

Hoffer, Mark

From: Kahn, Lawrence [lkahn@law.nyc.gov]
Sent: Friday, June 07, 2002 12:52 PM
To: 'Hoffer, Mark'
Cc: Rubin, Gail; Martin, Lawrence; Rundbaken, Eric
Subject: RE: Interior apartment cleaning

As I discussed this morning with the Commissioner (who had called Michael Cardozo yesterday), we agree we should not press for indemnification by the owner.

I spoke with Bud Larson of OMB a little while ago. We agreed that it is advisable to modify the PW, with appropriate discussions with FEMA, to specify that we are attempting to procure insurance for the City, specifying an amount that we believe is realistic. He would like to get the PW finalized as soon as possible.

Finally, we would like to see the license that EPA is drafting for the interior cleaning. We will suggest language, obligating the owner/tenant to submit claims for any insurance proceeds that are available for the cost/value of debris removal and cleaning services provided by the City, and assigning such proceeds to FEMA.

Thanks for your assistance on this, Mark.

-----Original Message-----

From: Hoffer, Mark [mailto:markh@dep.nyc.gov]
Sent: Monday, June 03, 2002 12:19 PM
To: 'Kahn, Lawrence'
Cc: Schiano, Frank
Subject: RE: Interior apartment cleaning

We get indemnification via our contract, with respect to the contractor's acts and omissions (and we obviously get the benefit of contractor insurance as well). I don't believe the license obligates the owner to indemnify, nor do I think it will help "sell" the program to insist on same (I rather doubt that tenants will agree to indemnify; if anything, they'd be looking for us to indemnify them - which we will not do). Do we really feel that tenant negligence is a major risk here, as opposed to contractor screw-ups?

-----Original Message-----

From: Kahn, Lawrence [mailto:lkahn@law.nyc.gov]
Sent: Monday, June 03, 2002 11:44 AM
To: 'markh@dep.nyc.gov'
Subject: RE: Interior apartment cleaning

Please note Larry Martin's recommendation below.

-----Original Message-----

From: LMartinNYC@aol.com [mailto:LMartinNYC@aol.com]
Sent: Monday, June 03, 2002 10:42 AM
To: lkahn@law.nyc.gov
Subject: Interior apartment cleaning

Forgot one aspect of this. If the City must be "in the loop" on this project, we should make sure that the right of entry signed by the

renter/owner includes a solid provision by which the City (as well as EPA, FEMA, etc.) is indemnified for any negligence.