

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 9, 2009

This is in response to your request for clarification regarding the base date for calculating the longevity increase for a rent controlled apartment, which was addressed in my letter to you dated November 19, 2008.

As I previously indicated, the owner waived the right to collect the longevity increase. The owner cannot now seek to charge a longevity increase for which the operative event occurred in 2007. Therefore the underlying issue need not be addressed.

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 #2464