

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

THE PEOPLE OF THE STATE OF NEW YORK,
by LETITIA JAMES, Attorney General of
New York, ERIE COUNTY, NEW YORK,
and the CITY OF BUFFALO, NEW YORK,

COMPLAINT

Index No.

Plaintiffs,

-against-

FARHAD RAISZADEH, SHOHRE ZAHEDI,
PRIME HERITAGE HOMES, LLC, PREMIER
HERITAGE HOMES, LLC, PREMIUM
HERITAGE HOMES, LLC, MAXINNOVA, INC.,
and MAXINNOVA DEFINED BENEFITS PLAN,

Defendants.

Plaintiffs, The People of the State of New York (the State), by Letitia James,
Attorney General of New York, together with Erie County, New York (the County),
and the City of Buffalo (the City) allege upon information and belief:

NATURE OF THE ACTION

1. The lead poisoning of children from lead paint in aging rental housing
is an ongoing public health crisis. The City of Buffalo “suffers from some of the
highest rates” of childhood lead exposure in the nation from “poor housing
conditions in old homes with lead paint.”¹ Moreover, although it accounts for only 33
percent of Erie County’s population, Buffalo accounts for 92 percent of its childhood

¹ Sam Magavern, Policies to Reduce Lead Exposure: Lessons from Buffalo and Rochester,
Int J Environ Res Public Health (Oct. 2018),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6210569/>.

elevated blood lead levels,² a disparity attributed to “poverty and old housing stock.”³ Although lead has been banned from paint for over four decades, lead remains among the most common environmental toxins for young children. By this action, plaintiffs aim to reduce lead paint hazards and poisoning of children in Buffalo.

2. Lead is a toxic heavy metal that impairs neurological development and physical growth in children. There is no level of lead in the human body that is safe for children.

3. Before 1960, paint with dangerous levels of lead was commonly used to paint the interiors and exteriors of buildings, including residential buildings in Buffalo. In 1970, New York State banned the use of leaded paint for residential use, followed by the federal government in 1978. However, paint with high lead levels remains in many homes built before those bans were imposed. Even when painted over several times, lead from paint with high levels of lead is accessible to small children when paint chips or peels; is on surfaces like windowsills that small children may touch or chew; or is on surfaces like doors and windows where friction and/or impacts generate lead dust. As a result, paint with high levels of lead

² Data obtained from the U.S. Census Bureau’s ACS 5-Year Demographic and Housing Estimates, 2011-2020, and from NYS Department of Health, 2011-2020.

³ Sam Magavern, *Policies to Reduce Lead Exposure: Lessons from Buffalo and Rochester*, Int’l J. Env’tl. Res & Pub. Health (Oct. 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6210569/>.

remains a pervasive and serious health risk, particularly for children under six years old.

4. Tens of thousands of rental properties in Buffalo constructed before 1978 contain lead paint which, if not properly maintained and managed, can cause lead poisoning. If such properties are properly maintained, however, lead poisoning can be prevented.

5. The Erie County Sanitary Code, Buffalo City Code, and the State Property Maintenance Code all require property owners to prevent paint deterioration and to maintain their properties in a condition that is not conducive to lead poisoning.

6. Additionally, federal law and regulations require that: (1) owners or agents disclose both lead-based paint and lead-based paint hazards before selling or renting out residential properties built before 1978; and (2) in properties receiving federal rental financial assistance for low-income tenants, owners alleviate any lead paint hazards identified during initial or periodic inspections or during investigations concerning children with elevated blood lead levels, and that owners conduct ongoing maintenance.

7. The Erie County Sanitary Code along with federal regulations adopted by the U.S. Environmental Protection Agency (EPA) require property owners to use lead-safe work practices and to take numerous measures to protect occupants from exposure to toxic lead dust and paint chips during renovations of lead-containing homes.

8. Defendants are a husband (Raiszadeh) and wife (Zahedi) as well as companies they collectively own. Since 2008, defendants have owned and managed at least 78 single and two-family homes and one apartment building.⁴ These properties have been rented predominantly to low-income people of color in Buffalo.

9. Raiszadeh and Zahedi operate and manage all of their companies and the Raiszadeh Properties from their home in California, thousands of miles from Buffalo.

10. Over the years, Raiszadeh, Zahedi, and their companies have repeatedly and persistently violated County, City, State, and federal laws by failing to maintain the Raiszadeh Properties in a lead-safe condition, allowing lead paint to deteriorate, and routinely violating local laws and federal regulations governing the manner in which painting repairs are conducted and lead hazards are communicated to tenants.

11. Because Raiszadeh, Zahedi, and their companies allow conditions conducive to lead poisoning to persist and fail to employ lead-safe work painting practices, in violation of the law, numerous children have been poisoned with lead while residing at Raiszadeh Properties. From 2008 to present, at least 49 of the Raiszadeh Properties have been cited by inspectors from the County, City and/or

⁴ The portfolio of properties owned by Raiszadeh, Zahedi, and their affiliates and managed by Raiszadeh shall hereafter be referred to as the “Properties” or “Raiszadeh Properties.” All but one of the Raiszadeh Properties is located in Buffalo, with one property in Cheektowaga, just across the Buffalo city line. While defendants, collectively, currently own 75 properties, they owned an additional property that was recently sold, for 78 total Raiszadeh Properties.

Section 8 providers⁵ for chipping, peeling, or deteriorating paint and other conditions conducive to lead poisoning. During that same period, 16 children with elevated blood lead levels were identified residing at 13 of the Raiszadeh Properties. In at least 3 of the Raiszadeh Properties, there have been several lead-poisoned children reported.

12. Nearly 60 percent of Buffalo residents live in rental housing. By depriving the Buffalo community of lead-safe rental housing, defendants are causing and contributing to a public nuisance.

13. In addition to violating City, County, State, and federal lead paint hazard control laws, Raiszadeh, Zahedi and their companies have violated other laws relating to operating a rental business in New York. For example, they have managed all of the Raiszadeh Properties without a required property management license from the City, and they rented out all of the units without the required real estate broker's license from the State.

14. New York Executive Law § 63(12) authorizes the Attorney General to enjoin and seek other relief for “repeated fraudulent or illegal acts” or “persistent fraud or illegality” in the transaction of business. “Illegal” acts under Executive Law § 63(12) include violations of local lead laws like the Erie County Sanitary Code and

⁵ “Section 8” as used herein refers to Section 8 of the Housing Act of 1937, 42 U.S.C. § 1437f. Section 8 housing assistance is provided by local public housing agencies including Belmont Housing Resources of WNY, Inc. and Rental Assistance Corporation (together, Section 8 providers).

Buffalo City Code, and local, State, and federal laws relating to property rentals, lead-safe work practices, and the conduct of business within New York.

15. Lead paint in rental housing presents a major health crisis in the City and one of environmental justice: every day that children are exposed to lead paint in the Raiszadeh Properties, they risk suffering irreversible injuries. Defendants' failure to maintain properties in a lead-safe condition is contributing significantly to this lead poisoning crisis.

16. By this action, plaintiffs seek to stop defendants' illegal and dangerous housing practices. Plaintiffs seek to compel defendants to provide lead-safe housing and complete and truthful lead disclosures to their tenants, and to use lead safe work practices in compliance with County and federal law at all of their Properties.

17. In order to protect the children of Buffalo from further lead poisoning, plaintiffs seek an order requiring defendants to, among other things, inspect every rental unit at least once every six months for conditions conducive to lead poisoning and remediate all dangerous lead conditions immediately and in a lawful, lead safe manner. Plaintiffs also seek an order mandating that defendants both remediate lead hazards in their homes and communicate lead hazards to tenants in full compliance with federal, State, and County laws, and similar relief aimed at protecting the children in defendants' rental homes from harmful exposure to lead.

PARTIES

I. PLAINTIFFS

18. Plaintiff, The People of the State of New York, brings this action by and through Attorney General Letitia James.

19. Plaintiff County of Erie, New York, is a municipality in New York.

20. Plaintiff the City of Buffalo, New York is a municipality in Erie County, New York.

II. DEFENDANTS

21. Defendant Farhad Raiszadeh is a resident of San Diego, California.

22. Defendant Shohre Zahedi is a resident of San Diego, California.

23. Raiszadeh and Zahedi are husband and wife, respectively.

24. Defendant Prime Heritage Homes, LLC (Prime) is a limited liability company organized under the laws of New York. Prime conducts business in New York with its principal place of doing business in San Diego, California.

25. Defendant Premium Heritage Homes, LLC (Premium) is a limited liability company organized under the laws of New York. Premium conducts business in New York with its principal place of doing business in San Diego, California.

26. Defendant Premier Heritage Homes, LLC (Premier) is a limited liability company organized under the laws of New York. Premier conducts business in New York with its principal place of doing business in San Diego, California.

27. Defendant Maxinnova, Inc. (Maxinnova) is a corporation organized under the laws of California. Maxinnova conducts business in New York with its principal place of doing business in San Diego, California.

28. Maxinnova Defined Benefit Plan (Maxinnova DBP) is a defined benefit plan for Maxinnova. Raiszadeh is the sole Trustee of Maxinnova DBP.

29. Raiszadeh and Zahedi are the only owners, officers, and directors of Maxinnova.

30. Raiszadeh and Zahedi are the only members of Prime, Premium, and Premier.

31. Raiszadeh and Zahedi hold the primary beneficial interest in Maxinnova DBP.

32. Each and every one of the defendants has been an owner of one or more of the properties involved in this action at one or more relevant times.

33. Raiszadeh, Zahedi, and their real property operations do not have an office or business address in New York. Rather, they operate from their San Diego, California home.

