 20 open violations from DOB. These include ECB violations arising from, among other things, Defendants' unapproved construction on the entryway

and their maintenance of an entryway that is inaccessible to people with physical disabilities (Violation Nos. 34931893N and 34931892L), and for Defendants' failure to properly maintain the building's electrical systems, including by failing to ground the electrical systems and by failing to correct defective open wiring, unsecured cables, uncovered and unsecured outlet boxes, and defective lighting fixtures in the basement (Violation Nos. 35021313L and 35021312J).

96. In addition to these ECB violations, Defendants have more than 10 open non-ECB violations from DOB. These include violations concerning Defendants' failure to maintain the building's unsafe facade (Violation Nos. V082721FISPHAZ809428, V082721FISPHAZ909429, V100421FISPFCS00088, V073118FISPNRF00727, and V083013FISPNRF00901) and Defendants' failure to certify correction on an immediately hazardous (Class 1) ECB violation for work without a permit in the cellar (Violation No. V080917AEUHAZ100156).

97. Defendants have nearly 30 open HPD violations for this building. About a dozen are Class C (immediately hazardous) violations, which include violations for failing to correct a lead-based paint hazard (Violation No. 13560426), failing to provide self-closing doors in a public hallway and at the entryways to multiple apartments (Violation Nos. 15222989, 15311360, and 15198182), and failing to remediate fire damage that has rendered a residential unit uninhabitable (Violation No. 15458255), resulting in a vacate order (Violation No. 15475053). The open Class B (hazardous) violations from HPD include violations for failing to abate visible mold conditions in at least four separate units (Violation Nos. 13995760, 14338882, 13530228, 15419247, 15419248, and 15419249) and failing to repair or replace a defective smoke detector and carbon monoxide detector (Violation Nos. 15363325 and 15363326).

98. Defendants have open FDNY violations for storage and combustion of fuel oil without a permit (Violation No. 011334439N), failure to adequately maintain fire escapes

(Violation No. 011395002J), failure to provide and maintain portable fire extinguishers (Violation No. 011395002J; *see also* Violation No. 011593218X), and failure to remove portable fueled equipment and gasoline containers from the basement and combustible waste from the meter rooms (Violation No. 014038751K).

99. Defendants also have an open violation from DEP for failing to obtain a valid certificate for use or operation of equipment that burns natural gas (Violation No. 000684332Y).

227-241 Taaffe Place (BIN 3055136/BBL 3019250001)

100. 227-241 Taaffe Place is a multiple dwelling in Brooklyn with 91 units.

101. Defendants have failed to show compliance for more than 70 violations for this building, including nearly 40 from HPD and more than 30 from DOB. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, the building's unsafe exterior and facade, vermin infestations, occupancy contrary to the certificate of occupancy, and failure to supply adequate gas. Defendants' own FISP filings report the building's facade to be unsafe.

102. Defendants have nearly 40 open HPD violations for this building. These include about 30 open Class B (hazardous) violations, including violations for failing to provide an adequate supply of gas for cooking in at least three apartments (Violation Nos. 12923795, 13064167, and 13362602), failing to provide functioning smoke detectors and carbon monoxide detectors in at least three apartments (Violation Nos. 12946326, 13066315, 14042685, 14042690, 12946315, and 13066316), and failure to abate water leaks at the ceilings of at least three apartments (Violation Nos. 12946294, 13066313, 13074167, 13742242, 13742265, and

13742277). Defendants also have open Class B and Class C violations for failing to provide self-closing doors at apartment entryways (Violation Nos. 14042704 and 12094450).

103. Defendants also have more than 30 open violations from DOB. More than half of these are ECB violations, which include violations for Defendants' failure to maintain the building's exterior, resulting in bulging masonry, large cracks, broken concrete, and exposed rebar (Violation Nos. 35095221X, 35344932R, and 35095584P), violations for illegal use of the cellar and of the rooftop area, each in contravention of the certificate of occupancy (Violation Nos. 35029194Y, 35029195X, 35451594R, and 35507518P), and violations for Defendants' failure to comply with Commissioner's Orders to file certificates of correction regarding their failure to maintain the building's exterior and facade, illegal occupancy of the cellar, work without permits to construct a rooftop patio and decks, and illegal occupancy of that rooftop space (Violation Nos. 34973090P, 34973089H, 35566259J, 35566260R, 37019303H, 35563401H, and 35563400X).

