

Industry working to create sound public policy

By JOHN H. BANKS, PRESIDENT, REB NY

Earlier this month, nearly a dozen new members of the New York City Council took office and the legislature selected a new leader.

We congratulate the council and we look forward to working with Speaker Corey Johnson and his City Council colleagues.

We must work together to address the critical challenges our City faces, including the continued need to build more housing to meet demand at all income levels in every neighborhood and create more good jobs.

The City Council's 2014-2017 session came to a conclusion in December. Several pieces of legislation were passed that impact the real estate industry and are summarized below:

Landlord-Tenant Relationships

The Council passed 18 tenant safety and anti-harassment laws. Some of the most notable protections include assigning representation to every low-income New Yorker facing eviction and establishing an office of the tenant advocate within the Department of Buildings.

A substantial number of these bills expanded the City's current definition of what constitutes harassment to include contacting a tenant at unusual hours, repeated failures to correct hazardous or immediately hazardous building code violations, or false certification of approved permitted work as forms of harassment.

Most importantly, the Council created the rebuttable presumption of harassment upon the landlord in any court proceeding alleging tenant harassment.

This effectively turns the widely-accepted principle of "innocent until proven guilty" on its head by requiring the landlord to assert why their alleged behavior does not constitute harassment, regardless of whether or not the act was intended to harass or cause a vacancy.

Coupled with another law, owners would be required to pay the tenant's attorney's fees, as well as compensatory and punitive damages if a court rules against them.

The City Council enacted a Certificate of No Harassment (CONH) Pilot Program that would apply to 11 Community Boards throughout the city (three in Manhattan and the Bronx, four in Brooklyn, and one in Queens) where they think tenant harassment is more likely to occur.

As part of this program, HPD has been developing a building qualification index. Buildings within these community boards that are identified by the building qualification index would need to receive a CONH



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before they could receive a building permit for substantial renovation or demolition.

Other areas to be covered by the pilot program are areas subject to a city-sponsored neighborhood rezoning. The pilot program is for three years.

Building Energy Grades

The Council passed a bill requiring buildings larger than 25,000 square feet to post letter grade scores associated with the building's Energy Star score in a prominent location in the lobby. We appreciate the bill's intention to promote energy awareness, but its approach is overly simplistic and misleading.

Energy Star scoring takes into account multiple building data points to perform a complicated regression analysis in arriving at a score that reflects how the building is performing as a whole: its assets, its operations, and how the people inside use it.

Each point score along the 1 to 100 scale is individually meaningful. According to Energy Star, a score of 50 represents median energy performance while a score of 75 or more indicates a top performer.

However, a top performer in Energy Star's estimation would only receive a "B" under the bill's misleading grading system.

Construction Safety

Following up on its requirement of mandatory training for all construction workers,

the Council focused on enacting two other provisions of the Construction Safety Act for a total of 21 bills.

The two bills that the Council passed in December focus on permit holders. One law doubles the violation fines for the top ten percent of the worst construction sites as defined by those with the most viola-

tions.

Another law will impose fines of up to \$500,000 for violations that are associated with a worker's physical injury or death.

In 2018, REB NY will continue to testify, offer the insights and experience of our members, and participate in discussions towards creating sound public policy.

IN MEMORIAM

Real Estate Weekly remembers those the real estate industry lost in 2017.

Broadstone Real Estate announced the passing of co-founder and senior advisor **Norman Leenhouts** in January.



Known to his colleagues and friends as "Norm," he passed away peacefully at the age of 81 in his home with family by his side.

Norm and his twin brother Nelson founded Home Leasing Corporation before forming and co-leading Home Properties as a public company in 1994.

In 2006, along with his daughter, Amy Tait, and her husband, Bob Tait, Norm co-founded Broadstone.

Over the course of his 50-year career in residential and commercial real estate, Norm served on countless boards and supported Universities in India, Haiti, and Africa.

The industry lost **Leonard Campanello**, Plaza Construction vice president, in February, 2017, when he died suddenly at age 54.

Mr. Campanello spent more than 25 years as a Project Executive working on such building projects as the MTA Fulton Center and Gateway Center at Bronx Terminal Market, among others.

David Rockefeller, who founded the Downtown Alliance's parent organization, the Downtown-Lower Manhattan Association, died at his home in Pocantico Hills, New York. He was 101 years old.

Mr. Rockefeller was the chairman and CEO of Chase Manhattan Bank and the former chairman of the board of the Rockefeller Group.

A businessman, philanthropist and global statesman, he was a role model of civic leadership whose influence extended far beyond Manhattan.

David Rockefeller is credited with spurring the rebirth of Lower Manhattan more than five decades ago.

The youngest child of John D. Rockefeller, Jr. and Abby Aldrich Rockefeller, he graduated from Harvard University in 1936 and received a Ph.D. in economics from the University of Chicago in 1940.

Leonard Litwin, the head of development firm Glenwood Management Corporation, died on April 2, 2017, at the age of 102.



Litwin, who made his fortune as a rental property developer, built, owned and operated more than 8,700 apartments. The company's luxury apartment portfolio, which includes the Lucerne at 350 East 79th Street and the Tribeca Bridge Tower at 450 North End Avenue, were acquired over a span of six decades.

Litwin's influence stretched beyond his properties. He was also a prolific political

donor who supported the candidacies of both Democrats and Republicans.

During his career, Litwin served as Chairman Emeritus for Life of the Real Estate Board of New York.

In June 2017, **Robert Michael Kliment** FAIA died peacefully at his home.

Born in Prague in 1933, Mr Kliment was one of several hundred children whom the humanitarian Sir Nicholas Winton brought to safety in England during the Second World War.

He was later schooled in France and Cuba before studying architecture at Yale, where he received his B.A. in 1954.

In 1972 he founded Kliment Halsband Architects with his wife Frances.

Prominent works on which he was the principal designer include the computer science buildings at Princeton and Columbia.

In July, prolific investment sales broker **Larry Stryker** lost his battle with cancer.

The 56-year-old associate broker had been with Highcap Group since 2012 following stints at both Marcus & Millichap and Besen & Associates.

Peter Valentine Tishman died on Aug. 26, 2017 at Stony Brook University Hospital.

He was 85 and had progressive supranuclear palsy for four years.

Mr. Tishman joined the family company, Tishman Realty and Construction, in 1955, and worked there until 1968.

In January 1969, a few years after his father's death, he resigned from the company to head his own firm, Peter Tishman Real Estate.

Jerry Gottesman, co-founder and chairman of Newark-based Edison Properties, died in September.

Edison controls more than three million square feet of property in Manhattan and Brooklyn and several million more square feet in Newark Baltimore and other major cities.

Gottesman was said to be one of the largest donors to Jewish educational institutions in the U.S.

Lou Ceruzzi, one of Manhattan's most active luxury developers, died in September at the age of 64.

Founder and president of Ceruzzi Properties, Ceruzzi started his career as a tax attorney in New Haven before switching to development in the 1980s.

Over the following years he built a suburban retail empire in the northeast. In 1997, Ceruzzi partnered with Starwood Capital Group, forming

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