

Brooklyn Hous. Preserv. LP v Walls
2026 NY Slip Op 32097(U)
June 23, 2026
Civil Court of the City of New York, Kings County
Docket Number: Index No. 307393/25
Judge: Elyssa O. Slutzky
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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART F

BROOKLYN HOUSING PRESERVATION LP ,
Petitioner
-against-

Index No. 307393/25

JUNA A. WALLS, “JOHN DOE” and
“JANE DOE”
Respondents-Undertenants

DECISION/ORDER

Present: Hon. Elyssa O. Slutzky, JHC

Recitation, as required by CPLR §2219(a), of the papers considered in the review of Respondent Juna Walls’ (“Respondent”) Notice of Motion (Seq. 1) seeking an Order staying this proceeding pursuant to CPLR §2201, pending a determination of an Article 78 proceeding; alternatively deeming this proceeding stayed pursuant to CPLR §5519(a)(6) and setting an undertaking.

Papers Numbered

Notice of Motion (Seq 1), Affirmation, Affidavit and Exhibits	NYSCEF #14-20
Affirmation in Opposition	NYSCEF #21
Affirmation in Reply and Exhibits	NYSCEF #23-25

Procedural History

Petitioner commenced this licensee holdover proceeding seeking possession of the premises located at 346 Clifton Place, Apartment B, Brooklyn, NY 11216 (“premises”). Prior to commencing this proceeding, Petitioner served Respondent with a Ten (10) Day Notice to Vacate Premises dated January 30, 2024. The notice required Respondent to vacate the premises by February 28, 2025. Based upon Respondent’s failure to vacate, Petitioner served Respondent with a Notice of Petition and Petition which was filed with this Court on March 5, 2025. The Petition reads, in relevant part:

The PETITION of BROOKLYN HOUSING PRESERVATIONLP., respectfully shows that, upon information and belief:

- a) Petitioner is a limited partnership is the landlord of the premises.
- b) The subject premises were conveyed to BROOKLYN HOUSING PRESERVATION LP by Memorandum of Lease dated February 12, 2020. After the transfer of title and pursuant to the Regulatory Agreements with HDC and NYCHA, dated February 12, 2020, the building underwent a RAD conversion and there is both a new landlord and a new management company in place.

c) Ruby Walls, the former tenant of record, took occupancy of the subject premises pursuant to a written Section 8 rental agreement between Respondent(s) and NYCHA prior to the transfer of title to Brooklyn Housing Preservation L.P.

d) Pursuant to the terms of the Regulatory Agreement, Ruby A. Walls original lease was terminated effective February 29, 2020. All tenants were then required to execute a new RAD Lease, which Ms. Walls executed, which commenced March 1, 2020. Leases are deemed renewed annually once a tenant recertifies with NYCHA.

e) On or about January 12, 2024, the landlord commenced a Non-Payment action naming Ruby Walls under L&T Index # 308021/24. The case was first in court on October 2, 2024.

f) During the above-mentioned court proceedings on October 2, 2024, JUNA A. WALLS appeared and advised the court that Ruby Walls deceased, on December 7, 2023. No Death Certificate was provided.

g) JUNA A. WALLS claims to be the tenant of record's granddaughter and also claims that she had been living in the subject unit with her grandmother, Ruby Walls, for years prior to her grandmother's death.

h) The premises are described as Apt. B at 346 Clifton Place, Brooklyn, New York 11216, which is situated within the territorial jurisdiction of the Civil Court of the City of New York, County of Kings.

i) On or about February 7, 2025, a notice in writing on behalf of the Petitioner, requiring said JUNA A. WALLS, "JOHN DOE" and "JANE DOE" and all persons occupying to quit said premises by February 28, 2025, was duly served at least ten (10) days before said date upon the Respondents.

j) The Respondents continue in possession of the premises without permission of the Landlord, or the Petitioner.

k) Landlord seeks possession on the grounds set forth in Notices annexed hereto and made a part hereof, the terms of which are specifically incorporated The premises is not subject to Rent Stabilization, Rent Control or any other rent

regulatory statute as the premises is contained within a building which underwent a RAD conversion as of February 12, 2020, and is subject to a Project Based Voucher program administered by NYCHA. The landlord is the ground lessee of the subject premises pursuant to the ground lease with NYCHA executed on February 12, 2020.

On March 29, 2025, Respondent interposed a Verified Answer, by counsel, alleging a general denial and that she is entitled to succeed to the tenancy of her grandmother, who she has resided with since 2017. Respondent now seeks a stay of this proceeding, pending her Article 78 proceeding, challenging NYCHA's determination that she is not entitled to remaining family member status, in the Supreme Court, New York County. Petitioner opposes the motion in its entirety.

