

[Rent-stabilized tenant evicted after cashing in on Airbnb](#)

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This posh Hell's Kitchen apartment was advertised on Airbnb with a profile that featured Henry Ikezi (inset). Photo: Airbnb (2)

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This could help doom scores of Airbnb rentals.

A Manhattan Housing Court judge has ruled that rent-stabilized tenants can't double-dip — or get a financial break and turn around and make money peddling their pads to tourists on websites such as Airbnb.

The ruling is the first to outright evict a tenant under rent controls without giving him a second chance, said Frank Ricci of the Rent Stabilization Association, which represents more than 25,000 landlords.

And the decision lays down the law for most of the 35,354 Airbnb listings in the city, whose hosts make about \$304 million in revenue, said state Sen. Liz Krueger, an opponent of the site.

“This decision reinforces what tenant advocates and I have been saying all along — almost all NYC residents who list their homes on sites like Airbnb are violating the terms of their leases and putting themselves at risk of eviction,” Krueger said.

While Justice Jack Stoller's decision is not considered case law, it can be cited in rulings to thwart would-be Airbnb users.

Stoller was incensed over a subletting scheme by Hell's Kitchen tenant Henry Ikezi and ordered him evicted from his discounted two-bedroom penthouse by the end of the month.

“Using a residential apartment as a hotel room and profiteering off of it is ground for eviction . . . as it undermines a purpose of the Rent Stabilization Code,” Stoller wrote in his 12-page ruling issued Feb. 17.

Ikezi paid only about two-thirds of the 450 W. 42nd St. apartment's \$9,000-plus market price, or \$6,670 a month, because it was rent stabilized.

He then listed it online for \$649 a night.

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Ikezi's apartment at 450 W. 42nd St.

Airbnb

Ikezi insisted he lived there with his wife and child while tourists also temporarily stayed in the pad, as required by law.

But his landlord scoffed at the claim, and sources said the family actually lives in a million-dollar-plus home in Jamaica, Queens, while Ikezi used the 46th-floor apartment as a revolving door for paying tourists.

Stoller wrote that Ikezi benefited from a discounted rent because his building receives a 421-a tax exemption and therefore can't rent it out for triple what he pays the landlord, Related Companies.

Ikezi, 35, who the ruling says flips houses for a living, claimed to the judge that he couldn't recall whether he had ever charged anyone to stay in the apartment.

Confronted with his Airbnb ad touting the unit's "skyline views" in "the hippest, hottest, most happening neighborhood in Manhattan," Ikezi claimed it might be an upstairs neighbor's pad with similar furnishings.

Ikezi's lawyer, Nick Moccia, declined to comment.

Ikezi must leave the apartment by Feb. 28 or a city marshal will force him out, the ruling says.

Related's lawyer, Todd Nahins, said the firm, which owns 24 luxury residential buildings across the country, is cracking down.

"They will go after anyone who is not using their apartment properly," Nahins said. "They will not tolerate the apartment being used as a hotel."

Ikezi's neighbors complained about loud parties and strangers coming and going, Nahins said.

Airbnb spokesman Nick Papas said, "We advise all hosts to review their local rules before they share their space, and we believe we need smart limits on home sharing in rent-regulated apartments."

But Krueger said the company, which reportedly makes \$40 million off New York listings, isn't doing enough to set limits.

"The real culprit here is Airbnb, which makes millions by encouraging New Yorkers to violate their leases without even informing them of the risk," Krueger said.