

**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: HOUSING PART A**

-----X
90-02 QB HOLDINGS, LLC.,

L&T Index # 056893/2020

Petitioner-Landlord,

-against-

NOTICE OF MOTION

**TIFFANY LEE DEVOLDER SANTOS,
90-02 Queens Boulevard a/k/a
89-52 Queens Boulevard, Apt. 520
Elmhurst, NY 11373**

**PLEASE REFER TO
PART A**

Respondent-Tenant.,
-----X

SIR/MADAM:

PLEASE TAKE NOTICE, that upon the annexed affirmation of Boris Lepikh, Esq., dated December 5, 2022, and upon the annexed affidavit of Manny Stein, sworn to on December 5, 2022, and upon the annexed pleadings and proceedings heretofore and herein together with the annexed exhibits, the undersigned will move this Court at a motion term **Part A, Room 401**, at the Courthouse located at **89-17 Sutphin Boulevard**, County of Queens, City and State of New York, on **January 4, 2023**, at **9:30 in the forenoon**, for an order: (1) vacating the ERAP stay as the ERAP funds paid on behalf of Respondent did not satisfy the sums sought in the petition, and/or (2) restoring this proceeding for further proceedings in its normal course, and/or (3) amending the petition to include all rent due and owing, currently \$39, 450.00 through December, 2022, and/or (4) directing the entry of a final judgment and issuance of the warrant of eviction against Respondent, as well as such other further relief as this court may deem just and proper under the circumstances.

Dated: New Rochelle, New York
December 5, 2022

**PURSUANT TO CPLR§ 2214(b) A DEMAND IS HEREBY MADE THAT ANY
RESPONSIVE PAPERS MUST BE SERVED AT LEAST SEVEN (7) DAYS BEFORE
THE RETURN DATE OF THIS MOTION**

Yours etc.

TODD ROTHENBERG, ESQ.

Attorney for Petitioner

271 North Avenue, Suite 115

New Rochelle, N.Y. 10801

(914) 235-7234

TO: QUEENS LEGAL SERVICES,
Sharmin Piancca, Esq.,
Attorneys for Respondent
8900 Sutphin Blvd., 5th Floor
Jamaica, NY 11435
347-592-2133
spiancca@lsnyc.org

**CIVIL COURT OF CITY OF NEW YORK
COUNTY OF QUEENS HOUSING PART**L&T Index No. 056893/20
09-9002-520

90-02 QB HOLDINGS II, LLC.

*- against -***PETITIONER****NOTICE OF MOTION**TIFFANY LEE DEVOLDER
SANTOS90-02 Queens Boulevard a/k/a Apt. 520
89-52 Queens Blvd
Elmhurst, NY 11373**RESPONDENT**THIS MATTER IS TO BE
REFERRED TO HONORABLE
JUDGE Jose Rodriguez**MOTION BY:**Todd Rothenberg, Esq.
271 North Avenue
Suite 115
New Rochelle, NY 10801
Attorneys for Petitioner**DATE-TIME:****01/04/2023 9:30 AM****LOCATION OF COURT:****89-17 SUTPHIN BOULEVARD****JAMAICA NY 11435****PART A ROOM 401****SUPPORTING PAPERS:**All the pleading had herein. Affidavits
and/or affirmations annexed hereto.**RELIEF DEMANDED:**RESTORE TO COURT CALENDAR ENTRY OF
JUDGMENT, AMENDING THE PETITION TO
INCLUDE ALL ARREARS OWED TO DATE,
ISSUANCE & EXECUTION OF WARRANT
AND FOR SUCH OTHER AND FURTHER RELIEF
AS THE COURT DEEMS JUST AND PROPER.

DATED: JAMAICA, NY

5th day of December 2022

TO: TIFFANY LEE DEVOLDER

90-02 Queens Boulevard a/k/a Apt.

89-52 Queens Blvd

Elmhurst, NY 11373

Yours, etc.

Todd Rothenberg

Todd Rothenberg, Esq.

271 North Avenue

Attorneys for Petitioner

Suite 115

New Rochelle, NY 10801

(914)235-723

WARNING!

YOU ARE RECEIVING THESE PAPERS BECAUSE YOUR LANDLORD HAS APPLIED TO COURT TO HAVE YOU EVICTED.

