

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 22, 2009

This is in response to your letter dated March 12, 2009.

In your letter, you seek an opinion on whether the installation of new radiators in a vacant apartment is eligible for a rent increase based on 1/40th of the cost of the work. You made reference to Order No. QA410018-RO, copy attached, where radiator cover costs were allowed and Order No. DA430058-RO, copy attached, where a building-wide radiator installation was denied.

A review of the latter order indicates that the basis for the denial was the finding that the radiators were not installed in connection with a re-piping or boiler installation, and occurred over two years later.

Accordingly, I am of the opinion that the installation of new radiators in a vacant apartment qualifies for an individual apartment improvement (1/40th) rent increase.

This opinion is non-binding and is not substitute for a formal proceeding, where both parties are given an opportunity to be heard and our agency issues a formal order.

I trust this information is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Falbo", with a long horizontal flourish extending to the right.

Bruce Falbo
Bureau Chief
Rent Information Bureau

BF/lc
Log #COL-2544
Enclosures