

Nicholson v 80 Clarkson Partners

2026 NY Slip Op 30120(U)

January 23, 2026

Civil Court of the City of New York, Kings County

Docket Number: Index No. LT-305368-25/KI

Judge: Enedina Pilar Sanchez

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Civil Court of the City of New York
County of Kings, Part B - Rm 409

Index Number: LT-305368-25/KI



JEVON NICHOLSON and CLARISSA YOUNG,

Petitioner(s)

-against-

Decision/Order

80 CLARKSON PARTNERS; MARK JACOBS,

NEW YORK CITY DEPARTMENT OF BUILDINGS,
 New York City Department of Housing Preservation and
 Development,

Respondent(s)

Hon. Enedina Pilar Sanchez
 Housing Court Judge

Background and Procedural History

Petitioners filed this HP proceeding for an Order to Correct violations and a finding of harassment, with a restraining order, for damages, costs and fees. The subject premises are described as 80 Clarkson Avenue, Brooklynn, New York 11226. The building has 83 Class A Units.¹ On December 16, 2022, due to a fire in the building the New York City Department of Buildings (DOB) issued a vacate order as to thirteen apartments in the building.² Petitioner Jevon Nicholson is the tenant of record for Apartment 1A, and Clarissa Young, is a senior citizen and a long-term rent stabilized tenant of Apartment 6A, both were subject to the vacate order.

Respondent-owner are within the definition of an owner. Petitioner presented proof of service of the commencement papers in this proceeding. The verified petition alleges that ownership was transferred to Respondent after the fire. On or about March 26, 2025 an Order to Court was issued with Notice of Entry dated April 15, 2025. Respondent-owner did not appear. The matter was adjourned and scheduled for a hearing on the harassment claims. On the hearing date, Respondent-owner did not appear, again, and an inquest ensued.

Testimony and Evidence Presented

Petitioners, Jevon Nicholson and Clarissa Young, and their witnesses were sworn in and credibly testified. Petitioners were displaced from their respective Apartments 1A and 6A, on or about December 16, 2022. At the time of this inquest, they were still out of possession. The

¹ According to the NYC Department of Buildings (DOB) the Certificate of Occupancy describes the property as "74/86 Clarkson Avenue." The building's first certificate was issued on May 12, 1925, and the July 11, 1940 Certificate of Occupancy describes 83 Class-A units in the building. The units are located on the First to the Sixth Floor. There appears to be open DOB violations attributed to the fire in the building that occurred on December 16, 2022, the date that these two Petitioners were displaced.

² The DOB vacate order identified Apartments 1A, 2A, 3A, 4A, 5A, 6A, 1B, 2B, 3B, 4B, 5B, 6B, and 6C.

testimony established that the fire commenced in Apartment 6A's ceiling light fixture. There was testimony about ongoing concerns with electrical fires in the building prior to the December fire.

Notwithstanding the amount of time that has lapsed since the vacate order, Petitioner Young has not been able to return to Apartment 6A. Petitioner testified that everything in the Apartment was destroyed as a result of the fire and that some furniture was "stored by the owner and that she did not know where it was allegedly stored," that the rest of the belongings were thrown away. Some furniture was returned to Apartment 6A; however, it has been destroyed by mold and that currently the Apartment has bedbugs. The testimony established that after the fire, Apartment 6A was reconfigured and significantly reduced in size. There does not appear to be any documentary evidence that authorized the reconfiguration of Apartment 6A and that it is now significantly reduced in size. Petitioner Young has been forced to live in a care facility and cannot be relocated to her residence until the subject premises are fully restored to a habitable condition with safe electrical wiring.

Petitioner Nicholson's evidence demonstrated the repeated attempts to resume occupancy, that the Apartment size was also reduced in size and that notwithstanding promises from Respondent's agents that Apartment 1A would be rendered habitable, the time has been pushed back, and that rent was being charged although Petitioner was not able to reside in the apartment.

Discussion and Legal Conclusion

Petitioners established through their testimony and evidence, that Respondent-owner has engaged in harassment as proscribed by the New York City Administrative Code Sections 27-2004(a)(48) and awards Petitioners' relief under Sections 27-2005(d) and 27-2115(m) and (o).

