

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 12, 2009

This is in response to your letter, which has been forwarded to me for a reply. You explain that you represent the estate of Michael McSherry, deceased owner of the subject premises. You succeeded the prior estate's attorney in 2006 and inherited an escrow account, which included \$24,500.00, to pay the deceased tenant, in accordance with the overcharge order issued on September 8, 1995. DHCR denied the owner's Petition For Administrative Review (PAR) on September 9, 1999. You maintain that you have scant information in your file and are unaware of any attempt by the tenant's estate to collect the subject amount. You, therefore, request an agency opinion letter "as to whether, because nearly fourteen years have elapsed since the rent administrator's order of September 8, 1995 was entered, because the order was never reduced to judgment by the tenant or anyone representing him, and because there is no known person or entity to whom the estate should pay out this escrowed money, the money can rightfully be turned over to the estate of Michael McSherry for distribution to the estate's beneficiaries."

Please be advised that the issue which you raise is not within the jurisdiction of DHCR, but is a matter best determined by a court of competent jurisdiction. Therefore, it would be inappropriate if we were to provide an opinion on this matter.

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-2533)