



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

Your letter request to Bureau Chief Paul Fuller for an opinion letter has been forwarded to me for a response.

In your letter, you state that, pursuant to Federal law, as of February 17, 2009, "all full-power television stations [must] stop broadcasting in analog format and broadcast only in digital format." In addition, you state that the subject buildings have master antennas that have been registered with DHCR as a service the owner provides. However, only a handful of the tenants in the complex do not have cable and are using the master antenna for their television broadcasting.

You ask: "What impact will this new law have on the owner when the television broadcasting is no longer available through the master antenna?"

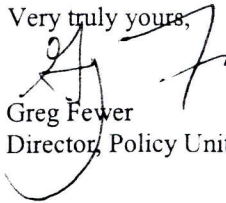
Under DHCR policy and precedent, once provided, a master antenna becomes a required service for those tenants who have used the service. Discontinuation of the service could subject an owner to rent reduction(s) as a result of a complaint, or complaints, of a decrease in services. Such rent reductions would remain in effect until the service is either restored or replaced by an adequate substitute.

Accordingly, the owner should now determine what technological alternatives are available, such as a new, updated master antenna, that will enable the affected tenants to continue to have their present (or enhanced) television service. Tenants would be responsible to purchase, at their expense, analog-to-digital converter boxes for their televisions.

According to our computerized records, the premises captioned in your letter are subject to rent stabilization. Therefore, if the tenants were to prevail in a service complaint proceeding, the rent reduction imposed would be to freeze the rents at the level before the most recent lease increase pursuant to the New York City Rent Guidelines. Accordingly, although tenants are responsible for providing their own analog-to-digital converters, the owner may wish to upgrade the building's master antenna now, so as to insure that tenants are able to receive digital broadcasts in their apartments.

I hope this letter has addressed your concerns. However, 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 the opportunity to be heard.

Very truly yours,

  
Greg Fewer  
Director, Policy Unit

GF/mga  
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