

David A. Paterson
Governor



Deborah VanAmerongen
Commissioner

New York State Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433

December 9, 2008

Ellen B. Davidson, Esq.
The Legal Aid Society – Civil Practice Law Reform Unit
199 Water Street
New York, NY 10038

Dear Ms. Davidson:

This is in response to your request for an agency opinion.

In your letter, you state that Rent Guidelines Board Order #40 established minimum dollar-amount rent increases for one-and two-year renewal leases in which “the most recent vacancy lease was executed six years or more prior to the date of the renewal lease.” You inquire as to the effect of this provision on former Mitchell-Lama tenants who are now rent stabilized.

The provision of Rent Guidelines Board Order #40 to which you refer does not apply to former Mitchell Lama tenants who have been subject to rent stabilization for less than six years.

We trust we have answered your inquiry.

Please be advised that this opinion letter is not a substitute for a formal agency order issued upon prior notice to all parties, such parties having been afforded an opportunity to be heard.

Very truly yours,


Greg Fewer
Director
Policy Unit

GF:MM:lp
cc: Deputy Commissioner Torres
OL #2483