

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO JP410057RT**

[REDACTED]

PETITIONER

**RENT ADMINISTRATOR'S
DOCKET NO HQ410082OR**

-----X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On April 28, 2021, the above-named Petitioner tenant re filed a Petition for Administrative Review ("PAR") against HQ410082OR, an order the Rent Administrator issued on February 22, 2021 (the "order"), concerning the housing accommodation known as 205 West 147th Street, [REDACTED] New York, New York, wherein the Rent Administrator granted the owner's application to restore rent after the DHCR inspection confirmed that heat and hot water had been restored and a review of the records of the New York City Department of Housing Preservation and Development ("HPD") did not reveal an outstanding violation for inadequate heat or hot water services to the subject apartment

- The Commissioner has reviewed the entire evidence of the record including that portion of the record that is relevant to the issues raised by the PAR - - -

In the PAR, the Petitioner tenant seeks a reversal of the Rent Administrator's order and states that there has been an unwarranted increase in the base rent of the subject apartment, and that the owner does not fix issues. The Petitioner tenant specifically avers that the owner has not repaired the Petitioner's medicine cabinet that fell off the wall in the bathroom three weeks ago.

The owner, through counsel, opposed the tenant's appeal.

After careful consideration of the entire evidence of record, the Commissioner is of the opinion that the petition should be denied.

In this case, rent was previously reduced by an order issued on April 4, 2019, under Docket HO410001HW based on inadequate heat and hot water in the subject apartment. Thereafter, on May 15, 2019, the owner applied to restore rent based on the restoration of heat and hot water. The tenant was afforded an opportunity to respond by service of the owner's application on May 21, 2019. The tenant submitted an answer dated January 18, 2020, alleging that there had been a rent increase, mice/roach infestations, lack of cooking gas for six months or more, and a defective refrigerator.

Following the owner's application to restore rent, the Rent Administrator checked the records of HPD and did not find a violation on record for inadequate heat and/or hot water for the subject apartment. The Rent Administrator also requested an inspection of the subject premises and an Agency inspection was conducted at the subject premises on December 8, 2020 by an Agency's impartial inspector. The inspection report revealed that, at the time of the inspection, the inspector found adequate heat and hot water throughout the apartment.

The Rent Administrator therefore determined that the conditions of inadequate heat and hot water cited in the order reducing rent were corrected and granted the owner's application for rent restoration.

After a review of the Petitioner-tenant's appeal, the Commissioner finds that the Petitioner tenant has not presented any allegations of errors of fact or law against the Rent Administrator's determination on appeal, but instead, raises a new service condition not included in the underlying Rent Administrator's proceeding and is therefore beyond the scope of this appeal. Section 2529.1 of the Rent Stabilization Code requires a PAR to allege errors upon which the order being appealed is based. Section 2529.8 authorizes the dismissal of PAR if it substantially fails to comply with the provisions of the Rent Stabilization Code.

Based upon the foregoing, the Commissioner finds that the Rent Administrator's order should not be disturbed, and that the Petitioner-tenant's PAR is denied.

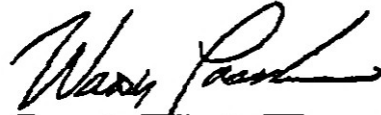
The Commissioner advises the tenant to file a fresh service complaint regarding the condition of the medicine cabinet, or for other unmaintained service conditions if the facts so warrant.

The tenant is also advised to file an overcharge complaint if the facts so warrant.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, that this petition is denied, and the Rent Administrator's order is affirmed.

ISSUED **OCT 1 2021** ,



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Critz Plaza 92-31 Union Hall Street
Jamaica, NY 11433
Web Site: www.hcr.ny.gov

Right to Court Appeal

This Deputy Commissioner's order can be further appealed by either party only by filing a proceeding in court under Article 78 of the Civil Practice Law and Rules seeking judicial review. The deadline for filing this 'Article 78 proceeding' with the courts is within 60 days of the issuance date of the Deputy Commissioner's order. This 60 day deadline for appeal may be extended by executive orders at <https://governor.ny.gov/executiveorders>. No additional time can or will be given. In preparing your papers, please cite the Administrative Review Docket Number which appears on the front page of the attached order. If you file an Article 78 appeal, the law requires that a full copy of your appeal papers be served on each party including the Division of Housing and Community Renewal (DHCR). With respect to DHCR, your appeal must be served on DHCR Counsel's office at 641 Lexington Ave. New York, NY 10022.