104. Of the more than 30 open DOB violations, more than a dozen are non-ECB violations. These include numerous violations concerning the building's unsafe facade, including violations for failing to correct facade defects and file required reports on the condition of the building's exterior (Violation Nos. V022120FISPFCS00084, V022120FISPFAZ88746, V100220FISPFAZ99309, V100220FISPFCS00068, and 053118FISPNRF00605). The open non-ECB DOB violations also include a violation for failing to certify correction of an immediately hazardous (Class 1) ECB violation for failing to maintain the building's exterior (Violation Nos. V121218AEUHAZ100345).

105. DOB has issued a partial vacate order and partial stop work order for this building. The partial vacate order is for three illegal roof top decks that were constructed without proper permits (*see* Violation Nos. 051421NERKC03 and 35507518P). The partial stop work order is for

work without a permit at the building's rooftop level and for occupancy contrary to the certificate of occupancy (*see* Violation Nos. 051421NERKC01, 051421NERKC02, 35507518P, and 35507519R).

106. Defendants also have open violations from DOHMH for failing to eliminate a rat infestation and for failing to eliminate conditions conducive to rat infestations (Violation Nos. 801338661 and 801338670).

107. Defendants have an open violation from FDNY for failing to test the sprinkler system (Violation No. 011599428L).

213-225 Taaffe Place (BIN 3055137/BBL 3019250007)

108. 213-225 Taaffe Place is a multiple dwelling in Brooklyn with 90 units.

109. HPD has brought a comprehensive action against Defendants for this building. HPD violations are not included in this lawsuit.

110. Defendants have failed to show compliance for more than 20 violations for this building, including about 20 from DOB and multiple violations from both FDNY and DEP. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, the building's unsafe exterior and facade, illegal occupancy, and fire hazards.

111. Defendants have about 20 open violations from DOB. Nearly all of them are ECB violations, and include violations for failing to maintain the building's exterior (Violation No. 35160682R), failing to maintain an adequate sidewalk shed to protect pedestrians from the building's unsafe exterior (Violation No. 35574746R), unapproved conversion of a residential unit to a transient dwelling and illegal occupancy of that unit (Violation Nos. 35590499Z and

35592350J), failing to provide a fire alarm system for a residential unit (Violation No. 35592350J), installation of electrical wiring without a permit (Violation No. 35226167L), work without permits to, among other things, partition units into smaller rooms—without adequate fresh air or natural light—and install new spiral staircases (Violation Nos. 35180418X, 35226167L, 35407019M, and 039072737K), and illegal occupancy of the cellar and the improperly partitioned units (Violation Nos. 35226168N and 35180417Y).

112. Defendants have open non-ECB DOB violations for, among other things, their failure to certify correction on immediately hazardous (class 1) ECB violations (Violation Nos. V020222AEUHAZ100227, V051717AEUHAZ100212, and V051717AEUHAZ100211).

113. Defendants have open violations from FDNY for, among other things, failing to conduct periodic testing of the standpipe system and failing to properly maintain the sprinkler system (Violation Nos. 011463509K, 011463510H, and 011456121Z).

114. Defendants have open violations from DEP for allowing oil and fuel odors from the boiler room to become airborne in the building's hallways and common areas (Violation No. 000420587R), and for operating fuel-burning equipment without a certificate (Violation No. 000421216M).

39-30 59th Street (BIN 4028313/BBL 4012290055)

115. 39-30 59th Street is a multiple dwelling in Queens with 78 units, 77 of which are rent regulated.

116. HPD has brought a comprehensive action against Defendants for this building. HPD violations are not included in this lawsuit.

117. Defendants have failed to show compliance for nearly 30 violations for this building, including more than two dozen from DOB. For each of these violations, Defendants have

failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, work without a permit and unauthorized use of the premises.

118. Defendants have three stop work orders from DOB. The three stop work orders are for plumbing work contrary to approved plans (*see* Violation No. 39040426R), for removal and installation of plumbing fixtures and piping for waste and water in a residential unit without a permit or approved plans (*see* Violation No. 39028477P), and installing new walls, floors, and door jams without proper permitting or approved plans (*see* Violation No. 39028448X).

