

# FACT SHEET



George E. Pataki, Governor  
Joseph H. Holland, Commissioner

A PUBLICATION OF NEW YORK STATE  
DIVISION OF HOUSING AND COMMUNITY RENEWAL  
OFFICE OF RENT ADMINISTRATION

## #18 Appealing a Rent Administrator's Order: Petition for Administrative Review

An owner, tenant, or other party aggrieved by a Rent Administrator's order may file a *Petition for Administrative Review (PAR)* with the NYS Division of Housing and Community Renewal (DHCR). The petition must specify the alleged errors and list the issues upon which the order should be reviewed. The scope of review in the PAR proceeding is generally limited to the facts or evidence presented to the Rent Administrator and raised in the PAR.

For rent control cases statewide, and for rent stabilization (ETPA) cases outside of NYC, a PAR must be filed within 33 days after the order was issued. For rent stabilization cases in NYC, the required filing time is within 35 days after the order was issued. DHCR permits an additional two days for rent control and ETPA mailing to create a uniform 35 day period.

A PAR must be filed on a *Petition for Administrative Review* (DHCR Form RAR-2) and be completed and signed by the petitioner or a duly designated representative. The form is available at the Office of Rent Administration, 92-31 Union Hall Street 4th Floor, Jamaica, NY and Borough and District Rent Offices. Since the regulations for PARs on rent control, rent stabilization, and ETPA cases may vary, carefully read the appropriate regulations and instructions on the reverse side of the PAR form.

The original petition and one copy must be filed in person or by mail. If the PAR is hand-delivered, it must be received within the 35 day filing period for New York City stabilization cases or within 33 days for rent control and ETPA cases. If the PAR is mailed, it must be postmarked within the required filing period. If a private postage meter is used and the envelope does not have an official US Postal Service postmark, the PAR must be received by DHCR within the required time period or must be accompanied by proof that it was mailed within the required time period. PARs received after the time limit will be dismissed.

When DHCR receives a completed PAR, the Office of Rent Administration will send a copy to all other affected parties with a form allowing each party to respond to DHCR. DHCR will send these answers to all adversely affected parties. DHCR will then review the PAR and the answers, request additional information as necessary, and make a final determination. DHCR will inform all parties to the PAR on what legal and factual basis the determination was made.

The proper filing of a PAR against a RENT ADMINISTRATOR'S ORDER, other than an order adjusting, fixing or establishing the legal regulated rent, stays (freezes) that order until the Commissioner makes a final determination. Where an Administrator's Order provides for an adjustment in rent, the **retroactive portion** of the adjustment, if any, is generally put on hold but not the **prospective portion** altering the future rent.

On application by an aggrieved party, the Commissioner may stay any other order or vacate an automatic stay. The Commissioner has the right to grant or deny the PAR in whole or in part or even to return the proceeding to the Rent Administrator for further review.

Unless DHCR makes a final determination within 90 days (or any extension thereof), the PAR may be "deemed denied" by the petitioner. The petitioner may then file an Article 78 in court within 60 days after the expiration of the 90 day period (or extended period). The law also permits an Article 78 proceeding within 60 days after DHCR issues a final order.

Since DHCR will issue a final PAR order, despite the passage of the 90 day "deemed denial" period (or extension), it may be advisable to wait for that decision explaining the basis for the Order.

*For more information or assistance, call the DHCR  
Rent InfoLine, or visit your Borough or County Rent  
Office.*

**Central**

92-31 Union Hall Street  
4th Floor  
Jamaica, NY 11433  
(718) 739-6400

**Lower Manhattan**

156 William Street  
9th Floor  
New York, NY 10038  
South side of 110th St. and below

**Brooklyn**

250 Schermerhorn Street  
3rd Floor  
Brooklyn, NY 11201

**Bronx**

1 Fordham Plaza  
2nd Floor  
Bronx, NY 10458

**Upper Manhattan**

163 W. 125th Street  
5th Floor  
New York, NY 10027  
North side of 110th St. and above

**Staten Island**

60 Bay Street  
7th Floor  
Staten Island, NY 10301

**Nassau County**

50 Clinton Street  
6th Floor  
Hempstead, NY 11550

**Rockland County**

94-96 North Main Street  
Spring Valley, NY 10977

**Westchester County**

55 Church Street  
White Plains, NY 10601