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Roberts v. Howell

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Civil Court of the City of New York
County of Bronx
Part: Part F, Room: 460
Date: April 12, 2022



Index #: LT-001492-21/BX
Motion Seq #: 1

Decision/Order

Kadian Roberts
Petitioner(s)

Present: Miriam Breier
Judge

-against-
Erica Howell; Ivan Rodriguez; "John" "Doe"; "Jane" "Doe"
Respondent(s)

Recitation, as required by CPLR 2219(A), of the papers considered in the review of this Motion for:
For Permission

PAPERS	NUMBERED
Notice of Motion and Affidavits Annexed	1
Order to Show Cause and Affidavits Annexed	
Answering Affidavits Affirmation in opposition	1
Replying Affidavits	
Exhibits	
Stipulations	
Other	

Upon the foregoing cited papers, the Decision/Order in this Motion is as follows:

Petitioner's motion to vacate the ERAP stay in this summary holdover proceeding is denied after argument and submission to the Court. Petitioner fails to set forth any reason why the facts of this proceeding would fall outside the Extraordinary Session S50001 Bill ("Act") at §8 of Part A of S50001 which states that all pending eviction proceedings shall be stayed "[e]xcept as provided in section 9-1 of this act..." This proceeding does not fall within any of the enumerated exceptions, nor does petitioner set forth any legal basis to vacate the ERAP stay.

The motion is therefore denied. The proceeding shall be placed on the ERAP Administrative calendar pending determination of respondent's ERAP application.

This constitutes the Decision and Order of the Court.

Date: July 7, 2022

Judge, Civil/Housing Court
Hon. Miriam Breier

Generated: July 7, 2022