119. More than a dozen of the open DOB violations are ECB violations. Numerous open ECB violations concern Defendants' improper and unsafe conversion and use of the basement as a laundry room, including violations for use of the basement in a manner not permitted by the certificate of occupancy or DOB (Violation No. 35181737H), failure to utilize appropriate connectors/hoses for the six gas dryers in the basement (Violation No. 35182236Y), failure to provide a sprinkler system or other adequate fire prevention measures for those dryers (Violation Nos. 35225978K, 35181736X, and 35182237X), and failure to have the plumbing system tested after installing six washers and dryers in the basement (Violation No. 35181735Y).

120. Defendants also have open ECB violations for performing work without a permit to install plumbing and piping, to install gas piping and valves, to lower part of the sidewalk curb to street level, and to "gut rehab" a residential unit (Violation Nos. 39028477P, 35182235M, 35274088J, and 39028448X), as well as for their failure to maintain a tenant's shower such that it runs continuously and cannot be shut off (Violation No. 35181738J) and their failure to provide adequate machine room ventilation (Violation No. 38256455M). And defendants have an open ECB violation for failing to comply with a Commissioner's order regarding their failure to provide

a sprinkler system or other adequate fire prevention measures for the basement's gas dryers (Violation No. 35230933N).

121. Defendants also more than a half dozen open non-ECB violations from DOB, most of which arise from Defendants' failure to perform required inspections of the building's elevator (Violation Nos. V033114EVCAT104312, V103114EVCAT102394, V052019EVCAT500254).

122. Defendants have open violations from DEP for having a disconnected air contaminant detector and smoke alarm for oil-burning equipment (Violation No. 000416467K) and operating a boiler-burner with an expired certificate (Violation No. 000408529R)

38-25 Parsons Boulevard (BIN 4113662/BBL 4050240001)

123. 38-25 Parsons Boulevard is a multiple dwelling in Queens with 111 units, 21 of which are rent regulated.

124. Defendants have failed to show compliance for more than 90 violations for this building, including more than 70 from HPD and nearly 20 from DOB. For each of these violations, Defendants have failed to correct the violation or have failed to certify that the violation has been corrected when required by the issuing agency. As detailed below, these violations concern, among other things, the building's unsafe exterior and facade, vermin infestations, mold, and illegal occupancy.

125. There are two partial vacate orders from DOB in effect for this property. The first ordered Defendants to vacate the building's balconies and to provide immediate safety measures, including a sidewalk shed, to protect residents and the general public from the building's unsafe exterior facade (*see* Violation Nos. 081619LLFAV02 and 35366071L). The second ordered Defendants to vacate one of the units following illegal conversion of a two-bedroom apartment

into a five-bedroom apartment, yielding inadequate means of egress (*see* Violation No. 041412C07HS01/02).

126. Defendants have more than 70 open HPD violations for this building. Nearly all are Class B (hazardous) violations, and include violations for Defendants' failures to abate mold conditions (Violation Nos. 11333006, 12035612, and 12035621), to provide operational carbon monoxide detectors (Violation Nos. 11333011, 12035583, and 9739528), to abate an infestation of mice (Violation No. 10254310), and to abate conditions causing water leaks at tenants' ceilings (Violation Nos. 10078664, 11333005, and 11381728). Many of the open HPD violations increase the risk of injury due to fire, including violations for failure to provide self-closing doors in public stairwells and other common areas (Violation Nos. 9739549, 9739563, 9739574, and 9739577), failure to repair or replace defective smoke detectors (Violation Nos. 11333009, 12035575, and 9739531), and failure to remove an encumbrance blocking a fire escape (Violation No. 12382396).

