

CIVIL COURT OF THE CITY OF NEW YORK

Congregation Netzach Yisroel v. Santana

Congation Netzach Yisroel v. Santana, 32 Misc. 3d 555 (2011) · Decided April 12, 2011

SUMMARY

The court considered whether a religious corporation could recover rent-stabilized apartments for conversion into a yeshiva under Rent Stabilization Code § 2524.4(b)(1). It held that the corporation's amended certificate of incorporation identified religious, charitable, and educational purposes and therefore did not establish that it operated exclusively for charitable or educational purposes as required by the regulation. The respondents' motions to dismiss the holdover proceedings were granted.

CASE DETAILS

COURT	Civil Court of the City of New York
WRITING FOR THE COURT	George M. Heymann, J.
JURISDICTION	New York
DECIDED	April 12, 2011
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner commenced consolidated holdover proceedings seeking possession of rent-stabilized apartments for conversion of the building to Yeshiva facilities. Respondents moved to dismiss the proceedings.
STANDARD OF REVIEW	The court construed the applicable rent-stabilization regulation de novo, applying the plain-meaning rule to clear and unambiguous statutory language.
PRECEDENTIAL VALUE	Published New York trial-court decision; persuasive authority subject to controlling appellate precedent.

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QUESTIONS PRESENTED

1. Whether a religious corporation whose certificate of incorporation includes religious and other purposes, in addition to charitable and educational purposes, may recover rent-stabilized apartments for a nonresidential Yeshiva use under Rent Stabilization Code § 2524.4(b)(1).
2. Whether the owner-occupancy provision in Rent Stabilization Code § 2524.4(a) permits petitioner to recover the apartments despite its failure to qualify under the separate not-for-profit-institution provision in subdivision (b).

HOLDINGS

1. A religious corporation may qualify under the phrase "any institution," but it may recover rent-stabilized premises under § 2524.4(b)(1) only if it is operated exclusively for charitable or educational purposes on a nonprofit basis. Because petitioner's amended certificate of incorporation included religious and other purposes beyond charitable and educational purposes, petitioner did not satisfy the regulation.
2. Petitioner could not use the owner-occupancy provision to avoid the requirements of the separate not-for-profit-institution provision because the two subdivisions establish distinct and mutually exclusive grounds for refusing to renew rent-stabilized leases.

KEY QUOTATIONS

"While the corporation may be not-for-profit and include among its "exclusive" purposes charitable and/or education goals, the list is far more expansive than that which the statute mandates." (561)

"Accordingly, the respondents' motions to dismiss the instant proceedings are granted." (562)

FACTUAL BACKGROUND

Petitioner, a religious corporation operating Yeshiva Tal Torah, purchased a twelve-unit Brooklyn apartment building to relocate and expand the Yeshiva. It sought to recover the occupied apartments, renovate the building, and convert it into school facilities, including classrooms, study areas, offices, and dormitory space. Petitioner served notices invoking Rent Stabilization Code § 2524.4(b)(1), but its amended certificate of incorporation stated purposes encompassing religious, charitable, educational, and other activities.

PROCEDURAL HISTORY

Congregation Netzach Yisroel purchased a twelve-unit apartment building and served respondents with notices stating that their leases would not be renewed under Rent Stabilization Code § 2524.4(b)(1). After petitioner commenced holdover proceedings, respondents moved to dismiss; the Civil Court granted the motions and dismissed the proceedings.

DISPOSITION

dismissed

CASES CITED

- *Eaton v. New York City Conciliation & Appeals Bd.*, 56 N.Y.2d 340 (1982)

- Greek Orthodox Archdiocese of N. & S. Am. v. Abrams, NYLJ, Oct. 24, 1994, at 24, col. 1

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