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2024-04-02

### Pact Renaissance Collaborative LLC v. Drake

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Civil Court of the City of New York  
County of New York

Index # LT-305323-23/NY



Pact Renaissance Collaborative LLC  
Petitioner(s)

Decision / Order

-against-

Otis Drake; Ebony Crystal  
Respondent(s)

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

| Papers   | Numbered         |
|--|------------------|
| Order to show Cause/ Notice of Motion and Affidavits /Affirmations annexed | 1 / MSCEF 16-27  |
| Answering Affidavits/ Affirmations   | 2 / MSCEF 30, 29 |
| Reply Affidavits/ Affirmations   | 3 / MSCEF 33     |
| Memoranda of Law   |                  |
| Other  |                  |

Upon the foregoing cited papers, the Decision/ Order on the (motion / order to show cause) is (granted /denied) for the following reason(s):

Respondent's motion to dismiss pursuant to CPLR 3211(a)(2) is granted. Petitioner fails to state a cause of action and documentary evidence provided (i.e. the lease - MSCEF Doc. 19). Specifically, the CARES Act (Section 4024) is applicable herein as it requires an owner <sup>receiving</sup> federal <sup>subsidized</sup> rental assistance to provide a 30 day notice to vacate in a legal action against a tenant. Here the subject premises <sup>is</sup> covered by

Date: 4/3/2024

MON. FRANCESCA A. ORTIZ  
JUDGE, HOUSING COURT

Judge of the Civil Court

Civ-GP-85

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Pact Renaissance Collaborative LLC  
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Hon. Frances A. Ortiz  
Housing Court Judge

42 USCA § 1437(f) as evidenced  
by the documentary evidence (Exhibit C  
MSEF Doc. 19) which shows  
that the contract rent is determined  
by MCHA in accordance with federal  
H.U.D. requirements. Petitioner  
merely provided a 14 Day Rent  
Demand not a 30 Day Notice  
to vacate. As such, based on the  
documentary evidence (lease), the  
Petition is dismissed for non-compliance  
with CARES Act. Andrews v. Juan Rodriguez  
(LT # 310838/23 - Bronx Cty, Civil Ct, Judge  
Lutwick - MSEF Doc. 13).  
Additionally, Petitioner provides  
no opposition to Respondent's argument seeking

4/3/2024  
Date: April 2, 2024

HON. FRANCES A. ORTIZ  
JUDGE, HOUSING COURT

Hon. Frances A. Ortiz  
Housing Court Judge

Pages: 1 of 3



Pact Renaissance Collaborative LLC  
Petitioner(s)  
-against-  
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Housing Court Judge

Dismissal for violating notice requirements  
under Federal Violence Against Women Act (VAWA)  
which requires (24 CFR § 5.2005) Petitioner (covered  
to provide tenants with notification housing  
of their occupancy rights under VAWA provided  
with any notification of eviction or  
notification of termination assistance.  
Here, it is undisputed that such VAWA  
notification was not provided. As such,  
the Petition is also dismissed  
for non-compliance with VAWA notice requirements.  
(Sinclair Housing Development Fund Corp v.  
Hayswood, LT # 700 30/19 - NY /ctry, Civil Court,  
Judge Chonea - NYCEF Doc. 25).  
Accordingly, the petition is dismissed  
without prejudice to new non-payment.  
Respondent's motion to dismiss is granted.

Date: April 2, 2024

*Fee*  
Hon. Frances A. Ortiz  
Housing Court Judge

HON. FRANCES A. ORTIZ  
JUDGE, HOUSING COURT

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