127. Defendants also have more than a dozen open violations from DOB, most of which are ECB violations. One is for Defendants' failure to maintain the building's exterior, resulting in cracked balcony beams and slabs, cracks at parapets and spandrels, damaged mortar joints, deteriorating or dislodged masonry, and bricks and mortar crumbling and falling onto balconies, terraces, and the ground below (Violation No. 35366071L). There are also open ECB violations for Defendants' work without a permit to construct impermissible single room occupancy units, including construction of full-height walls and installation of water and waste lines (Violation Nos. 35099729P, 35108487N, 35201042R, and 35120329J), as well as for alteration of residential units to create four additional impermissible single room occupancy units with cooking appliances and bathrooms, and for installation of locking doors on those units that block access to the fire escape (Violation Nos. 35120328H, 35108490Y, and 35108489R). Four open ECB violations are for

failure to comply with Commissioner's Orders regarding the building's dangerous exterior and the illegal partitioning work (Violation Nos. 35042099M, 35061235L, 37019623R, and 35635213K).

128. Defendants also have open non-ECB violations from DOB for failing to certify correction on immediately hazardous (Class 1) ECB violation for the building's dangerous exterior (Violation No. V111319AEUHAZ100735) and for failing to file a required technical report on the building's facade (Violation No. V022222FISP NRF01796).

129. Defendants have an open violation from FDNY for their failure to provide and/or maintain self-closing fire-rated doors, and their failure to maintain the emergency lights in good working order (Violation No. 011488605L).

FIRST CAUSE OF ACTION
(BUILDING CODE)

130. Defendants are in violation of the Construction Codes. Admin. Code Title 28.

131. DOB, pursuant to Admin. Code § 28-204.1, served Notices of Violation and/or ECB summonses upon an owner of the Premises, directing the owners to correct the violations.

132. No valid certificates of correction have been filed for the violations set forth within the dates set for correction in each Notice of Violation and/or ECB summons.

133. This Court is authorized by Admin. Code §§ 28-201 and 28-205 to order Defendants to correct all violations and to grant such other relief as may be necessary to secure continuing compliance with those laws.

134. Defendants are liable for penalties as set forth in Admin. Code §§ 28-202 and 28-203. Such penalties may need to be paid prior to obtaining a work permit.

SECOND CAUSE OF ACTION
(MULTIPLE DWELLING LAW AND HOUSING MAINTENANCE CODE)

135. Defendants are in violation of the Multiple Dwelling Law and the Housing Maintenance Code.

136. HPD, pursuant to Subchapter 5, Article 2 of the Housing Maintenance Code, served Notices of Violation upon an owner of the Premises, directing the owners to correct the violations.

137. No valid certificates of correction have been filed for the violations set forth within the dates set for correction in each Notice of Violation.

138. This Court is authorized by § 306 of the Multiple Dwelling Law, Subchapter 5, Article 4 of the Housing Maintenance Code, and §§ 27-2110 and 27-2120 of the Admin. Code to order Defendants to correct all violations and to grant such relief as may be necessary to secure continuing compliance with those laws.²

139. Pursuant to Housing Maintenance Code § 27-2115, Defendants are liable to the City for civil penalties as follows:

(a) For failure to correct Class C (immediately hazardous) violations for lead-based paint hazards by the required date:

- i) For lead-based paid hazards with order numbers 614, 616 or 617, civil penalties of \$250 per day per violation, up to a maximum of \$10,000 per violation;
- ii) For lead-based paid hazards with order number 618, civil penalties of \$1,000 per violation;
- iii) For lead-based paid hazards with order number 619, civil penalties of \$1,500 per violation;
- iv) For lead-based paid hazards with order number 620, civil penalties of \$5,000 per violation.

(b) For failure to correct a Class C (immediately hazardous) violation by the required date in a building with six units or more, a

² Although all of the subject buildings have open violations from HPD, the HPD violations for two of those buildings—213-225 Taaffe Place and 39-30 59th Street—are not directly at issue in this lawsuit, but rather are the subject of separate proceedings.

penalty of \$50 to \$150, and an additional penalty of \$125 per day for each day the violation is not corrected, except in the case of lack of heat or hot water, where the additional penalty shall be \$250 per day for each day the violation is not corrected.

(c) For failure to correct a Class B (hazardous) violation by the required date, a penalty of \$25 to \$100, and an additional penalty of \$10 for each day the violation is not corrected.

(d) For failure to correct a Class A (non-hazardous) violation by the required date, a penalty of \$10 to \$50.

