

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

All Decisions

Housing Court Decisions Project

2020-10-17

FRECKLETON v. AKANDE

Follow this and additional works at: https://ir.lawnet.fordham.edu/housing_court_all

Recommended Citation

"FRECKLETON v. AKANDE" (2020). *All Decisions*. 1110.
https://ir.lawnet.fordham.edu/housing_court_all/1110

This Housing Court Decision is brought to you for free and open access by the Housing Court Decisions Project at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in All Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: HOUSING PART C

JOEL FRECKLETON,
NIDDIA DANN-FRECKLETON,
Petitioners,

Index No. HP 923/21

against

**ORDER
AFTER CONFERENCE**

ISAIAH AKANDE,
MARLON HERMITT
TAMEISHA BANCROST-HERMITT,
and
NEW YORK CITY DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT (DHPD),
Respondents,

HON. ENEDINA PILAR SANCHEZ

Petitioners filed this HP case seeking a finding of harassment and a restraining order against owner of the premises and their roommates, co-tenants. The subject premises are a two-family house located at 147-71 Huxley Street, Rosedale, New York, 11422.

Petitioners and respondent-cotenants appeared in court. Respondent-owner, Isaiah Akande, and counsel for respondent New York City Department of Housing Preservation and Development (DHPD) appeared via Microsoft Teams pursuant to the Administrative Orders in place during the COVID-19 pandemic. DHPD does not take a position on this harassment claim.

Petitioners and respondents-Hermitt share the first-floor apartment. They have their respective bedrooms and bathrooms. They must share the kitchen and living room. In a prior case between petitioners and respondents-Hermitt, the parties reached a resolution after conference. They agreed not to engage in any of the acts discussed during the conference, without any party admitting any wrongdoing. (*Freckleton v. Hermitt*, Index No. HP 475/21QU).

The situation has escalated, and this second case was filed. Unlike the first case, the owner is included as a named respondent. After a lengthy conference with the Court, the parties cannot agree to resolve this matter and insist that the other is interfering with their respective use of the shared space. Petitioners further allege that respondents Hermitt have brought another person to sleep in the living room. The living room is shared space. The owner Akande cannot keep the peace between these two families; they have been living together since April 2019. During the pandemic, the tension, and disagreements between these two families has been problematic.

The Court recommends that these two families participate in a community-based mediation program. Neither one wants to relocate. The Housing Maintenance Code does not recognize a harassment claim between these co-tenants who are also roommates.

These parties, however, seek resolution and have agreed to accept the recommendation to pursue a resolution in a community mediation/resolution program.

New York State Court recognizes that Alternative Dispute Resolution (ADR) Programs are an essential and viable method of conflict resolution.

The *Civil Court Act §110 (c)*, describes the essential discretion of the court.

Regardless of the relief originally sought by a party the court may recommend or employ any remedy, program, procedure or sanction authorized by law for the enforcement of housing standards, if it believes they will be more effective to accomplish compliance or to protect and promote the public interest;

In the County of Queens, the Community Mediation Services, (CMS) is located at 89-64 163 Street, Jamaica, New York 11432, Telephone 718-523-6868. CMS may be reached for resolution of the conflict presented to the court by these parties.

Regarding respondent-owner, ISAIAH AKANDE, this case is dismissed *sua sponte*. The owner is not a proper party to the conflict between the two co-tenants. Nor are there any allegations that respondent Akande partakes in any acts which cause the conflicts between the tenants.

This Order is being mailed to all parties.

This constitutes the Order of the Court.

Dated: March 1, 2022
Queens, New York

So Ordered,

ENEDINA PILAR SANCHEZ
Judge, Housing Court