You do not need to go to court to respond to these papers in person.

To respond you can call 718-557-1379, or visit www.nycourts.gov/evictions/nyc/ and ask for a **FREE LAWYER** to help you with your housing case. You should call as soon as possible.

If you can't get a free lawyer, or you don't want one, you can call the court at 646-386-5409 to arrange a virtual appearance for yourself so that you do not have to come to court.

¡ADVERTENCIA!

USTED ESTA RECIBIENDO ESTOS DOCUMENTOS PORQUE SU ARRENDADOR HA SOLICITADO A LA CORTE QUE LO DESALOJEN.

Usted no necesita ir a la corte para responder a estos documentos en persona.

Para responder puede llamar al 718-557-1379 o visitar www.nycourts.gov/evictions/nyc/ y solicite un **ABOGADO GRATUITO** para que le ayude con su caso de vivienda. Debe llamar lo antes posible.

Si no puede obtener un abogado gratuito, o no quiere uno, puede llamar al tribunal al 646-386-5409 para organizar una presentación virtual para usted de manera que no tenga que ir al tribunal.

تنبيه!

وصلت هذه الأوراق بعد أن شملت الذي تسأله لدية
تقدم بطلب إلى المحكمة لإجرائات من أجل الذي تسأله
أنت لا تحتاج لتذهب إلى المحكمة لكن رد على هذه الأوراق شخصياً
وأرد على هذه الأوراق بالكتابة الاتصال على الرقم الهاتفي 557-1379-
718، أو أن تود هذا الموقع على
الانترنت www.nycourts.gov/evictions/nyc/ وتطلب
معاملاً بولاية نيو يورك مساعدتك في العملية المتعلقة يمكنك. وينبغي أن تصل في
قرب وقت ممكن
إذا لم تستطع الحصول على عدم بولاية نيو يورك إذا لم تكن ترغب في www.nycourts.gov/evictions/nyc/
بعدم بولاية نيو يورك. يمكنك الاتصال بمحكمة على الرقم الهاتفي 5409-
646-386 لوضع الترشيدات اللازمة خدمة محضرها عن بعد يجب لا تتعب
عليك والمجهز شخصياً إلى المحكمة.

সতর্কীকরণ!

আপনি এই কাগজগুলো পেয়েছেন কারণ আপনার বাড়িওয়ানা আপনাকে যাতে উচ্ছেদ করা হয় সে জন্য কোর্টের কাছে আবেদন করেছেন।

এই কাগজসমূহের জবাব দেয়ার জন্য আপনাকে ব্যক্তিগতভাবে কোর্টে যেতে হবে না।

জবাব দেয়ার জন্য এই নথির কপি করুন: প্যারেন (৭১৮) ৫৫৭-১৩৭৯ অথবা ডিসিটি করুন www.nycourts.gov/evictions/nyc/ এবং আপনার আবাসন মালিক সাহায্যের জন্য বিনামূল্যে উকিলের কথা জিজ্ঞেস করুন। যত শীতাই সম্ভব আপনার কল করা প্রয়োজন।

বিনামূল্যে উকিল যদি না পান বা আপনি যা চান তাহলে আপনি কোর্টের এই নথির কপি দিন (৬০৪৬) ৩৩৬-৫৪০৯ যাতে আপনাকে ব্যক্তিগতভাবে কোর্টে হাজির না হয়েও আপনার আত্মসংরক্ষণ ব্যবস্থা যদিও এর মাধ্যমে ব্যবস্থা করা যায়।

警告

收到這些文件，代表你的房東已向法院申請將閣下驅逐。

閣下並不需安親自前往法院就這些文件進行答辯。

你可致電 718-557-1379 進行答辯，或登入 www.nycourts.gov/evictions/nyc/ 要求一名免費律師協助處理你的房屋案件。請盡快打電話。

若不獲免費律師，或者你不需要律師，可致電法院 646-386-5409 安排閣下以視象出席，便可避免親自蒞臨法庭。

انتباه

آپ کو یہ کاغذ اس لئے وصول ہو رہے ہیں کیونکہ آپ کے مالک محکمہ سے درخواست میں کاپی جمع کروانے میں مکمل سے مکمل کیے گئے ہیں۔

