



NEW YORK STATE SENATOR

Ruben Diaz

Open Letter to Mr. Woody Pascal, Deputy Commissioner, DHCR

RUBEN DIAZ September 8, 2015

| ISSUE: **HOUSING**

September 10, 2015

Mr. Woody Pascal

Deputy Commissioner

Office of Rent Administration

Division of Housing and Community Renewal

Gertz Plaza

92-31 Union Hall Street

Jamaica, New York 11433

Dear Mr. Pascal:

This letter is in regard to a serious problem facing my constituents who reside at 930 Grand Concourse in Bronx County, who are appealing the pending Major Capital Improvement rent increase of \$18.73 per room per month. Aside from the economic hardship that this increase will have on the tenants, the building is in violation of City, State and Federal guidelines related to the handling of lead paint during the building-wide electrical upgrade that caused the rent increase.

It has come to my attention that the contractor who was hired by the landlord for this sensitive project was not lead-paint certified. Apparently, as a result of their renovation, they disturbed surfaces that contained lead paint, exposing the tenants at 930 Grand Concourse to lead paint dust, along with their apartments and common areas. (Attached are copies of a lead dust wipe inspection report performed during the actual time of the renovation.) This behavior is negligent, and any landlord who knowingly violates the law by exposing tenants to lead paint toxins should not be granted an MCI increase.

Dust from lead paint is the most common cause of childhood lead poisoning. Lead is particularly harmful to children. It can cause learning and behavior problems, and delay physical growth and mental development.

It seems particularly unfair to pass along the expense of this "Major Capital Improvement" when the work done by the landlord's contractor has subjected any children living or visiting the building to a poisonous environment. It would be unjust to have the tenants absorb the cost of the landlord poisoning their children.

The denial of an MCI increase to this landlord by DHCR would send a strong message to all landlords who choose to undermine the law and expect DHCR to be a party to their egregious violation. It is the responsibility of landlords to hire contractors who are EPA-certified in lead paint abatement. Pretesting existing paint can determine if there is a lead paint problem prior to starting work, and landlords should use this process to avoid lead paint violations. DHCR is obligated to follow the Rent Stabilizing Code Part-2510 of the Tenants Protection Regulation and move to deny the landlord this MCI request.

I join with my colleagues in government and the families of 930 Grand Concourse to deter this citywide problem by denying any landlord an MCI rent increase if they have violated the law.

Please feel free to contact me if you have any further questions, and I look forward to your reply.

Sincerely

Senator Reverend Ruben Diaz

encl: Petition for Administrative Review

cc: Mr. Jessie E. Hamilton, Tenant Rep.

Commissioner Mary Travis Bassett, MD, NYCDOH