

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

June 4, 2009

Your letter of May 20, 2009 to Mr. Bruce Falbo has been referred to the undersigned for reply. You inquire regarding your rights in collecting an overcharge award.

In particular, you pose the following:

1. Is there a time limit to collect an overcharge award?

Rent regulations contain no statute of limitations for recovering a final overcharge award as a judgment. However, such an action is not within DHCR's jurisdiction but that of a court of competent jurisdiction. Therefore, you may wish to consult with an attorney on your rights as DHCR cannot provide legal advice. However, it is suggested that you request an updated RN-14 by submitting the forms you were previously provided.

2. Does the order carry over to subsequent owners?

The answer to this question can be found in the last paragraph of Fact Sheet #16, which you were previously provided. It states, in pertinent part, that ". . . the refund of any overcharge, including penalties collected on or after April 1, 1984 is the obligation of the current owner . . ."

3. By off-setting your rent, are you at risk of eviction?

Rent regulations do not provide that a tenant should be evicted for properly off-setting their rent pursuant to an unsatisfied overcharge award. However, DHCR cannot and does not predict the actions of any court. Should the owner seek this course of action, you would of course present the DHCR order as a defense.

I trust that I have answered your questions as fully as possible.

Sincerely,



John D. Lance, Esq.
Deputy Bureau Chief
Rent Information Bureau

LOG #COL-2542a