

515-517 W. 171st St. LLC v Sequin

2025 NY Slip Op 34549(U)

December 9, 2025

Civil Court of the City of New York, New York County

Docket Number: Index No. L&T 76225/17

Judge: Clinton J. Guthrie

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This opinion is uncorrected and not selected for official publication.

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

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515-517 WEST 171ST STREET LLC,

Index No. L&T 76225/17

Petitioner,

-against-

DECISION/ORDER

LEONARDO SEQUIN,

Respondent.

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Present:

Hon. CLINTON J. GUTHRIE
Judge, Housing Court

Recitation, as required by CPLR § 2219(a), of the papers considered in the review of respondent’s motion for summary judgment pursuant to CPLR § 3212 (seq. 4):

Papers	Numbered
Notice of Motion & All Documents Annexed.....	<u>1 (NYSCEF #9-29)</u>
Affirmation in Opposition & Memorandum of Law Annexed.....	<u>2 (NYSCEF #30-31)</u>
Affirmation in Reply & All Documents Annexed.....	<u>3 (NYSCEF #32-34)</u>

Upon the foregoing cited papers, the decision and order on respondent’s motion is as follows.

PROCEDURAL HISTORY

This summary licensee holdover proceeding was filed in October 2017. The petition pleads that the subject premises is subject to rent control. In March 2018, counsel appeared for respondent Leonardo Seguin (“respondent”) and in May 2018, respondent interposed an answer containing a succession defense. The proceeding was marked off-calendar for discovery in September 2018. After the intervening period of the COVID-19 pandemic, the case was restored upon the conclusion of discovery in 2024. In March 2025, respondent made the instant motion for summary judgment. Following briefing, this court heard argument on the motion on April

11, 2025.

DISCUSSION/CONCLUSION

Respondent seeks summary judgment on his succession defense. Petitioner opposes respondent’s motion in all respects. Respondent asserts that he was a family member, as defined in 9 NYCRR § 2204.6(d)(3), of the former tenant of record, Guillermo Seguin, who was his father. In support, he annexes a copy of his New York City Vital Records birth certificate, listing “Guillermo Seguin” as his father. Petitioner does not credibly refute the fact that respondent was Guillermo Seguin’s son.

Under the New York City Rent and Eviction Regulations (“Rent and Eviction Regulations”), an individual may succeed to a rent-controlled tenancy if they are a family member, as defined in the regulations, who has primarily resided in the subject premises with the tenant of record for a period of not less than 2 years (excepting situations where the successor is elderly or disabled, in which case the co-residency period is one year) prior to the tenant’s permanent vacatur (*see* 9 NYCRR § 2204.6(d)(1); *Braschi v Stahl Assocs. Co.*, 74 NY2d 201, 209 [1989]; *RSL E. 95th LLC v New York State Div. of Hous. & Community Renewal*, 137 AD3d 572, 572-573 [1st Dept 2016]). As the Court of Appeals has held, “[s]uccession[’s] . . . goal is to facilitate the availability of affordable housing for low-income residents and to temper the harsh consequences of the death or departure of a tenant for their ‘traditional’ and ‘non-traditional’ family members.” (*Matter of Murphy v New Yor State Div. of Hous. & Community Renewal*, 21 NY3d 649, 653 [2013] [internal citations omitted]). The definition of “family member” in the Rent and Eviction Regulations includes a son of the tenant of record (*see* 9 NYCRR § 2204.6(d)(3)(i)).

On a motion for summary judgment, “the proponent . . . must make a prima facie showing of entitlement to judgment as a matter of law, tendering sufficient evidence to demonstrate the absence of any material issues of fact[.] . . . Once this showing has been made, however, the burden shifts to the party opposing the motion for summary judgment to produce evidentiary proof in admissible form sufficient to establish the existence of material issues of fact which require a trial of the action.” (*Alvarez v. Prospect Hosp.*, 68 N.Y.2d 320, 324 [1986] [internal citations omitted]). Respondent states in his affidavit in support that he resided in the subject premises from his birth, in 1966, and that he resided there with his father until his father’s death on September 19, 2011 (Seguin Aff., ¶¶ 4, 10-11). He also states that he has been disabled since 1996 and annexes a letter from the Social Security Administration (SSA) confirming his disability as of March 16, 2011. While petitioner does not explicitly agree that respondent is a “disabled person” as defined in the Rent and Eviction Regulations (*see* 9 NYCRR § 2204.6(d)(3)(iii)), it does not put forth any material challenge to respondent’s status as such (*see 1970 Univ. LLC v Estate of Garcia*, 56 Misc 3d 95, 96 [App Term, 1st Dept 2017]). Therefore, the court finds that respondent has adequately demonstrated that he is a “disabled person” under the Rent and Eviction Regulations.