آپ کو خود بخود بطور خود سے عدالت میں جانے کی ضرورت نہیں۔ ان کاغذات کے جواب دہ رہیں اور اگر آپ ان کاغذات کے جواب دہ نہیں ہیں تو آپ کو 718-557-1379 سے آگاہ کر سکتے ہیں یا www.nycourts.gov/evictions/nyc/

وہاں سٹاپ ہو کر سٹاپ وکیل کی تلاش کر سکتے ہیں جو آپ کے ہاؤسنگ کے بارے میں مدد کر سکتے ہیں۔ اگر آپ سے چند کال کرنے کے لیے آپ کو ضرورت ہے۔

اگر آپ کو مفاد و فائدہ نہیں مل سکتا ہے آپ کو وکیل نہیں دے رہے ہیں اگر آپ کے سامنے عدالت کو کال کر سکتے ہیں۔

646-386-5409
نمبر پر نائیکے عدالت درخواست کر سکتے ہیں آپ کی حاضری کا ایک کال فون یا ویڈیو کے ذریعے اور آپ کو عدالت میں داتا پڑے۔

AVÈTISMAN!

**OU RESEVWA PAPYE SA YO PASKE MÈT
KAY OU MANDE TRIBINAL
POU METE W DEYÒ LAKAYE OU.**

Ou pa bezwen ale ou menm nan tribinal pou
reponn papye sa yo.

Pou reponn papye sa yo, ou ka rele 718-557-1379
oubyen ale nan sit

www.nycourts.gov/evictions/nyc/ epi mande yon
avoka ki travay gratis pou ede w nan zafè kay ou
a. Fòk ou rele byen vit.

Si w pa ka jwenn yon avoka gratis, oubyen ou pa
vle yon avoka gratis, ou ka rele tribinal la nan
646-386-5409 pou òganize yon prezantasyon a
distan, konsa ou pa bezwen ale an pèsòn nan
tribinal la.

AVERTISSEMENT!

**VOUS AVEZ REÇU CES DOCUMENTS
PARCE QUE VOTRE PROPRIÉTAIRE A
DEMANDÉ À LA COUR DE VOUS
EXPULSER DE VOTRE MAISON.**

Vous n'avez pas besoin de vous rendre en
personne à la Cour pour répondre à ces
documents

Pour y répondre vous pouvez téléphoner au 718-
537-1379, ou aller sur le site

www.nycourts.gov/evictionhss/nyc/ et demander
qu'un avocat de la Cour vous aide gratuitement
avec votre problème de logement. Vous devez
téléphoner le plus vite possible.

Si vous n'arrivez pas à obtenir les services
gratuits d'un avocat ou si vous n'en voulez pas,
vous pouvez appeler la Cour au 646-386-5409
afin d'organiser votre comparution virtuelle à la

Предупреждение!

**ВЫ ПОЛУЧИЛИ ЭТИ ДОКУМЕНТЫ,
ПОТОМУ ЧТО**

**ВАШ арендодатель подал иск о выселении с
требованием вашего выселения.**

Вы не должны лично являться в суд, чтобы
известить на этот иск.

Для ответа вы можете позвонить по телефону
718-557-1379 или посетить сайт
www.nycourts.gov/evictions/nyc/ и попросить
БЕСПЛАТНОГО АДВОКАТА, который
поможет вам в вашем деле с жильем. Вам
следует позвонить как можно скорее.

Если у вас нет бесплатного адвоката или он
вам не нужен, вы можете позвонить в суд по
номеру 646-386-5409, чтобы организовать для
вас виртуальную явку в суд, чтобы не было
необходимости являться лично.

**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: HOUSING PART A**

-----X
90-02 QB HOLDINGS, LLC.,

L&T Index # 056893/2020

Petitioner-Landlord,

-against-

**AFFIRMATION IN
SUPPORT OF MOTION**

**TIFFANY LEE DEVOLDER SANTOS,
90-02 Queens Boulevard a/k/a
89-52 Queens Boulevard, Apt. 520
Elmhurst, NY 11373**

Respondent-Tenant.,
-----X

BORIS LEPIKH, an attorney duly licensed to practice law in the State of New York
hereby affirms under penalties of perjury:

1. I am the of counsel attorney for the Petitioner and as such, I am fully familiar with
the following facts and circumstances.

