

Kopfstein v Hall
2026 NY Slip Op 32105(U)
June 26, 2026
Civil Court of the City of New York, Kings County
Docket Number: Index No. LT-300915-25/KI
Judge: Shantonu Basu
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Civil Court of the City of New York
County of Kings
Part T

Index Number LT-300915-25/KI
Motion Cal. # N/A Motion Seq. # 1

Yosef Y. Kopfstein

Claimant(s)/Plaintiff(s)/Petitioner(s)
against
Anita Hall et al.

Defendant(s)/Respondent(s)

DECISION/ORDER
Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers	Numbered
Notice of Motion and Affidavits Annexed.....	<u>1</u>
Order to Show Cause and Affidavits Annexed....	<u> </u>
Answering Affidavits	<u>2</u>
Replying Affidavits.....	<u>3</u>
Exhibits	<u> </u>
Other.....	<u> </u>

Upon the foregoing cited papers, the Decision/Order on this Motion to grant

Respondent summary judgment and issue an order to correct is as follows:
The court grants Respondent's motion for summary judgment and denies Respondent's motion for an order to correct but sever claims for repairs for an HP proceeding. In the instant case, Respondent offers an HPD violation that states that there are seven units in the subject premises. Respondent's affidavit mirrors that finding by HPD. (NYSCEF # 13, NYSCEF # 11). Petitioner's affidavit essentially claims ignorance of the additional units. However, HPD's violation report makes it clear that one of the three legal units was converted into five separate units, yielding seven residential units in total. Courts have relied on city agency determinations to find that a sixth unit was added, rendering a premises subject to rent regulation (see eg., Bettie v Norman page 1 of 2

82 Misc 3d 1212 [CA], 2024 NY Slip Op 50293 [u]
[Civ Ct, Kings County 2024]; Ortiz v Sohrngen, 56 Misc 3d
19 [App Term, 2d Dept 2017]].

It appears that the instant Petitioner-landlord did
not create these additional units. However, even
where a prior owner created the extra units,
the subsequent owner cannot avoid the consequences
of its predecessor's actions but may have a claim
against the prior owner (Rashid v Cangel, 8 Misc
3d 130 [CA], 2005 NY Slip Op 51585 [u] [App Term,
2d Dept 2005]).

For these reasons, this holdover is dismissed.

The court exercises its discretion to sever
Respondent's request for an order to correct. The court finds
that judicial economy is best served by having these claims
heard by the specialized HP part. Since Respondent has
adequate remedies there, there is no substantial prejudice to Respondent
(VLT Inc. v. 2320 Rte 112 LLC, 13 Misc. 3d 30, 31 [App Term 2d Dept
2006]). This constitutes the decision/order of the court.

Dated: 6/26/26
Brooklyn, NY


Hon. Shantonu J. Basu
Housing Court Judge

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