

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 23, 2009

This is in response to your letter dated July 9, 2009.

In your letter, you ask "If the Owner wishes to significantly alter the scope of its proposed use of the site once the building is demolished, may the Owner simply notify DHCR that such scope is modified and the application deemed amended (with appropriate detail and explanation) or must the owner withdraw its application and re-file a new application?"

You also advise us that the situation pertains to a pending demolition application and a change to the use of the site post demolition.

Your request falls beyond the scope of the opinion letter process, as it pertains to a pending application. Accordingly, I recommend that you submit the proposed amendment to the case file for review, so that the Rent Administrator can determine if it is deemed amended or that a new filing is required.

In general, the issue you raise would have to be examined on a case by case basis.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "B. Falbo", with a stylized flourish at the end.

Bruce Falbo
Bureau Chief
Rent Information Bureau

BF/lc

Log #COL-2564