Here, Petitioners credibly testified that while being out of possession due to the electrical fire, their Apartments were reconfigured in a manner that significantly reduced the dimensions of the Apartments, and this occurred without the knowledge or consent of the Petitioners. While there may be circumstances where the reconfiguration of an apartment is helpful to the tenant of record to allow for easier mobility with the use of a wheelchair, for instance, that does not appear to be the situation here. The reconfiguration of the subject premises appears to have benefitted another unit and to the detriment of Petitioners and done without an apparent Department of Building plan, approval or prior notice. These acts delayed the restoration of the subject premises for Petitioners to resume occupancy after the fire. Furthermore, the reconfiguration of the apartments would be expected to further delay restoration since more construction and demolition must be undertaken when adjoining apartments are reconfigured. The effect has been to delay the delivery of a habitable apartment to the Petitioners. The Code provides that any act or omission by an owner, or on behalf of an owner, that is intended to cause any person lawfully entitled to occupancy of a dwelling unit to vacate or to surrender or waive any rights in relation to such occupancy with repeated failures to correct hazardous or immediate hazardous conditions of the housing or building code constitutes harassment. The inordinate delay in restoring the subject premises in this 83 Class A unit building, has been compounded by the unilateral reconfiguration of the subject premises which significantly reduced in size these Apartments.

Pursuant to NYC Administrative Code Sections 27-2115(o) and the evidence presented here, these acts support the imposition of punitive damages as necessary to deter Respondent, "as

well as others who might otherwise be so prompted, from indulging in similar conduct in the future.” *Walker v. Sheldon* 10 NY2d 401, 404 [1961]; see also, *Guang Y. Leung v. Zi Chang Realty Corp.*, 2022 NY Slip Op 50034(U), 74 Misc 3d 126(A) [App Term, 1st Dept 2022]; *K.J. v. Gradzki*, 2024 NY Slip Op 51729(U), 84 Misc 3d 1250(A) [Civ Ct, Queens Co. 2024].

Accordingly, it is

ORDERED that Petitioner Jevon Nicholson is granted a judgment for the harassment finding against Respondent 80 Clarkson Partners pursuant to NYC Admin Code §27-2115(m) and (o) for \$1,000.00 as statutory damages and \$4,000.00 as punitive damages, and it is

ORDERED that Petitioner Clarissa Young is granted a judgment for the harassment finding against Respondent 80 Clarkson Partners pursuant to NYC Admin Code §27-2115(m) and (o) for \$6,500.00 as compensatory damages and \$10,000.00 as punitive damages, and it is

ORDERED that a judgment shall issue in favor of New York City Department of Housing Preservation and Development (HPD) and against Respondent 80 Clarkson Partner pursuant to NYC Admin Code §27-2115(m)(2) in the amount of \$2,000.00, for each finding of harassment for a total of \$4,000.00, and it is

ORDERED that Respondent 80 Clarkson Partners are directed to restore Petitioners to their respective Apartments 1A and 6A by no later than March 31, 2026, and it is

ORDERED that Respondent 80 Clarkson Partners are restrained from continuing to engage in acts and activities that interfere with Petitioners’ use and enjoyment of the subject premises, Apartments 1A and 6A, and that Respondent-owner comply with all protocol of the New York City Department of Buildings (DOB) and restore the subject units to the size and dimensions as existed prior to the December 16, 2022 fire.

The clerk shall prepare a separate judgment in favor of each Petitioner and DHPD as against Respondent 80 Clarkson Partners.

Petitioners’ counsels are awarded legal fees and cost as the prevailing parties. A hearing on legal fees and cost will be held on **March 5, 2026, at 9:30 AM**. Petitioners’ counsel is to mail a copy of this Decision/Order to each Respondent and file proof thereof to NYSCEF.

This Decision/Order will be filed to NYSCEF.

This constitutes the Decision/Order of the Court.

Date: January 23, 2026

Hon. Enedina Pilar Sanchez
Housing Court Judge

APPROVED
epsanchez , 1/23/2026, 10:37:57 AM