THIRD CAUSE OF ACTION
(FIRE CODE)

140. The City asserts this cause of action against all Defendants except 39-30 59th Street, 961-969 St. Nicholas Avenue, 38-25 Parsons Boulevard, Luckey Platt Equities, LLC, GVS Properties IV, LLC, 38-25 Parsons Boulevard Owners Corp., Dime Community Bank, and Apple Bank for Savings.

141. Defendants are in violation of the Fire Code.

142. FDNY, pursuant to New York City Charter § 1049-a, served Summonses and/or Notices of Violation upon an owner of the Premises, directing the owners to correct the violations.

143. No valid certifications of correction have been filed for the violations set forth within the dates set for correction in each Summons/Notice of Violation.

144. This Court is authorized by Admin. Code §§ 15-229 and 230 to grant the City a judgment against Defendants, order them to correct all violations, and to grant such other relief as may be necessary to secure continuing compliance with those laws.

145. Defendants are liable for penalties as set forth in 3 R.C.N.Y. § 109-03.

FOURTH CAUSE OF ACTION
(HEALTH CODE)

146. The City asserts this cause of action against Defendants Efstathios Valiotis, Alma Realty Corp., Nick Conway, 961-969 St. Nicholas Avenue, 227-241 Taaffe Place, GVS Properties IV, LLC, Clinton Hill Lofts I, LLC, Signature Bank, and Dime Community Bank.

147. Defendants are in violation of the Health Code.

148. DOHMH issued Commissioner's Orders to correct the Health Code violations, and pursuant to NYC Health Code § 151.05, served ECB summonses upon an owner or person in control of the Premises, directing the owners and persons in control to abate the active infestations of rodents, insects, and other pests, and correct the conditions conducive to such pests.

149. Defendants have failed to comply with the Commissioner's Orders and ECB summonses requiring abatement of active infestations of rodents, insects, and other pests, and correction of conditions conducive to such pests.

150. This Court is authorized by NYC Charter § 394, Admin. Code §§ 17-133, 17-128, and Health Code § 3.11(a) to order Defendants to correct all violating conditions and to grant such other relief as may be necessary to secure continuing compliance with those laws.

151. Defendants' violations of the Health Code are ongoing and continuous, and pursuant to Health Code § 3.11(a), each day's continuance thereof may be treated as a separate and distinct offense, incurring a separate and distinct civil penalty.

152. Defendants are liable for penalties as set forth in Health Code § 3.11(a), including penalties of up to \$2000 per violation per day in the case of continuing violations.

FIFTH CAUSE OF ACTION
(STATUTORY PUBLIC NUISANCE – FAILURE TO MAINTAIN BUILDING IN CODE COMPLIANCE)

153. Section 7-701 et seq. of the Admin. Code (popularly known as the “Nuisance Abatement Law”) was enacted to prohibit

the use of property in flagrant violation of the building code . . . which interfere[s] with the interest of the public in the quality of life and total community environment, the tone of commerce in the city, property values and the public health, safety and welfare of the people of the city of New York and of the businesses thereof and visitors thereto.

154. Pursuant to Nuisance Abatement Law §§ 7-704(b) and 7-706(h), the Corporation Counsel may bring and maintain a civil proceeding, in the name of the City of New York, in the Supreme Court of the county in which a building is located, seeking to recover civil penalties for any of the public nuisances defined in § 7-703.

155. Under the Nuisance Abatement Law, Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-301.1 is deemed to be a public nuisance.

156. Admin. Code § 28-301.1 requires that all buildings and all parts thereof be “maintained in a safe condition,” and that “[a]ll service equipment, means of egress, materials, devices, and safeguards that are required in a building by the provisions of this code, the 1968 building code or other applicable laws or rules, or that were required by law when the building was erected, altered, or repaired, shall be maintained in good working condition.”

157. At all relevant inspections, City inspectors observed conditions constituting a failure to maintain the Premises in a code-compliant condition. Those conditions continue unabated to date.

158. The Premises have recorded violations of Admin. Code § 28-301.1 for failure to maintain the buildings in compliance with code.

159. As a result of the foregoing, there exist public nuisances at the Premises.

160. Defendants have intentionally conducted, maintained, or permitted the public nuisances alleged in this cause of action.

161. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to an injunction against Defendants permanently restraining such public nuisances.

162. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a Defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

163. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

SIXTH CAUSE OF ACTION
(STATUTORY PUBLIC NUISANCE – WORK WITHOUT A PERMIT)

164. The City asserts this cause of action against all Defendants except 557-563 West 148th Street, 601 West 139th Street, 961-969 St. Nicholas Avenue, 559 West 164th Street, 600 West 161st Street, GVS Properties, LLC, 557 West 148 Realty, LLC, GVS Properties IV, LLC, and Dime Community Bank.

165. Under the Nuisance Abatement Law, Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-105.1 for work without a permit is deemed to be a public nuisance.

166. Admin. Code § 28-105.1 states that “[i]t shall be unlawful to construct, enlarge, alter . . . or change the use or occupancy of any building . . . unless and until a written permit therefore shall have been issued by the commissioner in accordance with the requirements of this code.”

167. All properties except 557-563 West 148th Street, 601 West 139th Street, 961-969 St. Nicholas Avenue, 559 West 164th Street, and 600 West 161st Street have recorded violations of Admin. Code § 28-105.1 for work without a permit.

168. As a result of the foregoing, there exist public nuisances at the Premises.

169. Defendants have intentionally conducted, maintained, or permitted the public nuisances alleged in this cause of action.

170. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to a judgment for an injunction against Defendants permanently restraining such public nuisances.

171. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a Defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

172. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

SEVENTH CAUSE OF ACTION
(STATUTORY PUBLIC NUISANCE – ILLEGAL OCCUPANCY)

173. The City asserts this cause of action against Defendants Efstathios Valiotis, Alma Realty Corp., Nick Conway, 1627-1635 Amsterdam Avenue, 227-241 Taaffe Place, 213-225 Taaffe Place, 39-30 59th Street, 1627-1635 Amsterdam Avenue, LLC, Clinton Hill Lofts I, LLC, Garden Spires Associates, LLC, Luckey Platt Equities, LLC, New York Community Bank, Signature Bank, and Investors Bank.

174. Under the Nuisance Abatement Law, Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-118 is deemed to be a public nuisance.

175. Admin. Code § 28-118.3.2 provides that “[n]o change shall be made to a building, open lot or portion thereof inconsistent with the last issued certificate of occupancy.”

176. The properties 1627-1635 Amsterdam Avenue, 227-241 Taaffe Place, 213-225 Taaffe Place, and 39-30 59th Street have recorded violations of Admin. Code § 28-118.3.2 for occupancy contrary to that allowed by the certificate of occupancy, namely, for illegally subdividing living spaces to house more people than allowed, or by illegally converting spaces into residential units.

177. As a result of the foregoing, there exist public nuisances at the Premises.

178. Defendants have intentionally conducted, maintained, or permitted the public nuisances alleged in this cause of action.

179. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to a judgment for an injunction against Defendants permanently restraining such public nuisances.

180. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a Defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

181. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

EIGHTH CAUSE OF ACTION
(STATUTORY PUBLIC NUISANCE – ILLEGAL CONVERSIONS)

182. The City asserts this cause of action against Defendants Efstathios Valiotis, Alma Realty Corp., Nick Conway, 213-225 Taaffe Place, 38-25 Parsons Boulevard, Garden Spire

Associates, LLC, 38-25 Parsons Boulevard Owners Corp., Investors Bank, and Apple Bank for Savings.

183. Under Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-210 is deemed to be a public nuisance.

184. Admin. Code § 28-210.1 provides that except in accordance with all requirements of the Admin. Code, it is unlawful to convert any dwelling for occupancy by more than the legally authorized number of families or to assist, take part in, maintain, or permit the maintenance of such conversion. Admin. Code § 28-210.3 provides that it is unlawful for the owner of a multiple dwelling or dwelling unit classified for permanent residence to convert for use or occupancy such multiple dwelling or dwelling unit for other than permanent residence purposes.

185. The properties 213-225 Taaffe Place and 38-25 Parsons Boulevard have recorded violations of Admin. Code § 210.1 or 28-210.3 for illegal conversion.

186. As a result of the foregoing, there exist public nuisances at the Premises.

187. Defendants have intentionally conducted, maintained, or permitted the public nuisances alleged in this cause of action.

188. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to a judgment for an injunction against Defendants permanently restraining such public nuisances.

189. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a Defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

190. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

NINTH CAUSE OF ACTION
(STATUTORY PUBLIC NUISANCE – EXTERIOR APPURTENANCES)

191. The City asserts this cause of action against all Defendants except 961-969 St. Nicholas Avenue, 600 West 161st Street, GVS Properties IV, LLC, GVS Properties, LLC, New York Community Bank, and Dime Community Bank.

192. Under Admin. Code § 7-703(d), any premises in violation of Admin. Code § 28-302 is deemed to be a public nuisance.

193. Admin. Code § 28-302.1 provides that a building’s exterior walls and appurtenances thereof must be maintained in a safe condition.

194. All properties except for 961-969 St. Nicholas Avenue and 600 West 161st Street have recorded violations of Admin. Code § 28-302.1 for failure to maintain building walls and/or exterior appurtenances.

195. As a result of the foregoing, there exist public nuisances at the Premises.

196. Defendants have intentionally conducted, maintained, or permitted the public nuisances alleged in this cause of action.

197. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to a judgment for an injunction against Defendants permanently restraining such public nuisances.

198. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a Defendant who intentionally conducted, maintained, or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

199. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

TENTH CAUSE OF ACTION
(STATUTORY PUBLIC NUISANCE – LEAD-BASED PAINT HAZARDS)

200. The City asserts this cause of action against all Defendants except 1548 St. Nicholas Avenue, 227-241 Taaffe Place, 213-225 Taaffe Place, 39-30 59th Street, 38-25 Parsons Boulevard, 1548-1560 St. Nicholas Equities, LLC, Clinton Hill Lofts I, LLC, Garden Spires Associates, LLC, Luckey Platt Equities, LLC, 38-25 Parsons Boulevard Owners Corp., Signature Bank, Investors Bank, and Apple Bank for Savings.

201. Defendants are in violation of the New York City Childhood Lead Poisoning Prevention Act of 2003 (the “Act”), Admin. Code § 27-2056.1 *et seq.*

202. HPD, pursuant to Admin. Code § 27-2115, served Notices of Violation upon an owner of the Premises, directing the owners to correct the numerous lead-based paint hazards and to certify correction. No valid certifications of correction have been filed for the violations set forth within the dates set for correction in each Notice of Violation. The properties 477 West 140th Street, 1627-1635 Amsterdam Avenue, 557-563 West 148th Street, 601 West 139th Street, 961-969 St. Nicholas Avenue, 559 West 164th Street, 600 West 161st Street, and 4445-4465 Broadway have more than 50 recorded violations of Admin. Code § 27-2056 for lead-based paint hazards. As a result of the foregoing, there exist public nuisances at the Premises.

203. Under the Nuisance Abatement Law, Admin. Code § 7-703(e), any premises that are “dangerous to human life or detrimental to health” are deemed to be a public nuisance. Admin. Code § 17-142. The Nuisance Abatement Law was enacted to prohibit

the use of property in flagrant violation of the building code . . . which interfere[s] with the interest of the public in the quality of life and total community environment, the tone of commerce in the city, property values and the public health, safety and welfare of the people of the city of New York and of the businesses thereof and visitors thereto.

204. Lead-based paint hazards constitute a public nuisance, and childhood lead poisoning from paint is a preventable public health crisis. See NYC Admin. Code § 27-2056.1 *et seq.* (New York City Council findings that “lead poisoning from paint containing lead is a preventable childhood disease and a public health crisis”, that “blood lead levels among New York city children constitute a severe health crisis”, and that the Act is an “essential tool to combat childhood lead poisoning.”)

205. Pursuant to Nuisance Abatement Law §§ 7-704(b) and 7-706(h), the Corporation Counsel may bring and maintain a civil proceeding, in the name of the City of New York, in the Supreme Court of the county in which a building is located, seeking to recover civil penalties for any of the public nuisances defined in § 7-703.

206. Defendants have intentionally conducted, maintained or permitted the public nuisances alleged in this cause of action.

207. Section 7-706 of the Nuisance Abatement Law provides that a penalty may be awarded against a Defendant who intentionally conducted, maintained or permitted a public nuisance in an amount not to exceed one thousand dollars (\$1,000) for each day that the nuisance occurred.

