

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT**

Liu v. Carrion

Liu, 2026 NY Slip Op 01953 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2023-10557 · Decided April 1, 2026

SUMMARY

The Appellate Division, Second Department, affirmed dismissal of the plaintiffs’ complaint challenging a New York City Department of Housing Preservation and Development lien for relocation expenses. The court held that, absent a defect on the face of the lien notice, the lien’s validity must be adjudicated in a foreclosure proceeding rather than through the plaintiffs’ direct action.

OPINION

PER CURIAM.

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Housing Preservation and Development placed upon the plaintiffs' property is null and void, the plaintiffs appeal from an order of the Supreme Court, Kings County (Patria Frias-Colón, J.), dated September 8, 2023.

The order granted the defendants' motion pursuant to CPLR 3211(a)(7) to dismiss the complaint.

ORDERED that the order is affirmed, with costs.

On October 7, 2020, the defendant New York City Department of Housing Preservation and Development (hereinafter HPD) filed a notice of lien in the Kings County Clerk's Office seeking "hotel/shelter expenses" and administrative costs in the total amount of \$73,287.89, purportedly incurred in providing relocation services for displaced tenants of premises owned by the plaintiffs pursuant to the Administrative Code of the City of New York § 26-301(1)(a)(v).

Thereafter, the plaintiffs commenced this action, inter alia, for a judgment, in effect, declaring that HPD lacks the authority to place a lien upon the plaintiffs' property for reimbursement of relocation expenses because the persons on whose behalf HPD purportedly incurred relocation expenses were not "tenants" within the meaning of Administrative Code § 26-305 and enjoining HPD from enforcing the lien.

The defendants moved pursuant to CPLR 3211(a)(7) to dismiss the complaint. By order dated September 8, 2023, the Supreme Court granted the defendants' motion. The plaintiffs appeal.

Where, as here, "there [is] no defect upon the face of the notice of lien, any dispute regarding the validity of the lien must await trial thereof by foreclosure" (*Matter of Retek v City of New York*, 14 AD3d 708, 709, quoting *Matter of Lowe*, 4 AD3d 476, 476; *see* *Rivera v Department of Hous.*

Preserv. & Dev. of the City of N.Y., 29 NY3d 45; *2922 LLC v Been*, 158 AD3d 428, 429). Accordingly, the Supreme Court properly granted the defendants' motion pursuant to CPLR 3211(a)(7) to dismiss the complaint.

In light of our determination, we need not reach the plaintiffs' remaining contention.

BARROS, J.P., WARHIT, LANDICINO and LOVE, JJ., concur.

ENTER:

Darrell M. Joseph

Clerk of the Court

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