

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

Gertz Plaza 92-31 Union Hall St.

Jamaica, NY 11433

Web Site www.nysdchr.gov

Docket Number:

XE4300310D

**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 3495 Broadway New York, NY 10031		Broadway Portfolio III Owner, LLC c/o Vantage Mgmt. Services, LLC 31-10 37th Avenue - 3rd Floor LONG ISLAND CITY, NY 11101	
Subject Building (Number and Street)	(If Different From Tenant's Mailing Address) (Apt. No.)	(Municipality)	

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:

On May 14, 2009, the owner filed an application to modify services in which the owner proposed to change the front entrance doors of the building from a traditional key lock to a keyless electronic card system.

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 RSL and Code or the NYC Rent and Eviction Regulations.

The Rent Administrator, after consideration of the evidence on file, finds that the owner's application for permission to modify a traditional key lock to a keyless electronic card system is not inconsistent with the above provisions and grants the application as provided below.

- 1) Entry to the building may be accessed by electronic keycards only. The metal key lock will remain in place for use by building management in the event of an emergency.
- 2) The system may only record each time a keycard is used to open the front door. It will not record departures.
- 3) The system will be monitored by a security camera system. These cameras are monitored on a 24 hour basis, 365 days a year. The cameras must monitor each building entrance and other common areas. These cameras are monitored by security in an off-site command center which can view the database photos of each keycard holder in real time as their keycard is used at the building address.
- 4) If tenants are locked out, the system contains a 24 hour intercom link, next to the building entrance, to the security command center. The push-button intercom will allow a resident to call the command center and request that security personnel remotely unlock the building entrance door after verifying the resident's identity.

- 5) The landlord will provide accommodations to ensure access to religious observers who cannot operate electronic devices on the Sabbath.
- 6) In the event of a power outage, sufficient staff is to be provided at all building entrances at all times until power is restored.
- 7) 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.
- 8) 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 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 tenant is away. Employees, who may be contractors, professional care givers, etc. may have an expiration date electronically placed on the keycard, which may be extended upon request of the tenant.
- 9) The cost to replace a lost or stolen electronic key card or for additional keycards not provided as per section 8 (above) will be a maximum of \$25.00.
- 10) 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 photo taken. Photographs must be arranged to be taken on site or at a mutually agreed upon location.
- 11) Individuals obtaining keycards must provide appropriate proof of identity, but the owner may not record any data (i.e. driver's license number).
- 12) 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.
- 13) The tenant's name, address and photo will not be on the keycard.
- 14) The only information stored in the system database is the keycard holder's name, address and picture. No other personal information is stored in the database and the database is not linked to any other database where personal information of residents is stored.

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 a rent reduction 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.

September 4, 2009
Issue Date


Rent Administrator

Additional Parties: Urban Justice Center
123 William Street, 16th Floor
New York, New York 10038
Attn: Garrett Wright

