

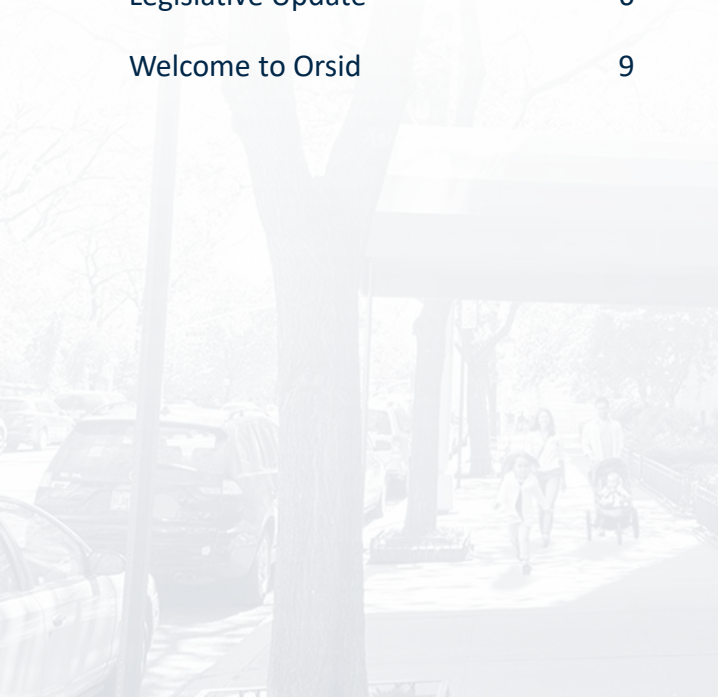
THE ORSID

— DIGEST —

Q1 Newsletter

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New Trash Rules for Buildings Starting April 1

New trash rules will go into effect on April 1st, 2023, citywide, which will significantly change how residential buildings handle their trash management. This change was created by the City and the Department of Sanitation in order to decrease the impact that rats and other rodents may have on individual buildings and their neighbors. At the moment, regular trash and recycling can be placed on the curb after 4pm the night before collection, which means that trash can sit outside for nearly 14 hours before it is collected.

Under the new rule starting on April 1, 2023, residential buildings will have three options to place their trash outside: they will be allowed to either place waste out after 6pm in a secure container, or place trash out after 8pm, if they choose to put bags directly onto the curb. If a building has nine or more residential units, the building may choose to place their trash outside between 4am and 7am instead. The time that the garbage is left on the sidewalk will now decrease, thereby improving overall sanitary conditions,

helping decrease odors in the street, and hopefully decreasing the rat and rodent population.

These changes will have a significant impact on staff scheduling, because the majority of buildings are fully staffed between 8am and 5pm. Certain buildings with limited staffing will have even more trouble adhering to the aforementioned changes and buildings have begun to discuss revising staff schedules or providing unbudgeted overtime in order to meet the above requirements. Discussions are also taking place on revising the logistics of trash management both within and near the building, including purchasing mobile storage containers and holding trash in other areas of the building, so that all the above collection options become available.

While the spirit of the new rule is clear and the intended benefit is expected, buildings are once again left with the burden of adapting their schedules and budgets, in order to meet an imposition placed on them by the City. We hope that through the adaptive efforts of all buildings, there will be some positive impact on the trash situation throughout the city. Please reach out to your building's Account Executive with any questions you may have or for assistance in planning around this matter.



Orsid & The Refugee Employment Partnership

The American Dream is one that inspires people with hope and the promise of freedom. Tens of thousands come to New York City each year hoping to create a future of safety and fulfillment for themselves and their families. Sadly, once they arrive, things can change if they aren't able to secure jobs and don't know where to turn. That's when an organization like the Refugee Employment Partnership (REP) saves the day.

REP is a group of volunteers focused on helping recently arrived refugees and asylees find suitable employment as they begin new lives in the New York Metropolitan Area. REP was formed in 2017 by members of B'nai Jeshurun, is co-sponsored by Rutgers Presbyterian Church, and includes other members of the local community. Founder & Executive Director Richard Fields based the program on one-on-one career mentorship where volunteers interact on a personal level with the refugee jobseekers, sharing advice, opening doors, and giving constant encouragement. The group works closely with local employers, presenting candidates who are carefully vetted, speak English, are authorized to work, and don't require visa sponsorship. REP contacts hiring managers and arranges interviews. In time, they help bring about job placements that companies find genuinely helpful.

