

**Matter of 467 Entities LLC v Department of Hous.  
Preserv. & Dev. for the City of N.Y.**

2025 NY Slip Op 34864(U)

December 16, 2025

Supreme Court, New York County

Docket Number: Index No. 152445/2025

Judge: Mary V. Rosado

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. MARY V. ROSADO PART 33M

Justice

-----X

INDEX NO. 152445/2025

In the Matter of the Application of

MOTION DATE 02/26/2025

467 ENTITIES LLC,

MOTION SEQ. NO. 001

Petitioner,

For a Judgment Under Article 78 of the Civil Practice Law and Rules

- v -

DECISION + ORDER ON MOTION

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT FOR THE CITY OF NEW YORK, and NEW YORK CITY DEPARTMENT OF FINANCE

Respondents.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 1 through 41 were read on this motion to/for ARTICLE 78 (BODY OR OFFICER)

Upon the foregoing documents, and after a final submission date of November 18, 2025, Petitioner 467 Entities LLC's ("Petitioner") Petition to annul Respondent Department of Housing Preservation and Development's ("HPD") issuance of demolition charges to Petitioner and ordering Respondent New York City Department of Finance ("Department of Finance") is denied.

Petitioner owns the building at 467 Grand Street, Brooklyn, New York (the "Building"). On November 16, 2022, the New York City Department of Buildings ("DOB") issued a stop work order against Petitioner because construction work was taking place without a permit and the Building was structurally compromised. The DOB issued an immediate emergency declaration ("IED") pursuant to New York City Administrative Code § 28-215.1 and required emergency demolition of the Building on November 19, 2022. On November 17, 2022, Petitioner requested a hold on the IED. On November 18, 2022 Petitioner's hold request was denied for several reasons,

including Petitioner commencing construction without a licensed engineer at the Building, denying DOB engineers access at the Building, failing to properly perform foundation work, continuing construction in violation of a full stop work order, and based on the DOB engineer unit's recommendation to proceed with HPD emergency contractors due to the incompleteness of Petitioner's engineer's report. However, DOB's borough commissioner advised that once HPD completed backfill work, Petitioner could complete the remainder of the demolition work.

On November 19, 2022, HPD retained a contractor, Statewide Demolition Corp. ("Statewide") to perform emergency backfill work to prevent the collapse of the Building. Once the backfill work was completed, Petitioner retained its own contractor and engineer to complete demolition of the Building. However, because HPD was required to pay Statewide for the emergency backfill work caused by Petitioner's construction, Petitioner was charged for the cost of the backfill work pursuant to New York City Administrative Code § 28-215.1.

On August 19, 2023, Petitioner received a tax bill for the Statewide work paid by HPD. Petitioner advised HPD it was protesting the charge and listed its objections, mainly objecting to the fee for the backfilling work as unreasonable, and objecting to the vagueness of the invoice of the work performed. On January 22, 2025, HPD denied Petitioner's protest. HPD showed the requests for proposal were clear that Statewide's bid was only for backfill work and not a demolition, and that HPD reviewed extensive documentation prior to approving payment to Statewide. HPD also stated that New York City Admin. Code § 27-2146 prohibits challenges to the validity of the amount billed for HPD emergency repairs, and that the cost was reasonable considering HPD was required to procure a reputable contractor with a licensed engineer on an

immediate and emergency basis to perform construction work on a Saturday.<sup>1</sup> Subsequently, on February 24, 2025, Petitioner commenced this Article 78 proceeding.

The Petition is denied. In an article 78 proceeding, judicial review is limited to determine whether an administrative decision is arbitrary and capricious (*Slesinger v Department of Housing Preservation and Development of City of New York*, 39 AD3d 246 [1st Dept 2007]). The Court “may not weigh the evidence, choose between conflicting proof, or substitute its assessment of the evidence or witness credibility for that of the administrative factfinder” (*In re Harvey v New York City Department of Buildings*, 180 AD3d 434, 435 [1st Dept 2020] quoting *Matter of Porter v New York City Hous. Auth.*, 42 AD3d 314, 314 [1<sup>st</sup> Dept 2007]).

HPD’s determination in denying Petitioner’s protest was rational and lawful. HPD was required to secure a reputable contractor to perform emergency stabilization work to the Building as a result of Petitioner’s unpermitted construction work, which threatened the structural integrity of the Building. HPD was required to secure this contractor to work on a Saturday on incredibly short notice. The charges are supported by contemporaneous records and a detailed bid (*see* NYSCEF Doc. 29). The records detail that a substantial amount of the costs dealt with procuring adequate insurance coverage on an emergency basis, necessary construction materials and equipment, labor, and overhead & profit. Moreover, the record reflects that based on the incredibly short notice, Statewide was the sole bidder, and Statewide reduced its initial bid and provided a best and final offer in response to negotiations with Respondents.

There was also a rational basis for HPD to deny Petitioner’s request to complete the backfill on its own – it was Petitioner’s own actions that caused the emergency and, in the days, leading up to the backfill work Petitioner violated a stop work order and refused a DOB engineer access

---

<sup>1</sup> The award amount to Statewide was approved by both Corporation Counsel of the City of New York and the New York City Comptroller’s Office.

to the Building. Petitioner did not show that it was a reputable or trustworthy actor, and its own actions precipitated the necessity for the emergency procurement of a contractor. Nonetheless, once the backfill work was completed, Petitioner was allowed to retain its own contractors to complete demolition. Based on the facts leading up to this Petition and the applicable sections of the New York City Administrative Code, HPD’s determination was rational, and the Petition is denied.

Accordingly, it is hereby,

ORDERED and ADJUDGED that the Petition is denied and this matter is dismissed; and it is further

ORDERED that within ten days of entry, counsel for Respondents shall serve a copy of this Decision and Order, with notice of entry, on all parties via NYSCEF.

This constitutes the Decision and Order of the Court.

12/16/2025  
DATE

Mary V Rosado JSC  
HON. MARY V. ROSADO, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input type="checkbox"/>	GRANTED	<input checked="" type="checkbox"/>	DENIED
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	GRANTED IN PART
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	SUBMIT ORDER
	<input type="checkbox"/>		<input type="checkbox"/>	FIDUCIARY APPOINTMENT
			<input type="checkbox"/>	OTHER
			<input type="checkbox"/>	REFERENCE