

Matter of City of New York

2019 NY Slip Op 32001(U)

March 21, 2019

Supreme Court, New York County

Docket Number: 450316/2019

Judge: Joel M. Cohen

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Transferred to Main Office
At A, of the Supreme Court of the State of New York, held in and for the County of New York at the Courthouse located at 60 Centre, New York, NY, on the 21st day of March, 2019.

PRESENT: **HON. JOEL M. COHEN**
J.S.C.

HON. JUSTICE

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In the Matter of the Application of

THE CITY OF NEW YORK,

Petitioner,

WARRANT OF INSPECTION

FOR A COURT ORDER TO CONDUCT AN ADMINISTRATIVE SEARCH UPON 54-56 3RD AVENUE, BLOCK 556, LOT 24 – Second Floor Apartment and Third Floor Apartment, NEW YORK, NEW YORK.

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Petitioner having moved this Court for an Order to conduct an administrative inspection upon the premises known as 54-56 3RD AVENUE, BLOCK 556, LOT 24 – Second Floor Apartment and Third Floor Apartment, NEW YORK, NEW YORK (the “Subject Premises”) for the purpose of determining whether conditions in the Subject Premises violate the terms of Title 7 Chapter 7, Title 20 Chapter 5, and/or Title 28 Chapter 1 of the New York City Administrative Code (“Administrative Code”), the New York City Building Code, the New York City Housing and Maintenance Code, the New York City Fire Code, the Multiple Dwelling Law, and/or New York City Zoning Resolution,

NOW, upon reading and filing the PETITION, dated March 20, 2019, and the exhibits annexed thereto; and the EMERGENCY AFFIRMATION OF IRENE MENDEZ, Assistant Counsel to the Mayor’s Office of Special Enforcement (“OSE”) and Assistant

Corporation Counsel to Zachary W. Carter, Corporation Counsel of the City of New York, counsel for petitioner the CITY OF NEW YORK ("CITY"), dated March 20, 2019, in support of the application; the AFFIDAVIT OF GEMMELL PORTELLI, Inspection Officer of the New York City Department of Buildings, sworn to on March 19, 2019; and the AFFIDAVIT OF DALTON A. HENLON, Inspection Officer of the New York City Department of Buildings, sworn to on March 20, 2019; and it appearing to this Court that the facts stated therein demonstrate the necessity for the relief requested; it is hereby

ORDERED that an inspection ^{may} be made at the Subject Premises by inspectors of the New York City Department of Buildings and that the following persons are authorized to enter within and upon the Subject Premises to aid and assist at this inspection: any employees or officers of the New York City Department of Buildings, and any members of the New York City Fire Department; and it is further

ORDERED that the inspection shall apply to only the Subject Premises; and it is further

ORDERED that the owner(s), lessee(s), and/or occupant(s) of the Subject Premises, are hereby directed to comply in all respects with this Order and to cooperate and assist with the inspection; and it is further

ORDERED that the owner(s), lessee(s), and/or occupant(s) of the Subject Premises, and all persons who are their agents and servants or who are acting in concert with them, in no manner interfere with or obstruct access to the official performance of the inspection at the Subject Premises; and it is further

ORDERED that the refusal to grant entry or the denial of access for authorized persons to any of the areas within or upon the Subject Premises may be punishable by criminal

contempt, under both New York Penal Law § 215.50 and New York Judiciary Law § 750, subject to fine or imprisonment; and it is further

ORDERED that any member of the New York City Police Department may enter upon the Subject Premises to accompany, aid or assist at the inspection and any other re-inspection to implement the terms of this Order and to provide for the safety of the individuals authorized to effectuate the inspection at the Subject Premises; and it is further

ORDERED that the Sheriff of the City of New York, pursuant to authority granted by the Civil Practice Law and Rules, by Article 2 of the Criminal Procedure Law, and by Section 650 of the County Law, may assist OSE inspectors in the enforcement of this Court Order, including but not limited to the Subject Premises and, if necessary and after having announced their presence and purpose, to break open and enter all other outer doors and interior doors, passageways and obstructions to facilitate the City's inspection of the Subject Premises as authorized by this warrant; and it is further

ORDERED that the inspection may be made between the hours of 7:00 AM and 9:00 PM; and it is further

ORDERED that this Warrant of Inspection must be executed forthwith and not more than thirty (30) days after the date of issuance; and it is further

ORDERED that a copy of this Order be served personally upon an occupant of the Subject Premises of suitable age and discretion, or if none is available, by posting the Order in a conspicuous place on the premises at the time of the inspection and that such posting shall be

deemed good and sufficient service.

ENTER:


J. S. C.

**HON. JOEL M. COHEN
J.S.C.**