



# THE • GOTHAM • CITY INSPECTOR®

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## TO OUR READERS

**T**here might be a hundred ways to say it - flattening, leveling, normalizing - but however experts diagnose the state of New York's real estate market, it clearly remains strong. Recent reports noted that the city's market outperformed the nation in terms of median price, number of sales and inventory over the past year. While much of the country is in a slump, people are still snapping up apartments and houses in New York.

While old housing has its charms, many prefer the amenities and quality of new construction. Our guest contributor, the highly regarded real estate lawyer Adam Leitman Bailey, spells out key things to keep in mind when investing in new construction, from researching the builder's history to verifying what kind of refrigerator you'll get. These and other pieces of advice are sure to protect the new construction buyer.

With summer around the corner, it's a great time to install a ceiling fan. We provide step-by-step instructions courtesy of Alvin Ubell's "Recipes for Home Repair." It may take some time and sweat, but you'll see the results in your lower electricity bill with the air conditioner off.

When you do use your air conditioner, however, make sure it's properly installed. We review the Department of Buildings guidelines for proper window air conditioner installation.

This issue, we bid a fond farewell to editor Emily Hoffman, who moves on to bigger and greater things. She can now be heard on the Martha Stewart Show on Sirius satellite radio. Taking her place is Jennifer S. Bleyer, a Brooklyn-based journalist who met the Ubells when she wrote about them last year for the City section of The New York Times, and is delighted to become part of the "Gotham City Inspectors" and "Accurate Building Inspectors" family.

As always, thank you for your continued support.



## REMEMBERED FONDLY

Three dear friends of Accurate Building Inspectors passed away in recent months.

**Herman F. Kratz**, was a certified public accountant and partner at the accounting firm of Bonventure & Kratz for over 30 years and our friend and accountant for ABI for nearly 27 years.

**Evelyn Ortner**, was a longtime crusader for the preservation and revival of Brooklyn brownstones and was instrumental in getting ABI involved with the Brooklyn

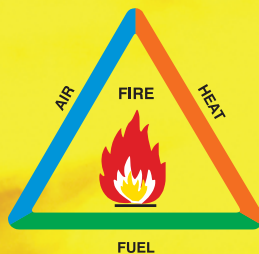
Brown Stone Conference and the Back to the City Conference.

**Stanley Rothenberg** was a leading intellectual property lawyer who practiced with Moses & Singer LLP since 1979, and was known among young lawyers for his undying enthusiasm for copyright law and a long time friend of the Ubell family.

We mourn their loss and honor their great accomplishments and contributions.

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### Fire Protection PSA PUBLIC SERVICE ANNOUNCEMENT



- HEAT** = Heat - Kindling temperature **RED**
- AIR** = Oxygen **BLUE**
- FUEL** = Any Combustible Material **GREEN**
- FIRE** = Accelerated Oxidation - Combustion

**INSTALL SMOKE ALARMS in or near every bedroom and on every level of your home.**

**TEST ALARMS MONTHLY, change batteries regularly, and replace alarms every 10 years for greater safety.**

## CLOSE THE DOOR!!!

### IF YOU DISCOVER A FIRE:

- 1** Leave the fire area and "CLOSE THE DOOR" to the area.
- 2** Sound the alarm, Call 911. The life you save may be your own!!
- 3** Immediately evacuate the building via the shortest and safest exit route.
- 4** Do not use elevators.
- 5** Proper use of fire extinguishers within extinguisher limits and by trained individuals is optional but should not be attempted until building alarm is

# ATTORNEY CORNER

## THE INS, OUTS and ALL AROUNDS of NEW CONSTRUCTION

by contributor Adam Leitman Bailey, Esq.

**When you buy** a newly constructed property, your hope is to live in a home with the most technologically advanced electrical and ventilation systems, the latest appliances, the best fixtures, and perfect plumbing. You also want the advantage of owning brand-new big-ticket items such as the boiler and roof. The replacement or repair costs of either would add significantly to the price of an older home. Another advantage to buying new is the option to customize to your exact specifications. However, when planning your not-yet-built home, keep in mind the following:

**Check the builder's** previous jobs Make sure the builder has a reputable record. Obtain references from the builder. Ask the builder for a list of other properties he or she has developed. Visit these properties if possible and ask the residents if they are satisfied. Ask real estate professionals for their opinion of the builder. A few phone calls can ensure that your future home will be built with the care and quality described in the builder's brochure.

**Conduct an extensive** inspection of the premises with an engineer, architect, or home inspector. An extensive inspection by a qualified inspection service should take place before closing on the property. A qualified inspector can detect physical and mechanical problems as well as minor problems and issue a report. Your attorney should include a provision in the contract of sale where you, as buyer, are not required to close or purchase the property until all problems listed in the report have been cured. However, many builders won't negotiate their contracts. Checking for structural defects ahead of time can save you thousands of dollars. A three-phase inspection process is recommended: The first phase should be after the completion of the framing of the property. The second should occur after the installation of all cooling and heating systems, plumbing and electrical equip-

ment. The final inspection should occur after your property is completed. Inspections usually cost only a several hundred dollars and it's money well spent.

