

Fellin v Martinez

2025 NY Slip Op 33503(U)

September 9, 2025

Civil Court of the City of New York, Queens County

Docket Number: Index No. LT-320227-24/QU

Judge: Bryant Tovar

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This opinion is uncorrected and not selected for official publication.



PHILLIP FELLIN

Petitioner (s)

Decision / Order

-against-

GEORGINA MARTINEZ

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
Answering Affidavits/ Affirmations	2
Reply Affidavits/ Affirmations	6
Memoranda of Law	
Other	3-5

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

BACKGROUND & PROCEDURAL POSTURE

Philip Fellin (Petitioner) commenced this holdover proceeding against Georgina Martinez (Respondent), alleging that the respondent is a licensee who remains in possession of the middle bedroom (Subject Premises), located within 43-35 170th Street, Flushing, New York, 11358, without the permission of the petitioner. The Ten-Day Notice to Quit to Licensee (Termination Notice) dated October 10, 2024, expired on or before December 10, 2024. (NY St Cts Elec Filing [NYSCEF] Doc No. 3, Notice to Quit). Both parties are represented by counsel.

The respondent moves to dismiss pursuant to Civil Practice Law and Rules (CPLR) § 3211 (a)(7) on the grounds the petition is defective in that the petitioner did not properly state why the premises are exempt from the New York Good Cause Eviction Law (GCEL); The petition fails to disclose the number of units owned by the petitioner and the corresponding

property addresses in the petition pursuant to Article 6-A of Real Property Law (RPL), specifically § 214-216.

LAW AND ITS APPLICATION

GCEL was enacted on April 20, 2024 (L 2024, ch 56, part HH). It is worth noting that a portion of the statute became effective on August 18, 2024. (L 2024, ch 56, part HH, § 7[a]). Section 3 of the statute which adds § 231-C to the RPL. (L 2024, ch 56, part HH, § 3). RPL § 231-C requires landlords “append to or incorporate into any ... petition pursuant to section seven hundred forty-one of the real property action and proceeding law” (hereinafter “RPAPL § 741”) the notice to tenants regarding, inter alia, information as to whether a specific unit is subject to the GCEL. (L 2024, ch 56, part HH, § 3[1]). *see Lau v Zheng*, 225 NYS3d 854, 856 [Civ Ct 2025].

RPL § 214 was promulgated as part of the GCEL. Under that statute, all housing accommodations are covered by the GCEL except those specifically enumerated therein. RPL § 214(1) creates an exception for:

"[P]remises owned by a small landlord provided than in connection with any eviction proceeding in which the landlord claims an exemption from the provisions of this article on the basis of being a small landlord, such landlord shall provide to the tenant or tenants subject to the proceeding the name of each natural person who owns or is a beneficial owner of, directly or indirectly, in whole or in part, the housing accommodation at issue in the proceeding, the number of units owned, jointly or separately, by each such natural person owner, and the address of such units, excluding each natural person owner's principal residence[.]"

CONCLUSION

It is undisputed the petitioner has failed to comply with RPL § 214 and never attempted to provide the required information. Accordingly, this proceeding is dismissed without prejudice.

This constitutes the Decision and Order of the court.

Date: September 9, 2025

Bt
x _____
Hon. Bryant Tovar