

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 22, 2009

Your correspondence has been forwarded to me for a response.

You inquire as follows:

...Our questions are based on the following scenario. A rent stabilized apartment was registered as of April 1, 2007, with a monthly rent of \$1,800.00. The tenant vacates the apartment, and a new tenant subsequently occupies the unit pursuant to a two-year vacancy lease. Based on the statutory vacancy increase, the legal rent is 20% over the prior rent of \$1,800.00, which comes to \$2,160.00. Consequently, the unit is permanently exempt from rent stabilization.

Question 1

What information, if any, must be entered in Item 2 of the Annual Apartment Registration (Form RR-2A), *Tenant in Occupancy*? Must the name of the new, deregulated tenant be entered? May the phrase "High Rent Vacancy," or the word "Exempt" be entered instead of the name of the new, deregulated tenant?

Question 2

When the box *High Rent Vacancy* is checked in Section 7b of the Annual Apartment Registration form, what amount must be entered as the *Last Legal Regulated Rent*? Should the prior legal regulated rent of \$1,800.00 be entered as indicated on the form, or must the new legal rent of \$2,160.00

be entered? (According to the RSA and the DHCR Rent InfoLine, the new legal rent must be entered.)

Question 3

Must the Annual Apartment Registration form be served upon the new, deregulated tenant?

Answer 1

Under your scenario, and assuming that the information is in effect on April 1, 2008, you are required to enter the deregulated tenant's name.

Answer 2

You must enter the last legal regulated rent of \$1,800.00 in section 7b.

Answer 3

Yes.

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

Please be advised that this opinion letter is not a substitute for a formal agency order issued upon prior notice to all parties and with all parties having been afforded an opportunity to be heard.

Very truly yours,

Gregory C. Fewer
Director
Policy Unit



By: Cheryl King
Senior Attorney

GCF:CK

CC: Deputy Commissioner Torres
(col-2498)