

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF KINGS: HOUSING PART B

38 6<sup>TH</sup> AVENUE TENANTS' ASSOCIATION;  
EBONI ANTHONY; MAYUR ARAS; MARISSA  
CARNOVALE; HUGH CHAPIN; CLAUDE  
CHARLES; DEVIN EDGE; HOLLY ENG;  
TISHA FRANKLIN; HILARIE GILINSON;  
JENNIFER GONCALVES; MAGALI  
HERNANDEZ; LAURA HOHMANN; ALYSSA  
LANDY; LUIS LEAL; RYAN MAK;  
ROMANZA MCALLISTER; GASTON MELO  
FELGUERES; DENISE PRIOR; SANDRA  
RAFAAT; DIALYN ROSA; SIENA SHUNDI;  
ERIC WILSON; SHANEN WRIGHT

So Ordered 12/19/2024



Michael L. Weisberg, JHC

Index No: 324881-24/KI

**STIPULATION OF SETTLEMENT**

*Tenant-Petitioners,*

-against-

AVANATH B3 LLC; PACIFIC PARK 38 SIXTH  
AVENUE LLC; PP 38 SIXTH AVENUE TC,  
LLC; ADAM BUTLER; ANTHONY  
COLEMAN; WES WILSON

*Owner-Respondents,*

-and-

NYC DEPARTMENT OF HOUSING  
PRESERVATION AND DEVELOPMENT,

*Co-Respondents.*

Premises:  
38 6<sup>th</sup> Ave  
Brooklyn, NY 11217

1. The consent order in this proceeding, dated December 18, 2024 (“Consent Order”), is hereby incorporated into this agreement as though all its provisions were fully set forth herein, and this agreement is incorporated into the Consent Order as though all its provisions were fully set forth therein. If any provision of the Consent Order contradicts any provision of this agreement, the terms of this agreement shall rule.

2. Starting immediately upon execution of this agreement, Owner-Respondents will provide electronic key fobs for the building front door as follows:
- a. (i) For apartments covered by the Low Income Housing Tax Credit (LIHTC) program, one fob will be provided free of charge for each occupant 13 years or older who is listed on the most recent household composition.
  - b. (i) For apartments not covered by LIHTC, 1 fob will be provided free of charge for each apartment legal tenant or occupant 13 years or older, up to the legal limit of occupants for the given unit.
  - (ii) Upon a named tenant filling out and signing a form stating that that a party is occupying the apartment the party shall be issued a key fob. Owner-Respondents may ask to see identification from the party seeking a key fob over 18 years of age. After an occupant has occupied the apartment for 90 days, Owner-Respondents reserve the right to seek proof of occupancy from that occupant if they are over 18 years of age and have been issued a key fob.
  - (iii) Tenants will be able to collect key fobs by speaking to an employee of Owner-Respondents at the front desk or by speaking to the building's community manager. Owner-Respondents will not require any documentation other than the name, age, and identification (for occupants over 18 years of age) of the household member for whom a key fob is requested, and the party to whom the key is issued will need to be present to collect the key fob.
  - (iv) The granting of a key fob, signing of the above mentioned form, or any other term/action under this stipulation shall not be construed as conferring or granting occupancy rights on any party.

- (v) If a tenant's key fob does not function to open the front door, the fob will be reprogrammed or replaced according to the following procedure:
    - a. If a tenant brings a non- or malfunctioning key fob to the building front desk, the employee of Owner-Respondents at the front desk will reprogram or replace the key fob immediately, and not longer than within 30 minutes, unless there are extenuating circumstances preventing the employee from responding more quickly.
    - b. The above may not apply to damaged or lost key fobs, for which Owner-Respondents may charge a reasonable replacement fee in keeping with applicable DHCR policy.
  - (vi) Owner-Respondents will repair all tenant intercoms within 60 days of the execution of this agreement. For the 30 days following the expiration of the 60-day period, if any tenant reports to Owner-Respondents that their intercom is not working, Owner-Respondents will repair the intercom within 30 days after it is reported.
3. If Owner-Respondents breach any provision of this agreement, Petitioners may restore this proceeding to the calendar for appropriate relief, including but not limited to civil penalties for the violations listed in the consent order, contempt, and further order(s) to correct. Before restoring the proceeding to the calendar, Petitioners' counsel will serve a 10-day notice to cure on Owner-Respondents' counsel by email at [mdavies@roseandroselaw.com](mailto:mdavies@roseandroselaw.com).
4. The provisions of this agreement and the related Consent Order will remain in effect for one year from the date of execution. After the expiration of the one-year period, Owner-Respondents will continue to follow all applicable laws, regulations, and DHCR policies regarding the provision of key fobs, and will continue to provide key fobs free of charge to all lawful occupants over the age of 13. The above may not apply to additional, spare, damaged, lost or replacement key fobs, for which Owner-Respondents may charge a reasonable replacement fee in keeping with applicable DHCR policy.

5. Petitioners represent that, as of the date of this agreement, the back door of the building does not lock. Owner-Respondents will inspect and repair the back door lock as required by law.
6. All parties in this proceeding are represented by counsel and have entered into this agreement after consulting with counsel.
7. In the event of a dispute over the interpretation of this agreement, the agreement will be deemed to have been drafted by all parties.
8. This agreement may be signed in counterparts, and electronic or facsimile signatures will be deemed original for all purposes.

December 18, 2024  
Brooklyn, NY

/s/ Mark Davies

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