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2021-09-24

### Dinsay v. Akelius Real Estate Mgmt LLC

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Civil Court of the City of New York

County of NY

Part S

Index Number 302889/21

Motion Cal. # \_\_\_\_\_ Motion Seq. # \_\_\_\_\_

Dinsay, et al.

Claimant(s)/Plaintiff(s)/Petitioner(s)  
against

Akelius Real Estate Mgmt  
LLC Defendant(s)/Respondent(s)

HPD + DOB

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	NYSCCF Numbered
Notice of Motion and Affidavits Annexed.....	
Order to Show Cause and Affidavits Annexed ...	<u>26-34</u>
<del>Answering Affidavits</del> <u>OPPOSITION + CROSS MOTION</u>	<u>35-43</u>
Replying Affidavits + <u>OPPOSITION</u>	<u>44-48</u>
<del>Exhibits</del> <u>Reply on Cross Motion</u>	<u>49-52</u>
<del>Other</del> .....	

Upon the foregoing cited papers, the Decision/Order on ~~this Motion to~~ these cross-motions is as follows:

Resp filed OSC seeking a stay on enforcement of this court's 7/20/21 ~~is as follows:~~ order + an extension of time to correct Class C HPD violations. Pet's filed a cross motion + opposition seeking denial of Resp's OSC and an order directing completion of all violations, including DOB violations, within the timeframe set forth in NYC Admin Code § 27-2115(c) and an order directing Resp to install "remedial safety measures" while necessary repairs to buildings' ventilation are on-going ~~underway~~.

Resp's motion is granted in its entirety. Resp has until 12/31/21 to complete all repairs necessary to lift violations at issue in this case. Upon default, Pet may restore for all appropriate relief. Resp may seek further stay on enforcement/extension of time for good cause shown. Pet's motion is granted to the extent of directing Resp to install remedial safety measures in the form of HEPA filters to assist with improving ventilation + air quality. After conf. Sept 24, 2021 and based upon Affidavit of facts filed 9/23/21 (NYSCCF #54+55), Resp has already installed HEPA filters but Pet's contest their sufficiency + their functionality. Pet may restore for compliance hearing, if needed, by 9/24/21 OSC.

Judge, Civil Court

HON. DANIELE CHINEA  
JUDGE, HOUSING COURT