2. I submit this affirmation in support of the relief requested in the annexed notice of
motion seeking an order: (1) vacating the ERAP stay as the ERAP funds paid on behalf of
Respondent did not satisfy the sums sought in the petition, and/or (2) restoring this proceeding
for further proceedings in normal course, and/or (3) amending the petition to include all rent due
and owing, currently \$39, 450.00 through December, 2022, and/or (4) directing the entry of a
final judgment and issuance of the warrant of eviction against Respondent, as is more fully set
forth herein and in the annexed notice of motion.

3. The within nonpayment proceeding was commenced on or about August 20,
2020, by filing and service of a notice of petition and petition, after an initial demand for rent.
Please see the Court file.

4. Respondent failed to appear and subsequently applied for a hardship declaration but was denied. *Please see the Court file.*

5. Petitioner then filed for default judgment and/or judgment of possession based on Respondent's failure to appear and the denied hardship declarations. *Please see NYSCEF Docs. 3, 5, 6, 7 and 8.*

6. However, most recently, Petitioner was advised by Respondent's counsel that Respondent filed for ERAP and this proceeding was effectively stayed.

7. Petitioner received ERAP funds on or about July 12, 2022 in sum of \$30, 750.00 however, the rental arrears demanded in the petition, and those that Respondent was obligated to pay remain unpaid. *Please see annexed affidavit of Manny Stein and Exhibit "1" for proof of ERAP payment and Exhibit "2" for a copy of the rental ledger.*

**THE PROCEEDING MUST BE RESTORED AS THERE IS NO LONGER AN ERAP
STAY**

8. SB-1, in Part A, §8, imposed a stay of proceedings upon the filing of an application. Said section provides,

Except as provided in section nine-a of this act, in any eviction proceeding, whether filed prior to, on, or after the effective date of this act, against a household who has applied or subsequently applies for benefits under this program [], all proceedings shall be stayed pending a determination of eligibility.

9. The ERAP application has now been determined and the application was approved, but the funds issued did not satisfy the rental arrears sought in this proceeding. *Please see Exhibit "2."*

10. The stay imposed by SB-1 must now be vacated/lifted as the ERAP application is no longer pending.

11. Respondent failed to pay the arrears sought in this proceeding, even after ERAP payment. To date, all rent has become due and owing, as evidenced by the rental ledger attached hereto, and has remained unpaid. *Annexed hereto and made a part hereof as Exhibit "2" is a copy of the rental ledger.*

12. Since Respondent's obligations in this proceeding remain unsatisfied and since the ERAP stay no longer applies, this proceeding must be restored to the Court's calendar for further proceedings in normal course, including but not limited to permitting Petitioner to execute the warrant of eviction.

**PETITION SHOULD BE AMENDED TO INCLUDE ALL RENT AND ADDITIONAL
RENT DUE AND OWING**

13. CPLR §3025(c) permits the court to amend a pleading at any stage to conform to the evidence.

14. The Court is afforded "the widest possible latitude" in dealing with amendments to conform the pleadings to the evidence. An amendment may be allowed "during or even after trial". See Murray v. City of New York, 43 N.Y.2d 400 (1977); West 45 APF LLC v. Take Time to Travel, Inc., 2012 N.Y. Slip Op 30657 (Sup. Ct. N.Y. Co. 2012). 33.

15. A party seeking to amend pleadings must establish that the pleadings have merit. See Heller v. Louis Provenzano, Inc., 303 A.D.2d 20 (1st Dep't 2003). Leave to amend pleadings will be freely granted, but only absent prejudice or surprise to the defendant. See Simone v. Long Island Jewish Hillside Medical Center, 81 Misc.2d 163 (Sup Ct. N.Y. County 1975).

16. "There is no basis to find that the amount due should be read to be limited to the amount sought in the petition or due through the date of the petition. As the Court of Appeals has held '... in summary proceedings, wherever brought, judgment for rent due may be granted,

whatever the amount' (Byrne v. Padden 248 N.Y. 243, 248)." BLDG Mgmt. Co. v. Benmen, 2012 NY Slip Op 51476, 36 Misc.3d 1225, 959 N.Y.S.2d 87 (Civ. Ct. NY Cty 2012).