Factual History

Respondent claims that for the majority of her life, she resided in the premises with her grandmother, the Tenant of Record, Ruby Walls ("Walls"). Respondent claims that she briefly relocated to Maryland in 2016 however returned to the premises, shortly thereafter to care for Walls, whose mobility decreased. According to Respondent, upon her brief vacatur from the premises, Walls removed her from the household composition, in accordance with NYCHA policy. Upon return to the premises, Respondent provided Walls with the documentation needed to replace her on the household composition. Walls submitted the documentation to NYCHA and on November 20, 2023, she received a request for additional information. Then, on December 7, 2023, Walls unexpectedly and suddenly died.

In an attempt to succeed to the premises, Respondent filed a Remaining Family Member Grievance, which for residents in RAD/PACT developments, is the appropriate mechanism. On November 14, 2025, Respondent submitted her restoration packet, through counsel, which was denied by NYCHA. Respondent believes that her request for remaining family member status was denied despite overwhelming evidence that she resided in the premises with Walls, for at least one year prior to her passing. Therefore, on December 17, 2025, after receipt of the denial, counsel for Respondent requested an informal conference, as currently this is the fair hearing option outlined in the NYCHA Section 8 Administrative Plan. The conference was held on February 11, 2026, at which time Respondent was not provided with an opportunity to present evidence, to confront witnesses, or to be represented by counsel. Subsequently, on or around February 18, 2026, Respondent received a Grievant Statement, denying her Remaining Family Member claim and purporting to be the final determination of NYCHA. On March 9, 2026, Respondent filed an Article 78 proceeding, which is currently pending in New York County Supreme Court. A review of the case summary reflects that Respondent's Article 78 has been marked submitted, without opposition.

Respondent's Motion for a Stay

Based upon the facts recited herein, this Court finds that a stay is warranted. CPLR §2201 provides:

“Except where otherwise prescribed by law, the court in which an action is pending may grant a stay of proceedings in a proper case, upon such terms as may be just.”

Notwithstanding the legislative preference for the expeditious determination of summary proceedings, a stay is appropriate when housing court is “without authority to grant the relief sought”. (Scheff v 230 E. 73rd Owners Corp., 203 AD2d 151 [1st Dept. 1994]. ‘A stay to afford a resident of a PACT/RAD project a meaningful opportunity to seek succession before NYCHA is often justified given the remedial role that regulations affording succession rights serve in “preventing dislocation of long-term residents due to the vacatur of the head of household”’. (Matter of Murphy v. New York State Div. of Hous. & Community Renewal, 21 NY3d 649 [2013]). Courts have “broad discretion to grant a stay in order to avoid the risk of inconsistent adjudications, application of proof and potential waste of judicial resources.” (Matter of Hersh, 198 AD3d 773 [2nd Dept 2021]). When considering whether to grant a stay, courts have looked at several factors, including the irreparable harm that a Respondent will face if evicted and whether it would be broadly equitable to allow a proceeding to go forward. (Reynolds v. Div. of Hous. & Cmty. Renewal, 199 AD2d 15 [1st Dept 1993]). Here, this Court finds that the equities heavily weigh in favor of granting the stay especially if Respondent is evicted prior to a favorable decision, as such favorable decision by NYCHA would be meaningless as Respondent would be out of possession. Furthermore, in balancing the equities, this Court finds such stay is only warranted provided Respondent pay use and occupancy *pendente lite*.

WHEREFORE it is

ORDERED that Respondent’s motion for a stay pursuant to CPLR §2201 (Seq. 1) is **GRANTED** conditioned upon Respondent paying use and occupancy, *pendente lite*, and it is further

ORDERED that all parties shall appear in Part F, Room 612, at 9:30 am, on July 14, 2026, to determine the amount of use and occupancy to be paid *pendente lite*.

This constitutes the Decision/Order of this Court.

Dated: Brooklyn, New York
June 23, 2026


Elyssa O. Slutzky, JHC

CHECK ONE:

X

STAY GRANTED

GRANTED IN PART

DENIED

JUDGMENT

SPS

CHECK IF APPROPRIATE:

WITHDRAWN

ADJOURNED: ALL PURPOSES

ADJOURNED: HEARING

TRANSFER/REASSIGN

NON-FINAL DISPOSITION

GRANTED IN PART

DECISION RESERVED

DEFAULT

ADJOURNED: SUBMISSION

ADJOURNED: INQUEST

GAL APPOINTMENT

GRANTED

SUBMITTED

X

STAY GRANTED=Motion ADJOURNED: TRIAL

NOTES

Adj to July 14 at 9:30 am

Elyssa O. Slutzky, JHC