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January 24, 2020

Sent Via Email to Rick.Hayduk@stuytown.com and Certified Mail Return Receipt Requested

BPP PCV Owner LLC
Richard Hayduk, CEO
StuyTown Property Services
276 First Avenue Loop
New York, New York 10009

Re: Removal of Tenant Names from Directories and Intercom Systems

Dear Mr. Hayduk,

This firm represents the interests of the Stuyvesant Town/Peter Cooper Village Tenants Association (the "TA") and its constituent members.

This letter is sent to you to in response to Management's removal of names from the tenant directories and the intercom systems throughout the Stuyvesant Town-Peter Cooper Village Apartment Complex in a violation of section 27-2047 of the Housing Maintenance Code and without approval from the Division of Housing and Community Renewal. Management's removal of tenant names has adversely affected the entire tenant community.

As an initial matter, section 27-2047 of the Housing Maintenance Code requires that an owner "provide and maintain...directories of persons living in the dwelling". Moreover, Rent Stabilization Code section 2523.4 provides that the Division of Housing and Community Renewal ("DHCR") is authorized to order a rent reduction where it is found that an owner has failed to maintain required services. Apartment services include not just those services provided within an apartment, but also those ancillary services and accommodations provided outside the apartment for the benefit of the tenant.

DHCR has consistently held that an owner's removal of tenant names from directories or intercom systems constitutes a reduction in services. For example, in Matter of the

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Administrative Appeal of 510 W. 190 LLC, Docket No.: OF410094RO (02/22/01), the DHCR Commissioner upheld the Rent Administrator's rent reduction order determining that "an updated directory is **necessary so that any visitor may correctly identify an occupant of a particular apartment**. Accordingly, the owner's failure to list the tenant's name on the directory would have more than a minimal impact on the tenant." Emphasis added.

Additionally, in Matter of the Administrative Appeal of Decatur 3539 LLC, Docket No.: RI630007RO (03/26/04), the Deputy Commissioner affirmed that "[t]he failure to maintain the building's directories has been held to constitute a decrease in services rather than a *de minimis* condition since **having the wrong name or no name in the building directory will prevent a visitor from finding the actual tenant being sought**." Emphasis added. See also, McCune/101 Cooper Street LLC: DHCR Adm. Rev. Docket Nos. ZK410018RT, ZK410021RO (12/14/12); Savoy Park Owner, LLC: DHCR Adm. Rev. Docket No. WE410080RO (9/12/08); Lopez: DHCR Adm. Rev. Docket No. WA230062RO (8/8/08); K & S Associates: DHCR Adm. Rev. Docket No. VC110026RO (7/20/07).

Finally, in Apar Realty LLC v. DHCR, NYLJ 03/13/03, 19:4 (AD1 Nardelli, Buckley, Rosenberger, Marlow, JJ), the First Department upheld DHCR's imposition of a rent reduction order related to, *inter alia*, improperly maintained directories concluding that it was rational in that the adverse impacts of such conditions are not *de minimis*.

Similar to tenants in 510 W. 190 LLC, Decatur and Apar Realty, *supra*, here, the tenant community has suffered and continues to suffer, adverse consequences as a result of Management's removal of names from the directories and intercom systems, including *inter alia*, missed visitors and deliveries.

The TA has reported that according to Management the names were removed from the directories and intercom system because Management is concerned about privacy issues. If this continues to be a concern, Management should consider providing tenants with an option to "opt out" of having their names listed in the building's directory and intercom system. The law is clear that an owner's obligation to maintain these services may not be shifted to the tenants through an "opt-in" system, as suggested by Management.

Based on the foregoing, the TA hereby requests that all tenants' names be restored to the

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directory and the intercom system within 15 days. The TA and each of its constituent members reserve their rights to file complaints with HPD and/or seek rent reductions from DHCR in the event the situation is not timely remedied.

Please forward this letter to your counsel and have them contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michele McGuinness', with a large, stylized 'G' at the end.

Michele McGuinness