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There is no other method of appeal.

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DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO JP210011RT**



PETITIONER

**RENT ADMINISTRATOR'S
DOCKET NO HV210118OR**

-----X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On April 1, 2021, the above-named Petitioner tenant re-filed a Petition for Administrative Review ("PAR") against HV210118OR, an order the Rent Administrator issued on February 11, 2021 (the "order"), concerning the housing accommodation known as 444 State Street, Apartment [REDACTED] Brooklyn, New York, wherein the Rent Administrator granted the owner's application to restore rent after the tenant failed to provide access to the apartment for the Agency inspection

The Commissioner has reviewed the entire evidence of the record including that portion of the record that is relevant to the issues raised by the PAR

In the PAR, the tenant requests a reversal of the Rent Administrator's order, claiming the owner's submissions with respect to the underlying proceedings were based on fraud, lies, and harassment, and that the conditions have not been restored, specifically the paint/plaster apartment-wide and the floor covering. Furthermore, the tenant asserts that the owner took advantage of her absence during the processing of the rent restoration application, claiming she was out of town at the time and could not oppose the owner's application. The tenant also claims that there is a pending harassment case and a Supreme Court matter that addresses the tenant's claim that the owner does not maintain services. Lastly, the Petitioner states that it will be unconscionable for the DHCR to restore the rent without considering all the facts presented.

The owner, through counsel, responded to the tenant's PAR opposing the petition.

After careful consideration of the entire evidence of record, the Commissioner is of the opinion that the petition should be denied

Pursuant to Section 2523 4 of the Rent Stabilization Code (RSC or the Code), DHCR is authorized to order rent reduction, upon application by a tenant, where it is found that an owner has failed to maintain required services. Likewise, an owner is entitled to the restoration of rent once it is established that the required services cited in the rent reduction order have been restored. Section 2523 4(d)(2) states that the objection to a rent restoration application by a tenant who fails to provide access at the time arranged by the DHCR for the inspection will be denied. Additionally, Policy Statement 90-2 provides that "[i]f the tenant denies access for the DHCR inspection, then the rent will be restored." Policy Statement 90-2 allows the Rent Administrator to rely on an Agency's inspection report in determining if services at issue have been restored.

A review of the record indicates that rent was previously reduced on June 5, 2018 under Docket No. GN210090S for the owner's failure to maintain paint/plaster apartment-wide, the kitchen cabinet and countertop, and the floor covering hallway.

Subsequently, on October 22, 2019, the owner filed the underlying rent restoration application herein, Docket No. HV210118OR, asserting that all conditions found unmaintained under Docket No. GN210090S were corrected and that the tenant refused the owner's bathtub wall tiles, which led to the closing of the non-compliance case. The tenant was afforded an opportunity to respond by service of the owner's application on the tenant on October 30, 2019. The tenant submitted an answer to the owner's rent restoration application on November 26, 2019, refuting the owner's claim that it had restored services, specifying that the painting and floors were not repaired.

The Rent Administrator requested an Agency inspection to ascertain if the defective paint/plaster apartment-wide, the kitchen cabinet and countertop, and the floor covering hallway, based upon which rent was reduced under Docket No. GN210090S had been repaired. On December 28, 2020, a Notice of Inspection ("Notice"), which scheduled an inspection for January 4, 2021, between the hours of 11:00 AM and 3:00 PM was mailed to the parties advising both parties to be present during the scheduled inspection. The Notice contained cautionary language advising the tenant that a failure to provide access (or to reschedule the appointment) may result in a determination against the tenant's interests. The record shows that the tenant failed to keep the January 4, 2021 inspection. As such, on February 11, 2021, the Rent Administrator granted the owner's rent restoration application under Docket No. HV210118OR.

