

Landlord v. Tenant

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HIGHLIGHTS / FEBRUARY 2006 PRIMARY RESIDENCE

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Tenant Temporarily Moved to California to Care for Sick Parent

542 E. 14th St. LLC v. Lee: Index No. 104485/02
(Civ. Ct. NY 12/22/05; McClanahan, J) [8-pg. doc.]

*(Decision submitted by Manhattan attorney
Adam Leitman Bailey, who represented the
tenant.)*

Landlord sued to evict rent-stabilized tenant for nonprimary residence. After a trial, the court ruled against landlord. Tenant admitted that she had moved to California for about a year and a half, to take care of her sick and aging parents. While in California, she stayed first with her sister and then with a friend. She also got a California driver's license. She worked at some temporary or part-time jobs while there. Tenant was a nurse. For 2001, she filed an income tax return from California. She said that her accountant told her to do so because she earned income there. However, tenant's teenaged daughter remained in the apartment and attended high school in New York the entire time tenant was away. This was stated on tenant's 2001 income tax return. Tenant also continued to pay rent and utilities for the apartment.