

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

July 1, 2009

Dear Mr. Berman:

This is in response to your letter, which has been forwarded to me for a reply in which you inquire about concierge services.

Question 1. If an owner offers concierge services to the rent stabilized tenants through an independent contractor, does that then become a required or ancillary service under the Rent Stabilization Law and Code, which the owner would be required to maintain for the rent stabilized tenants, unless given permission in the future by DHCR to discontinue the service?

Answer 1: The Concierge Services which would be provided by an independent contractor, and are described "as an independent contractor offers concierge services to tenants who partake in the program and offer either a silver or gold package. The silver package offers restaurant reservations; car service booking; flower delivery arrangements; tickets to concerts, shows, etc.; dog walking and pet care services; and housekeeping coordination. The gold package offers a much wider service such as making travel arrangements; catering services, grocery deliveries; dry cleaning pick-up and delivery; etc.", would not be a service subject to rent regulation.

Question 2: If, in an "80/20" building, the service is a required or ancillary service offered to the "80" rent stabilized tenants, must it be offered to the rent stabilized tenants in occupancy under the "20" portion of the program.

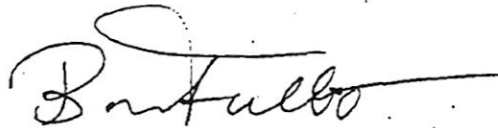
Answer 2: Please be advised that outside its rent regulatory role, DHCR's Office of Rent Administration (ORA) has no jurisdiction over the "80/20" program nor the program requirements. However, you may wish to review the parameters of New York City Administrative Code Sec. 8-107(5) in how it may apply to the program you describe as it prohibits owners and building managers from discriminating in the sale, rental or lease of housing or in the provision of services and facilities in housing.

Question 3. Would the method of collecting payment required by the independent contractor described below create a required or ancillary service?

Answer 3: In view of the answer to Question 1, it is not necessary to respond to this question. However, please bear in mind, that any bill given to a tenant for this service must be clearly set apart from the legal rent and any lawful and regulated surcharges. Any failure to pay the bill for the concierge service would not constitute a failure to pay rent.

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

Sincerely,



Bruce Falbo
Bureau Chief
Rent Information Bureau

BF/lc

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