

Congress of the United States

House of Representatives

Washington, DC 20515

NYDIA M. VELAZQUEZ

7TH DISTRICT, NEW YORK

May 6, 2016

Joseph Betesh
Bowery 8385 L.L.C.
15 West 37th Street, 11th Floor
New York, NY 10018

Dear Mr. Betesh:

I am writing regarding disturbing reports and allegations I have heard pertaining to your company's management of the buildings at 83 Bowery and 85 Bowery. As the Representative for New York's 7th Congressional District, and a Senior Member of the Committee on Financial Services and its Housing Subcommittee, I am deeply concerned by these allegations.

Members of the properties' Tenants Association have reported that the buildings are unsafe and that living conditions in the buildings are substandard. Problematic conditions include, but are not limited to: deteriorated wood beams and joists along the staircases; slanted floors and staircases; leaking ceilings that have resulted in mold and mildew on ceilings and walls; peeling plaster and paint; deteriorated bathroom tile and mortar; and inadequate heat in the winter months. The media has reported that one resident had to use an umbrella to stop-up a leak until the New York City Department of Housing Preservation and Development ("HPD") investigated the incident and forced your company to make repairs. As a result of these conditions, I am informed the Department of Buildings ("DOB") and HPD have issued numerous violations at 83 Bowery and 85 Bowery and DOB has issued partial vacate orders.

These reported living conditions are disturbing, but what is perhaps more alarming are reported claims that your company is intentionally allowing the buildings to fall into disrepair as an excuse to empty them and evict 27 families from their homes. According to court filings, "the landlord has conjured up a claim that the buildings are in imminent danger of collapse and is attempting to use it as a vehicle to quickly empty out two buildings in Chinatown and evict 27 families from their homes." If such motivation is in fact correct, these actions are unacceptable.

While all appropriate steps must be taken to repair the buildings' structural deficiencies, it is unlikely that such a drastic step as eviction is necessary. Recent court filings filed on behalf of the properties' Tenants Association indicate your company can make the necessary repairs while the tenants remain in their units. Furthermore, the tenants have presented a detailed 14-page affidavit from a structural engineer detailing the conditions at the buildings, an assessment that the buildings can continue to be occupied by the tenants while repairs are made, and an explanation of how this can be done.

These problems with apartment conditions, building maintenance and harassment, as reported by your tenants, are unacceptable. Therefore, to help resolve the situation in a timely manner, I request that Bowery 8385 provide a written response, and all supporting documentation to the following:

- 1) Bowery 8385's efforts to address the tenants' above referenced concerns regarding the physical conditions of the units, the buildings as a whole, and common areas, since its acquisition of the properties.

- 2) Bowery 8385's work plan and timeframe for remedying the tenants' above referenced concerns regarding the physical conditions of the units, the buildings as a whole, and common areas.
- 3) Please provide any documentation or history you have received from an engineer, architect, construction company or other certified practitioner about options for remediating the building while the tenants remain in place. Please provide any plans or alternatives they presented to you. If you have not made such inquiries, please provide an explanation as to why not.
- 4) Please provide complete copies of any vacate orders on the two buildings issued by DOB, HPD, and/or the New York City Fire Department documenting your claim that there are severe structural deficiencies at the buildings, that they are in danger of immediate collapse, and that they pose a detrimental threat to human life. If these buildings are truly structurally unsound, such documentation from the City should exist and we ask that you produce it forthwith.
- 5) The developed drawings and specifications, created by a professional structural engineer licensed in the State of New York, to repair and reconstruct the staircases and floor framing along both buildings that have been filed with DOB.
- 6) The work permits Bowery 8385 has received from all applicable City, County, and State agencies to perform repair and reconstruction work on both buildings.
- 7) To ensure problems relating to apartment conditions, building maintenance and tenant harassment do not become serious problems in the future, provide a proposal for how Bowery 8385 intends to maintain the buildings, and maintain them free of harassment in the future.
- 8) As the purported reason for vacating the buildings is to remediate them and not to remove 27 families from their homes, I would ask whether your company will commit to the continued tenancy of the families who reside at the buildings. Further, I ask whether you will register the apartments with the New York State Division of Housing and Community and Renewal ("DHCR") as required by law and charge rent in accordance with the guidelines of the New York City Rent Guidelines.

Please provide a written response and accompanying documentation of the requested information outlined above **within 30 days**.

Thank you in advance for your cooperation in this matter. If you have any questions regarding this matter, please feel free to reach out to my staff at (202) 225-2361.

Sincerely,



Nydia M. Velazquez
Member of Congress

CC:

Cyrus R. Vance, Jr., District Attorney, New York County