The Commissioner finds that based on the evidence of record, the Rent Administrator correctly granted the owner's rent restoration application pursuant to Section 2523 4 of the RSC and DHCR Policy Statement 90-2. In this case, the tenant was notified during the Rent Administrator's proceeding that a failure to grant access to the inspector, or the failure to reschedule the inspection may result in a determination against the tenant's interest. As the inspection report reveals, the tenant failed to grant access to the inspector on the date of the scheduled inspection. The record is void of any evidence that the tenant requested to reschedule the inspection prior to the date of inspection. In light of the above, the Commissioner finds that

the tenant's claims are without merit in this case, and the tenant has not established any basis to revoke or modify the Rent Administrator's order

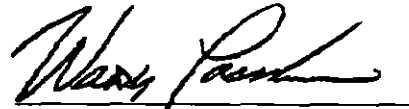
The Commissioner therefore finds that the tenant's PAR is denied, and the Rent Administrator's order is affirmed

The tenant is advised that she may file a fresh service complaint if the facts so warrant

THEREFORE in accordance with the relevant Rent Regulatory Laws and Regulations, it is

ORDERED, that this petition is denied and that the Rent Administrator's order is affirmed

ISSUED **OCT 1 2021**



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Cortz Plaza 92-31 Union Hall Street
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There is no other method of appeal.

STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK, 11433

----- X
IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF

NOSTRAND III EQUITIES, LLC
(OWNER)

ADMINISTRATIVE REVIEW
DOCKET NO JP210014RO

RENT ADMINISTRATOR'S
DOCKET NO HU210048OR

PETITIONER

----- X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On April 23, 2021, the above named petitioner owner filed a Petition for Administrative Review ("PAR") of an order the Rent Administrator issued on March 18, 2021 (the 'Order'), concerning the housing accommodation known as 2047 Nostrand Avenue Apt [REDACTED], Brooklyn NY, wherein the Rent Administrator issued an order denying the Owner's application to restore rent for the subject rent stabilized apartment

The Commissioner has reviewed the entire evidence of record including that portion of the record that is relevant to the issue raised by the PAR

In the PAR the Owner requests that the Order be reversed (cancelled completely) because proof of extermination has been submitted and the tenant herself states that she no longer has a vermin problem. The Owner however has not raised any issues of fact or law that challenge the Rent Administrator's decision in the matter below

After careful consideration of the entire evidence of record, the Commissioner is of the opinion the petition should be denied

Pursuant to Section 2523.4 of the Rent Stabilization Code (the "Code"), the Rent Administrator is authorized by law to direct the restoration of services and grant a rent reduction, upon application by a tenant, where it is determined that required services have not been maintained. Similarly, an owner is entitled to the restoration of rent when it is established that the required services cited in the rent reduction order have been restored

In the proceeding below, the Owner filed an application to restore rent for the subject apartment on September 16, 2019, alleging the restoration of services. The Tenant was served

ADMINISTRATIVE REVIEW DOCKET NO JP210014RO

with notice of the Owner's application (the "Initial Notice") on September 18, 2019. The Agency records indicate that the Tenant responded to the Initial Notice, attesting that she did not agree that all the conditions were restored and claimed that she still has rodents in her apartment.

On February 24, 2021, an Agency inspection was conducted in the Tenant's apartment. During the inspection, the impartial DHCR inspector observed evidence of dead roaches in the kitchen. As a result of this finding, the Rent Administrator issued an order denying the Owner's rent restoration request.

The Commissioner notes the Owner's contention herein that the DHCR Inspector found roaches that were dead due to management's extermination efforts in the subject apartment, the Tenant failed to clean the area under the sink in the kitchen. The Commissioner finds that this unsubstantiated claim by the owner does not warrant a modification or reversal of the Rent Administrator's order.


Based on the foregoing, the Commissioner finds that the Rent Administrator correctly denied the Owner's restoration request, the denial was correctly based on the observations of the Agency's impartial inspector. Based on the foregoing, the Commissioner finds that the Owner's PAR has not established a basis to modify or revoke the Rent Administrator's determination.

The Owner is advised that it may file an "Owner's Application to Restore Rent," with the Agency if the facts so warrant.

THEREFORE in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, the petition is denied, and the Rent Administrator's order is affirmed.

ISSUED **OCT 1 2021**



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gutz Plaza 92-31 Union Hall Street
Jamaica NY 11433
Web Site: www.hcr.ny.gov

Right to Court Appeal

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There is no other method of appeal.

