Bond Case Briefs

Municipal Finance Law Since 1971

MUNICIPAL ORDINANCE - NEW YORK

West 49th Street, LLC v. O'Neill

Civil Court, City of New York, New York County - September 23, 2022 - N.Y.S.3d - 2022 WL 4392993 - 2022 N.Y. Slip Op. 22296

After tenant's death and expiration of his lease to rent-stabilized premises, landlord brought holdover licensee proceeding against respondent, tenant's purported successor, who had shared apartment with deceased tenant and who had not vacated premises after having received a notice to quit.

Respondent asserted, among other defenses, that he had a right as a nontraditional family member to a renewal lease in his own name. The parties cross-moved for summary judgment, respondent moved for discovery, and landlord moved for use and occupancy pendente lite.

The Civil Court of the City of New York held that:

- Genuine issues of material fact about nature of deceased tenant's relationship with respondent and with third party, who had not lived with tenant but had been a purported life partner of tenant, precluded summary judgment;
- As a matter of first impression, fact that a deceased tenant may have had a nontraditional family relationship not just with a purported successor but also with another person does not automatically preclude the purported successor from establishing a succession claim as a nontraditional family member under city's rent-stabilization ordinance;
- Respondent was not entitled to discovery into bank records of joint bank account between deceased tenant and purported life partner who had not lived with tenant; and
- Landlord was entitled to use and occupancy pendente lite from date of court's order.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com