

US Bank NA v Abramob

2025 NY Slip Op 32345(U)

July 2, 2025

Civil Court of the City of New York, Kings County

Docket Number: Index No. 323606/24

Judge: Michael L. Weisberg

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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART

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US BANK NA,

Index No. 323606/24

Petitioner,

DECISION/ORDER

-against-

Mot. seq. nos. 2 & 3

NELYA ABRAMOB, ET AL.,

Respondents.

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WEISBERG, J.:

The following e-filed documents, listed by NYSCEF document number 20-70 (motion nos. 2 & 3) were read on these motions for summary judgment dismissing the petitions.

Movants have demonstrated prima facie that the premises were built before 1974 and were converted by a prior owner into a use of a rooming house with six more units by, among other things, submitting evidence that in 2018 the prior owner commenced eight separate holdover summary eviction proceedings for eight separate units in the building. Petitioner’s correct assertion, with nothing else, that the records of the Department of Housing Preservation and Development as evidenced by the data on its website show that the building is intended for use as one with only two “class A” apartments is insufficient to raise a question of fact that would require denial of the motions.

Because the building was built before 1974 and contained six or more residential units, Petitioner was required to allege a ground for termination permitted by the Rent Stabilization Code (e.g. *Lashley-Smith v Bradshaw*, 66 Misc 3d 143[A], 2020 NY Slip Op 50179[U] [App Term, 2d Dept, 2d, 11th, & 13th Jud Dists 2020]); *Joe Lebnan, LLC v Oliva*, 39 Misc 3d 31 [App Term, 2d Dept, 2d, 11th, & 13th Jud Dists 2013]). Because Petitioner did not do so, the petition must be dismissed.

Accordingly, it is ORDERED that the motions are granted insofar as the petitions are dismissed; and it is further

ORDERED that so much of the motion seq. no. 3 that seeks summary judgment on movant’s second counterclaim is denied. The counterclaim, in effect, requests a declaratory judgment, which relief the Civil Court (of which the Housing Court is a part) is without

jurisdiction to grant except pursuant to NYC Civil Court Act 212-a, which is inapplicable here
(*133 Plus 24 Sanford Ave. Realty Corp. v Ni*, 47 Misc 3d 55 [App Term, 2d Dept, 2d, 11th, &
13th Jud Dists 2015]).

This is the court's decision and order.

Dated: July 2, 2025



Michael L. Weisberg, JHC