



NEW YORK STATE SENATOR

Brian Kavanagh

Cobble Hill Elected Officials Urge DOB and DOI to Investigate Building Collapse at 348 Court St

BRIAN KAVANAGH July 15, 2020

| ISSUE: **BUILDING OR INSPECTIONS, PUBLIC SAFETY, COBBLE HILL, BROOKLYN, INVESTIGATIONS**



On July 15, 2020, Senator Kavanagh and his colleagues urged the commissioners of the Department of Buildings and Department of Investigation to launch a thorough investigation into the building collapse at 348 Court Street on July 1, 2020, to determine the cause of the collapse, the liable parties, if any, and the preventative measures that could have been implemented by the building owner and the Department of Buildings. The text of the officials' letter is below; the original may be viewed via the link above.

Commissioner Melanie La Rocca
NYC Department of Building
280 Broadway, 3rd Floor
New York, New York

Commissioner Margaret Garnett
NYC Department of Investigation
180 Maiden Lane, 16th Floor
New York, New York

Dear Commissioners La Rocca and Garnett,

We write to request a timely and thorough investigation into the building collapse at 348 Court Street on July 1st, to determine the cause of the collapse, the liable parties, if any, and the preventative measures that could have been implemented by the building owner most certainly, but also by the Department of Buildings (DOB). Such an investigation is especially appropriate at this site, in light of the long track record of violations dating back over a decade, which might have served as a warning that possibly could have prevented this emergency.

We are very grateful for all the first responders and city employees, from the DOB as well as the FDNY, NYPD, OEM, HPD, and City Hall, who mobilized rapidly in the response to the emergency, and who worked hard and efficiently to restore the site to safety. We are, of course, extremely relieved that no one was killed or seriously injured during the collapse, and that the adjacent buildings do not appear to have been compromised. Under normal circumstances, had it not been for the COVID-19 pandemic, there could have been people in the building, who could have been killed in the collapse. It is critical, therefore, that DOB and the Department of Investigation (DOI) work together to perform a thorough investigation

into the circumstances that led to the collapse.

This building had a long and ignominious track record of violations and unpaid fines, dating back over a decade. Over the last year alone, at least five different fines were issued, totaling \$11,000. According to the DOB website, the building was identified as a hazardous condition when it was inspected by DOB at least as far back as 2006. The owner paid an \$800 penalty but apparently never fixed anything, and yet the building was allowed to remain occupied. It was inspected and noted again by DOB in 2015 as still hazardous. The owner paid another fine of \$500, but still did not correct the condition, and it was still allowed to remain occupied.

In August 2019, the DOB inspected the building and issued violations again. The owner paid another fine of \$1,280. Yet again he failed to correct the condition, and the building was allowed to remain occupied. DOB returned in October 2019; the owner paid another fine priced at \$3,155. The DOB inspected the building and issued violations once again in December 2019. Pursuant to this inspection, the DOB classified the condition as “aggravated,” and a hearing was scheduled for October 2020, nearly a year later.

At the time of the collapse, the building was under a partial Stop Work Order, which resulted from its latest violation in June 2020, which noted that the brick wall was “dangerously bulging over the public sidewalk.” As of the date of the collapse, the landlord had yet to rectify the situation or provide adequate sidewalk protection.

This shameful track record suggests a combination of willful negligence and illegal construction work by the owner, resulting in a condition that was potentially deadly for occupants or neighbors, and extremely expensive for the City. If the investigation finds owner negligence, he should not only be held fully liable for all damages and City expenses; criminal charges should also be considered.

In addition to an investigation of the owner's culpability, we request that DOI and DOB review DOB's performance in this matter as well. Given the 14-year track record of hazardous conditions and lack of repairs, it must be asked whether DOB should have taken more aggressive actions, such as issuing a vacate order or making an emergency repair on the "bulging wall" at the owner's expense.

We need to understand fully what happened here, what should and could have been done to prevent the catastrophe from occurring, and what we can learn to prevent future building collapses in similar situations -- especially since any future collapse might well result in the deaths of New Yorkers, as well as injuries, displacement, and homelessness. Therefore, we ask that you confirm that you will investigate both the owner's conduct and DOB's response, and inform us by July 30, 2020 as to when you would expect to start and complete this investigation.

Thank you for your full attention to this matter. If you have any other questions or would like to discuss our request please contact any of us directly, or via Megan Flynn in Councilmember Lander's office at mflynn@council.nyc.gov.

Sincerely,

Brad Lander
NYC Councilmember
39th District

Nydia M. Velázquez
Congresswoman

Brian Kavanagh
New York State Senator

District 26

Jo Anne Simon

Assembly Member

District 54