Orsid proudly partners with REP and offers to give special consideration to refugee candidates. Senior VP of Orsid, Aaron Davidowitz, serves as the point of contact and keeps REP Program Director, David Coleman, updated on any new opportunities. Orsid goes out of its way to look out for its employees and taking part in this program is an extension of its belief in investing in people, regardless of their background.

Two such success stories are:

Shakeel Samuel: Shakeel arrived in the USA from Pakistan. He was a Christian fleeing religious

persecution in his country. He met REP's founder Richard who contacted Orsid's management. Before long, Shakeel had secured a job in Payroll. However, Shakeel didn't just find a job at Orsid - he found his home. The match was so successful that Shakeel says he has never been happier. "Orsid's core value is mutual respect," he said, "all the employees are welcomed like a community regardless of race or religion. They are my family."

Laureano Olivarez: Laureano was a host of a late-night show in his home country Venezuela and made a few remarks critical of the government that caused him to be hunted down by the regime. He fled to Atlanta and requested political asylum. An actor by profession, Laureano found it hard to break into the industry and he urgently needed work to support himself and his young daughter. He realized he needed help. That's when REP's David Coleman arranged for mentoring support. Laureano, who considers David a good friend, said REP connected him to a temp job with Orsid which led to a permanent job at Gregory Towers as a doorman. Laureano says he is in his element there. "I consider myself very lucky and I like talking to people every day and they like me." The fit seemed to be a good one.

At Orsid, we believe in investing in our employees and our partnership with the REP is just another step in that direction. We are proud to be able to continue to offer job opportunities to deserving refugee men and women and we can't wait to help nurture their talent.



Neighbor Noise: What a Board Can Do

Noise is an acknowledged part of urban life and NYC is no exception. Exterior street noise, construction, traffic, garbage collection, and sirens are something we experience on a daily and sometimes hourly basis. We all live in this wonderful City with the understanding that noise is a fact. But what happens when disturbing noise is coming from a neighbor in your building?

Noise complaints in co-op and condominium apartments are one of the most common complaints received by building managers ranging from interior construction noise, to hearing musical instruments, barking dogs, boisterous parties, children playing, loud exercise machines, yelling, a television or music played at high volumes, to door slamming, moving furniture or even heavy footsteps. Part of the issue can be poorly constructed buildings with little or no insulation between apartment walls, but the reality is with more residents working from home, more disturbances are heard.

Sensitivity to noise is subjective – one person’s maddening racket is another person’s dinner soundtrack. One sensitive individual might find a neighbor’s footsteps from the floor above intolerable, while someone else may not. One person may tolerate a concert pianist repeatedly playing the same piece, but for someone else, it can drive them crazy. So, the question becomes: “How much noise is simply too much?” The measure of that is reasonableness – what would most residents find to be an unreasonable or acceptable noise level?

There are two simple steps the co-op or condo board can take to try to mitigate noise complaints.

1. Ensure your House Rules contain a provision for “quiet hours.” For example, no one can play a musical instrument after 10 pm.
2. Require carpeting or sound proofing flooring throughout a certain percentage of the apartment, typically 80% (with the exception of the bathroom, closets and kitchen). If not already in the House Rules, the board should consider adding them.

Also, a board can consider imposing fines or penalties for noise nuisances. If the rules exist, the board should

enforce them. Management might visit the apartment and if carpeting is inadequate, write a letter to the offending resident. If the problem persists, a 30-day follow-up should be sent.

Tackling noise problems is complicated. Most times, redesigning and soundproofing is not an option. Boards should make sure when major alterations are made to an apartment, appropriate sound and vibration attenuation is included in the flooring. However, solutions are generally more behavioral and managerial than structural.

YOUR COMPANION AND FURRY FRIEND

Pets raise a separate issue. Barking dogs or noisy pets can also create noise complaints. The House Rules should provide that no animal, bird or reptile be allowed, kept or harbored in the building unless expressly permitted in writing by the board of managers.

Such permission should be revocable, at any time, at the board’s sole discretion. Ask all residents to provide a signed form with the pet’s name, weight and breed, and in turn, the building’s pet policy should include, but not be limited to the following language:

Dog owners are required to train their dogs so that they do not bark to an extent or in a manner that would be annoying and a disturbance to other residents in the building.

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Neighbor Noise: What a Board Can Do Cont'd...

The board reserves the right, at its discretion, to order in writing the removal of any dog (or other pet) that in its sole judgment is likely to (or has) become a nuisance or cause a disturbance to other building residents.

