

Civil Court of the City of New York

COUNTY OF New York

Housing Part B

Index No. HP _____

ORDER TO SHOW CAUSE
DIRECTING THE
CORRECTION OF VIOLATIONS
(H.P. Action)

Patricia Hodge
Tenant(s)/Petitioner(s),

against

B.C.R.E - 90 West Street, LLC
90 West Street, Second Floor
New York, NY 10006

Landlord(s)/Respondent(s) Name and Address
and

The Department of Housing Preservation and Development,
(DHPD)

Premises:

90 West Street, Apt #18U
(Street Address & Apt. No.)

New York, NY 10006
(Borough & Zip Code)

Upon the annexed Verified Petition of the above named Petitioner(s), sworn to on May 11, 2015:

Let the Respondent(s) or Respondent's attorney(s) show cause at the:

Civil Court of the City of New York

Housing Part: Part B Room 1166
111 Centre St., NY, NY 10013

Located at:

On: June 25, 2015 at 9:30 AM,

or as soon thereafter as counsel may be heard, why an Order should not be made:

DIRECTING the Respondent(s) to correct the violation(s) alleged in the annexed Verified Petition, and upon failure to do so within the time set for certifying the correction of such violation(s) pursuant to Section 27-2115(c) of the Administrative Code of the City of New York, for an order directing the DHPD to enter a judgment against the Respondent(s) for the penalties stated in Section 27-2115(a) of the Administrative Code and/or granting such other and further relief as may be just.

Service of a copy of this Order, together with the annexed Verified Petition, upon the Respondent(s) (by Certified Mail, Return Receipt Requested/personally) and also upon the Department of Housing Preservation and Development by Certified Mail, Return Receipt Requested, on or before 5/19/15, as permitted by Section 27.2115(j) of the Administrative Code, shall be deemed good and sufficient. Proof of such service may be filed in the Clerk's Office of Housing Part before the return date of this Order to Show Cause, or on the date of trial with the Clerk in the Part indicated above.

If the Respondent is registered with the Department of Housing Preservation and Development, personal service or mailing may be made to the Respondent at the address indicated in such registration.

Mailing to the DHPD shall be made to the:
Department of Housing Preservation and Development
Housing Litigation Bureau
100 Gold Street
New York, NY 10038

May 11, 2015
Date

Judge, Housing/Civil Court

Civil Court of the City of New York

COUNTY OF New York

[PLEASE PRESS HARD]

Housing Part B

Index No. HP _____

Patricia Hodge

Tenant(s)/Petitioner(s),

against

B.C.R.E - 90 West Street, LLC

Landlord(s)/Respondent(s)

and

The Department of Housing Preservation and Development, (DHPD)

VERIFIED PETITION IN SUPPORT OF AN ORDER TO SHOW CAUSE Directing The Correction of Violations (NYCCCA, Section 110(a) and Administrative Code of the City of New York, Section 27-2115)

90 West Street
(Address of Tenant/Petitioner)

New York, NY 10006 Apt. # 184

PETITION

1. I, Patricia Hodge, the Petitioner, am the tenant of the above apartment.
Print Tenant's Name

2. The Respondent(s) is/are the owner(s) or agent(s) of the owner of the subject premises.

3. The Respondent(s) has/have violated the Administrative Code of the City of New York in that the following condition(s) presently existing in my apartment has/have not been corrected: (List condition(s)).

- (1) missing window guards (4) _____ (7) _____
- (2) _____ (5) _____ (8) _____
- (3) _____ (6) _____ (9) _____

4. Administrative Code of the City of New York, Section 27-2115. Allegations.

Tenant's Initials

_____ I have filed a complaint with the Division of Code Enforcement. The Division issued a Notice of Violation. More than 30 days have elapsed. Said violation has not been cured nor has a Certification of Correction been filed with the Division of Code Enforcement.

_____ I have filed a complaint with the Division of Code Enforcement. More than 30 days have elapsed. The Division has failed to issue a Notice of Violation.

P.H. In accordance with the Directive of the Department of Housing Preservation and Development of February 11, 1977, and because the above listed conditions constitute an emergency or a danger to the life, health and safety of the tenant(s), I request that prior notification to the Department of Housing Preservation and Development be waived.

5. I have requested of the Clerk of Housing Court that an inspection of the premises by the Division of Code Enforcement be ordered. I further request that:

- (a) if no inspection report is available on the date of the hearing, that testimony be taken and a violation be placed.
- (b) an order be made directing the owner to correct the violation, and upon the failure to do so within the time set for certifying the correction of such violation pursuant to 27-2115(c) of the Administrative Code, for an order directing DHPD to enter the judgment against the respondent for the penalties stated in Section 27-2115(a) of the Administrative Code.
- (c) permission be granted to serve these papers myself.

