

**New York State Division of Housing and Community Renewal**

Gertz Plaza 92-31 Union Hall St.

Jamaica, NY 11433

Web Site www.nysdhr.gov

Docket Number:

XK1100240D**Order Granting Permission to Change or Decrease
Dwelling Space, Essential Services, ETC., in Occupied
Apartment(s)**

| | | | |
|--|---|---|--|
| Mailing Address Of Tenant: | | Mailing Address Of Owner/Owner's Rep: | |
| Various Tenants 94-25 57th Avenue ELMHURST, NEW YORK 11373 | | MYDAC Realty Corp. c/o Realty Program Consultants, LLC 182-30 Wexford Terrace, Suite LB7 JAMAICA ESTATES, NEW YORK 11432 | |
| Subject Building (Number and Street) 94-25 57th Avenue | (If Different From Tenant's Mailing Address) (Apt. No.) Various | (Municipality) Elmhurst, New York 11373 | |

Applicable Regulations:

- ☐ Section 2102.5 of the State Rent and Eviction Regulations
☐ Section 2502.4 of the Tenant Protection Regulations
☐ Section 2202.21 of the NYC Rent and Eviction Regulations
☒ Section 2522.4 of the Rent Stabilization Code

Determination:

After consideration of all the evidence in the record, the Rent Administrator finds:

That the owner's request for authorization to modify services by replacing the traditional metal key system with a modern FOB entry card system [at no expense to the tenants] should be granted.

FACTS:

On November 20, 2009, the owner/owner's representative filed an application before this Agency requesting authorization to modify services at the subject premises by replacing the existing lock and key mechanism with an electronic card system. The tenants were apprised of the owner's request on December 11, 2009, and were afforded the opportunity to file a response; several tenants responded filing no objections to the owner's request. However, on behalf of some 90+ tenants, a response was received from the Urban Justice Center with various concerns, to wit: number and cost of keys, cost of replacement keys, private information and photo identification, and enhancement of building security.

Pursuant to the Rent Regulatory Regulations, an owner may file an application to modify or substitute required services, at no change in the legal regulated rent, on grounds that such modification or substitution is not inconsistent with the Rent Stabilization Law and Code or the New York City Rent and Eviction Regulations.

The Rent Administrator has considered the records and deems it appropriate to issue an Order granting the owner's request as follows:

- (1). Entry to the building may be accessed by electronic key cards. The metal key lock will remain in place for use by building management in the event of an emergency; and for use by religious observers if the facts warrant.

- (2). All tenants and lawful occupants are to receive free electronic keycards. In this regard, there is no limit to the number of keycards which may be issued for an apartment. Occupants of the apartment include children who are to be issued keycards if their parent/guardian requests it. Tenants may also receive up to four (4) additional keycards, at no charge, for employees and/or guests. Guests include family members and friends who can be expected to visit on a regular basis or visit as needed to care for a tenant or the apartment if the tenant is away. Employees, who may be contractors, professional caregivers, etc. may have an expiration date electronically placed on the keycard, which may be extended upon request by the tenant.
- (3). Each person receiving a keycard is required to sit for a photo to be electronically associated with such keycard in the security system database, however, minors are not required to have their photos taken. Photographs must be arranged to be taken on site or at a mutually agreed upon location.
- (4). Individuals obtaining keycards must provide appropriate proof of identity, but the owner may not record any data (e.g. driver's license number).
- (5). The tenants will be given electronic keycards based on information on file with the landlord. Landlord may periodically request tenants to verify that keycard information is current; however, this shall occur no more than one time per year.
- (6). The owner may not request or retain, in any form, the social security number of more than one tenant or legal occupant for each apartment unless the security deposit is kept in a joint type of an account.
- (7). The tenant's name, address and photo will not appear on the keycard.
- (8). The only information stored in the system database is the keycard holder's name, address, and picture. No other personal information of residents is to be stored.
- (9). The system may only record each time a keycard is used to open the front door; it will not record departures.
- (10). If tenants are locked out, tenants will be able to contact the building superintendent or the assistant superintendent who will be equipped with a spare "keyfob" for assistance. Per owner's statement dated 2/12/2010, tenants may contact the superintendents at (718) 592-8801 or (718) 271-0089; these numbers are also posted on the main entrance door on top of the door belts.
- (11). Religious observers who cannot operate electronic devices on the Sabbath will be allowed to request regular keys at the management office.
- (12). In the event of a power outage, in addition to the battery generator back-up system, sufficient staff is to be provided at all building entrances, at all times, until power is restored.
- (13). The cost to replace a lost or stolen electronic key card or for additional keycards not provided as per #2 (above) will be a maximum of \$25.00 each.

As this conversion is deemed an adequate substitution of services, no rent reduction is warranted. If the owner fails to meet the requirements provided above, the tenants may file an application for rent reduction based upon decreased services, if the facts so warrant.

If you believe this order is based on an error in law and/or fact, you may file a Petition for Administrative Review (PAR), form RAR-2, no later than 35 days after the issuance date of the order. PARs filed after the time limit specified above will be considered late and will be dismissed. Call (718) 739-6400 or visit your local Rent Office and request form RAR-2. This form is also available on our website at www.nysdhcr.gov.

March 12, 2010
Issue Date

Lilia Albano
Rent Administrator

Additional Parties:

Sadia Rahman
c/o Urban Justice Center
123 William Street - 16th Floor
New York, New York 10038