

wnbc.com

Court Boots Bianca Jagger Out Of Park Ave. Apartment

POSTED: 3:29 pm EDT October 18, 2007
UPDATED: 6:27 am EDT October 19, 2007

NEW YORK -- An appeals court in Manhattan ruled Thursday that a landlord can evict Bianca Jagger from her rent-stabilized Park Avenue apartment.



Katz Park Avenue Corp. had argued that the apartment could not be Jagger's primary residence since she was in the country on a tourist visa that requires her to show she intends to leave after a temporary stay.

In a 3-2 decision, the state Supreme Court's Appellate Division agreed. The appeals judges noted that Jagger, a native of Nicaragua, is a British citizen who also keeps at least one luxury apartment in London's Belgravia section.

The appeals court said a person with a B-2 tourist visa, the type held by Jagger, cannot claim to comply with the immigration statute's principal residence rules, and at the same time claim a primary residence in New York.

The appeals court's ruling reversed a decision by Justice Leland DeGrasse. The court sent the case back to DeGrasse for a hearing to determine how much the former wife of Rolling Stones front man Mick Jagger owes in back rent and legal fees.

Jagger withheld rent payment and sued Katz in 2003 over her claims that toxic mold had made the 18th-floor apartment unlivable, and had made her sick. She had been renting the Upper East Side space for \$4,614 a month.

Jagger's lawyer, Ryan Goldstein, denounced Katz's lawsuit, saying the landlord sued her after she had lived there 20 years as "retaliation because she filed a lawsuit against them over the mold infestation."

Goldstein said Jagger's personal injury lawsuit against Katz over the mold is still pending.

The appeals court brushed aside other issues that were raised, such as Jagger's failure to file state income tax returns in 2003 and 2004, or that she has rarely stayed in the apartment over the past several years, saying the only relevant circumstance was her visa status.

Booting Jagger from her apartment also means Katz can raise the monthly rent. The amount a landlord can charge for each rent-stabilized apartment is limited by rent laws, but once a tenant vacates the flat, the landlord can charge market rate.

Katz' lawyer Todd E. Soloway said he appreciated that the apartment was a "highly desirable address."

"That doesn't change the fact that Ms. Jagger, who is in this country under a temporary tourist visa and who offered the court no evidence whatsoever that she resided in the apartment as her primary residence, is barred under the rent regulations from using a Park Avenue apartment as a pied-a-terre," he said.

IMAGES IN THE NEWS

- Classic Beauties: How They Aged
- Real Names Of Celebrities
- Thousands View Locker Room Girl Fight Online
- Vertically Challenged Stars
- Celebrities Over 6 Feet Tall
- This Week's Celebrity Birthdays
- Famous Last Words
- The Sexiest Songs Of All Time
- 10 Drinks Men Should Never Order
- 80s Male Rock Stars - 20 Years Later
- Slideshow: 63rd Annual Columbus Day Parade
- 20 Internet Acronyms All Parents Should Know
- Caught On Cell Phone: Foundry Explosion Fireball
- Man Survives Rattlesnake Bite To Tongue (WARNING: Disturbing Images)

© 2007 by The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.