6. I have/have not made prior application for the relief sought herein.

May 11, 2015
Date

[Signature]
Signature of Tenant/Petitioner

VERIFICATION

State of New York, County of New York, ss.:

Patricia Hodge, being duly sworn, deposes and says: that s/he is the petitioner named above, that petitioner has read the petition and knows the truth of the contents thereof except as to those matters alleged to be on information and belief, and as to those matters petitioner believes them to be true.

Sworn to before me this 11 day of May, 2015

[Signature]
Signature of Court Employee and Title

[Signature]
Signature of Tenant/Petitioner

**Department of
Housing Preservation and Development
Division of Code Enforcement
(Form A-B)**

TENANT'S REQUEST FOR INSPECTION

Civil Court Index No: LT/HP _____

County of: New York

Housing Part: B Room: ~~833~~ 1166

The case of Patricia Hodge
vs. B.C.R.E - 90 West Street, LLC

will appear on the Court Calendar on: 9:30
_____ at _____ AM/PM

Is there a child under the age of 6 residing in this apartment? Yes No

If yes, please provide name and age or date of birth for each child.

Name	Age/Date of Birth

Tenant's Name: Patricia Hodge
 Tenant's Address: 90 West Street
New York, NY 10006
 Apt. No. 184 Floor: 18
 Tenant's Phone #'s: Home: (929) 332-0145
 Work: () _____

You may gain access by contacting: Patricia Hodge (929) 332-0145

Apt. No. (Or Public Area)	Which Room?	TENANT'S ALLEGATION OF VIOLATIONS	DIVISION OF CODE ENFORCEMENT
		Conditions(s) - Be Specific	Inspector's No: _____ Date: _____ Signature REPORT
<u>184</u>	<u>Bed-room</u>	<u>1. Missing window guards</u>	
		<u>2.</u>	
		<u>3.</u>	
		<u>4.</u>	
		<u>5.</u>	
		<u>6.</u>	
		<u>7.</u>	
		<u>8.</u>	
		<u>9.</u>	
		<u>10.</u>	

In connection with the above mentioned case in the Civil Court of the City of New York, I, the tenant of the apartment referred to, wish to call the Court's attention to the conditions listed above which I allege are violations, and request that an inspection of the property be made to verify my allegations.

Date of Request: May 11, 2015 Tenant's Signature: _____

INSPECTION DATE	INSPECTION TIME
An inspector will come to inspect these conditions on: <u>5/22/15</u>	<input checked="" type="checkbox"/> 10 AM - 2 PM <input type="checkbox"/> 2 PM - 6 PM <input type="checkbox"/> 5 PM - 9 PM <input type="checkbox"/> Weekend 10 AM - 3 PM <input type="checkbox"/> Staten Island 10 AM - 2 PM

D

63M

ORDER TO SHOW CAUSE TO RESTORE TO THE CALENDAR

B.C.R.E. - 90 WEST STREET LLC
PETITIONER(S),
AGAINST
HODGE PATRICIA
RESPONDENT(S)

PREMISES:
90 WEST STREET 18-U
NEW YORK NY 100050000

UPON THE ANNEXED AFFIDAVIT (ON BEHALF) OF PATRICIA HODGE,
THE ABOVE NAMED RESPONDENT(S), SWORN TO ON MAY 11, 2015,
AND UPON ALL THE PAPERS AND PROCEEDINGS HEREIN:

LET THE PETITIONER(S) OR HIS/HER/THEIR ATTORNEY(S) SHOW CAUSE AT A
MOTION TERM OF THE

CIVIL COURT OF THE CITY OF NEW YORK
HOUSING PART: PART D, RM. 524
LOCATED AT: 111 CENTRE STREET, NEW YORK
ON: MAY 20, 2015, AT 09:30 AM

OR AS SOON THEREAFTER AS COUNSEL MAY BE HEARD, WHY AN ORDER SHOULD NOT BE MADE:

RESTORING THE CASE TO THE CALENDAR FOR TRIAL ON A DAY CERTAIN
AND/OR GRANTING SUCH OTHER AND FURTHER RELIEF AS MAY BE JUST.

UNTIL THE ENTRY OF A COURT ORDER, ALL PROCEEDINGS BY THE PETITIONER,
HIS/HER ATTORNEY, AND ANY CITY MARSHAL ARE STAYED.