208. Pursuant to Admin. Code § 7-706(h), the City is entitled to a judgment against Defendants ordering them to pay a penalty of \$1,000 for each day that they intentionally conducted, maintained, or permitted each public nuisance alleged in this cause of action.

209. Pursuant to Admin. Code §§ 7-706(a) and 7-714, the City is entitled to a judgment for an injunction against Defendants permanently restraining such public nuisances.

WHEREFORE, Plaintiff demands judgment with execution thereon against the Defendants as follows:

(1) With respect to the FIRST, SECOND, AND THIRD CAUSES OF ACTION:

- a. Declaring that Defendants have failed to correct and comply with the violations complained of herein;
- b. Ordering Defendants to comply with all outstanding violations and certify their compliance within thirty (30) days of the date of Court's order;
- c. Enjoining Defendants from performing any construction work at the Premises without first properly securing a permit from DOB;
- d. Directing the entry of judgment in the amount of all City code penalties due and not previously docketed;
- e. Imposing penalties as authorized by City codes, for each condition found to be in violation of City codes, including directing that additional penalties accrue for ongoing violations, and directing entry of judgment for these penalties;

(2) With respect to the FOURTH CAUSE OF ACTION:

- a. Declaring that Defendants have failed to correct and comply with the violations complained of herein;
- b. Enjoining Defendants to immediately abate all rat, pest, and rat- and pest-conducive conditions at the Premises and develop an integrated pest-

management plan in accordance with DOHMH guidance to provide long-term pest control;

- c. Imposing penalties as authorized by the Health Code, including penalties for each separate and distinct offense created by continuing violations of the Health Code;
- d. Directing the entry of judgment in the amount of all City code penalties due and not previously docketed;

(3) With respect to the FIFTH, SIXTH, SEVENTH, EIGHTH, and NINTH CAUSES OF ACTION:

- a. Declaring that Defendants have caused public nuisances in violation of the Nuisance Abatement Law;
- b. Enjoining Defendants from further actions or omissions that result in the continuation of public nuisances;
- c. Imposing civil penalties as authorized by the Nuisance Abatement Law, for each violation of the Nuisance Abatement Law directing that additional penalties accrue for ongoing public nuisances;
- d. Pursuant to Admin. Code § 7-714(g), allowing, in addition to the costs and disbursements allowed by the CPLR, the attorney's fees, actual costs, expenses and disbursements of the City in investigating, bringing and maintaining this action;

(4) With respect to the TENTH CAUSE OF ACTION:


- a. Enjoining Defendants to immediately abate all lead-based paint hazards in violation of the New York City Administrative Code by undertaking all

measures required by Admin. Code § 27-2056, including annual notice to all tenants, annual investigation of all dwelling units that do not respond to the notice to determine whether a child under six years of age resides in the unit, inspection of the Premises, X-Ray Fluorescence spectrometer testing, and remediation and abatement of violation conditions as required by law in compliance with all work practices laid forth in Admin. Code § 27-2056.11;

- (5) Directing the entry of judgment in the amount of all actual costs, expenses, and disbursements; and
- (6) Granting to the City such other and further relief as the Court may deem just, proper, and equitable.

Dated: January 6, 2023
New York, New York

Hon. Sylvia O. Hinds-Radix
Corporation Counsel of the City of New York
Attorney for Plaintiff

By: 

Daniel Matza-Brown
Assistant Corporation Counsel
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New York, NY 10007
(212) 356-5042
dmatza@law.nyc.gov

VERIFICATION

STATE OF NEW YORK)

: SS.:

COUNTY OF NEW YORK)

DANIEL MATZA-BROWN, an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms, under penalty of perjury pursuant to CPLR § 2106, as follows:

I am an Assistant Corporation Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York. I am duly admitted to practice law in the Courts of the State of New York. I verify under penalty of perjury that the City of New York is the plaintiff in the within action, that the allegations in the complaint as to the City and its municipal agencies are true to my knowledge, that I believe to be true any matters alleged therein upon information and belief, and that my knowledge is based on the books and records of the City's agencies and/or statements made to me by officers or employees thereof. This verification is not made by the City of New York because it is a municipal corporation.

Dated: January 6, 2023
 New York, New York



DANIEL MATZA-BROWN