17. "[I]n CF Monroe v. Nemeth (N.Y.LJ Oct 25, 1994 p. 25 col 1) the Appellate Term, First Department, affirmed the lower court's decision, including the lower courts award of a judgment to include all rent due through the date of the trial. The decision provides '(t)he court's amendment of the petition to include all past due rent up to and including the date of the trial accords with the established practice in landlord-tenant court (Id).'" BLDG Mgmt. Co. v. Benmen, 2012 NY Slip Op 51476, 36 Misc.3d 1225, 959 N.Y.S.2d 87 (Civ. Ct. NY Cty 2012).

18. In GSL Enterprises, Inc. v. Newlinger (N.Y.LJ May 24, 1996, p. 25, col 6), the Appellate Term First Department "the Court noted that an amendments of the petition to include rent accruing after the date of the petition should permitted, and that it was preferable to resolve all issues in one proceeding". BLDG Mgmt. Co. v. Benmen, 2012 NY Slip Op 51476, 36 Misc.3d 1225, 959 N.Y.S.2d 87 (N.Y. Civ. Ct. 2012)

19. Just as in Benmen, Respondent remains in the premises and should be aware that rent has continued to accrue since the petition was served and that she has failed to satisfy the arrears owed to Petitioner.


20. Here, Respondent did not achieve a zero balance as monthly rent continued to accrue after commencement of this proceeding.

21. Affirmant respectfully submits the only prejudice that will result is if the pleadings are not deemed amended.

22. Here, the affidavit of the Petitioner's agent attests that Respondent presently owes \$39,450.00 in rent, which has been entirely ignored and unpaid. *Please see Exhibit "2"*.

WHEREFORE, affirmant respectfully requests that the motion be granted in all respects.

Dated: New Rochelle, NY
December 5, 2022



BORIS LEPIKH, ESQ.

**CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: HOUSING PART A**

-----X
90-02 QB HOLDINGS, LLC.,

L&T Index # 056893/2020

Petitioner-Landlord,

-against-

**AFFIDAVIT IN
SUPPORT OF MOTION**

**TIFFANY LEE DEVOLDER SANTOS,
90-02 Queens Boulevard a/k/a
89-52 Queens Boulevard, Apt. 520
Elmhurst, NY 11373**

Respondent-Tenant,

-----X
STATE OF NEW YORK;

S.S.:

COUNTY OF QUEENS:

I, MANNY STEIN, being duly sworn depose and say:

1. That I am the agent for the Petitioner-Landlord, 90-02 QB HOLDINGS, LLC., in the instant proceeding, and as such, I am fully familiar with the facts and circumstances.

2. The following information is based upon personal knowledge and from the books and records kept by the landlord's office.

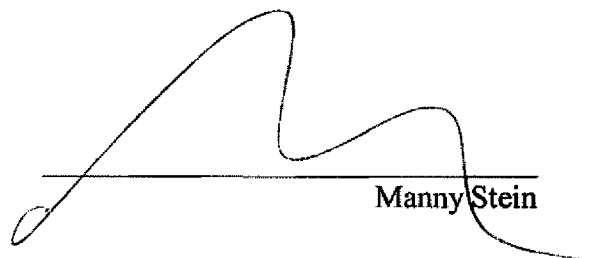
3. The within nonpayment proceeding was commenced on or about August 20, 2020, by filing and service of a notice of petition and petition, after an initial demand for rent. *Please see the Court file.*

4. Petitioner was advised that Respondent applied for ERAP.

5. ERAP funds were issued on or about July 12, 2022, however, that left the petition unsatisfied and rent sought in this case is still owed. As is set forth in the annexed rental ledger, Respondent still owes rent that accrued prior to the funds covered by ERAP and those demanded in the petition. *Please see Exhibit "1" for proof of ERAP payment and Exhibit "2" for the rental ledger reflecting all debits and credits on Respondent's account.*


6. Respondent has not satisfied her rental obligations and after payment from ERAP, Respondent still owes monies sought in the petition and the arrears continue to accrue.

WHEREFORE, affiant respectfully requests that the motion be granted in all respects.