SERVICE OF A COPY OF THIS ORDER TO SHOW CAUSE AND ANNEXED AFFIDAVIT UPON THE
PARTY'S ATTORNEY (OR, IF HE/SHE HAS NONE, ON THE PARTY),
ATTORNEY (OR PARTY)

(JUDGE TO INITIAL) MARSHAL:
 BY PERSONAL SERVICE "IN HAND DELIVERY"
 BY CERTIFIED MAIL, R. R. R.
 BY FIRST CLASS MAIL WITH CERTIFICATE
OF MAILING AT POST OFFICE

ON OR BEFORE 5/13/15, SHALL BE DEEMED GOOD AND SUFFICIENT.
PAPERS MAY BE SERVED BY THE RESPONDENT IN PERSON.

PROOF OF SUCH SERVICE MAY BE FILED WITH THE CLERK IN THE PART INDICATED ABOVE
OR IN THE L & T CLERK'S OFFICE BEFORE THE RETURN DATE OF THIS ORDER TO SHOW CAUSE

ATTORNEY:
BELKIN BURDEN WENIG & GOLDMAN
270 MADISON AVENUE
NEW YORK, NY 10016
TELEPHONE: (212) 867-4466

MARSHAL:

5/11/15

DATE

PHYLIS SAXE
JUDGE, CIVIL/HOUSING COURT

DENIED

GENERATED: 05/11/2015 @ 13:01:07

CIV-LT-70 (6/89)

DATE: 05/11/2015
TIME: 13:01:07

OFFICE OF COURT ADMINISTRATION
- NWK HOUSING COURT INFORMATION SYSTEM -
HISTORY OF PROCEEDINGS

PAGE: 1

CASE: 063467/2015

B. C. R. E. - 90 WEST STREET LLC VS HODGE PATRICIA

NO OF RESP OSC APPL: 2

AMT DMD: \$.00 PETN ATTY: BELKIN BURDEN WENIG & GOLDMAN

FILING DTE	FILING TYPE	CASE TYPE1	CASE TYPE2	CASE TYPE3
05/01/2015	PET/NP	RESDT	HOLDOVER	

PETITIONER:

B. C. R. E. - 90 WEST STREET LLC

RESPONDENT:

HODGE PATRICIA

DOE JOHN

DOE JANE

PREMISES ADDRESS:

90 WEST STREET 18-U

NEW YORK NY 10006

DESCRIPTION:

ALL ROOMS, APT. #18-U

05/13/2015 001 CLN D 02:00P

05/08/2015 001 OSC BY RESP DENIED BY PKS
TO PUNISH FOR CONTEMPT

05/11/2015 002 OSC BY RESP SIGNED BY PKS 05/20/2015 D 09:30A
PUNISH FOR CONTEMPT

05/20/2015 001 CLN D 09:30A OSC

1304

CIVIL COURT OF THE CITY OF NEW YORK

County of New York

Housing Part D

Index No. LT 63467/2015

63m

B.C.R.E - 90 West Street, LLC

Petitioner,

-against-

AFFIDAVIT IN SUPPORT OF
AN ORDER TO SHOW CAUSE
To Restore to the Calendar

Patricia Hodge

Respondent

Address: 90 West Street
New York, NY 10001 Apt. 18U

State of New York, County of New York ss.:

Patricia Hodge
[PRINT YOUR NAME]

, being duly sworn, deposes and says:

1. PARTY (Who you are)

[Please place your initials on the line that applies to you]

P.H.

a) I am the tenant named as respondent in the above summary proceeding.

b) I am not the respondent. I am an adult living in the apartment and have a right to stay in the apartment. I am the _____ of the tenant named above.

[EXPLAIN WHO YOU ARE]

2. TRIAL (What happened the last time you were in court)

On the Date of Trial:

[Please place your initials on the line that applies to you]

a) a stipulation (a written agreement) was made between the landlord and me.

b) a trial was held before Judge _____

P.H. c) Other: Filed OSC, to punish for Contempt.

3. REASON FOR APPLICATION TO RESTORE TO THE CALENDAR: (Why you need a new court date)

I am asking for a new court date because:

I'm requesting a Summary Judgment
against B.C.R.E - 90 West Street
because I need to have window
guards installed in my bedroom.
I also have a counter claim.

4. REQUEST

P.H. I am asking for a new court date and permission to deliver these papers in person.

5. PRIOR ORDER

[Please place your initials on the line that applies to you]

a) I have not had a previous Order to Show Cause in this case.

P.H.

b) I have had a previous Order to Show Cause in this case, but I am asking for another court date because:

I have a Hpd. Inspection scheduled
for May 22, 2015, to install window guards.

6. PRIOR CASES

The same landlord and I have been in Housing Court before. The index number(s) for the other case(s) is/are: _____

next court appearance scheduled for: June 25, 2015.

Sworn to before me this 11 day of MAY, 2015

Dave

Pan m

Signature of Respondent
[SIGN YOUR NAME]

Signature of Court Employee and Title