WHAT HAPPENS NOW

Typically, the person being disturbed contacts the managing agent for relief and the managing agent acts as a mediator. Most building managers will initially talk to building staff to determine the validity of the complaint. The resident manager or super may need to visit the apartment to observe if noise is heard. If an investigation reveals an issue, the managing agent can write a note of warning to the resident causing the commotion. The “complainant” should be instructed to maintain a log documenting the noise, time, and date of occurrence.

If initial contact does not net results and the noise continues, the managing agent should advise the board. A stronger more aggressive letter may be necessary or, in extreme cases, a letter from the building’s attorney. The board has a fiduciary duty to investigate and promptly attend to all complaints to try to determine the validity. If a board does not act promptly or properly, it is possible the complaining party can bring an action against the board based on the owner’s inability to use the apartment as intended.

STILL NO SOLUTION

If a noise issue continues and there is a clear pattern of disruption, the building attorney can alert the offender that the board is moving to evict. Should the notice to the offending apartment owner yield no results and the flooring has been inspected and it complies with the coverage requirements, yet the noise continues, additional steps may be needed. A sound expert or acoustical engineer can be retained to document the decibel level of the noise complaint. The problem becomes complicated if the report finds the noise is under the legal limit. But if the results of the report find the flooring needs additional protection and insulation, the cost can be great. A determination will need to be made as to who pays. Orsid has seen the expense shared among the person making the noise, the complaining party, and the co-op/condo -or a

variation thereof. The parties involved and co-op/condo can try to mediate the issue to settle before it progresses to litigation.

Should a case be brought to court, the judge will look to see if the alleged conduct is intolerable in a civilized community. A longstanding campaign of deliberate, systematic and malicious harassment is actionable.

To conclude, the issue of noise complaints in buildings has grown dramatically over the years due to the number of people working from home. With the foregoing steps, the boards can try to address the complaints in a logical manner. Please stay tuned while we examine in our next newsletter odor and smoke issues and how noise and odor complaints are treated differently in court if the matter is occurring in a co-op or condominium.





Legislative Updates

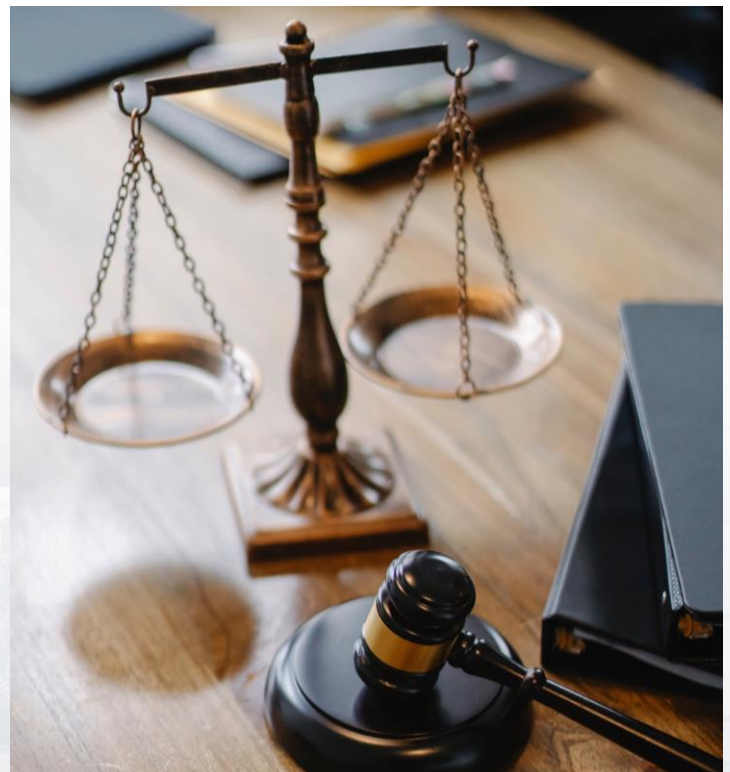
Pending Legislation on Co-op Admissions: In previous years, we have seen failed bills considered that would have restricted the ability of co-ops to reject sales applications on very narrow bases and to place tight time restrictions for their consideration. In February, again three bills were introduced in the New York City Council which would place significant restrictions on how co-op boards handle admissions.

