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LONGWOOD GARDENS L.L.C. v. QUINONES

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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: HOUSING PART B

-----X
LONGWOOD GARDENS L.L.C.,

L&T Index No. 307808/20

Petitioner,

-against-

DECISION/ORDER

ZAIDA QUINONES,
N.Y.C.H.A.,

Respondents.

-----X

Present: Hon. OMER SHAHID
Judge, Housing Court

Recitation, as required by C.P.L.R. § 2219(a), of the papers considered in the review of Petitioner’s Motion to Vacate the E.R.A.P. Stay (Motion #2 on N.Y.S.C.E.F.):

Papers	Numbered
Notice of Motion (Motion #2 on N.Y.S.C.E.F.).....	<u>1</u>
<u>Affirmation in Opposition (Entries 12-13 on N.Y.S.C.E.F.).....</u>	<u>2</u>
<u>Affirmation in Reply (Entry 14 on N.Y.S.C.E.F.)....</u>	<u>3</u>

Petitioner moves to vacate the E.R.A.P. stay on the ground that Respondent is a subsidized tenant and that O.T.D.A. will not pay pursuant to Respondent’s E.R.A.P. application due to her status as a subsidized tenant.

However, as recently decided by this very court in Elliot Place Properties Inc. v. Jaquez, 77 Misc. 3d 1230(A) (Civ. Ct., Bronx Co. 2023), a stay associated with a subsidized tenant’s E.R.A.P. application shall continue to remain in place despite the applications of such tenants being low on the priority list. Since Respondent is a tenant who is an obligation to pay rent, the stay associated with Respondent’s application shall remain in place. See Bank of N.Y. Trust Co., N.A. v. Courtney, 2023 N.Y. Slip Op. 23075 (App. Term, 1st Dep’t 2023).

Accordingly, Petitioner’s motion is denied in its entirety and the matter shall remain on the E.R.A.P. administrative calendar pending determination. Once determination has been made, either party may reach out to the Part and request that the matter be placed back on the court’s calendar.

The foregoing constitutes the decision and order of the court.

Dated: April 11, 2023
Bronx, N.Y.



Omer Shahid, J.H.C.