**Obtain warranties from** the builder. New York law clearly enforces warranties given to a buyer of a newly constructed property. However, New York State law is not as generous when certain warranties are waived in the contract of sale. Warranties concerning the property's plumbing, electrical, heating, cooling and ventilation systems cannot be waived for two years after purchase. Other basic warranties requiring that the property be built in a skillful manner and be safe and habitable cannot be waived. However, as long as the builder gives an express limited warranty of some kind, the builder may exclude all other warranties. Without a provision in the contract giving the buyer all possible warranties that exist or may exist, you may be paying for repairs yourself. Buyers should make the contract of sale include the maximum warranty protection as the law can provide.

**Specify the name** brands of all fixtures and appliances to be installed. The brand names, appliances and fixtures should be itemized in the contract of sale. In order to get the greatest value from your new construction, your appliances and fixtures should be well made and durable.

**Watch out for** contract clauses regarding your move-in date. Moving in on the date the builder promises is not guaranteed. Bad weather, material shortages and problems during construction can keep the builder from producing on time. A provision should be negotiated into the contract stating that if the premises are not in move-in condition by a certain date, you can either cancel the contract and receive a refund or a reduction in the purchase price. Many new construction contracts require the buyer to close when a temporary certificate of occupancy is obtained. However, a build-

er can obtain a temporary certificate of occupancy while the building is under construction. For your protection, strike this clause from your contract of sale.

(see: [www.accuratebuilding.com/publications/inspector/gotham\\_inspector\\_spring\\_2005.pdf](http://www.accuratebuilding.com/publications/inspector/gotham_inspector_spring_2005.pdf) on "C of Os").

**You may also** lose a favorable interest rate that you locked in with your bank if you pass the bank's deadline. These costs can reach thousands of dollars over the course of the loan. By having the builder agree to pay all added costs associated with your loan if the property cannot close on time, have the builder agree to give you a mortgage locked at your previous interest rate that has not expired. And remember, do not close on the loan until the premises has been inspected and is known to be free from defects.

See: "Money is the best incentive", Page 3

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**Mr. Bailey** practices residential and commercial real estate law in New York and New Jersey as the principal of Adam Leitman Bailey, P.C. He writes a real estate column for the New York Law Journal and is frequently

featured in the media for his expertise on real estate matters.

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# SAFER AIR CONDITIONERS



Property managers have noticed that the New York City Department of Buildings is paying closer attention to the stability of window-mounted air conditioners. Thankfully, there haven't been any high-profile cases of heavy air conditioners plummeting from windows and hitting pedestrians in recent memory, although an inadequately unit still poses a potential disaster. Some things to remember when installing your window air conditioner this summer:

- **Make sure** you have the right-sized air conditioner and a dedicated outlet with the correct amount of electrical current.

- **Make sure** the window and frame are secure and in good condition.
- **Brace the** air conditioner from underneath with metal brackets, mounting rails or similar supports, or fasten the unit from inside with supporting angles.

The DOB's full guidelines for installing window air conditions safely are available online at [www.nyc.gov/html/dob/downloads/pdf/ac\\_tips.pdf](http://www.nyc.gov/html/dob/downloads/pdf/ac_tips.pdf).

(continued from page 2)

## MONEY is the BEST INCENTIVE

Let us understand the relationship between yourself and a **builder/contractor (BC)**, otherwise known as a **BC**. Whether you like it or not, this relationship is likely to be adversarial. The **BC** wants to make the most money for the least amount of effort and material. You, on the other hand, would like to get the most for your money. This is a situation where "caveat emptor" - buyer beware - applies.

With your attorney's help, try to work out an arrangement where you are always withholding at least 10 to 15 percent of every payment until the project is completed to your satisfaction or to the contractual agreement. Warning: Contracts written by the **BC**, unsurely benefits the **BC**. Here again, check with your attorney.

Money usually brings them back to finish or complete the job. When a **BC** cries that he needs the money to finish the job, it is likely that he will not finish the job. Having the **BC's** money in your pocket is the only power you have to ensure that at least you get what you paid for.

## RECIPES for HOME REPAIR LAUNCHES into CYBERSPACE!

<http://www.AccurateBuilding.com/publications/recipes/>



### BE A FAN OF A FAN

Why run up a huge electric bill with an air conditioner this summer when a ceiling fan can do wonders? This is a chore, but hang with it.

