

See **bolded** below (page 4) a reference to the City assessing the illegals as a “three-family” thus misleading the reporters and the readers – and the public. One, two and three-unit houses are assessed at the same six percent of market value. The fact remains the owners operated the houses ILLEGALLY as multiple dwelling – and unsafe ones as that. If the City focused on the public safety issue, and enforced the laws that protect residents from life-threatening living conditions, it would also properly direct housing investment from deathtraps and tear downs of perfectly fine homes (see the “McMansions” where the [R1-2A](#) and [R2A](#) zonings came late or remain pending) to locations where housing rehabilitation and new housing construction is needed – and makes sense. In other words, government **doing** its job to protect housing and follow zoning and building codes as intended without re-interpretation would direct private housing dollars to the uses and needs our city so desperately needs. Why the delay?

- [Corey Bearak](#), President, [Queens Civic Congress](#)

<http://www.nytimes.com/2009/11/20/nyregion/20fire.html?emc=eta1>

November 20, 2009

## Fire Reveals Illegal Homes Hide in Plain Sight

By [ANNE BARNARD](#) and REBECCA WHITE

For at least two years before a [fire killed three men](#) in an illegally divided house next door, Diane Ross and her family lived in an illegal apartment at 42-38 65th Street in Woodside, Queens.

Their life there — in a basement divided into one apartment and four single-room units, with six others upstairs, all crammed into a two-family house — seemed to them to be business as usual, and attracted no special notice. Neither the tenants nor their landlord, who said he charged \$107 a month for each room, tried to hide it.

Con Edison workers entered the house in 2007 to make repairs. The city taxed the house as a three-family home, even though it was built for two. And the Ross family and their landlord say that city agencies visited their apartment and helped pay their rent for about two years — until Nov. 7, when the fatal blaze swept through the basement next door, killing the three men.

After that, building inspectors declared Ms. Ross's apartment a hazard and ordered her out.

The [Administration for Children's Services](#) and the [Human Resources Administration](#), which provide rent assistance in various situations, said they could not reveal whether they had supported Ms. Ross's family, citing confidentiality rules. They said that they checked documents and sometimes visited clients' homes, but that they did not function as building inspectors.

But the story of 65th Street illustrates a problem often cited by housing advocates: Dangerous, illegal apartments often exist in plain sight, under the noses of overworked building inspectors whose job is to discover and fine violators, and of neighbors and workers who are not responsible for combating illegal apartments but may see or learn of unsafe situations.

Housing advocates estimate that New York has 100,000 illegal apartments, most of them [in Queens](#). Illegal apartments are so interwoven with the fabric of life in Queens that blatant signs go ignored, according to a [2008 report](#) by the [Chhaya Community Development Corporation](#), a nonprofit immigrant advocacy group. The group looked at 446 houses in two Queens neighborhoods, Briarwood and Jackson Heights, and found that 35 percent appeared to have illegal apartments. Of those, 82 percent had indicators outside, like multiple mailboxes, trash cans and utility wires.

In a [recent editorial](#), The Queens Courier called on postal workers to report multiple mail recipients and asked utilities to flag large jumps in water, gas and electricity use.

After the fire at 42-40 65th Street, the Department of Buildings found that the basement where the men had been trapped had been illegally split into four one-room dwellings, with only one exit, in violation of building codes.

Next door at 42-38, where Ms. Ross lived, inspectors found the five illegal basement units, also with only one exit, and six illegal single-unit dwellings upstairs, said a department spokesman, Tony Sclafani. The department evacuated the basement, leaving Ms. Ross, her son, Donald, and her fiancé, Jeffrey Folk, to move into a hotel room subsidized by the Red Cross.

Ms. Ross, 51, and Mr. Folk, 50, harried as they moved out, said they had thought the apartment was legitimate because an agency they called "welfare" was helping to pay the rent. And the man who identified himself as their landlord — who spoke on the condition that his name not be used, but who said he was related to Claudia Aleman, the owner listed on city property records — said he had long thought the city had "approved" the apartment, because, he said, city agencies knew how it was being used.

The landlord, to be sure, has an interest in shifting responsibility for the violation. He said multiple city agencies had sent him rent checks for Ms. Ross's family. He read a reporter a letter over the phone from the [Administration for Children's Services](#) saying it had supplemented rent for Ms. Ross's son, then 16, from May to August 2007, and that the city had sent a tutor to the apartment twice a week.

When the children’s agency assists with rent — which it does for needy families, sometimes in cases of child abuse or neglect, sometimes to help get a child out of [foster care](#) — caseworkers visit the home to check safety issues, like exposed wires, smoke detectors and window guards, said a spokeswoman, Sharman Stein.

The Human Resources Administration — colloquially known as the “welfare department” — sometimes visits sites where it provides rent assistance, primarily to verify that a client lives there, said Barbara Brancaccio, a spokeswoman, adding, “Just because someone has a relationship with social services at some point doesn’t exonerate the landlord from his responsibilities.”

How obvious the illegal apartments were to visitors is hard to determine. But Mary O’Shaughnessy, who works for an organization that provides emergency services, saw the basement while helping Ms. Ross’s family after the fire. She said that any “prudent New Yorker” would question its safety.

“Just as a reasonable human being going into that space, I would have had questions about it,” said Ms. O’Shaughnessy, who asked that her agency not be named because it was not responsible for inspecting buildings.

**The Department of Finance taxed both 42-40 and 42-38 65th Street as three-family homes, an assessment that it said was based on how the properties were used.**

A spokesman, Owen Stone, said that such information is usually gleaned from the owner, the [Buildings Department](#) and observers, like neighbors. Being designated a three-family house raises a tax bill only slightly, he said, and tax authorities share their information with the Buildings Department. But a Buildings Department spokesman said tax assessments did not determine whether a house is in compliance with building codes.

When some wires caught fire in July 2007 outside 42-38, Con Edison workers entered to fix a device that delivers electricity to nearby houses; they referred a second call, about wires burning inside the house the next month to the Fire Department. Con Ed is not responsible for enforcing building codes or for repairs inside houses, officials said.

Of the 14 houses on the block, nine prompted complaints of suspected illegal apartments over the past two decades, Buildings Department records show. Only two were cited for violations before the fire this month. At the other seven addresses, inspectors either were refused access to the property or entered only after multiple attempts and found no violations, according to records. At 42-40, the house that burned, inspectors investigated complaints in 1990 and 2004 but found no violations, officials said.

According to a [July audit](#) by the city comptroller, building inspectors failed 67 percent of the 23,410 times they tried to enter and inspect Queens properties during the year ended June 2008. Inspectors were unable to enter 39 percent of the 8,345 Queens properties they had received complaints about that year.

To enter over an owner's objections, inspectors need warrants, which they requested for fewer than 1 percent of the properties that they could not enter, the audit found.

A few blocks down 65th Street a week after the fire, two houses — both with a history of illegal-conversion violations and complaints, according to building records — had signs in the windows advertising rooms for rent.