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Judge Rules Rental of Unit on Airbnb Was Profiteering

Joel Stashenko, New York Law Journal

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Renting a regulated Manhattan apartment through Airbnb for \$649 a night violated New York City prohibitions against tenant profiteering and warrants eviction of the leaseholder, a Housing Court judge has determined.

"Using a residential apartment as a hotel room and profiteering off of it is ground for eviction and is incurable, as it undermines a purpose of the Rent Stabilization Code," Judge Jack Stoller ([See Profile](#)) wrote in *42nd and 10th Associates v. Ikezi*, 85739/2014.

Stoller upheld the notice to terminate tenancy served by the landlord on tenant Henry Ikezi for Apartment 46B of 450 West 42nd St., a unit on which the legal regulated monthly rent is \$9,000 and Ikezi pays the "preferential" rate of \$6,670 a month.

Stoller said the photos of the two-bedroom apartment from postings on Airbnb and other evidence presented on two trial days in January made clear that Ikezi either rented the unit directly through Airbnb or had employees at his real estate development company do so. The judge said that since Ikezi's rent breaks down to \$219.29 a day, charging \$649 a day for the unit constitutes profiteering.

Stoller said Ikezi's testimony included "relentlessly evasive answers" and he noted that the fact "respondent did not present a case [was] because there was no case for respondent to present."

Ikezi's attorney, Nicholas Moccia of Staten Island, said Stoller cited only the period between Oct. 10-13, 2014 as dates when Ikezi rented his unit through Airbnb. He said he would challenge before the Appellate Term, First Department, how the judge could reach his conclusion based on a limited period of time.

Jeffrey H. Seiden, partner at Borah, Goldstein, Altschuler, Nahins & Goidel argued for the landlord.