### INSTALLING A CEILING FAN

#### MATERIALS

- Medium flat blade screwdriver • Diagonal cutters
- Wire strippers • Drill • Bits • Pliers • Soldering Iron • Hammer • Fixture stud • Short metal screw • Hickey • New ceiling fixture • Several assorted nipples, including extension nipples • 2 #8 wire nuts • 2 8/32-inch machine screw, or 1, 1 1/2, or 2 inches as necessary

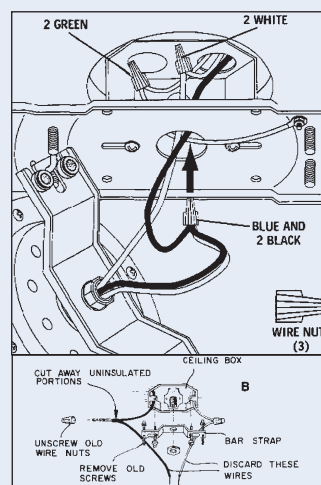
**1** Turn off power by deenergizing appropriate fuse or circuit breaker. Remove screws holding old fixture in place and remove fixture.

**2** Notice two wires connected to fixture from ceiling box. Unscrew old wire nuts, cut away uninsulated portions of wires.

**3** Strip back 1/2 inch of insulation with wire stripper.

**4** If there's no stud on interior of ceiling box, buy one and install it as in Recipe 65 in Alvin Ubell's Recipes for Home Repair at [www.accuratebuilding.com](http://www.accuratebuilding.com).

**5** Screw hickey into newly installed stud as in Figure C. Bottom of hickey should be flush with bottom of box. If not, install nipple between stud and hickey until hickey is flush.



**6** Install short nipple, which comes with new fixture into bottom of hickey.

**7** Working with fixture on a table, disconnect chain support from chain of fixture and chain nipple at bottom of hickey at ceiling box.

**8** Remove locknut from chain support. Place canopy over entire ceiling box. Notice the threads of the chain support peeking through. (To see if chain support is long enough, try to screw locknut onto chain support so that it holds canopy to ceiling. If you cannot, you will have to add an extension nipple between hickey and stud.)

**9** Remove locknut and pull away canopy from chain support. Slide the locknut over chain, slide the canopy down over the chain.

**10** Weave wires of fixture through chain up to and through chain support. Occasionally, the wires must be run through nipple and out of hickey. Resecure chain to chain support (Figure C.)

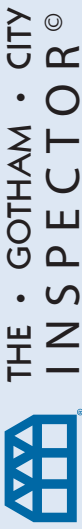
**11** When fixture is hanging from ceiling box, pull up on wires, through hickey, eliminating all slack. Cut off all but six inches of fixture wire with diagonal cutter.

**12** Strip back 1/2 inch insulation with wire stripper, and twist bared strands in clockwise direction. Solder.

**13** Connect fixture wires to ceiling wires - black to black, white to white.

**14** Screw wire nuts onto connected ends. Push all wires into ceiling box. Slide canopy up over chain onto chain support, covering ceiling box.

**15** Slide locknut up over chain and screw onto chain support in clockwise direction.



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Accurate Building Inspectors®

A division of Ubell Enterprises, Inc.  
 Established 1961  
 1860 Bath Avenue  
 Brooklyn, NY 11214-4616  
 voice - 718.265.8191  
 toll free voice - 800.640.8285  
 fax - 718.449.7190  
 www.AccurateBuilding.com  
 inspector@AccurateBuilding.com

LAWRENCE J. UBELL President  
 ALVIN UBELL Founder Vice President  
 MATTHEW BARNETT Senior Inspector  
 ESTELLE R. UBELL Sec. Treasurer,  
 JENNIFER S. BLEYER Editor-in-Chief

Contributors

ADAM LEITMAN BAILEY, Esq.  
 HON. JULES L. SPODEK (RET)  
 ROBERT H. WOLFF, Esq of  
 Rosenberg, Minc, Falkoff & Wolff, LLP  
 ARI SALTZ of GFI Mortgage Bankers, Inc.  
 STANLEY TURKEL, MHS, ISHC  
 BERTRUM HERMAN, Esq  
 HOWARD KURTZBERG, Esq  
 MITCHELL D. KESSLER, Esq  
 SEBASTIAN M. D'ALESSANDRO, RA  
 TERRENCE E. O'NEAL, RA, AIA

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Accurate Building Inspectors®  
 1860 Bath Avenue  
 Brooklyn, NY 11214-4616

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 DO IT SAFELY!®

NEWSLETTER

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H E A D L I N E S



**READ ALL ABOUT IT!**

- **REMEMBERED FONDLY**
- **THE INS, OUTS AND ALL AROUNDS OF NEW CONSTRUCTION**
- **BE A FAN OF A FAN**
- **SAFER AIR CONDITIONERS**
- **CLOSE THE DOOR**