

A Fight for Basics in ‘Luxury’ High-Rise

by Ronald Drenger



Adam Bailey, a lawyer for tenants at 90 Washington Street, tells residents that they live under "emergency conditions."

Fresh out of college and enticed by a host of luxury amenities that included an outdoor driving range and putting green, Jared Ullman signed a lease last June for a \$1,950-a month, 500-square-foot studio on the 25th floor of 90 Washington Street. But when he and other tenants moved into the building in the fall, they found themselves fighting to get the basics.

Apartments in the building, newly converted from offices with the help of \$82 million in tax-free Liberty Bond financing, lacked heat and hot water. Elevators didn't work, phone and Internet service was out and some units were missing kitchen countertops and had broken fixtures.

The problems have persisted.

"They're behaving like slumlords," Ullman declared.

Last month, heat was still sporadic for some tenants and elevators were broken. Stacks of repair orders were ignored. Burst pipes flooded apartments on several floors and wreaked havoc with mechanical systems.

Worst of all, many tenants said, the building's owner, the Moinian Group, and its property manager, Douglas Elliman, have paid little heed to their complaints.

"It's become so time-consuming and draining dealing with all the problems," said Jason Wyner, a tenant leader. "We're confronted with negligence, arrogance and dishonesty." In an effort to get repairs, tenants have filed two lawsuits against the owners in Housing Court. Last month, more than 50 residents met with the tenant association's lawyer, Adam Leitman Bailey, who told the group they were living under "emergency conditions" and said none of them should be paying rent.

"I believe the [Liberty Bond] money should be revoked or there should be some criminal penalties," Bailey said.

By late last month, about 60 tenants had signed a letter to local elected officials and more than 30 units had each contributed \$500 toward legal fees and a private building inspector.

Moinian offered a 25 percent rent rebate through November 21, when heat first came on. But to get the rebate tenants had to release the landlord from any further claims. Many tenants said the offer was woefully inadequate.

Elad Dror, director of residential properties at Moinian, played down problems in the building, where he said 300 of 398 apartments were occupied.

"With new construction, maybe here and there you have some glitches," he said. "We've constantly been speaking to tenants, listening to their requests and giving them what they needed. We have kept crews there 24 hours a day, seven days a week to clean the building and fix apartments."

Dror said that heating problems have been common in the city this winter, and that management gave space heaters to those who needed them.

Floors were "fully ready to go" when they were occupied, he said, though he added, "Obviously there were certain punch list items that had not been completed."

Dror claimed late last month that four of five elevators were working, the heating system was fixed and the recreation lounge was complete. But during a visit to the building the next day, a reporter found only two elevators working, and some tenants still reported a lack of heat. Two workers were busy with drills and a table saw in the 13th-floor lounge, half of which was covered by a tarp.

Ilyse Fink, a spokeswoman for the Buildings Department, said that 90 Washington Street had several open violations for elevator problems, but that other tenant complaints, about problems such as blocked exit doors or missing emergency lighting, could not be substantiated when inspectors visited. "We're not finding safety or structural issues," she said.

The Fire Department has cited the building for violations including blocked hallways and stairways and inadequate exit signage, according to Mike Loughran, a department spokesman. In November, because there were no working fire alarms or telephone service, the department ordered management to hire four fire guards to patrol the building. The guards remain on duty, Loughran said, though alarms and phones now work.

Firefighters from the Liberty Street firehouse have been making weekly inspections to ensure that problems are fixed. "We have seen progress made on most violations," Loughran said.

Tracy Paurowski, a spokeswoman for the city's Housing Development Corp., which administered the Liberty Bond financing for the project, said her agency has no oversight over building code compliance or marketing practices.

"We did talk to the developers about what is going on, and they assured us that everything was being done to handle the issues that were coming up."



Top: In a stairwell, tenant Tabitha Alvarez points out a burst pipe with icicles hanging from it. "Here we are, the pioneers after 9/11, and we don't even have heat," she said. Above: Parts of the 27-story building are still under construction.