34. In or about 2008, Raiszadeh and Zahedi began acquiring residential rental properties in Buffalo. At present, Raiszadeh and Zahedi, together and through their wholly owned and controlled entities, own and operate approximately 75 residential rental properties, primarily located in the City of Buffalo in the 14211 and 14215 zip codes. **Exhibit A** hereto identifies each of the 75 properties currently owned by Defendants.

35. As the sole owners of all of the properties subject to this action, whether directly or through one of their above-listed corporate affiliates, Raiszadeh and Zahedi had/have control over the operations and management of those properties; made/make decisions and/or had/have control over decisions about compliance with all applicable local, state, and federal housing laws and regulations; and had/have the ability to prevent violations of all applicable laws and regulations alleged herein, but failed/fail to do so.

36. Defendants currently own 75 Properties. As of the filing of this Complaint,

- a. Prime is the owner of 20 of the Properties;
- b. Premium is the owner of 22 of the Properties;
- c. Premier is the owner of 24 of the Properties; and
- d. Maxinnova is the owner of 9 of the Properties.

37. According to City and County records, all 78 of the Properties owned or managed by the defendants, were built between 1850 and 1944. All of the Properties are single- or two-family homes, predominantly located in low-income neighborhoods.⁶ The Properties with violations and/or lead-poisoned children are located in neighborhoods with supermajorities of people of color.⁷

⁶ The Raiszadeh Properties are primarily located in census tracts where over 55% of the population makes less than 200% of the Federal Poverty Level. Seventy-one percent of all Raiszadeh Properties are within census tracts with the highest percent poverty in the City.

⁷ The median percent of people of color in the census tracts where Raiszadeh Properties with lead paint violations and lead poisoned children were found was 92%, as compared to 49% people of color in Buffalo census tracts with no Raiszadeh Properties with lead paint

38. The claims in this action involve various aspects of defendants' ownership and management of the Properties.

JURISDICTION AND VENUE

39. This Court has jurisdiction over this proceeding pursuant to Executive Law § 63(12), which authorizes the Attorney General to commence an action for injunctive relief and other relief against any person or business entity that has engaged in or is engaging in repeated or persistent fraudulent or illegal acts in the conduct of business within New York.

40. Venue is proper in Erie County pursuant to CPLR § 507 because the real property at issue in this action is located in Erie County.

LEGAL BACKGROUND

I. LEAD PAINT HAZARD CONTROL LAWS AND REGULATIONS

41. The Erie County Sanitary Code (the County Code), the Charter and Code of the City of Buffalo (the City Code), and the New York State Property Maintenance Code (the State Code) (together, the Codes) impose affirmative obligations on property owners to ensure that residential rental properties are properly maintained so as to prevent: (1) painted interior and exterior surfaces from deteriorating; and (2) conditions conducive to lead poisoning from arising, particularly where children reside.

violations or lead poisoned children. People of color for census data is defined as Total Population minus all "White and non-Hispanic" population.

42. Federal regulations similarly mandate that, in properties receiving federal financial assistance for low-income tenants under Section 8, property owners eliminate any lead paint hazards identified during inspections and conduct ongoing maintenance to prevent lead paint from deteriorating.

43. In rental homes where deteriorating paint has been identified, federal regulations and the County Code both require: (1) property owners to hire EPA certified renovators to repair deteriorating paint; and (2) that specific lead safe work practices be used when disturbing lead-based paint, so as to protect occupants from exposure to harmful lead dust and paint debris.

44. Federal regulations further require that owners of properties built before 1978: (1) disclose known lead-based paint and lead hazards in homes before renting out such properties; and (2) provide tenants with information concerning lead paint and lead hazards including, but not limited to, advance notice when renovation work that disturbs lead-based paint will be performed at their residence. The federal regulations obligate sellers to disclose lead-related information to buyers of a house built before 1978.

A. Erie County Laws and Regulations

45. The County Code was promulgated and adopted by the Erie County Board of Health on May 7, 1948 pursuant to § 347 of the New York State Public Health Law (State Public Health Law) and § 504 of the Erie County Department of Health Charter.

46. The County Code seeks “to insure that the quality of housing and other properties is adequate for protection of public health,” including “safety from lead poisoning.” County Code, Article IX § 1.2. Dwellings cannot be occupied or leased to another unless the premises “are clean, sanitary, fit for human occupancy” and compliant with all applicable laws. *Id.* Art. IX § 1.8.

47. The County Code mandates that “[t]he owner of any ... premises, dwellings, dwelling units, or parts thereof shall take action to prevent the occurrence of conditions conducive to lead poisoning and shall expeditiously correct an identified or presumed lead hazard using Lead Safe Work Practices,” *Id.* Art. IX § 1.22(i)(3)(i).

48. A “condition conducive to lead poisoning” is defined to include, *inter alia*: (1) when children with elevated blood lead levels have been previously identified in the building; (2) when lead paint is accessible for ingestion or inhalation; or (3) where deterioration of lead paint, through peeling, chipping, chalking or cracking, is likely to occur. *Id.* Art. IX § 1.7(e).

49. The existence of conditions conducive to lead poisoning in residential properties is classified as a “Nuisance.” *Id.* Art. IX § 1.22(i)(1)(i).

50. Lead-based paint is presumed to be present in residential properties constructed before January 1, 1978. *Id.* Art. IX § 1.22(i)(1).

51. The County Code further defines Lead Safe Work Practices to include, in part, “implementing dust control and clean-up methods discussed in the EPA

Renovation, Repair and Painting Rule or as approved by the Erie County Commissioner of Health.” *Id.* Art. IX § 1.7(ee).

52. Article IX of the County Code further requires that “[a]ll correction and control of lead hazards and regular maintenance, painting or renovation performed in housing constructed prior to January 1, 1978 must be performed by an individual certified by the EPA or who possesses other lead safe certification as approved by the Erie County Commissioner of Health.” *Id.* Art. IX § 1.22(i)(3)(i)(a).

53. Where the Erie County Department of Health (County Health) has issued a Notice of conditions conducive to lead poisoning, the owner of the subject property must submit a work plan or lead-based paint reduction plan (Lead Safe Work Plan) for approval by County Health prior to the owner commencing any work. *Id.* Art. IX § 1.22(i)(3)(ii)(a).

54. Proof of EPA or other approved lead safe certification for the individual performing the corrections must be provided to County Health prior to the commencement of any work and shall be included as part of the work plan or lead-based paint hazard reduction plan. *Id.* Art. IX § 1.22(i)(3)(i)(b).

55. All identified or presumed lead hazards must be corrected within 45 days of receiving a Notice or as agreed upon with County Health. *Id.* Art. IX § 1.22(i)(3)(ii)(c).

56. Violators are subject to civil penalties of up to \$250 per day for each violation of the County Code, *id.* Art. I § 5(e)(ii), and penalties of up to \$500 per violation per day if, upon County Health reinspection, the violation has not been

remedied, *id.* Art. I § 5(a)(5). Each day a violation continues constitutes a separate offense. *Id.*

57. The County may bring an action to enforce the County Code in any court of competent jurisdiction. *Id.*; *see also* State Public Health Law § 348.

B. City of Buffalo Laws and Regulations

58. The City Code also has requirements for the control of lead-based paint hazards.

59. The City Code requires owners to maintain exterior and interior surfaces of buildings, including walls, ceilings, doors, and windows, in a “clean, safe and sanitary manner” and “[f]ree of substantial deterioration.” City Code § 341-7(B). “Substantial deterioration” is defined to include “specific instances of disrepair, including but not limited to substantial conditions of peeling, chipping, [or] cracking.” *Id.* § 341-7(A).

60. The City Code provides that, if a child is identified as having an elevated blood lead level, the City may conduct an inspection of the child’s dwelling and/or secondary residence. *Id.* § 261-2. If a lead-based paint violation is found, the City shall issue a notice requiring abatement of the violation. *Id.* Each violation is subject to a penalty of up to \$1,500. *Id.* § 261-7 (citing *id.* § 1-15). Each day that a violation continues is a separate violation. *Id.* § 1-15.

61. Any building that is unfit for human habitation or otherwise violates the housing standards set forth in Chapter 242 of the City Code is a public nuisance. *Id.* §§ 294-4(E) and 294-4(I).

62. Houses that contain lead-based paint in a condition violative of the City Code are unfit for human habitation and are a public nuisance.

63. The City Code provides that “[l]ead-based paint violations are subject to fines” and further provides that, “upon testing of paint in the property, any owner found to have a property with existing lead-based paint violations must remediate the violation.” *Id.* § 264-13(C).

64. The City Code incorporates the State Code described in the section below. *Id.* § 103-1.

65. Under the City Code, any violations of the State Code are subject to a penalty of up to \$1,500 per violation. *Id.* § 1-15. Each day a violation continues is, for penalty purposes, a separate violation. *Id.*

C. New York State Laws and Regulations

66. The State Code is part of the New York State Fire Prevention and Building Code. *See* State Code § 101.1.

67. The State Code requires that all exterior building surfaces, including but not limited to doors, door frames, window frames, and porches, be maintained in “good condition.” *Id.* § 304.2. It further provides that “[p]eeling, flaking, and chipped paint shall be eliminated and surfaces repainted.” *Id.*

68. The State Code also requires that all interior building surfaces, including doors and windows, be maintained in “good, clean and sanitary condition” and provides that “[p]eeling, chipping, flaking or abraded paint shall be repaired, removed or covered.” *Id.* § 305.3.

69. Appendix J of the State Code sets forth provisions that apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. *Id.* § AJ101.2.

70. Specific to lead-based paint, the State Code provides:

In addition to requirements of this code, 40 CFR 745 (titled “Lead-based Paint Poisoning Prevention in Certain Residential Structures”), a regulation issued and enforced by the Federal Environmental Protection Agency, applies to certain activities in buildings that may contain lead-based paint, including renovations performed for compensation in “target housing” and “child-occupied facilities,” “abatement” of lead-based paint hazards and other “lead-based paint activities” (as those terms are defined in 40 CFR Part 745).

Id. § AJ102.6.

71. Any person who violates an order to remedy a condition pursuant to the State Code or who knowingly violates the State Code is subject to a fine of up to \$1,000 per day. *See* Executive Law § 382.

72. In 1975, the New York State Legislature codified the common law warranty of habitability by enacting Real Property Law § 235-b. The statute requires that all leased residential premises be “fit for human habitation and for the uses reasonably intended by the parties and that the occupants of such premises shall not be subjected to any conditions which would be dangerous, hazardous or detrimental to their life, health or safety.” *Id.*

73. A rental property that has conditions conducive to lead poisoning is unfit for human habitation and is a violation of the warranty of habitability owed by the landlord to all tenants of such property.⁸

D. Federal Laws and Regulations

74. In 1976, Congress enacted the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601, *et seq.* In 1992, Congress enacted the Residential Lead-Based Paint Hazard Reduction Act, Pub. L. 102-550 (October 28, 1992; 106 Stat. 3910), also referred to as Title X of the Housing and Community Development Act of 1992. This law amended TSCA by adding a new Subchapter IV, entitled “Lead Exposure Reduction” and was intended, among other things, to eliminate lead-based paint hazards in housing and to prevent childhood lead poisoning.

75. In 2008, the EPA promulgated regulations thereunder, codified at 40 C.F.R. part 745, Subpart E, the Residential Property Renovation Rule, also known as the Renovation, Repair and Painting Rule (the Renovation Rule or Rule).

76. The Renovation Rule addresses the risk of lead exposure that can occur during property renovations by ensuring that occupants of target housing (i.e., housing built prior to 1978) and child-occupied facilities are informed of lead-based paint hazards before renovations begin. The Rule also establishes, among other things, training and certification requirements for renovators and mandates that specified work practices are followed during the renovations to eliminate the potential for lead-based paint exposure to occupants.

⁸ See, e.g., *Chase v. Pistolese*, 190 Misc.2d 477 (City Court of NY, Watertown 2002).

77. In general, the Rule applies to renovations conducted in exchange for compensation of most residential buildings constructed before 1978, the year the federal government first banned consumer use of lead-based paint in residential housing. Residential buildings constructed before that year are presumed to contain lead-based paint. *See* 15 U.S.C. § 2681(17). However, the Rule does not apply to renovations of residential buildings that have been tested and found to be free of lead, as defined in 40 C.F.R. § 745.82.

78. The Rule contains certification requirements designed to ensure that individuals performing renovations have been trained to minimize lead exposure. Under the Rule, all covered renovations must be performed or directed by at least one “Certified Renovator” who has successfully completed training in lead-safe renovation work practices from an accredited training provider. 40 C.F.R. §§ 745.81(a)(3), 745.89(d)(2), and 745.90(a).

79. The Rule requires that all renovations for compensation of target (i.e., pre-1978) housing and child-occupied facilities be performed by certified firms. *Id.* § 745.89(a)(2)(i).

80. The Rule requires that any individual working on a renovation who is not a Certified Renovator be trained by a Certified Renovator on safe work practices required by the Rule. *Id.* §§ 745.81(a)(3) and 745.89(d)(1).

81. The Certified Renovator must be physically present at the work site at various times during a renovation and is responsible for, among other things,

training workers performing the renovation and ensuring compliance with required work practices and record preparation requirements. *Id.* § 745.90(b).

82. The Rule sets forth safe work-practice requirements designed to contain any lead in dust and debris in the renovation work area and eliminate exposure of occupants to lead dust and debris.

83. Under the Rule, renovators are required to close off the entire work area by sealing doors, closing windows, and covering air ducts, among other things. *Id.* §§ 745.85(a)(2) and 745.86(b)(6)(v).

84. The Rule requires renovators to “clean the work area until no dust, debris or residue remains” after the renovation has been completed. *Id.* § 745.85(a)(5).

85. The Rule requires the provision of safety information designed to alert individuals in the vicinity of the renovation work area, particularly occupants, of the risks of lead exposure.

86. Under the Rule, renovators that perform renovations of pre-1978 housing for compensation must provide a lead-hazard information pamphlet entitled “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools” (the Lead Hazard Information Pamphlet) to the occupants of applicable housing before renovations begin, and to obtain either a written acknowledgment of receipt of the pamphlet from the occupants, or a certificate of mailing of the pamphlet. *Id.* §§ 745.81(b) and 745.84(a). Among other things, the pamphlet describes the risks of lead exposure for children under 6 years

of age, pregnant women, women of childbearing age, persons involved in home renovation, and others residing in a dwelling with lead-based paint hazards; and describes the risks of renovation in a dwelling with lead-based paint hazards.

87. In rental houses that are not owner-occupied, renovators must provide prior notice to occupants of paint renovation work that will be done in the building.

Id. § 745.84.

88. Renovators must also post signs “clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area.” *Id.* § 745.85(a)(1).

89. Finally, the Rule sets forth recordkeeping requirements to permit EPA to ensure that the public health is being protected. The Rule requires firms performing renovation to “retain and, if requested, make available to EPA all records necessary to demonstrate compliance” with the Rule requirements described above. *Id.* § 745.86(a) and (b). Such records must be retained for three years after completion of a renovation. *Id.*

90. Violation of a rule issued under Subchapter IV of TSCA, including the Renovation Rule, is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689.

91. Violations of the Rule are subject to civil penalties of up to \$37,500 for each violation and criminal penalties for a willful violation of up to \$50,000 per day for each violation. 15 U.S.C. § 2615.

92. As alleged above (§§ 51-54), the safe work practices and renovator certification set forth and required by the Rule are also incorporated into the County Code. County Code, Art. IX §§ 1.7(ee) and 1.22(i)(3)(i).

II. LAWS GOVERNING RENTAL PROPERTY MANAGEMENT

A. City of Buffalo Property Management Licenses

93. The City Code provides that “the management and rental of dwelling units constitutes a business which impacts upon the public health, safety and general welfare of the people of the City of Buffalo.” City Code § 265-1; *see also id.* § 264-1. As described below, the City Code therefore requires that: (1) rental property owners obtain a rental registration certificate for each dwelling unit, *id.* § 264; and (2) property managers obtain a property management license, *id.* § 265.

94. The City Code requires that “property managers who engage in the management of three or more residential City properties” apply for and obtain a license. *Id.* § 265-1; *see also id.* § 265-3 (“No person, firm, corporation or entity shall act as a property manager or engage in property management activities . . . for three or more non-owner-occupied, residential rental units without first obtaining a license from the Commissioner of Permit and Inspection Services.”).

95. “Property management” is defined as “[t]he engaging on behalf of an owner of residential property of those activities commonly associated with the operation and rental of three or more residential rental units, including but not limited to the advertising or soliciting of apartments or rental units for rent; tenant review and screening; the collecting and/or oversight of rental profits; and/or the

conducting of and/or arranging for minor repairs and maintenance of residential properties in the City of Buffalo.” *Id.* § 265-2.

96. “Property manager” is defined as “[a]n individual or entity who engages in the property management of three or more residential rental units in the City of Buffalo for a fee or salary. The individual must reside in Erie County or the entity must be based in Erie County.” *Id.*

97. Applicants for property management licenses are required to submit contact information, *id.* § 265-4(A)(1), and a description of the properties to be managed, *id.* § 265-4(A)(2). In addition, “[i]f an applicant will collect rents or negotiate rental of property, a copy of his New York State real estate broker’s license is required.” *Id.* § 265-4(A)(4); *see also id.* § 265-6 (“If a property manager collects rents or negotiates the rental of property, a real estate broker, associate real estate broker or real estate salesperson license as issued by the New York State Department of State pursuant to Article 12-A of the New York State Real Property Law is required.”).

98. If a property manager acquires additional properties in Buffalo after receiving a license, he or she must provide written notification to the City within 45 days of the additional properties under management. *Id.* § 265-6(C).

99. City property management licenses must be renewed annually. *Id.* § 265-7.

100. Any individual or entity in violation of the property management license requirement is subject to a penalty of up to \$1,500 per violation. *Id.* § 265-11

(citing *id.* § 1-15). Each day a violation continues is deemed to be a separate violation. *Id.* § 1-15.

B. Other Applicable State Laws

i. New York State Real Estate Broker Licenses (Real Property Law § 440)

101. Under New York law, it is unlawful to act as a real estate broker without first procuring a New York State-issued real estate broker license. *See* Real Property Law § 440-a.

102. A “real estate broker” is defined, in relevant part, as “any person, firm, limited liability company or corporation, who, for another and for a fee, commission or other valuable consideration . . . rents, or offers or attempts to negotiate a . . . rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate[.]” *Id.* § 440(1).

ii. Deceptive Business Practices (General Business Law § 349)

103. Deceptive acts or practices in the conduct of any business or in the furnishing of any service in the state are unlawful. *See* General Business Law § 349(a).

104. The Attorney General is authorized pursuant to General Business Law § 349(b) to bring an action to enjoin a person or entity from engaging in deceptive acts or practices in the conduct of business and to seek restitution of any moneys or property obtained directly or indirectly by any such unlawful acts or practices. *See* General Business Law § 350-d.

105. Violations of General Business Law § 349(b) may also be penalized by a civil penalty of up to \$5,000 per violation. *Id.*

iii. Executive Law § 63(12)

106. The Attorney General is authorized pursuant to Executive Law § 63(12) to bring an action to enjoin “repeated fraudulent or illegal acts” and “persistent fraud or illegality” in the “carrying on, conducting or transaction of business.”

107. “Illegal” conduct includes the violation of any state, federal, or local law or regulation. Executive Law § 63(12). “Repeated” fraud or illegality includes the “repetition of any separate and distinct fraudulent or illegal act, or conduct which affects more than one person,” and “persistent” fraud or illegality includes “continuance or carrying on of any fraudulent or illegal act or conduct.” *Id.*

108. In addition to an order enjoining such activity, the Attorney General may seek restitution, disgorgement of ill-gotten gains, damages, and other relief. *Id.*

FACTS

I. EXPOSURE TO LEAD-BASED PAINT HARMS CHILDREN

109. Lead is highly toxic to humans and can cause serious and irreversible adverse health effects, especially in children.

110. Lead exposure is a serious public health concern and is toxic to every organ system in the body.⁹

⁹ U.S. Department of Health and Human Services. (2020). *Toxicological Profile for Lead*, at 4. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

111. Lead has no health benefit and no amount of lead in the body has been identified as safe.¹⁰

112. For decades, doctors and scientists have recognized that lead-based paint in older homes is the leading source of lead exposure for children.¹¹ The U.S. Department of Health and Human Services has well documented that most lead poisoning in children is the result of dust and chips from deteriorating lead-based paint on interior surfaces in older homes.¹²

113. In children, lead generally enters the body after it has been inhaled or ingested. The degree to which exposure to lead has resulted in entry to the body is measured by testing an individual's blood lead level. Both the Department of Health and Human Services and the Centers for Disease Control and Prevention (the CDC) have stated that “no safe blood lead level in children has been identified.”¹³ In other

¹⁰ *Id.*

¹¹ Lanphear, B. P., Matte, T. D., Rogers, J., Clickner, R. P., Dietz, B., Bornschein, R. L., Succop, P., Mahaffey, K. R., Dixon, S., Galke, W., Rabinowitz, M., Farfel, M., Rohde, C., Schwartz, J., Ashley, P., & Jacobs, D. E. (1998). The contribution of lead-contaminated house dust and residential soil to children's blood lead levels. A pooled analysis of 12 epidemiologic studies. *Environmental research*, 79(1), 51–68. <https://doi.org/10.1006/enrs.1998.3859>; Lanphear, B. P., & Roghmann, K. J. (1997). Pathways of lead exposure in urban children. *Environmental research*, 74(1), 67–73. <https://doi.org/10.1006/enrs.1997.3726>; U.S. Department of Health and Human Services. (2020) *Toxicological Profile for Lead*, at 421. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

¹² U.S. Department of Health and Human Services. (2020). *Toxicological Profile for Lead*, at 421. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

¹³ Centers for Disease Control and Prevention. (2022, August 29). *Childhood Lead Poisoning Prevention: Lead Poisoning Prevention*. <https://www.cdc.gov/nceh/lead/prevention/default.htm>; U.S. Department of Health and Human Services. (2020). *Toxicological Profile for Lead*, at 4. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

words, any level greater than 0 micrograms per deciliter of whole blood (µg/dL) may be associated with a detrimental health effect.

114. The CDC uses a blood lead reference value of 3.5 µg/dL to identify children with the top 2.5% blood lead levels nationally. For these children, the CDC recommends an environmental investigation to identify potential sources of lead, as well as medical case management. However, states independently decide which blood lead level measurements trigger action within their jurisdiction.¹⁴

115. Since October 2019, New York State has defined an “elevated blood lead level” (EBLL) as a blood lead concentration equal to or greater than 5 µg/dL.¹⁵

116. Lead poisoning results in an array of adverse neurological effects including decreased cognitive function as reflected in declines in intelligence quotient (IQ) scores, changes in hearing and speech processing, increased impulsivity and irritability, and altered motor skills.¹⁶

117. While lead can adversely affect all systems in the body, lead is particularly detrimental to the brain and central nervous system. Children’s brains

¹⁴ Centers for Disease Control and Prevention. (2021, October 27). *Childhood Lead Poisoning Prevention: Blood Lead Reference Value*. <https://www.cdc.gov/nceh/lead/data/blood-lead-reference-value.htm>; Centers for Disease Control and Prevention. (2022, August 30). *Childhood Lead Poisoning Prevention: Recommended Actions Based on Blood Lead Level*. <https://www.cdc.gov/nceh/lead/advisory/acclpp/actions-blls.htm>.

¹⁵ Unless otherwise noted, any mention of an EBLL in this complaint refers to a blood lead level at or above 5 µg/dL.

¹⁶ Department of Health and Human Services. (2020). Toxicological Profile for Lead, at 133-134. Available at: <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

and nervous systems are especially vulnerable to the adverse effects of lead because they are in a critical period of rapid growth and development.¹⁷

118. The negative neurological effects of lead exposure can have detrimental impacts on a child's future. Increased blood lead levels are correlated with increased risks of neurobehavioral challenges, such as attention-deficit/hyperactivity disorder, anxiety, and depression.¹⁸ In addition, it is widely acknowledged that decreased academic achievement is associated with childhood exposure to lead.¹⁹ Lead exposure has also been associated with negative outcomes in adulthood, such as lower IQ and socioeconomic status.²⁰

119. Children are more susceptible than adults to negative effects of lead exposure for several reasons. First, children naturally engage in behavior that increases ingestion of lead-based paint, such as hand-to-mouth activity and consuming non-food items. Second, their bodies are able to absorb more lead than adults' bodies are after ingestion. Additionally, because children are smaller, their

¹⁷ *Id.*

¹⁸ *Id.* at 171-173.

¹⁹ *Id.* at 170-171.

²⁰ Reuben, A., Caspi, A., Belsky, D. W., Broadbent, J., Harrington, H., Sugden, K., Houts, R. M., Ramrakha, S., Poulton, R., & Moffitt, T. E. (2017). Association of childhood blood lead levels with cognitive function and socioeconomic status at age 38 years and with IQ change and socioeconomic mobility between childhood and adulthood. *JAMA*, 317(12), 1244-1251. <https://doi.org/10.1001/jama.2017.1712>.

breathing zone is in closer proximity to surfaces on which lead surface dust may rest.²¹

120. Lead poisoning is an environmental justice issue, burdening children from low-income families and children of color at disproportionately high rates.²² Low-income households are more likely to have lead-based paint hazards than high-income households; the same applies for households of people of color when compared to White households.²³ Because many low-income individuals and families live in rental housing, they are likely to be reliant on landlords to fix problems such as chipping lead-based paint and other home-based environmental hazards. Further, for low-income individuals and families, relocating from hazardous housing can be economically challenging.²⁴

²¹ Department of Health and Human Services. (2020). Toxicological Profile for Lead, at 281; 321-320. This report compared White, African-American, and “Other” races, including Asian, American Indian or Alaskan Native, Native Hawaiian or other Pacific Islander, and more than one race.

²² Bullard, R. D. (1993). Race and environmental justice in the United States. *Yale Journal of International Law*, 18(1), 319-336; Centers for Disease Control and Prevention. (2021, October 29). *Childhood Lead Poisoning Prevention: Populations at Higher Risk*. <https://www.cdc.gov/nceh/lead/prevention/populations.htm>; Kraft, M. E., Scheberle, D. (1995). Environmental justice and the allocation of risk: the case of lead and public health. *Policy Studies Journal*, 23(1).

²³ Cox, D. C., Dewalt, G., O’Haver, R., & Salatino, B. (2011, April). *American Healthy Homes Survey: Lead and Arsenic Findings*. U.S. Department of Housing and Urban Development. https://www.hud.gov/sites/documents/AHHS_REPORT.PDF. This report compared White, African-American and “Other” races including Asian, American Indian or Alaskan Native, Native Hawaiian or other Pacific Islander, and more than one race.

²⁴ Rauh, V. A., Landrigan, P. J., & Claudio, L. (2008). Housing and health: intersection of poverty and environmental exposures. *Annals of the New York Academy of Sciences*, 1136(1), 276-288. <https://doi.org/10.1196/annals.1425.032>.

121. In addition, Black children have EBLs at disproportionately high rates compared to children of other races in the United States. Black children of all income levels are three times more likely to present with an EBL compared to both White and Hispanic children, and Black children living in poverty are four times more likely than their poor White and Hispanic counterparts. This disparity has been attributed to the fact that Black families live in substandard housing at high rates, and Black children are more likely to reside in homes with lead-based paint hazards than their non-Black peers.²⁵

122. While the effects of childhood lead exposure are permanent, “childhood lead poisoning is 100% preventable.”²⁶ As the CDC stresses, to prevent lead poisoning, lead hazards in a child’s surroundings must be “identified and controlled or removed safely.”²⁷ Indeed, the solution to childhood lead poisoning is preventing children from being exposed to lead in the first place.²⁸

²⁵ Yeter, D., Banks, E. C., & Aschner, M. (2020). Disparity in risk factor severity for early childhood blood lead among predominantly African-American Black children: The 1999 to 2010 US NHANES. *International Journal of Environmental Research and Public Health*, 17(5), 1552. <https://doi.org/10.3390/ijerph17051552>

²⁶ Centers for Disease Control and Prevention. (2021, October 27). *Childhood Lead Poisoning Prevention: Prevent Children’s Exposure to Lead*. <https://www.cdc.gov/nceh/features/leadpoisoning/index.html>.

²⁷ *Id.*

²⁸ *Id.*

II. LEAD-BASED PAINT IS PERVASIVE IN ERIE COUNTY, AND ESPECIALLY IN BUFFALO.

123. Lead-based paint in residential housing is a pervasive problem, and it is the most common source of childhood lead poisoning.²⁹ For much of the 1900s, residential paint was marketed based on its lead content—the more lead, the purportedly higher quality the paint. Despite widespread knowledge of lead's negative health impacts, leaded paint was advertised as more durable, easier to wash, and brighter than other paints.³⁰

124. New York banned the use of lead-based paint in 1970, with the federal government following suit in 1978.

125. Most of Buffalo's housing stock was built before federal and state bans on lead-based paint; it has one of the oldest metropolitan housing stocks in the nation.³¹ Ninety-one percent of housing in Buffalo was built before 1980 and 88% was built before the 1970 New York State ban. In fact, 62% was built before 1940,³²

²⁹ See *supra* ¶ 112.

³⁰ Markowitz, G., Rosner, D. (2000). "Cater to the children": the role of the lead industry in a public health tragedy, 1900-1955. *American Journal of Public Health*, (90)1, 36-46. <https://doi.org/10.2105/ajph.90.1.36>.

³¹ Magavern, S. (2018). Policies to reduce lead exposure: lessons from Buffalo and Rochester. *International Journal of Environmental Research and Public Health*, 15(10), 2197. <https://doi.org/10.3390/ijerph15102197>.

³² U.S. Census Bureau (2020). *Year Structure Built, 2016-2020 American Community Survey 5-Year Estimates*. <https://data.census.gov/cedsci/table?q=buffalo%20ny%20housing%20built&tid=ACSDT5Y2020.B25034>.

when heavily leaded paint was widely used on the interior and exterior surfaces of homes.³³

III. LEAD POISONING IN BUFFALO IS PERVASIVE AND PLAGUES VULNERABLE COMMUNITIES.

126. From 2011 to 2020, 1,736 confirmed EBLs greater than or equal to 10 µg/dL, and 7,031 confirmed EBLs from 5 to 9 µg/dL were reported in Erie County. Ninety-two percent of these EBLs were measured in children residing in Buffalo.³⁴

127. Most children with EBLs in Buffalo live in single- or double-family rental homes. Over 80% of the properties in which children are lead-poisoned are rental properties.³⁵

128. Lead poisoning in Buffalo disproportionately impacts communities of color. Children living in majority neighborhoods of color are twelve times as likely as children from predominantly White neighborhoods to have EBLs measured in their blood.³⁶

³³ Dignam, T., Kaufmann, R. B., LeSturgeon, L., & Brown, M. J. (2019). Control of lead sources in the United States, 1970-2017: public health progress and current challenges to eliminating lead exposure. *Journal of Public Health Management Practice*, 25(Suppl 1 LEAD POISONING PREVENTION): S13-S22. <https://doi.org/10.1097/phh.0000000000000889>.

³⁴ Health Data NY. (2022). *Childhood Blood Lead Testing and Elevated Incidence by Zip Code: Beginning 2000*. <https://www.health.data.ny.gov/Health/Childhood-Blood-Lead-Testing-and-Elevated-Incidence/d54z-enu8/data>. Note: In this dataset, ZIP codes with less than 6 EBLs and ZIP codes with fewer than 30 total tests were nulled to protect patient confidentiality.

³⁵ Gardner, K. (2017). *Renewing Our Pledge: A Path to Ending Lead Poisoning of Buffalo's Most Vulnerable Citizens*. CGR. <https://crgb.org/wp-content/uploads/2018/07/buffalo-lead-action-plan-final-report.pdf>

³⁶ University at Buffalo Regional Institute. (2016). *The Racial Equity Dividend: Buffalo's Great Opportunity*. <https://regional-institute.buffalo.edu/wp->

129. The New York State Department of Health has identified several zip codes with the highest incidence of confirmed EBLs as “Communities of Concern” within Erie County: 14201, 14207 through 14213, and 14215. In these zip codes, the incidence rate of confirmed EBLs identified is more than double the overall incidence rate in Erie County.³⁷

130. Of the 78 Raiszadeh Properties, 76 are located within Erie County’s Communities of Concern, namely zip codes 14208, 14210, 14211, and 14215. The two other Properties are both located less than half of a mile from 14215.

IV. LEAD-BASED PAINT HAZARDS ARE PERVASIVE ACROSS THE RAISZADEH PROPERTIES, AND AT LEAST 16 CHILDREN HAVE BEEN LEAD POISONED WHILE LIVING IN THEM.

131. As alleged *supra* ¶ 8, defendants have owned and/or managed at least 78 properties since 2008 (see Exhibit A for list of all Raiszadeh Properties). At all relevant times, Raiszadeh, acting with full knowledge and assent of Zahedi, handled the day-to-day maintenance and management of lead-based paint hazards at the Raiszadeh Properties.

[content/uploads/sites/155/2020/11/TheEquityDividendFINALSeptember2016.pdf](https://www2.erie.gov/health/index.php?q=press/erie-county-department-health-announces-sanitary-code-changes#:~:text=The%20New%20York%20State%20Health%20Department%20%28NYSD%20OH%29%20has,14208%2C%2014209%2C%2014210%2C%2014211%2C%2014212%2C%2014213%2C%20and%2014215) This report compared White neighborhoods and neighborhoods of color.

³⁷ Erie County, NY Department of Health. (2019, April 4). *Erie County Department of Health Announces Sanitary Code Changes*. <https://www2.erie.gov/health/index.php?q=press/erie-county-department-health-announces-sanitary-code-changes#:~:text=The%20New%20York%20State%20Health%20Department%20%28NYSD%20OH%29%20has,14208%2C%2014209%2C%2014210%2C%2014211%2C%2014212%2C%2014213%2C%20and%2014215>

132. According to City and County records, all 78 of the Properties were built between 1850 and 1944 and, as such, each of the Raiszadeh Properties is presumed to contain lead paint. County Code, Art. IX § 1.22(i)(1). All of these properties are single- or two-family homes, predominantly located in low-income neighborhoods.³⁸ Many of the tenants who have lived in Raiszadeh Properties have received federally-funded rental assistance from Section 8 public housing agencies, including Belmont Housing Resources of WNY, Inc. and Rental Assistance Corporation. The Raiszadeh Properties with violations and/or lead-poisoned children are located in neighborhoods with supermajorities of people of color.³⁹

133. Since 2008, 49 of the Raiszadeh Properties have been cited for conditions conducive to lead poisoning by County Health, the City of Buffalo Department of Permits and Inspection Services (City DPIS), and/or Section 8 providers. See **Exhibit B**.

134. County Health conducts primary prevention inspections in areas at high risk for lead poisoning based on EBLL rates and housing age, and it conducts secondary prevention inspections of properties at which a child reported to have an EBLL resides or visits often. At both types of inspections, inspectors look for

³⁸ Raiszadeh Properties are primarily located in census tracts where over 55% of the population makes less than 200% of the Federal Poverty Level. Seventy-one percent of all Raiszadeh Properties are within census tracts with the highest percent poverty in the City.

³⁹ The median percent of people of color in the census tracts where Properties with lead paint violations and lead-poisoned children were found was 92%, as compared to 49% people of color in Buffalo census tracts with no Properties with lead paint violations or lead poisoned children. People of color for census data is defined as Total Population minus all “White and non-Hispanic” population.

“conditions conducive to lead poisoning,” i.e., lead-based paint hazards in the form of chipping, peeling, or deteriorating paint in homes built before 1978, or high concentrations of lead in household dust. If such hazards are observed and/or measured, County Health notifies the property owner of the violations and requires that all violations be remediated using lead-safe work practices.

135. The City DPIS conducts inspections of one- and two-family non-owner-occupied properties, citing conditions that violate the City Code, including peeling, chipping, or deteriorating paint.

136. Finally, Section 8 providers conduct inspections of potential Section 8 properties to ensure properties meet minimum housing standards for tenants, as well as regular, at least annual, inspections once the property is occupied by a Section 8 tenant. These providers then notify the landlord about peeling, chipping, or deteriorating paint and may refer the property to County Health for follow-up and enforcement of remediation.

137. From 2008 to March 2023, at least 49 of the Raiszadeh Properties were cited by inspectors from County Health, the City DPIS, or Section 8 providers for chipping, peeling, or deteriorating paint and other conditions conducive to lead poisoning. In total, at least 345 interior and 517 exterior lead paint violations were cited at the 49 Raiszadeh Properties.⁴⁰ See **Exhibit B**.

⁴⁰ Over the past six years, at least 36 of the Raiszadeh Properties were cited for conditions conducive to lead poisoning.

138. The existence of the conditions conducive to lead poisoning at the 49 Raiszadeh Properties are violations of the City, County, and State Codes.

139. From May 2009 to present, at least 16 children have been poisoned by lead while residing in a Raiszadeh Property.⁴¹ In total, there are 13 separate Raiszadeh Properties where at least one of these lead-poisoned children lived at the time of their EBLL measurement(s). All of these Raiszadeh Properties were found to have lead-based paint hazards.⁴²

140. Raiszadeh Properties with lead-based paint hazards and/or children with EBLs are predominantly located within neighborhoods of color, as shown in the map annexed hereto as **Exhibit C**.

141. The 16 children poisoned by lead while residing in one of the Raiszadeh Properties between May 2009 and March 2023 included fourteen Black children, one other child of color, and a child of unreported race.

142. In at least three of the Raiszadeh Properties there have been at least two children with EBLs as alleged in more detail below.

Example 1: Property A

143. A family with two young children had lived in the upper unit of Property A since 2011. In July 2014, 19-month-old Child 1, a resident of Property A, had an EBL of 16 µg/dL measured. At a follow-up inspection, County Health cited

⁴¹ Over the past six years, at least 13 children have been poisoned by lead while residing in a Raiszadeh Property.

⁴² Exhibit B hereto depicts the locations of the Raiszadeh Properties that have been cited for lead paint violations and where children with EBLs have resided.

the unit with interior and exterior lead-based paint violations. The violations were remediated by October 2015. Then, in 2016, a different family with two children moved into the upper unit of Property A. In November 2017, two-year-old Child 2 had an EBLL of 21.2 µg/dL measured. Property A was again found to have exterior violations in 2019 and 2020, and the upper unit was found to have interior violations in 2020.

Example 2: Property B

144. A family with two children moved to Property B in September 2018. In July 2019, two-year-old Child 3, who resided in Property B, was found to have an EBLL of 55 µg/dL, a level so high that chelation therapy and other decontamination therapies are typically employed to aggressively remove lead from the child's poisoned body.⁴³ A follow-up inspection by County Health cited Property B with interior and exterior lead-based paint violations. Then, in December 2019, three-year-old Child 4, who resided in Property B, had an EBLL of 7 µg/dL measured.

Example 3: Property C

145. A family with seven children moved to Property C in February 2020. Two of the seven children had been poisoned by lead at a previous residence. While residing at Property C, two additional children were poisoned by lead. On August 11, 2020, 14-month-old Child 5 was found to have an EBLL of 11 µg/dL. On

⁴³ Centers for Disease Control. "Recommended Actions Based on Blood Lead Level." <https://www.cdc.gov/nceh/lead/advisory/acclpp/actions-blls.htm>.

September 2, 2020, two-year-old Child 6, had an EBL of 9 µg/dL measured. In October 2020, County Health cited Property C for lead-based paint violations.

V. DEFENDANTS PERSISTENTLY VIOLATED AND CONTINUE TO VIOLATE THE RENOVATION RULE AND COUNTY CODE, CREATING FURTHER RISK OF LEAD EXPOSURE AND LEAD POISONING OF CHILDREN.

146. Between at least 2014 and 2022, defendants regularly violated the Renovation Rule in multiple ways in conjunction with paint-related renovation work at the Properties that had been cited by the City DPIS and County Health for chipping, peeling, or deteriorating paint and other conditions conducive to lead poisoning conditions conducive to lead poisoning.

147. Defendants' violations of the Renovation Rule exacerbate tenants' exposure to lead hazards and the harmful effects of such exposures.

148. The Rule requires that firms conducting renovation, repair, or painting activities in homes, childcare facilities, and pre-schools built before 1978 be certified by EPA in lead-safe work practices.

149. Defendants are "firms" performing renovations, as defined in 40 C.F.R. § 745.83.

150. Defendants receive compensation, within the meaning of 40 C.F.R. § 745.82(a) for renovation work performed at each of the Properties in the form of rents received from and on behalf of tenants.

151. In conjunction with the Rule, the County Code requires that property owners or managers submit a Lead Remediation Work Plan (Work Plan) to County Health before performing any lead hazard control activities in pre-1978 housing.

152. Raiszadeh previously held an EPA certificate as a certified renovator that was issued on March 10, 2015 and which expired on March 10, 2020.

Raiszadeh became recertified effective December 8, 2021.

153. On numerous occasions after County Health notified Raiszadeh of conditions conducive to lead poisoning in his properties, Raiszadeh submitted a Work Plan to County Health stating that he would be performing or supervising the remediation and provided County Health with his EPA Certified Renovator certification.

154. However, Raiszadeh did not perform renovation work at his Properties and was not physically present when such renovation work was being performed.

155. On numerous such occasions, neither Raiszadeh nor any Certified Renovator was on site at any time while renovation work was being conducted.

156. Defendants employed other individuals to perform the renovation work who were not Certified Renovators and were not properly trained as required by the Rule.

157. On several occasions, County Health sanitarians inspected work that had been performed to address conditions conducive to lead poisoning at the Properties and observed paint chips on the ground outside or inside a house and other violations:

- a. In April 2019, at 1196 Kensington Ave., County Health observed noncompliance with Lead Safe Work Practices including dry scraping of paint, an uncontained work area, and paint chips on the ground;

- b. In April and June 2017, at 49 Kirkpatrick St., County Health observed paint chips on the ground;
- c. In June 2020, at 72 Remington Pl., County Health observed paint chips on the ground.
- d. In September 2020, at 364 Roslyn St., County Health issued a notice of violation for paint chips on the ground; and
- e. In October 2022, at 135 Davidson Ave., County Health issued a notice of violation for paint chips on the ground and issued a stop work order.

158. The presence of paint chips on the ground is a condition conducive to lead poisoning, is a violation of the County Code, and is *prima facie* evidence of a failure to employ lead-safe work practices in renovation work.

159. In attempting to address conditions conducive to lead poisoning at their Properties, defendants, their employees, and contractors violated the Rule in the following ways, among others:

- a. failed to use Lead Safe Work Practices when performing renovation work in violation of 40 C.F.R. § 745.85;
- b. failed to post signs “clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area” in violation of 40 C.F.R. § 745.85(a)(1);

- c. failed to close off the entire work area by sealing doors, closing windows, and covering air ducts as required by 40 C.F.R. § 745.85(a)(2);
- d. failed to “clean the work area until no dust, debris or residue remains” after the renovation has been completed as required by 40 C.F.R. § 745.85(a)(5);
- e. failed to provide a pamphlet entitled “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools” (the Lead Hazard Information Pamphlet) to the owner of applicable housing before renovations begin, and to obtain either a written acknowledgment of receipt of the pamphlet from the owner, or a certificate of mailing of the pamphlet and required by 40 C.F.R. §§ 745.81(b) and 745.84(a); and
- f. failed to create and retain all records necessary to demonstrate compliance with the Renovation Rule requirements as required by 40 C.F.R. §§ 745.86(a) and (b).

160. Defendants and the individuals they hired to perform renovations at the Properties repeatedly failed and continue to fail to use lead safe work practices as required by the Rule and the County Code.

161. Defendants and the individuals they hired to perform renovations at the Properties also repeatedly failed and continue to fail to provide prior written

notice to tenants of renovation work involving disturbance of lead paint in their homes, as required by federal law. 40 C.F.R. § 745.84(a)(2) and (b)(2).

162. Defendants and the individuals they hired to perform renovations at the Properties also repeatedly failed and continue to fail to provide EPA-approved lead hazard information pamphlets to some or all of defendants' tenants prior to performing renovation work involving disturbance of lead paint in their homes, as required by federal law. *Id.*

VI. DEFENDANTS FAIL TO PROVIDE TENANTS WITH LEGALLY REQUIRED NOTICES AND ACCURATE INFORMATION ABOUT LEAD IN THEIR HOMES.

163. Since 1996, the federal government has required lessors and sellers of housing constructed before 1978 to provide all lessees and purchasers with disclosures concerning the presence of any known lead-based paint and/or lead-based paint hazards, as well as EPA-approved lead hazard information pamphlets. 40 C.F.R. §§ 745.102 and 745.107.

164. Defendants repeatedly and persistently fail to provide some tenants with any federally-required lead disclosure statement.

165. In addition, even when tenants were provided the lead disclosure forms mandated by federal law, those disclosures repeatedly contained misleading and deceptive statements to the tenants or prospective tenants, concealing hazardous conditions, and the existence of reports pertaining to lead paint hazards in the premises.

166. For example, defendants routinely provide lead disclosure statements to tenants indicating both “Known lead based paint and/or lead-based paint hazards are present in the housing” and “Owner/Agent has no knowledge of lead-based paint and/or lead-based paint hazards in the housing unit.”

167. Disclosure statements indicating both that lead based paint and/or lead-based paint hazards are “known” in the house and that the owner has “no knowledge” of such paint or hazards in the house is misleading and deceptive. Both such statements cannot be true at the same time, for the same property.

VII. DEFENDANTS CREATE AND MAINTAIN A PUBLIC NUISANCE BY BOTH FAILING TO PREVENT AND EXACERBATING CONDITIONS CONDUCTIVE TO LEAD POISONING IN THEIR RENTAL HOUSES.

168. In Buffalo, approximately 59% of households live in rental properties.⁴⁴ In addition, as noted *supra* ¶ 127, 80% of lead poisoning in Buffalo occurs in rental properties.

169. As described *supra* ¶ 8, defendants have owned, controlled, or managed approximately 78 residential rental properties since 2008 in Buffalo. Defendants have allowed conditions conducive to lead poisoning to persist, and the repeated lead poisoning of children to occur, on a scale that constitutes a public nuisance.

⁴⁴ U.S. Census Bureau (2020). *Households and Families, 2016-2020 American Community Survey 5-Year Estimates*.
<https://data.census.gov/cedsci/table?q=buffalo%20ny%20housing%20built&tid=ACSDT5Y2020.B25034>.

170. Lead poisoning has a lifelong impact on children, as well as their families and the greater community. Lead poisoning causes a downward shift in the poisoned cohort's IQ and other cognitive indicators, which increases the number of students who require remedial assistance. A ten-fold increase in blood lead levels can cause a decrease in IQ of between one and six IQ points, with the largest decreases occurring at low-level increases in blood lead concentrations.⁴⁵ A downward shift of just five points in IQ at the population level would increase the number of children at the “very low” IQ level by 57%, requiring additional public spending on social services and special education of more than \$12,000 per year for each of these students.⁴⁶

171. Numerous studies have also associated higher childhood blood lead levels with attention issues, hyperactivity, impulsivity, delinquency, and conduct disorders, among other altered behaviors.

172. Nationwide, the annual cost of lead exposure is estimated at \$50 billion due to lost economic productivity as a result of decreased cognitive potential.⁴⁷ Lead poisoning also imposes great economic burdens on families, schools, communities, health care providers, and governments, including the

⁴⁵ U.S. Department of Health and Human Services. (2020). *Toxicological Profile for Lead*, at 140-167. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

⁴⁶ Issue Brief: Childhood Lead Exposure and Educational Outcomes, National Center for Healthy Housing, at 2, https://nchh.org/resource-library/Childhood_Lead_Exposure.pdf (last accessed Nov. 3, 2022).

⁴⁷ *Id.*

increased costs to New York by, for example, increasing the annual Medicaid budget and the budgets for special education and other programs for children.⁴⁸

173. The County, City, and State are affected by the older housing stock, poverty, and high rates of lead poisoning in Buffalo, and are engaged in substantial efforts to address this pervasive health problem.

174. In 2019, the County spent approximately \$3.5 million on its lead programs, including “LeadSAFE Erie County,” and the “Childhood Lead Poisoning Prevention Program.” Funding for the County programs is provided, in part, by the U.S. Department of Housing and Urban Development (HUD) as well as State and County funds. The County’s broader social service needs are exacerbated by high rates of lead poisoning in the City.

175. The City also provides numerous services addressing and/or directly related to the impacts of lead paint poisoning described herein. Employees of the City’s Department of Permits and Inspections are tasked with performing property inspections, educating tenants and owners about the dangers of lead paint, and how to properly remediate their properties. In January 2020, the City initiated a pilot program to inspect rental homes for code compliance including lead-based paint violations and assist owners in abating conditions conducive to lead-poisoning.

⁴⁸ Landrigan, P. J., Collins, G., Galvez, M., Sheffield, P., Forman, J. (2013). (rep.). New York State's Children and The Environment. New York, NY: Icahn School of Medicine at Mount Sinai. Retrieved from: https://nyscheck.org/wpcontent/uploads/2019/08/NYS-Children-Environment_2013.pdf.

176. The City spends in excess of \$400,000 per year on its lead poisoning prevention efforts. Funding for the City's lead-related programs is provided, in part, by HUD as well as State and City funds. The City's broader social service needs are exacerbated by high rates of lead poisoning in the City.

177. New York State also provides services and incurs expenses directly and indirectly related to lead paint poisoning. The State Department of Health partners with local health departments to provide education and testing for lead poisoning. The State's programs including, educational services and medical health services, are burdened by high rates of lead poisoning in the City.

178. The financial consequences of lead poisoning in New York State include millions of dollars in public spending on special education and other social services. In addition, New York State loses tens of millions in tax dollars each year because of lowered earnings from lead poisoning.

FIRST CAUSE OF ACTION

EXECUTIVE LAW § 63(12) REPEATED AND PERSISTENT ILLEGALITY Lead Paint Violations (Asserted Only by The People of the State of New York)

179. Plaintiffs repeat and reallege each of the foregoing paragraphs.

180. Defendants have repeatedly and persistently violated the City, County, and State Codes and Real Property Law § 235-b(1) by renting out dwellings that are not clean, safe, or fit for human occupancy, by, among other things, allowing conditions conducive to lead poisoning, such as chipped, peeling, or deteriorating paint, to persist and poison children.

181. From 2008 to present, at least 49 of the Raiszadeh Properties have been cited by inspectors from County Health, the City of Buffalo, and/or Section 8 providers for chipping, peeling, or deteriorating paint and other conditions conducive to lead poisoning.

182. As a result of allowing conditions conducive to lead poisoning to persist, at least 16 children have been poisoned with lead while residing at Raiszadeh Properties. From 2008 to present, children with EBLs have been reported as residing in at least 13 of the Raiszadeh Properties; in at least three of the Raiszadeh Properties, at least two lead-poisoned children have been reported.

183. By repeatedly and persistently violating the City, County, and State Codes and Real Property Law § 235-b(1), defendants have committed repeated fraudulent or illegal acts or persistent fraud or illegality within the meaning of Executive Law § 63(12).

SECOND CAUSE OF ACTION

EXECUTIVE LAW § 63(12) REPEATED AND PERSISTENT ILLEGALITY Violations of County Code and Federal Renovation Rule – Lead Safe Work Practices (Asserted Only by The People of the State of New York)

184. Plaintiffs repeat and reallege each of the foregoing paragraphs.

185. Defendants have conducted painting repair and renovation work throughout their Properties without implementing lead safe work practices required by the County Code and the federal Renovation Rule.

186. Instead, defendants repeatedly employ untrained, uncertified workers who use unauthorized, unsafe, and illegal work practices that result in the creation

and dispersal of lead-containing dust and paint chips in tenants' living areas. Such dust and paint chips are hazardous to the health and safety of occupants of defendants' Properties, especially children.

187. Defendants also routinely fail to provide tenants of their Properties with notice and information relating to lead hazards and renovations to be performed at their residences, in violation of the County Code and federal Rule.

188. By so doing, defendants have repeatedly and persistently violated the County Code and the federal Rule.

189. By repeatedly and persistently violating the County Code and federal Rule, defendants have committed repeated fraudulent or illegal acts or persistent fraud or illegality within the meaning of Executive Law § 63(12).

THIRD CAUSE OF ACTION

EXECUTIVE LAW § 63(12) REPEATED AND PERSISTENT ILLEGALITY Violations of County Code and Federal Renovation Rule – Certification (Asserted Only by The People of the State of New York)

190. Plaintiffs repeat and reallege each of the foregoing paragraphs.

191. When notified by County Health of conditions conducive to lead poisoning in the Raiszadeh Properties, defendants routinely advise County Health that Raiszadeh will be the EPA Certified Renovator who will perform the necessary work to correct the conditions conducive to lead poisoning. Raiszadeh, however, does not perform such renovation work, is not present at the work site when work is being performed, and his EPA certification lapsed from March 10, 2020 to December 8, 2021.

192. Defendants repeatedly violate the Rule and the County Code by, among other things, conducting renovations without the required certification; without providing notices to tenants; without creating all required records; and without required recordkeeping.

193. Defendants repeatedly commit deceptive acts by advising County Health that Raiszadeh will be the EPA Certified Renovator who will perform the renovation work to correct the conditions conducive to lead poisoning but actually hiring individuals who are not EPA Certified Renovators, and are not properly trained, to perform such renovation work.

194. By so doing, defendants repeatedly and persistently violate the County Code and federal Rule and have committed repeated fraudulent or illegal acts or persistent fraud or illegality within the meaning of Executive Law § 63(12).

FOURTH CAUSE OF ACTION

EXECUTIVE LAW § 63(12) REPEATED AND PERSISTENT ILLEGALITY City and State Licensing Violations (Asserted Only by The People of the State of New York)

195. Plaintiffs repeat and reallege each of the foregoing paragraphs.

196. The City requires any individuals or entities that manage three or more properties to be licensed by the City pursuant to City Code § 265-3. Property managers are further required to renew such licenses annually pursuant to City Code § 265-7. The City further requires pursuant to City Code § 265-4(A)(4) that any person who collects rents or negotiates rental of property obtain a New York

State real estate broker's license, as required by the State pursuant to Real Property Law §§ 440(1) and 440-a.

197. Raiszadeh manages the Properties on behalf of himself and the other defendants, including but not limited to negotiating leases and collecting rent from tenants.

198. Raiszadeh, who manages more than three properties on behalf of the other defendants, is a property manager within the meaning of the City Code but has never obtained the property management license required by the City.

199. Neither Raiszadeh nor any of the defendants reside or are based in Erie County and so are in violation of City Code § 265-2.

200. Raiszadeh who collects rent and negotiates leases on behalf of the owners of the Raiszadeh Properties, is required to have a real estate broker's license within the meaning of Real Property Law § 440 but has never obtained such license from the State.

201. Raiszadeh is liable for repeatedly and persistently violating the licensing provisions of the City Code Chapter 265 and Real Property Law § 440.

202. By repeatedly and persistently violating the licensing provisions of City Code Chapter 265 and Real Property Law § 440, Raiszadeh has committed repeated fraudulent or illegal acts or persistent fraud or illegality within the meaning of Executive Law § 63(12).

FIFTH CAUSE OF ACTION

EXECUTIVE LAW § 63(12) REPEATED AND PERSISTENT ILLEGALITY Lead Disclosure Violations (Asserted Only by the People of The State of New York)

203. Plaintiffs repeat and reallege each of the foregoing paragraphs.

204. Since 1996, the federal government has required lessors of housing constructed before 1978 to provide tenants with disclosures concerning the presence of any known lead-based paint and/or lead-based paint hazards and reports pertaining to lead-based paint and/or lead-based paint hazards, as well as EPA-approved lead hazard information pamphlets. 40 C.F.R. §§ 745.102 and 745.107; 24 C.F.R. §§ 35.84 and 35.88.

205. Since 2008, defendants have been renting residential properties in Buffalo to others.

206. Defendants routinely provide tenants with false, misleading, and/or incomplete lead disclosures, or no lead disclosures at all, in violation of federal regulations.

207. Since 2008, defendants have failed to provide EPA-approved lead hazard information pamphlets to some or all tenants of Raiszadeh Properties.

