

CHAPEL HILL EAST CONDOMINIUMS AT LARGE COMMITTEE

Judith Glynn, Chair

[REDACTED]
Providence, Rhode Island 02906

July 17, 2023

Mayor Brett P. Smiley
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Dear Mayor Smiley,

As a fellow East Sider, you may know that the former Holy Name School in the Mount Hope neighborhood was converted to 24 luxury condominiums in late 2019. Named Chapel Hill East Condominiums (CHE) and located at 7 Mount Hope Avenue/55 Locust Street, most units today are valued above \$375,000. However, owners are facing substantial repair/renovation costs and a potential liability to sell because of a flawed, or some say fraudulent, Certificate of Occupancy issued by the City of Providence.

Our Building History

A Temporary CO (#104517) was issued on October 30, 2019. A Final CO was issued on November 6, 2019. Both are signed by Jeffrey Lykins who was the Director of Inspections and Standards. He was fired on January 9, 2020, regarding an internal investigation into the city's process for approving building permits. Soon after, Building Inspector Stan Dickenson was placed on administrative leave.

A January 13, 2020 *Boston Globe* article states: "Lykins said he has spent recent years doubling as a city building official – the employee that oversees inspections – because of vacancies in his department, but he indicated he was on track to filling most of the jobs this year."

Are inadequate inspections associated with Mr. Lykins and these position vacancies the reason that building issues occurred almost immediately after owners moved in? Not quite four years later, we face a mid-six-figure HVAC fix or new installation. Plumbing and electrical issues are present. Windows were poorly installed. A steep three-year owners' assessment will cover some legal costs for an upcoming arbitration against developer Sathuan Sa and on and on. (See attached reports.)

As owners, we purchased in good faith but were forced to become building-construction novices as we struggled through this maze of incompetence. In our search for repairs, various firms were contacted. Some contractors walked away because the issues were too big. Others refused to bid

because they wouldn't touch equipment installed incorrectly and under warranty. The following contractor comments were made in this process:

"Nothing is up to code." - "It's tragic what happened to that building."

"In my 45 years in this HVAC business, this is as bad as I've ever seen."

"How did the developer get away with what he did?"

"You're lucky we had a warm winter."

Solutions to Faulty Certificate of Occupancy at Chapel Hill East Condominiums

The city has collected approximately \$382,000 in real estate taxes (a calculation from the tax assessor's online statements) from on-time Chapel Hill East Condominiums owners over a three-year period. Therefore, we respectfully request of you, Mayor Smiley, and those copied, the following:

1. Grant CHE owners financial relief by reimbursing all real estate taxes collected to date based on a potentially invalid Certificate of Occupancy.
2. Create an agreement between the city and CHE owners that future taxes will not be collected until all code violations and faulty installations are corrected and paid for.
3. Personally inspect the building to see the issues first-hand.
4. Appoint a Master DIS Inspector to oversee and sign off on the project(s) at CHE.
5. Create legislation and iron-clad inspection protocol(s) so future Providence CO recipients have recourse and financial restitution for all invalid inspections.
6. Issue significant fines and revoke licenses from developers who violate building codes and/or hire incompetent help.

It has taken several (volunteer) boards countless hours to compile a 161-page report that was recently submitted to arbitration against the developer, Sathuan Sa. No one knows the odds of winning or collection. Everyone knows the work must begin **now** with an estimated amount of \$732,843 on the table. To reiterate, we are 24 owners: many are retirees facing this debt.

In Conclusion

A Certificate of Occupancy from the City of Providence must be trusted. It guarantees residents they are protected from unsafe and improper work. Otherwise, the inspection process becomes an income generator for the city with no benefit to those who must feel safe and confident in their homes. Whether the errors at CHE were caused by accident, negligence, or to maximize the

profits of unscrupulous and/or unprofessional contractors, the City of Providence has clearly failed the owners and residents of Chapel Hill East Condominiums. It cannot be emphasized enough how serious our faulty installations situation has become. Also, recent CHE resales (six) have left some new buyers feeling duped now that the total damage is known.

Our goal at CHE is to protect our investment and to continue to live safely in this building that has a rich history in our city. Additionally, city officials should consider that public knowledge of this systemic failure would shed a negative light on future purchases of new or renovated construction throughout Providence.

We are decent people at Chapel Hill East Condominiums who were financially and unduly wronged by an inspection process gone haywire. We want to collaborate with the city to constructively resolve our issues and look forward to a meeting with you and your team at the earliest opportunity,

Best regards,

Judith Glynn

Judith Glynn

Chapel Hill East Condominiums Co-signers: Linda Abriola, Nate Freedman, Maureen Harkavy, Nicole Intinarelli, Stephanie Isenberg, Nammi Katheeswaran, Carl Lovgren, Caitrin O'Rourke, Ellen Snyder and Leigh Tarentino

Cc: Counsitor Sue M. AnderBois (Ward 3 and Finance Committee member); Councilwoman Helen D. Anthony (Ward 2 and Finance Committee Chairwoman) and James C. Moore, III, Director of the Department of Inspections & Standards (DIS)

Attached:

Reports for Arbitration; Entire report sent to Mayor Smiley. Copied recipients can request an emailed pdf from Judith Glynn: [REDACTED] or call [REDACTED]

Summary of Costs pdf - attached for all.

City of Providence Permits for CHE - attached for all.

Real Estate Taxes for Chapel Hill East Condominiums - attached for all.

Resale of condos showing Real Estate companies involved - attached for all.

CITY OF PROVIDENCE PERMITS PULLED AND THEIR PRESENT STATUS – CHAPEL HILL EAST CONDOMINIUMS – DEVELOPER SATHUAN SA

Permit	Status/Issued	Owner/Agency	Estimate	Work description on the Permit
ELEC-22-1565	Active 8/4/2022	S&P Investments Nick McCourt	2600	Install wiring for Electric Vehicle charger from electrical panel in utility room to designated parking spot
MECH-21-801 104571	Active 9/9/2021 Active 9/25/2018	Ramon Sosa SA Investments	2000 200,000	Reinstalling the system ductwork d 3 extract fans 900 CFM Convert existing building to 24 Residential apartments. Note: Architect listed is Robert S. Morris, Morris Architecture/Planning Warwick, RI – deceased February 8, 2022
MECH-19-1129	Issued 10/28/2019 Complete 10/29/2019	Ramon Sosa HVAC	16,500	3 fresh air machines in and out 150 cfm capacity per machine for the garage. One space heater 95,000 BTU capacity natural gas. 35 ft of gas pipes. Letter of Completion - Jeffrey Lykins signed
MECH-19-256	Issued 2/28/2019 Complete 10/29/2019	Ramon Sosa HVAC	15,000	24 kitchen apartment run the kitchen exhaust pipe for the kitchen 6-in around the metal pipe and the bathroom exhaust pipe Letter of Completion - Jeffrey Lykins signed
FRAL-19-26	Issued 02/14/19 Complete 03/23/21	Post Theul Electrical	10,000	Install fire alarm system for 24 units, common area, and trough out building Letter of Completions - Rafael Pajaro Chief Electrical Inspector
111752	Issued 09/26/18 Issued 10/03/18 Complete 10/29/19	Joseph Smith Joseph Smith	24,000	Gas Fireplace Install Plumbing by Others Gas Fireplace Install Plumbing by Others Letter of Completion - Jeffrey Lykins signed
113555	Issued 12/11/18 Complete 11/08/19	Richard Crowley AAA Sprinkler	35,000	Installation of a new wet type sprinkler system throughout the existing building being turned into condos. Letter of Completion - Jeffrey Lykins signed
108294	Issued 07/26/18	Sathuan Sa	40,000	Install new replacement windows same size and location. Repair/replace all gutters and downspouts. Repoint and repair brick work. Replace Repoint and repair brick work. Replace exterior doors same size/location Permit signed by Jeffrey Lykins No Letter of Completion on File

108004	Issued 12/13/18	Post Theul Electrical	6000	Install a temporary fire alarm system for building during construction. No Letter of Completion on File
107458	Issued - 07/19/18 Complete - 10/30/19	Bermudez Plumbing	105,000	rough and finish plumbing for a for 30 bathrooms, 24 kitchens, 24 laundry machines, and 24 electric water heaters Letter of Completion - Jeffrey Lykins signed
106162	Issued - 10/18/18	Ramon Sosa HVAC	144,000	Heating and a/c systems 50,000 BTU in heating and 2 tons in cooling for each apartment. 93% application in heating for each apartment Approximately 45 ft. of gas pipes for each apartment 1-inch and 3/4 in size. Including the gas line. No letter of Completion on File
104652	Issued - 12/12/18	Post Theul Electrical	25,000	Install Fire Alarm System No Letter of Completion on File
104649	Issued - 09/26/18	Post Theul Electrical	7200	120 volt hardwired smoke and carbon monoxide on each apartment No Letter of Completion on File
104645	Issued - 09/26/18	Post Theul Electrical	120,000	Wiring 24 apartments common hallway and stairway No Letter of Completion on File
95353	Issued - 02/07/18 Complete - 07/16/18	Sathuan Sa	25,000	Structural interior demolition to prepare for complete renovations. Permits for renovations to be issued only after demo permit has been closed. Letter of Completion - Jeffrey Lykins signed

Permits' estimated work and labor: \$770,300

Combined CHE units sold for: \$8,128,000

Report prepared: May 12, 2023

CHAPEL HILL EAST CONDOMINIUMS

REAL ESTATE TAXES PAID TO THE CITY OF PROVIDENCE

Unit	Owner	Tax 2020	Tax 2021	Tax 2022	Sold	Resale	Zillow Est.
101		8654.96	5,193.00	4,186.00	329,000		458,800
102		8819.52	5,291.72	4,307.60	342,000	380,000	409,700
103		8819.52	8,819.52	7,832.00	349,000		479,200
104		8654.96	8,654.96	7,611.28	349,000		478,400
201		4155.56	4,155.56	3,219.96	299,000		388,800
202		6948.04	6,948.04	5,884.68	309,000		395,700
203		4095.48	4,095.48	3,281.76	360,000		451,600
204		8775.32	5,265.20	4,642.44	379,000		483,200
205		4295.56	4,295.56	3,388.32	349,000		423,100
206		7159.24	4,295.56	3,388.32	329,000		407,300
207		8539.16	8,839.16	8,583.16	399,000		508,500
208		4546.08	4,546.08	3,752.52	369,000		453,600
209		4186.84	4,168.84	3,236.60	294,000	350,000	394,200
210		4156.56	4,155.56	3,219.96	295,000	385,000	411,500
301		4095.16	4,095.16	2,553.36	289,000		383,200
302		4186.84	4,168.84	3,236.60	309,000		394,800
303		4989.64	4,989.64	4,317.40	379,000		490,500
304		8343.04	5,005.84	7,830.24	379,000	370,000	456,700
305		4213.04	4,213.04	3,287.48	349,000	380,000	412,400
306		4451.76	4,451.76	3,640.92	329,000		434,600
307		4,562.60	4,562.64	3,790.84	395,000		491,900
308		8316.04	4,478.64	3,717.40	389,000		495,700
309		3702.04	3,702.04	5,977.24	270,000		378,900
310		6997.16	4,198.32	3,270.84	289,000	385,000	412,800
		145664.12	122590.16	108156.92	8,128,000		10,495,100

RESALES AT CHAPEL HILL EAST CONDOMINIUMS

JUNE 2021 – PRESENT

Unit	Purchase Price	Resale Price	Date	Realtor(s)
102	\$342,000	\$380,000	June 22, 2022	Seller: Greene / Sweeney Team, Residential Properties, Ltd. Buyer: Nicole Sheusi, Residential Properties, Ltd.
209	\$294,000	\$350,000	June 2, 2021	Seller: Jane Lastrina, RE/MAX River's Edge Buyer: Shamila Ahmed, Steele Realty Consultants LLC
210	\$295,000	\$385,000	August 26, 2022	Seller: Geraldine Schiffman, Residential Properties, Ltd. Buyer: Geraldine Schiffman, Residential Properties, Ltd.
304	\$379,000	\$370,000	June 15, 2021	Seller: Team Applegate, Residential Properties, Ltd. Buyer: The Samborsky Team, Keller Williams Realty
305	\$349,000	\$380,000	June 10, 2021	Seller: Deborah Gold, Coldwell Banker Realty Buyer: Renee Mccoole, Keller Williams Realty Leading
310	\$289,000	\$385,000	July 29, 2022	Seller: Rebecca Mayer, Residential Properties, Ltd. Buyer: Mark Burrell, Chart House, Realtors

June 13, 2023

Girard Visconti
Savage Law Partners, LLP
564 South Water Street
Providence, RI 02903

Jerry,

In the last three years, the COA has taken various actions to address construction-related defects, including code violations. These actions include commissioning engineering reports, obtaining cost estimates, and actively urging the developer to rectify the issues. We have consolidated all the relevant information into a detailed 161-page document, which comprises inspection reports, engineering reports, contractor estimates, and other pertinent data. Below, you will find a grid containing the cost estimates, a timeline of events, and a list of outstanding issues along with the number of months since they were reported to the developer.

Cost Summary

Please be aware that the costs provided in the grid below are minimum estimates, as there is a potential for identifying additional issues. The total repair cost is approximately \$732,843.

Category	Cost
Engineering Reports	\$24,575
Ventilation Repairs	\$306,159
Roof Repair/Drainage Repair/Consultation	\$227,671
Masonry Repairs	\$149,800
Front Stoop/Camp Street Curb Repair	\$24,638
Total	\$732,843

Timeline

November 2019:

- First owner-residents move in.

January-February 2020:

- Developer steps down as COA executive board president.
- New executive board elected.

March-April 2020:

- COA hires Acropolis as property manager.
- Acropolis creates initial 82-item building condition punchlist (April 17, 2020).
- COA retains attorney Jerry Visconti.

May-September 2020:

- Roof quotes obtained (initiated by COA).
- COA meets with developer and attorneys to discuss building punchlist (July 22, 2020).
- Developer addresses some minor issues listed in Acropolis condition report.
- Ventilation problems discovered.

October 2020:

- Mediation process initiated by Visconti for remaining items.

February 2021:

- Mediation meeting postponed for developer to hire inspectors.

March-September 2021:

- Building Enclosure Science LLC (hired by COA) completes report on roof, drainage, masonry, windows (May 21, 2021).
- City inspectors identify and verbally report HVAC code violations during an on-site meeting with developer's HVAC contractor, a COA board member, and Acropolis (July 26, 2021).
- City informs COA of code violations regarding curb cut size and driveway built over ADA crosswalk on Camp Street (August 24, 2021).
- Masonry and concrete inspections and quotes obtained (initiated by COA).
- Developer's HVAC contractor starts repairs without a mechanical plan or permits. Instructed to cease by COA (September 2,

2021).

April 2022-present:

- Acropolis confirms developer completed caulking of all windows (April 24, 2022).
- Developer's HVAC engineer, accompanied by his attorney, conducts a cursory HVAC inspection (May 18, 2022). COA invites them back for thorough inspection, but they do not return.
- Allied Consulting Engineering Services (hired by COA) provides report on HVAC code violations and repair plan (September 26, 2022).
- COA receives quote to repair inside-wall drainage from roof (initiated by Acropolis).
- COA receives quote for HVAC repairs from contractor (initiated by COA).

Outstanding Issues

The numbers in the first column below correspond to items in the Acropolis report dated April 17, 2020.

#	Category	Developer Agrees to Repair	Notes	Months Since Reported to Developer	Estimate
41	Debris		Falling plaster in crawl spaces. This may be made worse by ventilation repair.	36 months	Unknown
49, 50, 53	Roof tiles		Repair/replace 250+ tiles on roof.	36 months	\$227,671
Expanded	Roof drainage		Expanded roof problem with membrane and drainage reported in BES envelope report.	36 months	
Expanded	Flat roof leaks		Internal wall downspouts leaking in walls.		
Expanded	Mold		Black mold discovered. Roof drainage and masonry-related.	18 months	Unknown
55	Masonry	Yes	Issues detailed in the BES envelope report.	36 months	\$149,800
65	Railing	Yes	Locust St railing needs some repair.	36 months	Unknown
73	Curb	Yes	Camp St. curb and crosswalk code violations.	34 months	\$24,638
83	Slipping hazard	Yes	Pitch is wrong on top ramp cement stoop, collects water.	36 months	
Expanded	Ventilation code violations	Yes	City inspectors and two engineering reports confirm building-wide code violations with the HVAC system. Developer began repairs on Sept 2, 2021, without submitting engineering plans; proposed repairs did not address violations. Developer hired an HVAC engineer who did a cursory inspection on May 18, 2022, but no plan has been received after a year.	23 months	\$306,159

Sincerely,



Michael Swanson
Vice President, Executive Board
Chapel Hill East Condominium Association