

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

Your letter of April 15, 2009 was directed to my office for a reply.

You describe a situation in which at a previous point in time, a rent stabilized apartment became deregulated pursuant to a High Rent Vacancy, and this was noted on the next annual registration form filing. You then advise that a (second) subsequent tenant was given a preferential rent of less than \$2,000, that this preference was not noted in the lease, and that the lease erroneously stated that the apartment and rent were rent stabilized.

In general, erroneously executed leases do not confer rights to a tenant that supersede statutory provisions that provide for deregulation of an apartment.

Any tenant that believes they are subject to rent stabilization can file a failure to renew a lease complaint, if one is not offered, and a rent overcharge complaint that would require DHCR to investigate the previous four years examining rents charged and registered.

I trust this general 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-2556