

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

May 14, 2009

Your request for an opinion letter has been forwarded to me for a response. Please excuse the delay in responding.

You explain that after residing in the subject premises for more than four years "under an illusory sublet scheme," you filed a lease renewal violation and a rent overcharge complaint in 2006. The Rent Administrator's order directed the owner to provide you with a vacancy lease in your name. In March 2008, DHCR denied the owner's Petition for Administrative Review ("PAR"). The new owner, who purchased the building in December 2007, offered two of you a vacancy lease in May 2008. You comment that the order does not mention the status of your longtime roommates or your ability to maintain the right to have roommates. You, therefore, ask how many roommates are allowed in a rent stabilized apartment and inquire whether "'past practice' with the previous owner allows us to have roommates...even if there is a conflict in law."

Please be advised that the opinion letter process, which is designed to answer questions of general applicability, is not an appropriate forum for a response to your request. In this opinion letter process, we do not interpret, explain or comment on DHCR orders, which speak for themselves and are binding on the parties. If you believe that the owner has not complied with the order, then we suggest that you file the enclosed *Tenant Affirmation of Non-Compliance* with DHCR.

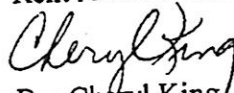
For your information, we also enclose a redacted copy of opinion letter # 1331, which addresses the "roommate law." Should you have additional questions or need more information,

you may visit any Borough Rent Office, call the RentInfo Line at (718) 739-6400 or visit the DHCR web site noted below.

We trust that we have responded as fully as possible to your inquiry under the circumstances.

Very truly yours,

Michael B. Rosenblatt
Assistant Commissioner/
Rent Administration


By: Cheryl King
Senior Attorney

MBR:CK

cc: Deputy Commissioner Torres
(col-2493)

encl: