

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

January 27, 2009

This letter is in response to your request for an agency opinion. You inquire as follows:

Registered tenants (A) and (B) failed to sign prior lease renewal and the lease was deemed renewed for 1 year based on the same terms and conditions of the expired lease as per RSC Section 2523.5(c)(2).

Tenant (A) no longer occupies the apartment and Tenant (B) continues to live without a signed lease.

Current lease will expire 06/30/07 and to date tenants have not responded to the new lease renewal offer.

Question[s]:

1[(a)]. Can the owner deem the lease renewed for a second time based on the same terms and conditions of the expiring lease (06/30/07) with only Tenant (B) as per RSC Section 2523.5(c)(2)? [(b)]If not, what are the options?

2. Will this be in violation of the rent stabilized code code if [the lease is] deemed renewed a second time?

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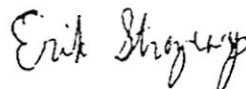
Given that RSC Sec. 2523.5(c)(2) does not contain any prohibition on repeated use, the answers to your questions are, respectively: 1(a) - yes, 1(b) - not applicable, 2 - no.

We trust that we have fully answered your inquiry.

Please be advised that this opinion letter is not a substitute for an adjudicatory proceeding, in which all parties receive notice and have an opportunity to be heard.

Sincerely,

Gregory C. Fewer, Esq.
Director of Rent Policy



By: Erik Strangeways
Senior Attorney

GCF:ES

cc: Dep. Com'r. Torres
(OL #2215)