

## Tenants say building is anything but lap of luxury

By Elizabeth O'Brien

It was billed as affordable luxury. But instead of a gym and rooftop putting range, residents of 90 Washington St. say they found non-functioning heat, broken elevators, and other problems enough to make many wish they never moved in.

The 27-floor former office tower at 90 Washington St. opened last fall to residential use, one of the first projects using 9/11 financing to be occupied. Some tenants said they looked forward to participating in the rebirth of Lower Manhattan.

Instead they find themselves participating in two lawsuits, brought in city housing court against the Moinian Group, the landlord, for failing to make adequate repairs. Less than half of the tenants have currently joined the suit, but those who have—and many who haven't—say they want what was promised them, and rent discounts to compensate for their discomfort and inconvenience.

"It's just a mess," said a tenant who declined to be identified. Six months pregnant, the tenant said she had to walk up 14 flights of stairs several times when the elevators were broken. In addition, her apartment had no heat, phone, or cable for six weeks.

"It's really like being in a prison," said Jason Wyner, 33, a resident and member of the newly formed tenants' association.

On Wednesday night, a group of more than 50 tenants met with their attorney, Adam Leitman Bailey, in the building to discuss the lawsuits.

“You’re living in substandard conditions,” Bailey told the mostly 20-something group. He urged them to call 311, the city’s new information and complaint hotline, to report problems such as exposed wiring and sporadic heat and elevator service.

“Obviously, since it’s new construction, there are some glitches here and there,” said Elad Dror, the director of real estate properties for Moinian, in a telephone interview.

The building was gutted and completely rehabilitated last year. Dror said unforeseen construction delays meant that some tenants were not able to move in on time, and that some amenities took a little longer to complete. The building’s gym has been open for a few weeks but an official gym launch party was scheduled for Thursday night, Dror said.

One 27-year-old resident who declined to be identified said that he spent nearly two months in limbo, sleeping on friends’ couches, after Moinian delayed his move-in date until late October.

“In the beginning, you’re just happy to have a roof over your head,” said the resident, a financial sector worker. But then his fourth-floor apartment flooded after pipes in the building burst nearby. The landlord paid for him to stay in a hotel for a week, but the displacement was an inconvenience, he said, because he had to return to his flooded apartment three times a day to check on his dog.

More than 300 of the building’s 398 apartments are occupied, Dror said. Rents for the building range from \$1,550 for a 500-square-foot studio to \$3,100 for a penthouse with river views, Dror said.

“They’re paying a lot of money to live in conditions that are deplorable,” Bailey said in a telephone interview.

Dror said that compensation had been offered to all tenants.

“We’re trying to be fair,” Dror said.

But some tenants say that the compensation was too little and came at too high a price: in exchange for a modest rent credit, tenants were required to sign a form releasing the landlord from all current and future claims. Dror confirmed that a release had been distributed to tenants.

City officials said on Thursday that 90 Washington St. is habitable and without emergency conditions. Ilyse Fink, a spokesperson for the Department of Buildings, said the building has a valid temporary certificate of occupancy. She said there were several recent elevator complaints. Inspectors visiting the building on Jan. 15 found no blocked exits, as tenants had complained, Fink said.

The building has two outstanding housing violations, said Carol Abrams, spokesperson for the city's Department of Housing Preservation and Development. One is for failing to fix a wall outlet in one apartment and the other for failing to provide heat in one specific apartment. When asked about heating complaints in the building as a whole, Abrams said she could not investigate the issue by press time.

But the one existing heating violation means the city will take the landlord to court, as it does every time there is a heat violation, Abrams said. The agency does not get involved in discussions of rent abatements, she added.

Because there was no phone service or working fire alarms when tenants first moved in last fall, management was ordered to employ four fire guards to patrol the halls around the clock to warn residents in the event of fire, said Mike Loughran, a spokesperson for the fire department. The guards have been on duty since Nov. 14 and will continue to work even though phone service and fire alarms have been installed, Loughran said.

Firefighters from the nearby Ten House on Liberty St. visit the building at least once a week to ensure progress is made fixing violations, Loughran said. Other fire violations issued to 90 Washington St. include rubbish in hallways and unmarked exit doors, Loughran said. Management appears to have made steady progress fixing the violations, he added.

The building at 90 Washington St. was constructed with \$82 million in Liberty Bonds, federal tax-exempt financing issued to help Downtown recover from the terror attack of Sept. 11, 2001. The city Housing Development Corporation issued the Liberty Bonds to the developer but is not involved in ensuring compliance with any city building or fire codes, said Tracy Paurowski, an agency spokesperson.

The tenants' attorney said that in this case, the Liberty Bonds had been misused.

"I think it's disgusting they got the money for a tragedy, and it's turning into another tragedy for people down the block," Bailey said.

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