



Man Blocked From Moving Into His Parents' Home Sues Kips Bay Co-op

August 16, 2011 8:32am | By Mary Johnson, DNAinfo Reporter/Producer



██████████ wants to move his young family back in with his parents. But the building's co-op board said no. Now, ██████████ is filing a lawsuit against the building. (DNAinfo/Mary Johnson)

KIPS BAY — A former tenant of a Kips Bay co-op blocked from moving his family into a vacant apartment owned by his parents has filed a lawsuit against the building, saying they illegally banned him from returning to his family home.

██████████, 33, was born and raised in The Byron at 165 E. 32nd St. His grandparents lived there, and his parents still live there and own three units in the 20-floor building.

██████████ planned to move into one of those units — the one his grandparents used to occupy — with his wife, Samantha, and their 2-year-old son, Henry. But he said when the building's co-op board got wind of the plans, they refused to let them or their movers into the building.

"It's pretty much a disaster," said ██████████, a business book editor for McGraw-Hill Professional who filed a lawsuit Monday seeking a court order to grant him immediate entry into one of his parents' apartments.

The controversy began several months ago, when ██████████ and his family decided to move out of their Brooklyn apartment and into one of the units his parents own in The Byron.

His wife, a former teacher, was looking to start her own freelance illustration business. Moving back in with family would help them save money and give their son more quality time with his grandparents, ██████████ said.

As adults, both ██████████ and his sister, Laurie, have returned to the building temporarily to live in their parents' units, which are spread out across different floors. ██████████ and his wife lived in the building for several years. And his sister lived at the The Byron until just a few months ago, ██████████ said.

██████████ contacted the building's superintendent several months ago to let him know they would be moving home. The lease ran out on their Brooklyn apartment, and ██████████ scheduled movers for Friday, Aug. 12.

Then, last Monday, ██████ said the co-op board told him he could not move in to the building.

Because he and his family would be moving into a separate unit than the one where his parents live, that qualified the younger generation as new tenants who were subject to the board's standard admissions procedures, ██████ said.

The co-op board president did not respond to repeated requests for comment.

██████ and his wife contacted an attorney, **Dov Treiman**, who wrote a letter to the board president and the firm representing the building. **Treiman** argued that, by law, ██████ should be allowed to return to his family home.

In New York City, it's very common for families to own multiple units simultaneously, not necessarily on the same floor, said **Treiman**, a managing partner at **Adam Leitman Bailey, P.C.**

"██████ is just resuming living where he was living as a boy," **Treiman** said. "The law is very realistic about the fact that sometimes people need more space than is contained within one particular unit that has a particular door number."

Despite the board's opposition, ██████ and his wife, Samantha, tried to move in on Friday. Their moving truck pulled up to the building around 2 p.m., and ██████ approached the superintendent to ask him whether they could move in. The superintendent said he had received instructions not to allow it.

Samantha recorded the exchange on her phone. The video provided evidence that they were denied entry and could be used in the lawsuit, they explained.

"We've lived there before," Samantha ██████ said. "We feel like this is [my husband's] ancestral home."

The ██████ unloaded several bags and boxes from the moving truck and sent the rest of their belongings to be stored temporarily.

The family booked a hotel room in Times Square—one big enough to house their son and Samantha's office supplies. She had freelance assignments that were coming due, and needed a place to work, Samantha ██████ said.

The ██████ intend to file a separate lawsuit to recoup the money they've spent throughout this process. But the suit filed on Monday is focused on getting them in the building as quickly as possible.

"Whether the judge grants that or not, we'll find out," **Treiman** said.