Manny Stein

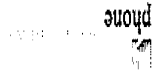
Sworn to before me on
December 5, 2022



Notary Public \

TODD ROTHENBERG
NOTARY PUBLIC, STATE OF NEW YORK
No. 02RO4995681
Qualified In Westchester County
Commission Expires June 29, 2026

EXHIBIT “1”



(NYS Emergency Rental Assistance Program (ERAP)
(Office of Temporary and Disability Assistance (OTDA)

You have received an important message from the New York State Emergency Rental Assistance Program (ERAP).

Attention: ERAP Application Approval

Payment Date: 07/10/2022

Lofts@QB D/B/A 90-02 QB Holdings LLC

P.O. Box 4013

Clifton, NJ 07012

BHEEB

Dear Lofts@QB D/B/A 90-02 QB Holdings LLC,

This letter confirms that the Emergency Rental Assistance Program Application BHEEB for Tiffany Santos residing at 9002 Queens Blvd, APT 520 Elmhurst, NY 11373 is approved and a payment has been scheduled. Payment will be made through direct deposit. If a payment cannot be made through direct deposit, then a payment by check is issued to the address provided on the W-9.

The total rental amount scheduled to be paid to Lofts@QB D/B/A 90-02 QB Holdings LLC for the rental address 9002 Queens Blvd, APT 520 Elmhurst, NY 11373 is: \$30,750.00

The following is the total amount of rental arrears (back rent) to be paid per month:

December 2020 - \$2,050.00

January 2021 - \$2,050.00

February 2021 - \$2,050.00

The following is the total amount

March 2021 - \$2,050.00
April 2021 - \$2,050.00
May 2021 - \$2,050.00
June 2021 - \$2,050.00
July 2021 - \$2,050.00
August 2021 - \$2,050.00
September 2021 - \$2,050.00
October 2021 - \$2,050.00
November 2021 - \$2,050.00
December 2021 - \$2,050.00
January 2022 - \$2,050.00
February 2022 - \$2,050.00

The following is the total amount for prospective (future) rental payments to be paid per month:

IMPORTANT NOTE: If as a Landlord/Property Owner participating in the program you provided a cumulative record of arrears (back rent), the months that appear on this notice may not match your monthly record. The ERAF payment shall be applied to reduce the total arrears due. The total ERAF arrears payment is the maximum arrears payment that you are eligible for but would not be more than the total arrears due as documented by you, the Landlord/Property Owner (up to a maximum of 12 months).

If you think this decision is wrong, you may appeal to have the decision reviewed.

How to Appeal: You Can Appeal by Phone or Online

If you want to appeal, you must do this within thirty (30) days of the date on this notification. To appeal, please call 844-NY-1-RENT (844-691-1368). For individuals who are hearing impaired, you may call the TTY number at 1-833-843-8829. When you call, please ask to appeal and tell us why you think our decision was incorrect. A call center agent will help you to request an appeal. To appeal online, please click [HERE](https://oldda.ny.gov/programs/emergency-rental-assistance/appeals.asp) to complete the online form or go to <https://oldda.ny.gov/programs/emergency-rental-assistance/appeals.asp> and click the link on that page to fill out the form.

You Can Submit Additional Information About Why You Think The Decision Is Wrong, But Additional Information Is Not Required.

If you want to provide additional documentation about why you think the decision is incorrect, please click this link to upload the documents: <https://mystreethelp.toda.ny.gov/en/>. Log in to your Owner Account. After logging in, navigate to the Landlord/Owner section, and under the Landlord/Owner Menu on the right-hand side of the page, click on "Upload Documents". Next, select your Owner Number/Legal Entity in the dropdown first dropdown menu. Then select the ERA[®] application number from the list of applications attached to your previously selected Owner Number/Legal Entity. Next, select "Appeal" from the Document Type dropdown menu. Then upload the appropriate document by clicking the "Select File" button below the Document Type dropdown menu. Now you will select the appropriate document from the pop-up window and click "Open". The file's title will appear below the "Select File" button. Lastly, complete a Captcha Validation by clicking the box next to "I am not a robot" and clicking the purple "Upload Documents" button to finalize the document upload. Please submit documents one at a time.

