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Subject: NEW YORK OFFICIALS ANNOUNCE FIRST ARREST OF NYC LANDLORD
RESULTING FROM TENANT HARASSMENT PREVENTION TASK FORCE
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News from Attorney General Eric T. Schneiderman

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NEW YORK OFFICIALS ANNOUNCE FIRST ARREST OF NYC LANDLORD RESULTING FROM TENANT HARASSMENT PREVENTION TASK FORCE

*Attorney General Eric T. Schneiderman Brings Indictment Against Landlord Daniel Melamed On
Multiple Criminal Charges, Including Unlawful Eviction And Endangering The Welfare Of A
Child*

*Historic Task Force Led by A.G. Schneiderman, Mayor de Blasio, And Governor Cuomo Conducts
Months Long Investigation Into Landlord Who Allegedly Defied Stop Work Orders And Exposed
Rent Regulated Tenants To Dangerous Health And Safety Risks*

NEW YORK – Attorney General Eric T. Schneiderman, joined by Mayor Bill de Blasio and New York State Homes and Community Renewal Commissioner James Rubin, today announced the arrest and indictment of landlord Daniel Melamed by the Tenant Harassment Prevention Task Force (“Task Force”), on charges that Melamed endangered the health and safety of rent regulated tenants, including a six year old child, during demolition and construction that began in February 2014 at his 14-unit building at 1578 Union Street in Brooklyn. Pirooz Soltanizadeh, an engineer hired by Melamed to oversee construction at the building, was also indicted. The arrests are the first to result from an investigation led by the multi-agency task force, which was announced by A.G. Schneiderman, Mayor de Blasio, and Governor Cuomo in February.

Prosecutors from the A.G.’s office allege that Melamed presided over a disturbing pattern of dangerous and unlawful construction that jeopardized the health and safety of building tenants and forced at least one rent regulated tenant to move out. Investigators allegedly found that Melamed (1) illegally shut off heat to rent regulated tenants, even when temperatures dropped below freezing, (2) repeatedly exposed tenants to lead dust that exceeded acceptable levels by as much as eighty-eight times the permissible threshold, and (3) unlawfully destroyed interior walls and common spaces. Melamed is also accused of filing a false document with the New York City Department of Buildings (DOB). In an apparent attempt to mislead city officials and avoid stricter

oversight of the construction project and elude tenant protection measures, Melamed allegedly stated in DOB filings that his Crown Heights building was vacant, when in fact some of the units were occupied—many by rent regulated tenants.

“Today’s charges send a strong message to landlords across New York City: if you harass, intimidate, or jeopardize the health and safety of your tenants, we will come after you with the full force of the law,” **Attorney General Schneiderman** said. “Our task force is working hard to identify, investigate, and prosecute the worst landlords in this city. I look forward to continue working with Governor Cuomo, Mayor de Blasio, and my many other colleagues in government to continue the task force’s work on behalf of all New York City residents.”

“Our Task Force is sending a loud message to predatory landlords: you will be caught, and the consequences will be severe. The alleged wrongdoing of this landlord put tenants’ health and safety at risk. We won’t let that stand in New York City,” said **Mayor Bill de Blasio**. “This new task force is part of a comprehensive agenda—along with fighting for stronger rent laws in Albany—to protect tenants and prevent harassment. We look forward to deepening this work with Attorney General Schneiderman and Governor Cuomo to hold bad actors accountable and keep New Yorkers in their homes.”

Governor Cuomo said, “We will not tolerate tenant harassment in the state of New York – plain and simple,” Governor Cuomo said. “When a landlord intentionally creates hazardous living conditions in order to make tenants’ lives unbearable and force them from their homes, they will be prosecuted to the fullest extent of the law. The Tenant Protection Unit was created to protect residents from landlords who try to defy the state’s rent laws, and my administration will continue investigating cases of possible abuse like this one to ensure that they are brought to justice.”

Melamed, age 37, of Great Neck, owns and manages six rental buildings in New York City, and purchased the Crown Heights building in November 2012. Soltanizadeh, age 39, of New Hyde Park, is a physical engineer licensed by New York State. Melamed was arraigned in Brooklyn Criminal Court today on three counts of unlawful eviction, one count of endangering the welfare of a child, and one count of offering a false instrument for filing. If convicted, Melamed and Soltanizadeh face up to 1 ¹/₃ – 4 years in prison.

The arrests are the result of a joint investigation by the Task Force and a resulting referral of the criminal case to the Attorney General’s Office from the New York State Division of Homes and Community Renewal, via its Tenant Protection Unit (“TPU”). New York City’s Department of Housing Preservation and Development identified the buildings as potential targets for the task force following a review of filings with the Department of Buildings, as well as an examination of active complaints by both current and former tenants. The Department of Buildings and the Department of Health and Mental Hygiene also participated in the inspections. The Task Force’s investigation into Melamed is ongoing.

Prosecutors allege that defendants filed false documents to circumvent the requirement that they submit what is known as a “tenant protection plan,” which ensures safety protocols are in place when occupied buildings are undergoing construction. Prosecutors allege that at the time defendants filed construction plans stating that the building was vacant, the building was in fact

occupied, and the defendants thereby circumvented safety measures required by law.

Prosecutors also allege that the Task Force investigation revealed Melamed had repeatedly shut-off heat and hot-water to rent regulated tenants during winter construction in early and late 2014.

