

Big home run

Tenants win condo court fight

By TOM TOPOUSIS

Tenants in a Midtown high-rise won a court battle that will keep them from being tossed from their rentals even as the building converts to a luxury condo tower — a ruling that could have an impact on similar eviction bids around the city.

The ruling bars evictions of the remaining 23 tenants at The Sheffield, an apartment tower on West 57th Street that was sold in 2005 to new owners with plans to convert the 845 apartments into condominiums.

Housing Court Judge David Cohen ruled yesterday that even though the tenants were not covered by rent stabilization laws and paid market-rate rents, they are protected against eviction by the state's 1982 Martin Act, which governs condominium conversions.

"The Legislature's intent was to allow buildings to be converted but not to cause widespread disruption and dislocation for ten-



Living it up

A judge ruled yesterday tenants at a Manhattan high-rise can't be evicted during a condo conversion plan.

- Roughly 7,000 apartments in 60 buildings undergoing condo conversions, with more on tap.
- Current average price of a New York apartment is \$1.29 million.
- Market-rate tenants are afforded protection from harassment and eviction due to condo conversions under the state's 1982 Martin Act.

ants," said Kevin R. McConnell, a lawyer for the tenants.

The ruling could have a far-reaching impact on the boom in condo conversions at some of the city's high-profile addresses.

McConnell, who has represented tenants in other condo conversions, said the ruling "is a good precedent that other judges will fol-

low," and, he said, it would protect tenants in rental buildings slated to become condominiums.

"There's been a real spike in the number of conversions, and a number of these have a significant number of market-rate tenants," McConnell said.

The Sheffield was purchased in 2005 for what was then a record price of

\$418 million by a group of investors led by Kent M. Swig of Swig Equities.

Swig yesterday vowed to appeal the ruling.

"We strongly believe that the New York City Housing Court's decision is wrong and contradicts established law," Swig said. "In effect, the decision grants a squatter or trespasser the right to continue to occupy property owned by another party without a lease."

When the Sheffield was sold, tenants typically paid monthly rents of \$2,000 for a studio and \$4,000 for a two-bedroom apartment, said Joel Levitch, who has lived at the Sheffield for 12 years.

He expects rents will go up in a continuing effort to force tenants out.

But he said excessive rent hikes would go before the court again to determine if they are thinly veiled attempts to evict tenants.

"For now, we're still here," said Levitch.

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