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OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK, 11433**

----- X
**IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF**

**[REDACTED]
(TENANT)**

**ADMINISTRATIVE REVIEW
DOCKET NO HQ610046RT**

**RENT ADMINISTRATOR'S
DOCKET NO GS610070OR**

PETITIONER

----- X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On May 29, 2019, the above named petitioner tenant filed a Petition for Administrative Review ("PAR") of an order the Rent Administrator issued on April 24, 2019 (the "Order"), concerning the housing accommodation known as 60 East 196th Street, [REDACTED] Bronx, NY, wherein the Rent Administrator issued an order restoring the rent for the subject apartment

The Commissioner has reviewed the entire evidence of the record including that portion of the record that is relevant to the issue raised by the PAR

In the PAR, the Tenant claims that the apartment is still not completely recovered from the renovations and that "HPD initiated the rent reduction and did not stop it until now and want[s] me to retroactively pay rent from 5/18 " The Tenant, however, has not raised any issues of law or fact that challenge the decision that the Rent Administrator rendered in the matter - - - below

After careful consideration of the entire evidence of record, the Commissioner is of the opinion the petition should be denied

Pursuant to Section 2523.4 of the Rent Stabilization Code (the "Code"), the Rent Administrator is authorized by law to direct the restoration of services and grant a rent reduction upon application by a tenant, where it is determined that required services have not been maintained. Likewise, an owner is entitled to the restoration of rent once it is established that the required services cited in the rent reduction order have been restored

In the proceeding below, the Owner filed an Owner's Application to Restore Rent (RTP-19) with the Agency on July 13, 2018, alleging the restoration of services in the kitchen and bathroom of the premises located at 60 East 196th Street, [REDACTED] Bronx, NY. The Tenant was served with the notice of the Owner's application (the "Initial Notice") on July 16, 2018. Agency records indicate that the Tenant did not respond to the Initial Notice. Hence, a Final Notice Pending Default was also sent to the Tenant on March 28, 2019. The Tenant also failed to respond to the Final Notice Pending Default.

Based on the foregoing, the Rent Administrator deemed the factual allegations that were made in the Owner's rent restoration application admitted by the Tenant by default, and issued an order granting the Owner's rent restoration request on April 24, 2019.

The Commissioner notes the Tenant's contention herein that the apartment is not "completely recovered from renovations." However, this unsubstantiated claim by the Tenant is untimely as it was not made when the Agency was processing the matter below although the Tenant was afforded with the opportunity to do so.

Based on the foregoing, the Commissioner finds that the Tenant's PAR has not established any basis to modify or revoke the Rent Administrator's determination.

The Tenant is advised that she may file a new service complaint and/or an overcharge complaint with DHCR if the facts so warrant.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, the petition is denied, and the Rent Administrator's order is affirmed.

ISSUED **OCT 14 2021**



Woody Pascal
Deputy Commissioner



State of New York
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There is no other method of appeal.

**STATE OF NEW YORK
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GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK, 11433**

----- X
**IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF**

**60 East 196, LLC
(OWNER)**

**ADMINISTRATIVE REVIEW
DOCKET NO JN610012RO**

**RENT ADMINISTRATOR'S
DOCKET NO HN610036OR**

PETITIONER

----- X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On February 24, 2021, the above named petitioner owner filed a Petition for Administrative Review ("PAR") of an order the Rent Administrator issued on February 12, 2021 (the "Order"), concerning the housing accommodation known as 58 East 196th Street, [REDACTED] Bronx, NY 10468, wherein the Rent Administrator denied the owner's application to restore rent at the subject premises

In the PAR, the petitioner-owner requests a reversal of the Rent Administrator's Order. The petitioner-owner contends that there were no leaks/stains in bedroom 1 of the subject premises per an Agency-inspection that occurred on December-3, 2020 -The petitioner owner further contends that the tenant signed a statement confirming that all service issues that formed the basis of the original rent reduction had been addressed. The tenant did not respond to the instant PAR.

The Commissioner has reviewed all of the evidence in the record and has carefully considered that portion of the record relevant to the issues raised by the PAR. After careful consideration of the entire evidence of record, the Commissioner is of the opinion that the petition should be denied. The petitioner-owner has failed to allege any errors of law and/or fact that would warrant reversal.