As part of the investigation by the joint task force, a DOB inspector gathered dust samples from the common areas on each floor of the building in December 2014. Prosecutors allege that laboratory results of the 19 samples taken show lead dust well beyond permissible levels, including a finding of approximately 22,000 micrograms of lead per square foot – or more than 88 times the threshold allowable under federal Environmental Protection Agency standards – on a common stairwell. According to court documents, tenants told Task Force investigators that the dust generated by building construction was so pervasive that tenants were forced to stuff wet towels under their doors to prevent the toxic dust from entering their homes.

The Governor's TPU housing inspectors, forensic data and investigators, and attorneys worked in conjunction with HPD and the AG to uncover potential criminal acts perpetrated by the landlord. The Unit made a formal criminal referral because of the extreme conditions in the building in early 2015. TPU worked with the A.G.'s office throughout the investigation and provided testimony at the Grand Jury proceedings. Governor Cuomo created the TPU in 2011 to proactively enforce landlord obligations to tenants and impose strict penalties for failure to comply with HCR orders and New York's rent laws. Since inception, the TPU has returned more than 40,000 apartments that had been illegally deregulated to rent regulation.

This case is being prosecuted by Special Counsel to the Criminal Justice Division, John Spagna and Assistant Attorney General Lee Bergstein of the Criminal Enforcement and Financial Crimes Bureau, with the assistance of Aislinn Appleby, Senior Legal Analyst. The case was investigated by Investigators Anna Ospanova, Michael Yun and Michael Ward under the supervision of Deputy Chief Investigator John McManus and Chief Investigator Dominick Zarrella. Assisting in the investigation and providing forensic auditing analysis was Forensic Auditor Kristina Kojamanian and Associate Forensic Auditor Matthew Croghan under the supervision of Edward J. Keegan, Chief of the Forensic Audit Section. Executive Deputy Attorney General Kelly Donovan leads the Criminal Justice Division.

The charges are merely accusations, and the defendants are presumed innocent unless and until proven guilty in a court of law.

New York State Homes and Community Renewal Commissioner/CEO James S. Rubin, whose agency oversees the Tenant Protection Unit, said, "The Governor's Tenant Protection Unit was created to protect tenants by proactively investigating claims of harassment. We all know that tenants deserve to feel safe in their own homes – it's the law. No one should have to worry that they are going to be forced out on a landlord's whim. Under Governor Cuomo's leadership, the TPU will continue to show zero tolerance for abusive landlords who are trying to force tenants out of their homes. I thank our Task Force Partners – the Attorney General and the Mayor – for their continued work with the State to keep our communities strong."

"The Attorney General's indictment should serve as a sobering wakeup call to owners who think they can use dangerous tactics to harass tenants out of their homes and remove apartments from

rent-stabilization,” said **HPD Commissioner Vicki Been**. “To those landlords considering sharp tactics to get rid of tenants: Don’t wait until you’re being arraigned to take tenants’ rights seriously. The Taskforce is committed to taking aggressive action to protect our city’s tenants, ensure that they have safe and decent homes, and hold owners accountable under the law. I thank the Mayor, Attorney General, and Governor for their leadership and commitment to ensuring that New York is a more equitable and affordable city for everybody.”

“I want to thank our task force partners, and within the Department the Office of the Buildings Marshal, for this collaboration that has not only made today’s arrest possible, but has prevented countless unnecessary vacates that would have displaced tenants as a result of the actions by a select few of unscrupulous landlords,” said **DOB Commissioner Rick Chandler**. “The Department will continue to aggressively pursue those that abuse the NYC Construction Codes in an attempt to destabilize affordable housing residents.”

Faced with a rising number of complaints from tenants, particularly in New York City’s fastest growing neighborhoods, the joint task force was created to investigate and bring enforcement actions – including criminal charges – against landlords who harass tenants. The task force is particularly aimed at confronting building owners who use a variety of tactics, including disruptive and dangerous renovation and construction projects, to force tenants into vacating rent-regulated apartments. More information about the task force is available [here](#).

The task force is executing unannounced and joint inspections of buildings in New York City where landlords and management companies are suspected of using unsafe construction work as a means to harass tenants. Following multiple joint on-site property inspections, the task force agencies have already substantiated a number of tenant complaints and the task force has several on-going investigations. The member agencies will pursue evidence of illegal acts, and lodge enforcement actions. Incidents of harassment include:

- Landlords operating without proper permits;
- Construction projects operating in violation of stop work orders;
- Landlords who openly ignore requirements for tenant protection plans in occupied buildings where renovations are taking place;
- Flagrant disregard of safe work practices that are required by law in order to contain the spread of lead and/or asbestos that may be exposed during renovation;
- Landlords removing essential systems, such as boilers and venting systems, in order make life unbearable for existing residents.

In recent months, enforcement agencies in New York, including the Attorney General’s office, TPU, HPD, and DOB have received a significant uptick in complaints regarding tenant harassment. The task force is primarily concerned with harassment claims that involve both permitted and non-permitted construction projects that endanger the health and safety of existing occupants. In response, the city and state and agencies, along with the Office of the Attorney General, came together to pool resources and crack down on the most dangerous and chronic violators.

Tenants should continue to report dangerous conditions, lack of services or harassment complaints

to 311. They may also report complaints online at www.ag.ny.gov/complaint-forms.

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