To demonstrate his residency at the subject premises before his father’s death, respondent annexes various documents, including NYC Human Resources Administration (HRA) benefits records, a State of New York Department of Motor Vehicles (DMV) driving record abstract, New York City Board of Election (BOE) records, Verizon telephone and internet records, Time Warner cable service records, Banco Popular bank records, Village Apothecary pharmacy records, and a ConEdison letter regarding electricity service. The records are generally from

2010 and 2011. Also annexed is an excerpt from respondent's deposition transcript, in which respondent describes his residency at the subject premises with his father.

In opposition, petitioner annexes a 3-page affirmation from Baruch Hirsch, the managing agent from petitioner. Mr. Hirsch describes petitioner purchasing the subject building in March 2016 and being unaware that Guillermo Seguin had died. While he does not dispute the validity of respondent's claims or evidence, he highlights the fact that Guillermo Seguin was in a nursing home at the time that he died and the possibility that Guillermo Seguin permanently vacated the subject premises when he went to the nursing home, before his death. Notably, petitioner does not tender any documentary evidence to oppose respondent's claim to succession.

A tenant of record's move to a nursing home before the successor's co-residency with the tenant reached the statutorily required one or two years may preclude succession (*see 441 Convent LLC v Stafford*, 101 AD3d 479, 480 [1st Dept 2012]); *Matter of Glass v Glass*, 29 AD3d 347, 349 [1st Dept 2006]). Here, respondent points to the listing of the subject premises address on his father's death certificate to attempt to demonstrate that his father continued to reside in the subject premises until his death, notwithstanding his time in a nursing home at the end of his life. Assuming, arguendo, Guillermo Seguin's permanent vacatur occurred as early as March or April 2011, when he went to the Isabella Nursing Home, as respondent testified during his deposition (*see* NYSCEF Doc. 28, Page 10 [Deposition Page 29]), the court nonetheless finds that respondent has met his prima facie burden of establishing that he maintained the subject premises as his primary residence and co-resided with Guillermo Seguin for at least one year prior to Guillermo's permanent vacatur. To wit, respondent's certified Board of Elections records list the subject premises address as respondent's address from 1984 though 2017.

Additionally, uncertified but reliable, sufficiently authenticated documents from the SSA, ConEdison and NYC HRA list respondent's address as the subject premises during the relevant one-year period, whether permanent vacatur is in March/April 2011 or September 2011 (*see Rosenblatt v St. George Health & Racquetball Assoc., LLC*, 119 AD3d 45, 51-52 [2d Dept 2014]; *Capital One Bank (USA) v Koralik*, 51 Misc 3d 74, 76-77 [App Term, 1st Dept 2016]). Moreover, petitioner does not provide a sworn statement from any individual with personal knowledge to refute respondent's sworn statement that he primarily resided at the subject premises at all times between September 1, 2009 and September 30, 2011 (*see Leonardo Seguin Aff.* [NYSCEF Doc. 10], ¶ 18).

In opposition, petitioner has failed to establish any material fact requiring a trial on respondent's succession defense. Its opposition mainly consists of unavailing objections to the admissibility of respondent's core evidence and ambiguity regarding Guillermo Seguin's permanent vacatur. As discussed above, these matters do not prevent respondent from meeting his summary judgment burden and are not adequate to defeat summary judgment. Accordingly, the court finds that respondent has established his entitlement to succeed to Guillermo Seguin's rent-controlled tenancy as a matter of law pursuant to 9 NYCRR § 2204.6(d)(1). Upon this determination, respondent's motion is granted and the petition, which describes respondent as a licensee, is dismissed. The clerk shall issue a judgment dismissing the petition (*see CPLR* § 411).

This Decision/Order will be filed to NYSCEF.

THIS CONSTITUTES THE DECISION AND ORDER OF THE COURT.

Dated: New York, New York
December 9, 2025


HON. CLINTON J. GUTHRIE, J.H.C.

APPROVED
CGUTHRIE, 12/9/2025, 9:25:32 AM

CHECK ONE:

MOTION SEQ. #: 4

CHECK IF APPROPRIATE:

NOTES

<input checked="" type="checkbox"/>	CASE DISPOSED		<input type="checkbox"/>	NON-FINAL DISPOSITION	
<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	GRANTED IN PART
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	OTHER
<input type="checkbox"/>	SETTLE ORDER		<input type="checkbox"/>	SUBMIT ORDER	STAY CASE
<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		<input type="checkbox"/>	FIDUCIARY APPOINTMENT	REFERENCE
NOTES					