

David A. Paterson
Governor



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Commissioner

New York State Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433

September 3, 2009

This is in response to your request for an agency opinion letter, which has been forwarded to the undersigned for reply.

You inquire whether replacing an unarmed security guard with monitors, several security cameras and several lights throughout the premises would be an adequate substitution of services.

Such a determination is not within the scope of an opinion letter. However, we can provide some general information. The Rent Stabilization Code (RSC) requires an owner to provide and maintain all services provided or required to be provided on the applicable base date, and any additional services actually provided or required to be provided thereafter by applicable law. These services are called required services and include, but are not limited to, repairs, maintenance, furnishing of light, heat, hot and cold water, elevator services, janitorial services, the removal of refuse, and ancillary services such as garage, recreational facilities and security. An owner who reduces required services is subject to a tenant's complaint of a decrease in services which could result in a reduction of the rent.

An owner who wishes to either modify or reduce services may file the enclosed Owner Decrease ("OD") application to decrease required services with a reduction of the legal regulated rent. However, an OD application may also be made to modify or substitute services without a reduction of the legal regulated rent. Additionally, the affected tenants, by written agreement, may consent to a decrease (with a corresponding decrease in rent), modification or substitution (with no corresponding decrease in rent) of the required service(s) involved.

As with any such proceeding, an OD application would be served on the tenants and would be evaluated according to the owner's proposal and submissions in support of the proposal, as well as the tenants' responses. The application would be decided according to the terms and conditions of a resulting agency order.