Intro 914: If passed, would require all co-ops containing 10 or more apartments to maintain a standardized application, a list of requirements, and instructions as to where and how to submit the required materials to be provided to every prospective purchaser. Within the 10 days of receiving the materials, the co-op would have to provide a written acknowledgement of receipt of the initial application as well as any subsequent submissions from the prospective purchaser. Within 45 days after the co-op first receives any of the information or documents, it would be required to inform the prospective purchaser if consent to the sale is granted unconditionally, granted conditionally, or whether its consent to the sale is denied. There are a few instances where the 45-day period could be extended for short periods of time, but not for very long. If a board fails to respond in a timely manner, it may be treated as a denial of the application by the prospective purchaser. Either a purchaser or seller may commence an action to determine whether a violation of the law has occurred. Courts shall assess statutory damages of \$1,000 for failure to provide the standardized application or properly acknowledge receipt of materials; \$5,000 for failure to maintain the standardized application; and \$10,000 for failure to provide notice of consent or denial within the prescribed periods of time. Additionally, the courts may award additional compensatory damages and attorney's fees to the prospective purchaser. The New York City Commission on Human Rights may also investigate violations of the law and award further civil penalties between \$1,000 and \$25,000.

Intro 915: If passed, this would require all co-ops containing 10 or more apartments to provide a statement within 5 days of any denial of any sales application, of very specific reasons for withholding consent which includes identifying each element of the prospective purchaser's application which was

found to be deficient; any specific ways that the application failed to meet any specific policies, standards or requirements of the co-op; and the source of any negative information relied upon by the co-op for withholding consent to the proposed sale application. The statement must convey sufficient information to enable a prospective purchaser to take specific steps to remedy any specific deficiencies in that application. Such a statement would need to be affirmed under the penalty of perjury by an officer of the co-op that it is true, accurate and contains all of the cooperative corporation's reasons for withholding consent after speaking with each person who participated in the decision to withhold consent. The statement would need to include the number of applications received, denied or where the co-op did not make a decision in the preceding three years prior to the submission of the denied application. The failure of a co-op board to comply with any of these requirements would incur statutory damages from \$1,000 to \$25,000 payable to each purchaser and each seller. The amount of the damages would depend on the scope of non-compliance by and the resources of the co-op. The New York City Commission on Human Rights may also investigate violations of the law and award further civil penalties between \$1,000 and \$25,000.

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Legislative Updates continued...

Intro 917: If passed, this would require a co-op to provide detailed financial information, beyond what is required of a board to give its own shareholders, within 14 days of a request from a prospective purchaser with an accepted offer. The information must include at a minimum the assets and liabilities of the cooperative corporation, including current cash flow, debt and operating expenses; any capital improvements underway or planned, and the cost of such improvements; the amount in the reserve fund, if any; and the most recent budget, or a statement that the cooperative corporation does not prepare a budget. The failure of a co-op to provide such information would be fined a civil penalty of \$500 and further exposure to potential lawsuits for omissions, inaccuracies, or simply projections that don't reflect future unknowns.

Overall, these bills would have a chilling effect on the willingness of Shareholders to serve on Cooperative boards. The ensuing litigation based upon these measures, if enacted may lead to difficulty and/or significant additional expense in obtaining Directors and Officers insurance. Co-op board members: boards should consider whether to reach out to their City Council Members, the supporters of these bills, or the Mayor's office to express their views on the wisdom of the proposals and the harm they could bring to the NYC Cooperative industry.

Separately, there are bills (Senate Bill S5789 and Assembly Bill A2685) in the State legislature that if passed would also require co-op boards to give a written statement of reason withholding consent to any co-op sale within thirty days of the decision. Co-op boards already may not discriminate on the basis of race, creed, national origin or sex of the prospective purchaser and the notice required by these bills would have to demonstrate non-discriminatory basis for the rejection.

Short-term Rentals: Since the last edition of this column in December 2022, the Mayor's Office of Special Enforcement (OSE) has finalized the rules required under Local Law 18 of 2022 for the rental of apartments for less than 30 days. Under these rules OSE has established the web portal for both the registration of Short-term Rental Applications and the Prohibited Buildings List. Registrations are now open as of March 6th, but neither of the lists will be

enforced under the rules until July 2023. To be included on the prohibited buildings list, a building owner or designated agent must certify that leases and other occupancy agreements for dwelling units within their buildings prohibit short-term rentals. Before making this certification, the governing documents of the co-op or Condo must be checked to see if there is an expressed prohibition against short term rentals. If there isn't an expressed prohibition but such rentals have not been permitted under the building policy, this should be codified in a House Rule or By-law amendment and circulated to the building residents. Once it is determined that the documentation is in order, any board who would like to have the building on the Prohibited Building List just needs to give the instruction to their Account Executive. Our Compliance personnel can then make the registration.

