

BF

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

November 19, 2008

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

In your letter, you state that a tenant moved into an apartment in 1943 as a rent controlled tenant; that he remained in the apartment until his death in 1966; that his son, who had lived with him for all those years, succeeded to the tenancy; that in 1985, the son's companion moved into the apartment; that the son died in 2007, at which time the son's companion succeeded to the son's tenancy with the owner's approval. You inquire how far back the owner can go in calculating the longevity increase. You state that there has been no vacancy increase since the tenant moved into the apartment in 1943.

Please be advised that any issue of a longevity increase is now not viable because the succession in question occurred in 2007.

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,

A handwritten signature in black ink, appearing to read "Greg Fewer", written over a horizontal line.

Greg Fewer  
Director  
Policy Unit

GF:MM:lp  
cc: Deputy Commissioner Torres  
OL #2464/MBR 14,586