208. By repeatedly and persistently failing to accurately notify tenants of the presence of lead-based paint and lead-based paint hazards, failing to identify or provide reports or records of lead-based paint or lead-based paint hazards, and failing to provide EPA-approved lead hazard information pamphlets, all in violation

of federal regulations, defendants have committed repeated fraudulent or illegal acts or persistent fraud or illegality within the meaning of Executive Law § 63(12).

SIXTH CAUSE OF ACTION

GENERAL BUSINESS LAW § 349(A)

Lead Disclosure Violations

(Asserted Only by the People of The State of New York)

209. Plaintiffs repeat and reallege each of the foregoing paragraphs.

210. Deceptive acts or practices in the conduct of any business or in the furnishing of any service in the state are unlawful. *See* General Business Law § 349(a).

211. Defendants, either directly or indirectly, violated General Business Law § 349(a) by providing tenants with false, misleading, or deceptive statements regarding their knowledge of lead-based paint and/or lead-based paint hazards in the property being rented, and the existence of reports or records pertaining to such lead-based paint or lead-based paint hazards.

212. Defendants, either directly or indirectly, violated General Business Law § 349(a) by providing tenants with no legally required statements regarding their knowledge of lead-based paint and/or lead-based paint hazards in the property being rented, and the existence of reports or records pertaining to such lead-based paint or lead-based paint hazards.

213. Defendants are liable for civil penalties of up to \$5,000 pursuant to General Business Law § 350-d for each false, deceptive, or misleading disclosure statement in violation of General Business Law § 349(a).

SEVENTH CAUSE OF ACTION

PUBLIC NUISANCE (All Plaintiffs)

214. Plaintiffs repeat and reallege each of the foregoing paragraphs.

215. The existence of conditions conducive to lead poisoning is a public nuisance pursuant to City Code §§ 294-4(E) and 294-4(I); County Code Art. IX § 1.22(i)(1)(i) and the common law.

216. By allowing conditions conducive to lead poisoning to proliferate across a fleet of at least 78 residential properties between 2008 and 2020 and by failing to remediate those conditions using lead safe work practices as required by County, State, and federal law, defendants have created and contributed to a public nuisance on a community-wide scale.

217. The People of the State of New York, Erie County, and the City of Buffalo have a common right to be free from the detrimental effects of lead in their residence and in, on, and around residential rental properties in Buffalo.

218. As a direct and proximate result of defendants' conduct, conditions conducive to lead poisoning are present in, on, and around the Raiszadeh Properties. In addition, at least 16 children residing at the Raiszadeh Properties have tested with EBLs and dozens of other children and adults have been exposed or will be exposed to lead in, on, and around the defendants' houses and Properties.

219. The community suffers from the impacts of lead poisoning of its children, including but not limited to decreased performance in schools, increased behavioral disorders, and generational impacts on families.

220. As a direct and proximate result of defendants' conduct, the County, City, and State have incurred and will continue to incur substantial expenses arising from the presence of conditions conducive to lead poisoning in, on, and around the defendants' houses and properties, including but not limited to costs of: monitoring for and treating children suffering from lead poisoning, and addressing the special educational needs of children with lead poisoning.

221. The Attorney General is authorized under Executive Law § 63(12) to bring an action to enjoin defendants' public nuisance.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray for a judgment against defendants, jointly and severally, as follows:

1. Ordering defendants to perform the following actions:
 - a. within 30 days of the judgment, through a third-party EPA certified risk assessor approved by OAG and appointed at the defendants' expense, have a lead-based paint risk assessment performed at each residence they own and/or manage in New York for conditions conducive to lead poisoning, as defined by the Erie County Sanitary Code, Art. IX § 1.7(e);
 - b. for each property where conditions conducive to lead poisoning are identified by the third-party risk assessor, prepare a County Health-approved Lead Safe Work Plan for removing and/or

remediating all conditions conducive to lead poisoning, within 15 days of receipt of such inspection report;

- c. for each property where conditions conducive to lead poisoning are identified by the risk assessor, fully correct all conditions conducive to lead poisoning within 45 days of the inspection date or an otherwise appropriate timeframe using EPA certified lead-based paint professionals and properly trained and licensed workers and in full compliance with the Erie County Sanitary Code, federal Renovation Rule, and all other local, state and federal laws;

2. Ordering the appointment of an independent monitor to oversee and report on defendants' compliance with their Court-ordered obligations to assess each property and correct conditions conducive to lead poisoning in full compliance with the City Code, County Code and federal Renovation Rule, such monitor to be fully paid by defendants;

3. Ordering defendants, for each property where work will be undertaken, to correct conditions conducive to lead poisoning, to provide tenants with safe and conveniently located accommodations while remediation work is being performed and/or appropriate compensation to terminate their tenancy and leave the premises;

4. Ordering defendants, for as long as they own and/or manage residential rental properties in New York State, to inspect and perform lead dust clearances at each residence they now or in the future own and/or manage in New

York before a new tenant moves into the residence and at a minimum of once every 6 months for conditions conducive to lead poisoning, and to remedy all such conditions within 30 days of such inspection, using Certified Renovators and properly trained workers and in full compliance with Erie County Sanitary Code and all other local, state, and federal laws;

5. Ordering defendants to provide, within 15 days of the judgment, every lessee in each residential property they now or in the future own and/or manage in New York with a full and accurate lead disclosure statement that conforms to the content required by the federal Lead Disclosure Rule and a copy of the EPA-approved lead hazard information pamphlet;

6. Ordering defendants to provide plaintiffs, within 15 days of the judgment, a list of each property owned and/or managed by defendants in New York State and further mandating that defendants provide an updated, accurate list containing all such information on the first of every month thereafter for 3 years from the date of judgment;

7. Ordering defendants to provide, within 15 days of judgment, full and complete information about the property owners and property managers, as required by Buffalo City Code Chapter 265, for each residential rental property defendants own in the City of Buffalo and further mandating that defendants provide an updated, accurate list containing all such information on the first of every month thereafter for 3 years from the date of judgment;

8. Ordering defendants to file reports generated by the independent monitor with the Office of the Attorney General at defendants' expense, regarding:

- a. defendants' compliance with paragraph 1 above, such reports to be filed each month until all work required by paragraph 1 is complete; and
- b. defendants' compliance with paragraph 3 and 4 above within 180 days of the judgment and subsequent reports every 6 months for 3 years following the date of judgment.

At the independent monitor's discretion, the monitor may require production of EPA lead certification or additional information relevant to the defendants' compliance with any orders of the Court;

9. Ordering defendants to immediately comply with all licensing laws relating to the rental of properties in New York, including Buffalo City Code Chapter 265 and Real Property Law § 440, *et seq.*;

10. Ordering defendants to post an appropriate performance bond to assure compliance with all legal obligations and injunctive relief;

11. Appointing a receiver to immediately collect, hold in escrow, and disburse rent monies on properties defendants currently own or manage, such that defendants shall not be entitled to receive proceeds of rent until plaintiff, People of the State of New York, by the Attorney General, has certified that:

- a. defendants have complied with their obligations to have a risk assessment performed at each property they own and/or manage in New York and remedy every property of all conditions conducive to lead poisoning; and
- b. defendants have complied with all rental registration and licensing requirements set forth in Buffalo City Code Chapter 265 and Real Property Law § 440;

12. Permanently enjoining defendants from further illegal acts relating to lead disclosures, lead safe work practices, compliance with 40 C.F.R. Part 745, Subpart E, and conditions conducive to lead poisoning in rental housing;

13. Awarding restitution to tenants of the Raiszadeh Properties who were provided with false or misleading lead disclosures by defendants and to the City, County, and State for failing to comply with City, County, and State Codes and the Renovation Rule;

14. Ordering disgorgement of all profits and ill-gotten gains defendants have realized from failing to comply with City, County, and State Codes and the Renovation Rule;

15. Ordering disgorgement of profits and/or restitution as monetary relief for defendants' repeated and persistent fraud and/or illegality in their property rental operation;

16. Ordering defendants to pay fines and penalties in an amount to be determined by the Court;

17. Retaining jurisdiction over this matter to assure compliance with any Orders and Judgments in this action;

18. Awarding plaintiffs the costs and disbursements of the proceedings herein; and

19. Granting such other and further relief as the Court deems just and proper.

Dated: March 28, 2023
Buffalo, New York

FOR THE PEOPLE OF THE STATE OF
NEW YORK

LETITIA JAMES
Attorney General

By: /s/ Patrick Omilian
PATRICK OMILIAN
Assistant Attorney General
Environmental Protection Bureau
350 Main Street, Suite 300A
Buffalo, New York 14202
Tel: (716) 853-8579
patrick.omilian@ag.ny.gov

STEPHEN M. NAGLE
Special Counsel

BRENDAN MCGRATH
Assistant Attorney General

Environmental Protection Bureau
The Capitol
Albany, New York 12224

ASHLEY M. GREGOR
Assistant Attorney General
Environmental Protection Bureau
28 Liberty St., 19th Floor
New York, New York 10005

FOR ERIE COUNTY

By: /s/ Jeremy Toth
JEREMY TOTH, ESQ.
Acting County Attorney
County of Erie Department of Law
95 Franklin St., Ste. 1634
Buffalo, NY 14202
Tel.: (716) 858-2204
Fax: (716)858-2281
Email: Jeremy.Toth@erie.gov

FOR THE CITY OF BUFFALO

By: /s/ William Mathewson
WILLIAM MATHEWSON
Assistant Corporation Counsel
City of Buffalo | Department of Law
1101 City Hall | 65 Niagara Square
Buffalo, NY 14202
Tel.: (716) 851-4343
Fax: (716) 851-4105
Email: wmathewson@buffalony.gov