On February 8, 2019, the petitioner owner filed an application to restore rent and, in that application, declared that the petitioner owner restored all services that were subject to a rent

reduction order under Docket No IC-610112-S issued on December 2, 1994, including in pertinent part the bedroom 1 leak and water damage. The petitioner-owner's application included a statement purportedly signed by the tenant confirming that all service issues that formed the basis of the original rent reduction had been addressed, dated January 13, 2019. The tenant was provided with notice and an opportunity to respond to the petitioner-owner's rent restoration application on February 15, 2019. On November 13, 2020, the tenant filed an answer to the petitioner owner's application to restore rent stating that service issues continued at the subject premises. The Rent Administrator therefore requested an Agency inspection of the services claimed to be restored, including an inspection of bedroom 1 and whether there was evidence of leaks/stains. Inspections occurred at the subject premises on December 3, 2020 and January 20, 2021 and inspection reports were issued therefrom. The inspection report for December 3, 2020 indicated that there was still evidence of water damage/stains/peeling paint/plaster on bedroom 1 walls/ceiling in various areas. The inspection report for January 20, 2021 contained no findings with regards to this issue. Accordingly, the Rent Administrator denied the petitioner-owner's application to restore rent based upon the inspection reports' findings.

Pursuant to Section 2523.4 of the Rent Stabilization Code, DHCR is authorized to order a rent reduction, upon application by a tenant, where it is found that an owner has failed to maintain required or essential services. Likewise, an owner is entitled to the restoration of rent once it is established that the required services cited in the rent reduction order have been restored. Policy Statement 90-2 provides that if a tenant does not confirm the owner's statement that the required services are restored, then an inspection is made to determine if the required services have been restored. Furthermore, Policy Statement 90-2 states that the Rent Administrator may rely on an Agency inspection when making a determination.

At the time the Rent Administrator issued the Order, the record reflected that the petitioner-owner had failed to address all of the service issues underlying the rent reduction order under Docket No IC 610112-S. The Rent Administrator's determination was neither arbitrary nor capricious and was supported by a rational basis contained in the record, namely the December 3, 2020 inspection report which revealed that there was evidence of water damage/stains/peeling paint/plaster on the bedroom 1 walls/ceiling in various areas. The Rent Administrator's reliance on the inspector's training and experience in the area of building inspections as well as the inspector's impartiality in conducting the inspection and taking the photographs was reasonable. See Policy Statement 90-2.

Based on the above, the Commissioner finds that the Rent Administrator properly denied the petitioner-owner's rent restoration application, and the petitioner-owner has not set forth a basis to revoke the Rent Administrator's Order in this appeal.

The petitioner-owner is advised to file a fresh rent restoration application, if the facts so warrant.

THEREFORE, in accordance with the relevant Rent Regulatory Laws and Regulations,
it is

ORDERED, that this petition be, and the same hereby is, denied, and that the Rent Administrator's order be, and the same hereby is, affirmed

ISSUED **OCT 14 2021**

A handwritten signature in black ink, appearing to read "Woody Pascal", written over a horizontal line.

Woody Pascal
Deputy Commissioner



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JAMAICA, NEW YORK 11433

_____X
IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF

ADMINISTRATIVE REVIEW
DOCKET NO JQ410011RT

RENT ADMINISTRATOR S
DOCKET NO GW410095OR

_____PETITIONER X

ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On May 12, 2021, the New York State Division of Housing and Community Renewal ("DHCR") received a Petition for Administrative Review ("PAR") from _____ ("Petitioner") appealing an order issued on March 2, 2021 ("Order") by the DHCR Rent Administrator ("Administrator") concerning the housing accommodations known as 236 W 122nd Street, _____ New York, New York 10027 ("Premises") wherein the Administrator, in response to an application filed by 122 Street Portfolio LLC ("Landlord"), issued a restoration of rent that was previously reduced after Petitioner failed to provide access to a DHCR inspector

In the PAR, Petitioner requests a revocation of the Order and contends, in substance, that she failed to provide access to the DHCR inspector because she never received notice of the inspection and that a restoration was unwarranted as the services in the underlying order have not been restored. In its answer, Landlord, by its attorney, contends that the termination of Petitioner's complaint was appropriate after Petitioner failed to provide access to the DHCR inspector.

The undersigned DHCR commissioner ("Commissioner") has reviewed the evidence in the record and has carefully considered that portion of the record relevant to the issues raised by the PAR. After careful consideration of the entire evidence of record, the Commissioner is of the opinion that the Petitioner's PAR should be denied.

Pursuant to New York City Rent Stabilization Code ("RSC" or the "Code") § 2523.4, following a complaint by a tenant, DHCR is authorized to order a rent reduction where it is found that an owner has failed to maintain required services. