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2022-05-09

### 50 Avenue B LLC v. Urena

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#### Recommended Citation

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Civil Court of the City of New York  
County of NY  
Part G

Index Number 300162/22  
Motion Cal. # \_\_\_\_\_ Motion Seq. # \_\_\_\_\_

50 Avenue B LLC  
Claimant(s)/Plaintiff(s)/Petitioner(s)  
against  
Luz Urena, Alfredo Sandoval, "Doe"  
Defendant(s)/Respondent(s)

**DECISION/ORDER**

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

Papers	NYSCEF Numbered
Notice of Motion and Affidavits Annexed.....	
Order to Show Cause and Affidavits Annexed....	<u>10-14</u>
Answering Affidavits .....	<u>15-23</u>
Replying Affidavits.....	
Exhibits .....	
Other.....	

Upon the foregoing cited papers, the Decision/Order on this Motion to vacate ERAP stay  
and permit case to proceed in ordinary course. is as follows:

Motion granted over written opposition. This is a licensee holdover case. Pet. has agreed to stay any claim for UTO but wishes to proceed on merits of H/P. Though ERAP statute, is amended by S. 50001, <sup>impose an automatic</sup> ~~promote~~ stay upon applying to ERAP, nothing in ERAP statute prohibits the Court from evaluating the stay and determining if the terms are just under CPLR §2204.

See 2986 Briggs LLC v. Evans, 74 Misc.3d 1224(A) (NY Civ. March 22, 2022). Given that the primary purpose of this case is to obtain possession, lifting stay does not invalidate ERAP application, Pet has agreed to stay that part of the proceeding seeking UTO while application is pending, and the Court has power under HSPA to stay eviction even after judgment enters; permitting an indefinite stay while no rent or UTO is being paid is not just to Petitioner. Thus, the case will move forward in ordinary course. Answer due by 5/31/22. Case adj. for all purposes to 6/15/22 @ 11:30. Virtual appearance is acceptable.

Date 5/9/22 Judge, Civil Court [Signature]  
HON. DANIELE CHINEA  
JUDGE, HOUSING COURT