

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D30989
C/kmb

_____AD3d_____

Argued - April 7, 2011

PETER B. SKELOS, J.P.
JOHN M. LEVENTHAL
SANDRA L. SGROI
ROBERT J. MILLER, JJ.

2010-01395

DECISION & JUDGMENT

In the Matter of Doris Morales, petitioner,
v Department of Housing Preservation
and Development, et al., respondents.

(Index No. 18072/09)

Doris Morales, Brooklyn, N.Y., petitioner pro se.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Kristin M. Helmers and Janet L. Zaleon of counsel), for respondent Department of Housing Preservation and Development.

Rose & Rose, New York, N.Y. (David P. Haberman and Jonathan A. Callahan of counsel), for respondent Kent Village Housing Co., Inc.

Proceeding pursuant to CPLR article 78 to review a determination of the respondent Department of Housing Preservation and Development dated April 29, 2009, which, after a hearing, granted the application of the respondent Kent Village Housing Co., Inc., for a certificate authorizing it to commence a proceeding to evict the petitioner from her apartment.

ADJUDGED that the determination is confirmed, the petition is denied, and the proceeding is dismissed, on the merits, without costs or disbursements.

Review of an administrative determination made after a hearing is limited to whether the determination is supported by substantial evidence (*see Matter of Jennings v New York State Off. of Mental Health*, 90 NY2d 227, 239; *Matter of Hughes v New York State Unified Ct. Sys. Off. of*

April 26, 2011

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Ct. Admin., 78 AD3d 700). Here, there was substantial evidence at the hearing to support the conclusion of the respondent Department of Housing Preservation and Development that the petitioner sold illegal drugs from her apartment in violation of the terms of her tenancy (*see* 42 USC 1437d[1][6], 1437f[d][1][B][iii]; *see also* 24 CFR §§ 5.858, 247.3[a][3], 966.4[f][12][i][B]). We therefore confirm the determination (*see Matter of Brown v New York City Hous. Auth.*, 27 AD3d 733).

The petitioner's remaining contentions are either not properly before this Court or without merit.

SKELOS, J.P., LEVENTHAL, SGROI and MILLER, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court