

MODEL LETTER

Require Tenant to Remove Obstructions

Suppose a tenant has a bicycle stored on the fire escape and doesn't respond to your oral request to remove it. Draft your letter using the following language as a guide.

NOTICE TO REMOVE BICYCLE FROM FIRE ESCAPE

Dear John Tenant:

It has come to our attention that you're keeping a bicycle on your fire escape. I spoke with you on Jan. 25, 2012, and asked you to remove the bicycle from the fire escape. To date, however, it has not been removed.

As a result, you are in violation of your lease due to your failure to remove a bicycle from your fire escape. This is a very serious matter. You are in violation of paragraph 15 of your lease, which requires you to obey and comply with all city laws and regulations. This includes Section 27-2007(c) of the New York City Administrative Code. You are in violation of this section, which says that "In addition to all other duties imposed upon him or her by this code, no tenant, or any other person, shall: place any encumbrance before or upon, or cause access to be obstructed to, any fire escape, or obstruct by a baby carriage or any encumbrance, the public halls or any required means of egress."

You are also in violation of paragraph 20 of your lease, which bars you from placing any items on the fire escape. Your failure to remove the bicycle from the fire escape constitutes a fire hazard. Any obstruction on or to the fire escape could jeopardize your safety or that of other tenants. In case of fire, other tenants or firefighters may be blocked or seriously injured by the bicycle. This is especially dangerous in case of a fire at night, when someone may trip in the dark over unseen objects while trying to escape a fire.

Section 27-2009(2) of the New York City Administrative Code says that tenants may be subject to eviction for a violation of the code resulting "from repeated or continued conduct which causes damage to the dwelling unit or substantially interferes with the comfort or safety of any other person."

You must remove the bicycle from the fire escape within two days from the date of this letter. If you don't, I will turn this matter over to legal counsel for appropriate legal action, including starting an eviction lawsuit against you.

Sincerely,
John Owner