



New York State
Division of Housing and Community Renewal
Office of Rent Administration

Operational Bulletin 84-1 (June 1984)

***New Procedures for Instituting a Proceeding for Administrative Review
of an Order Issued by a District Rent Administrator***

Section YY51-6.0.5 of the Rent Stabilization Law, Section 12 of Chapter 576, L. 1974, Section Y51-8.0 of the Administrative Code of the City of New York and Section 8(4) Chapter 274, L. 1946, as amended by Chapter 102, L. 1984 authorizes the Division of Housing and Community Renewal to provide by regulation for administrative review of all orders and determinations issued by it pursuant to the Rent Stabilization Law. It also provides that the filing of an administrative review proceeding is a prerequisite to obtaining judicial review of an order issued by the Commissioner. Based upon the foregoing and to insure uniformity of treatment, instituting a proceeding for administrative review of the District Rent Administrator's order will now be governed by the following new procedures:

Any person aggrieved by an order issued by a District Rent Administrator may file a Petition for Administrative Review (PAR) to the Commissioner.

A joint PAR, verified by each person joining therein, may be filed by two or more landlords or tenants, where at least one ground is common to all persons so filing. At the Commissioner's discretion, the PAR may be treated as joint or several.

At the Commissioner's discretion, two or more PARs which have at least one ground in common may be consolidated.

A PAR against an order of a District Rent Administrator must be filed with the Commissioner within thirty-three days after the date such order is issued. A PAR served by mail, postmarked not more than thirty-three days after the date of such order, shall be deemed timely filed.

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A person aggrieved by an order issued by the District Rent Administrator may file a PAR against such order on a form prescribed by the Commissioner or on a reasonable facsimile thereof. Such forms are available at the District Rent Offices and at the Office of Rent Administration, 10 Columbus Circle, New York, New York 10019.

Each PAR shall be filed in an original and one copy at the Division of Housing and Community Renewal, Office of Rent Administration, 10 Columbus Circle, New York, New York 10019, unless otherwise provided on the form prescribed by the Commissioner for such PAR.

Where the PAR is against an order issued by the District Rent Administrator, a copy of the PAR shall also be served on the District Rent Administrator issuing the order and upon each party affected by the PAR.

This document is being reissued for informational purposes only.

The original document which contains signatures of authorization is on file at DHCR's Office of Rent Administration.



A PAR will not be accepted for filing unless accompanied by an affidavit or other proof of service upon the District Rent Administrator and each party affected by the PAR.

Any person served with a PAR may, within fifteen days from the date of service, file a verified answer thereto, by filing the same with the Commissioner, together with proof of service of a copy thereof upon the party filing the PAR. At the Commissioner's discretion, and for good cause shown, the time within which to answer may be extended.

Within a reasonable time after the filing of the PAR and the answer, if any, the Commissioner may:

- (a) Reject the PAR if it is insufficient or defective;
- (b) Make such investigation of the facts, hold such conferences, and require the filing of such reports, evidence, affidavits, or other material relevant to the proceeding as the Commissioner may deem necessary or appropriate to determine whether the District Rent Administrator's order is correct;
- (c) Forward to or make available for inspection by either party any relevant evidence and afford an opportunity to file rebuttal thereto;
- (d) For good cause shown, accept for filing any papers, even though not timely filed;
- (e) Require any person to appear or produce documents or both pursuant to a subpoena issued by the Commissioner;
- (f) Grant or order a hearing.

The Commissioner, on such terms and conditions as may be determined, may:

- (a) Dismiss the PAR if it fails substantially to comply with the provisions of this Operational Bulletin;
- (b) Grant or deny the PAR, in whole or in part, or remand the proceeding to the District Rent Administrator for further action;
- (c) In the event that the Commissioner grants or denies any such PAR in whole or in part, the Commissioner shall inform all parties of the grounds upon which such decision is based.

Where a relevant statute or regulation is amended during the pendency of a PAR, the determination shall be in accordance with the amended law or regulation.

If the Commissioner does not act finally within a period of ninety days after a PAR is filed, or within such extended period as may be fixed by the Commissioner, the PAR shall be deemed to be denied. The Commissioner may, however, grant one such extension not to exceed thirty days with the consent of the party filing the PAR; any further extension may only be granted with the consent of all parties to the PAR.

The filing of a PAR against an order, other than an order adjusting, fixing or establishing a maximum rent, within thirty-three days after the date of the issuance of such order shall stay such order until the final determination of the PAR by the Commissioner. On application by an aggrieved party, the Commissioner, at the Commissioner's discretion, may stay any other order on such terms and conditions as the Commissioner may determine during the pendency of the PAR. However, nothing herein contained shall limit the Commissioner from granting or vacating a stay under appropriate circumstances.

The filing and determination of a PAR is a prerequisite to obtaining judicial review of any order or determination issued by a District Rent Administrator. A proceeding for judicial review may be instituted under Article 78 of the Civil Practice Law and Rules provided the petition in the Supreme Court is filed within sixty days after the issuance date of the order of the Commissioner. Service of the petition upon the Division of Housing and Community Renewal shall be made by leaving a copy thereof with Counsel's Office at the Division's principal office located at 2 World Trade Center, New York City, New York. In addition, the Attorney General must be served at 2 World Trade Center, New York City.

The Commissioner, on application of either party or on the Commissioner's own initiative, and upon notice to all parties affected, may, prior to the date that a proceeding for judicial review has been commenced in the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules, modify, supersede or revoke any order issued by the Commissioner under these or previous Regulations where the Commissioner finds that such order was the result of illegality, irregularity in vital matters, or fraud. Where an order is modified, superseded or revoked by the Commissioner, the Commissioner may also direct appropriate rent adjustments to be made in accordance with the order issued.