If you need assistance uploading documents, please contact us through any of the following methods:

- Contact us by phone:
o 844-NY1RENT (844-691-7368)
o For the hearing impaired, TTY phone number: 1-833-843-8829.
- Contact us by Webchat: Chat with a representative
<https://old.ny.gov/programs/emergency-rental-assist>
- Contact a CBO: <https://old.ny.gov/programs/emergency-rental-assist>

By accepting this payment, I, the property owner, acknowledge and accept the following terms:

1. I am the property owner (or authorized agent for the owner) of the above referenced property and I am authorized to receive payments:
 2. I agree that the arrears covered by this payment are satisfied. I agree not to pursue eviction based on rent amounts reimbursed by these funds and agree to discontinue any pending eviction case that is based on or seeks to recover the reimbursed arrears.
 - Additionally:
 - o I agree to waive any late fees due on any rental arrears paid pursuant to this program.
 - o I agree not to increase the monthly rent to an amount greater than the amount due at the time of the application for this program for a period of one year after the ERAF rental assistance payment is received.
 - o I agree not to evict for reason of expired lease or holdover tenancy any household on behalf of whom rental assistance is received for 12 months after the ERAF rental assistance payment is received.
 - o If the tenant resides in a building with 4 or fewer units, I may decline to extend the lease or tenancy if I or an immediate family member intend to occupy the unit as a primary residence.
 - o I agree to notify the tenant of the protections listed in this section.
 - 3. I understand that ERAF funds are to be used only for expenses that are not paid by other sources. In the event that I am provided with duplicative assistance, I agree to repay any duplicative assistance as directed by the NYS Emergency Rental Assistance Program.

For More Information on Appeals and Other Questions

If you want more information on the appeals process, please visit the ERAF website online: <https://otda.ny.gov/programs/emergency-rental-assistance/appeals.asp> If you have any other questions, you may reach us through any of the following methods:

- Contact us by phone:
 - o 844-NY1RENT (844-691-7368)
 - o For the hearing impaired, TTY phone number: 1-833-843-8829.
- Contact us by Webchat: Chat with a representative
- Contact a CBO: <https://otda.ny.gov/programs/emergency-rental-assistance/help-applying/>

Thank you,

NYS Emergency Rental Assistance Program

This is a no-reply email address and is not actively monitored. Please do not respond to this message.

EXHIBIT “2”

NYSCEF DOC. NO. 11

RECEIVED NYSCEF: 12/05/2022

12/5/2022

Tiffany Lee Devolder Santos

90-02, Unit 520

Ledger: All

DATE	DESCRIPTION	CHARGE	PAYMENT	REMAINING	BALANCE
More...					
03/01/20	Rent Charge	2050.00		0.00	4100.00
03/20/20	Late Fee	50.00		50.00	4150.00
04/01/20	Rent Charge	2050.00		0.00	6200.00
04/27/20	Security Deposit ck#mo2103838074		500.00	0.00	5700.00
04/27/20	Security Deposit ck#mo2103688217		1000.00	0.00	4700.00
04/27/20	Security Deposit ck#mo17-876577402		500.00	0.00	4200.00
05/01/20	Rent Charge	2050.00		0.00	6250.00
06/01/20	Rent Charge	2050.00		0.00	8300.00
07/01/20	Rent Charge	2050.00		0.00	10350.00
08/01/20	Rent Charge	2050.00		0.00	12400.00
08/11/20	Dispossess Charge	100.00		100.00	12500.00
09/01/20	Rent Charge	2050.00		0.00	14550.00
10/01/20	Rent Charge	2050.00		0.00	16600.00
11/01/20	Rent Charge	2050.00		0.00	18650.00
12/01/20	Rent Charge	2050.00		0.00	20700.00
01/01/21	Rent Charge	2050.00		0.00	22750.00
02/01/21	Rent Charge	2050.00		0.00	24800.00
03/01/21	Rent Charge	2050.00		0.00	26850.00
04/01/21	Rent Charge	2050.00		0.00	28900.00
05/01/21	Rent Charge	2050.00		50.00	30950.00
06/01/21	Rent Charge	2050.00		2000.00	33000.00
07/01/21	Rent Charge	2050.00		2050.00	35050.00
08/01/21	Rent Charge	2050.00		2050.00	37100.00
09/01/21	Rent Charge	2050.00		2050.00	39150.00
10/01/21	Rent Charge	2050.00		2050.00	41200.00
11/01/21	Rent Charge	2050.00		2050.00	43250.00
12/01/21	Rent Charge	2050.00		2050.00	45300.00
01/01/22	Rent Charge	2050.00		2050.00	47350.00
02/01/22	Rent Charge	2050.00		2050.00	49400.00
02/16/22	Late Fee Charge	30.00		30.00	49430.00
03/01/22	Rent Charge	2050.00		2050.00	51480.00
03/16/22	Late Fee Charge	30.00		30.00	51510.00
04/01/22	Rent Charge	2050.00		2050.00	53560.00
04/16/22	Late Fee Charge	30.00		30.00	53590.00
05/01/22	Rent Charge	2050.00		2050.00	55640.00
05/16/22	Late Fee Charge	30.00		30.00	55670.00
06/01/22	Rent Charge	2050.00		2050.00	57720.00
06/16/22	Late Fee Charge	30.00		30.00	57750.00
07/01/22	Rent Charge	2050.00		2050.00	59800.00
07/12/22	Payment Receipt Ref#ACH		30750.00	0.00	29050.00
07/16/22	Late Fee Charge	30.00		30.00	29080.00
08/01/22	Rent Charge	2050.00		2050.00	31130.00
08/16/22	Late Fee Charge	30.00		30.00	31160.00
09/01/22	Rent Charge	2050.00		2050.00	33210.00
09/16/22	Late Fee Charge	30.00		30.00	33240.00
10/01/22	Rent Charge	2050.00		2050.00	35290.00
10/16/22	Late Fee Charge	30.00		30.00	35320.00
11/01/22	Rent Charge	2050.00		2050.00	37370.00
11/16/22	Late Fee Charge	30.00		30.00	37400.00
12/01/22	Rent Charge	2050.00		2050.00	39450.00

