

Joe Cent. Brooklyn LLC v Upshaw
2026 NY Slip Op 30924(U)
February 25, 2026
Civil Court of the City of New York, Kings County
Docket Number: Index No. LT-313102-25/KI
Judge: Shantonu J. Basu
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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART T

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JOE CENTRAL BROOKLYN LLC

Petitioner

Index No. LT-313102-25/KI

-against-

DECISION/ORDER

TONYA UPSHAW

Respondent(s)

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Present:

Hon. Shantonu J. Basu
Judge, Housing Court

As required by CPLR § 2219(a), the following is a recitation of the papers considered in the review of motion sequence 1.

PAPERS	NUMBERED
Notice of Motion, Affirmation, Exhibits, etc.....	<u>1</u>
Affirmation/Affidavit in Opposition.....	<u>2</u>
Affirmation in Reply.....	<u>3</u>

For the reasons stated below, the court grants Respondent’s motion to dismiss.

Both parties agree that Petitioner attached an outdated VAWA form. Petitioner requests leave to amend the pleadings to append the correct form although does not cross-move for that purpose. In any event, the court would have denied the cross-motion.

The court finds that the current VAWA form differs sufficiently from the one that was served. Respondent does not state any particular prejudice or confusion that resulted from this error.

Nonetheless, the law requires that VAWA forms be attached to the predicate notice so that survivors of domestic violence can be protected from displacement. The VAWA forms also serve to inform all individuals, whether survivors or not, of their rights under the statute. Nor is it for this court to speculate about whether the

correct VAWA notice would have afforded Respondent any special considerations. Courts have ruled in blanket fashion that the VAWA forms must be attached to the notice of termination (*see 1471 Brooklyn LLC v Glanville*, 2024 NYLJ LEXIS 3639 [Civ Ct, Kings County 2024] [“A review of the Notice of Termination reflects that Petitioner failed to annex a VAWA notice. Petitioner’s non-compliance with the VAWA requirements mandates a dismissal of this proceeding”] [*citing Diego Beekman Mutual Housing Association HDFC v McClain*, LT 320278-23/BX (Civ Ct, Bronx County 2024)”]).

Allowing an amendment could have deleterious effects. VAWA is a remedial statute. Remedial statutes are designed to correct imperfections in prior law (*Matter of Mia S.*, 212 AD3d 17, 22 [2d Dept 2022]). VAWA was designed to improve protections for potential victims and survivors of domestic violence (*Breest v Haggis*, 180 AD3d 83, 92 [1st Dept 2019]). Where possible, remedial statutes should be interpreted broadly (*Bennett v Health Mgt. Sys., Inc.*, 92 AD3d 29, 35 [1st Dept 2011]).

Given VAWA’s remedial nature, the court finds the statute should be rigorously applied. This is not to say that slight or obvious errors in the form can never be overlooked. The court merely rules that using the old form (which expired nearly a decade ago in 2017) is improper in this instance.

Therefore, the court grants Respondent’s motion, and the instant proceeding is dismissed without prejudice. The court reaches no other issue. The remaining branches of Respondent’s motion are denied as moot.

This constitutes the decision/order of the court.

Dated: February 25, 2026
Brooklyn, NY



Hon. Shantonu J. Basu
Housing Court Judge