

TA: Cheryl Gonzales
CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: HOUSING PART B

CONSENT

ORDER AND NOTICE OF VIOLATION

GREGORY I. SCOTT

Index No.: HP 6310/15

-against- Petitioner(s),

Premises:
83 PARK TERRACE WEST, APT # 34
MANHATTAN, NY 10034

HAMDI NEZAJ
(KOSOVA PROPERTIES)

Respondent(s),

and

DEPARTMENT OF HOUSING PRESERVATION AND
DEVELOPMENT OF THE CITY OF NEW YORK,

Co-Respondents.

P R E S E N T: HON. Cheryl Gonzales
J.E.C.

Upon reading the Order to Show Cause dated December 17, 2015, the
affirmation/affidavit of petitioner, and the petitioner and respondent DRPD having appeared
and BRAUN STARK (no one) having appeared in opposition,

Now, on motion of petitioner (and DRPD) for an order, and such motion having been
heard by me on JANUARY 8, 2016

IT IS HEREBY FOUND:

- 1) That the respondent(s) "owner(s)" was/were properly served.
- 2) That the following conditions existing at the premises that are listed in the
annexed inspection report dated 12/28/15
and classified pursuant to hazard class are violations of the Housing Maintenance Code
and/or the Multiple Dwelling Law.
- 3) That after (trial) (inquest) (conference) the court has found that the following
conditions as listed in the inspection report and on Schedule A exist at the premises and
are violations of the Housing Maintenance Code and/or the Multiple Dwelling Law.

IT IS HEREBY ORDERED as follows:

a) The respondent(s) HAMDI NEZAJ, (KOSOVA PROPERTIES),

shall correct all violations listed on annexed inspection report and on Schedule A and
classified as "C" (immediately hazardous) violations within 24 hours of the date of service
of this order, except for "C" violations regarding lead paint hazards, or be subject to
civil penalties of \$50.00 per day per violation occurring in a building containing five or
fewer dwelling units, and civil penalties of \$50.00-\$150.00 per violation plus \$125.00 per
day per violation occurring in a building containing more than five dwelling units, said
penalty to accrue from the end of the period set for compliance until the violation is
corrected. The penalty for violations placed for failure to supply heat and hot water as
required by law shall be, for each such violation, \$250.00 per day from and including the
date the violation was placed until the violation is corrected, except for violation(s)
involving a device on the heating system, in which case the penalty shall be \$25.00 per day

for each such violation, from and including the date each such violation is placed, but such penalty shall not be less than \$1,000 for each violation.

b) The respondent(s) shall correct all violations listed in the inspection report and on Schedule A and classified as "C" violations regarding lead paint hazards (violation of record order numbers 606, 607, 610, 611, 612, 616, 617, 618, 619, or any other lead paint hazard violations placed by the court) within 21 days of the date of service of this order or the date provided in the Notice of Violation whichever is sooner, or be subject to civil penalties of \$250.00 per day per violation, said penalty to accrue from the end of the period set for compliance until the violation(s) is/are corrected. . Nothing in this order shall be deemed to stay any activity of DHPD's Emergency Repair Program to complete work after the due date based on DHPD's service of the Notice of Violation.

c) The respondent(s) shall correct all violations listed in the inspection report and on Schedule A and classified as "B" (hazardous) violations within 30 days of the date of service of this order, or be subject to civil penalties of \$25-\$100 per violation plus \$10 per day per violation, said penalty to accrue from the end of the period set for compliance until the violation is corrected.

d) The respondent(s) shall correct all violations listed in the inspection report and on Schedule A and classified as "A" (non-hazardous) violations within 90 days of the date of service of this order, or be subject to civil penalties of \$10-\$50, said penalty to accrue commencing at the end of the period for compliance.

1/25, 1/26/18 e) Access for removal of violations will be provided by petitioner-tenant on between 9 AM and 5 PM; however, if the respondent's(s') workers do not arrive by 12 Noon, tenant need not remain in the apartment to provide access.

f) As to violations pertaining to concealed water leaks, respondent(s) shall present proof to court of all steps taken to correct said condition if proceeding is restored to the court calendar.

g) Failure by the respondent(s) HAMDI NEZAJ, (KOSOVA PROPERTIES), to correct violations listed on the inspection report and on Schedule A within the periods required by paragraphs a, b, and c shall subject them to the contempt power of the Court.

h) The respondent(s) shall not remove any doors, walls, partitions, appliances, fixtures or essential services such as gas, electrical, heat or hot water unless and until petitioner is evicted by a marshal pursuant to court order or willingly and freely surrenders possession of the premises. This order does not authorize anyone to evict, eject or otherwise remove petitioner(s) from premises.

i) Service of this order may be made upon all parties or their attorneys by personal delivery or by regular mail.

j) This Court will retain continuing jurisdiction over this matter.

k) This proceeding may be restored to the calendar of the Housing Part where this order was signed to obtain a hearing on the issue of civil penalties, and a continuing order to correct the violations enumerated on Schedule A and inspection report of this order and such other and further relief, as the court deems just and proper by filing notice with the Clerk of the Housing Part, Civil Court of the City of New York, 111 Centre Street, New York, New York, and by then mailing copies of said notice to all parties, including any attorney who may have appeared for any party, at least eight (8) days prior to the date on which the proceeding will appear on the calendar, at the address listed below.

L) PETITIONER SHALL PREPARE AN AFFIDAVIT FOR WORK.

Respondent(s) owner(s)

HAMDI NEZAJ

(KOSOVA PROPERTIES)

Starb Law Pllc
1325 Castle Hill Drive
Bronx, New York 10462

Department of Housing Preservation and Development
100 Gold St., 6th Fl.
New York, NY 10038
Attn: New York Unit

We hereby consent to the entry of the above Order and Notice of Violation.

Dated: _____, 20____


Petitioner-Tenant

Dated: _____, 20____

Attorney to the Petitioner-Tenant

Dated: _____, 20____

Respondent-Owner

Dated: _____, 20____

Respondent-Owner

Dated: _____, 20____

Attorney for Respondent-Owner

Dated: 1/8, 2016


VALENTINE MORETTI, of Counsel

MARK ROCK
Deborah Rand, ESQ.
Attorney for Respondent DHPD
100 Gold Street, 6th floor
New York, NY 10038
212-863-8264

So ordered:

Dated: January 8, 2016

HON. CHERYL J. GONZALES

J.H.C.