AFFIDAVIT OF SERVICE

BY MAIL

STATE OF NEW YORK, COUNTY OF WESTCHESTER SS:

being duly sworn, deposes and says, that deponent is not a party
to the action, is over 18 years of age and has offices at:

271 North Avenue
Suite 115
New Rochelle, NY 10801

That on the 5th day of December 2022 deponent served the within
NOTICE OF MOTION

Upon Queens legal Services
89-00 Sutphin Blvd.
Jamaica, NY 11435

Attorney(s) for:

TIFFANY LEE DEVOLDER
SANTOS

In this action, at:

90-02 Queens Boulevard a/k/a 89-52 Queens Blvd
Apt. 520
Elmhurst, NY 11373

The address designated by said attorney(s) for that purpose
by depositing a true copy of same enclosed in a post-paid properly
addressed wrapper, in a post office-official depository under the
exclusive care and custody of the United States Postal Service within
the State of New York.

Sworn to before me, this

5th day of December 2022

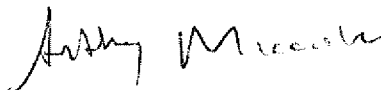
Todd Rothenberg

Notary Public, State of New York

No. 02R04995681

Qualified in Nassau County

Commission Expires June 29, 2026



NYSCEF DOC. NO. 11
CIVIL COURT OF CITY OF NEW YORK

RECEIVED NYSCEF: 12/05/2022

COUNTY OF QUEENS HOUSING PART A

90-02 QB HOLDINGS II, LLC.

PETITIONER

- against -

TIFFANY LEE DEVOLDER
SANTOS

90-02 Queens Boulevard a/k/a Apt. 520
Elmhurst, NY 11373

RESPONDENT

NOTICE OF MOTION

Todd Rothenberg, Esq.
Attorneys for Petitioner
Office and Post Office Address:
271 North Avenue
Suite 115
New Rochelle, NY 10801
914/235-7234
office@trothenbergesq.com

To:
Attorney(s) for

Esq.

Service of a copy of the within
is hereby admitted:
Dated, N.Y. , 20
Attorney(s) for

To: Queens legal Services

89-00 Sutphin Blvd.

Jamaica, NY 11435

Attorney's Certification

TODD ROTHENBERG, an attorney duly admitted to the Courts of the State of New York, hereby certifies that the annexed NOTICE OF MOTION is to the best of my knowledge and upon information and belief, formed after an inquiry reasonable under the circumstances, that the presentation of said papers or contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of 22 NYCRR

Dated: New Rochelle
December 5, 2022
09-9002-520

Todd Rothenberg