E-Battery Fire Safety: The New York City Council passed 5 new bills in early March strengthening the safety of e-bikes and scooters, and the lithium-ion batteries that power such devices. One bill prohibits the sale of batteries for mobility devices such as electric bicycles or scooters unless such batteries have been listed and labeled by a nationally recognized testing laboratory or other approved organization such as "United Laboratories" (UL). Int. 752 of 2022 goes further and prohibits the sale of second-use lithium-ion batteries that have been assembled or reconditioned using cells removed from used batteries. Two of the laws enacted are directed at the FDNY. One would require annual reports by the FDNY in each of the next 5 years which must include data on fires caused by the devices, actions taken by the FDNY to reduce the risks, and recommendations to further decrease risks. The next requires the FDNY, in consultation with the Department of Consumer and Worker Protection (DCWP) to develop an informational campaign to educate the public on the fire risks posed by the devices and their batteries. The campaign is to include guidance on how to identify safe products, as well as best practices for maintenance, storage and charging. Finally, Int. 749-A requires DCWP to develop and publish educational materials on e-bike safety risks and mitigation measures materials for delivery workers. It also requires third-party delivery apps, such as Seamless and UberEats, to distribute these materials to their delivery workers.

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Legislative Updates continued...

We anticipate more bills regulating these devices to come for a vote later this year, including a bill by Majority Leader Keith Powers which would create a battery swap program.

City Council Int 470 – 2022, accelerating the phase out of #4 oil: Since the last edition of this column in December, the City Council voted to approve this measure and the Mayor signed it into law early in March 2023. The bill accelerated the phase out of #4 oil in the city from 2030 to July 1, 2027. However, no certificate to operate or registration for a boiler to burn #4 grade fuel oil will be issued or renewed on or after June 30, 2024. So, the phase out will begin much sooner than 2027.

Most boilers currently burning #4 oil can be converted to burn the cleaner and more energy efficient #2 oil by making some small adjustments to the burner and cleaning out the dirtier fuel from the storage tank before the switchover. However, many buildings learn that the dirtier fuel was clogging small holes in the tank and related piping so there can be some environmental cleanup required during this process. We will be specifically reaching out to any of our buildings that still burn or have #4 oil stored as a backup fuel source in order to arrange for a switchover before the ban goes into effect.

Fair Chance Housing, City Council Int 632 – 2022: This controversial bill, if passed, would prohibit housing

discrimination in rentals, sales, leases, subleases, or occupancy agreements in New York City, on the basis of an arrest record or criminal history. Landlords (including cooperative and condominium boards) would be prohibited from obtaining criminal record information as part of any application. A public hearing was held on December 7, 2022, and while the bill is currently Laid Over in Committee, it is unclear whether it will be brought to the floor for a vote in its current form at the time of writing.

Good Cause Eviction, NY State Senate Bill S305: If enacted, this legislation would prohibit the eviction of residential tenants or the non-renewal of residential leases without good cause. The bill proposes to amend the NY State Real Property Law and add a new Section 214 (1) which would set forth permissible grounds for the removal of tenants, including the failure to pay rent, the violation of a substantial obligation of the tenancy, committing or permitting a nuisance, permitting the premises to be used for an illegal purpose, or if, under certain conditions, the premises are to be personally occupied by the landlord or close relatives of the landlord as their primary residence. A rent increase would be presumed to be unreasonable and therefore not a basis for eviction, if it exceeds either 3% of the previous rental amount or 1.5% of the Consumer Price Index, whichever is higher. If enacted, this bill would create almost universal rent regulation in NY State, with very few exceptions in owner-occupied buildings with three or fewer units. This legislation is opposed by The Real Estate Board of New York (REBNY) and Homeowners For An Affordable New York (HFAANY).





Welcome to Orsid

We have welcomed the following buildings to the Orsid family:

333 CPW Owners Corp.

333 Central Park West
New York, NY 10025

Patchogue Homes Corp. Condominium #2

149-30 88th Street & 87-10 149th Avenue
Queens, NY 11414

250 Tenants Corp.

250 West 94th Street
New York, NY 10025

Whitehall Tenants Corp.

3333 Henry Hudson Parkway
Bronx, NY 10463

Hudson Condominium

225 West 60th Street
New York, NY 10023

1045 Park Avenue Owners Corp.

1045 Park Avenue
New York, NY 10028

**In Q1 2023, we have welcomed the following
new associates to the Orsid family:**

Aldin Dervisevic, *Associate Account Executive*

Aaron Dass, *Administrative Assistant*

Alba Shahini, *Alterations Coordinator*

Nathalye Morel, *Administrative Assistant*

**We hope you found this newsletter
informative. If you have any questions
or a story to share for a future edition,
please email info@orsidny.com**



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