

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

This is in response to your request for an agency opinion.

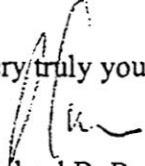
In your letter, you state that your client, the owner of the building ~~200~~ Street, Brooklyn, NY, wishes to bring the building into compliance with the requirements of the Rent Stabilization Law; that the tenants, who have resided in the building for from two to more than fifteen years, have never been given leases; and that the tenants are all paying the same rent they paid when they took occupancy. You inquire whether, assuming that the owner is required to provide the tenants with a vacancy lease, the owner is entitled to a rent increase specifically with respect to those tenants who have lived in the building for over fifteen years; whether the owner is required to treat tenants differently based upon the length of their tenancy; and what recourse the owner will have if a tenant refuses to execute the offered lease.

Please be advised that in the situation you describe, the owner must offer the tenants a vacancy lease for a one or two year term, at the tenant's option, at the current rent. Tenants would not be treated differently from each other in this regard based on the length of their tenancy. If a tenant refuses to sign the offered lease, the owner can seek redress in court.

We trust we have answered your inquiry.

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,


Michael B. Rosenblatt
Deputy Counsel

MBR:MM:lp
cc: Deputy Commissioner Torres
OL #2537