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2022-04-12

Sedgcliff LLC v. Gomez

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| Sedgcliff LLC v Gomez |
| 2022 NY Slip Op 22111 |
| Decided on April 12, 2022 |
| Civil Court Of The City Of New York, Bronx County |
| Tovar, J. |
| Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. |
| This opinion is uncorrected and subject to revision before publication in the printed Official Reports. |

Decided on April 12, 2022

Civil Court of the City of New York, Bronx County

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| <p style="text-align: center;">Sedgcliff LLC, Petitioner,</p> <p style="text-align: center;">against</p> <p style="text-align: center;">Desiree Gomez, Respondents.</p> |
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L & T Index No. 305571/21

For Petitioner:

Doyle & Broumand, LLP
3154 Albany Crescent, 3rd Floor
Bronx, New York 10463

Bryant Tovar, J.

This non-payment proceeding was commenced against Desiree Gomez by service of Notice of Petition dated June 1, 2021. Of note, no other respondents are named, nor does Petitioner name any Does. This matter was conferenced on April 11, 2022. Appearing virtually on said date were the Petitioner's counsel, Desiree Gomez (pro se) and DC 37 appearing as counsel for Luisa Perdomo who is not named in this proceeding.

Desiree Gomez stated that she no longer resided in the subject premises and vacated sometime in May of 2021. Mrs. Gomez indicated prior to vacating the subject premises that she left her friend, Luisa Perdomo to occupy [*2]the premises and pay the ongoing rent. Mrs. Gomez also indicated she was in contact with management to have the premises transferred to Perdomo. Petitioner's counsel indicated she had no knowledge of these communications and would confirm with her client.

Perdomo's counsel indicated that an ERAP (Emergency Rental Assistance Program) application has been filed by Perdomo and is currently pending. Perdomo's counsel sought a stay pursuant to the filing of the ERAP and this Court declined. Respondent Perdomo has not been named in this proceeding nor has she moved to intervene. Perdomo's counsel has filed an answer which shall be deemed a nullity as Perdomo has not been named in this proceeding. A final judgment of possession in this proceeding will have no effect on Perdomo as she is unnamed. ([EN1](#) *Parkash 2125 LLC v. Galan* 61 Mis 3d 502, 2018 NY Slip op 28273[Civ Ct, Bronx County 2018] RPAPL 749, as amended by L 2019, ch 36, part M §19 [June 2019].

The COVID 19 Emergency Rental Assistance Program, codified at L. 2021, C. 56, part BB, amended by L.2021, C417, Part A provides that "Eviction proceedings for a holdover or expired lease, or non-payment of rent or utilities that would be eligible for coverage under this program shall not be commenced against a household who has applied for this program or any local program administering federal emergency rental assistance program funds unless or until a determination of ineligibility is made. Except as provided in section nine-a of this act, in any pending eviction proceeding, whether filed prior to, on, or after the effective date of this act, against a household who has applied or subsequently applies for benefits under this program or any local program administering federal emergency rental assistance program funds to cover all or part of the arrears claimed by the petitioner, all proceedings shall be stayed pending a determination of eligibility."

As this eviction proceeding is not against Perdomo a stay pursuant to this provision is inapplicable. The pending application may stay Petitioner from commencing a proceeding against Perdomo however, that issue is not before court at this time.

Accordingly, this matter is adjourned to June 7, 2021, at 10:00 am for all purposes.

Dated: April 12, 2022

Hon. Bryant Tovar
Judge, Housing Part M

Footnotes

Footnote 1: *Parkash* was codified by the state legislature through the enactment of the Housing Stability and Tenant Protections.

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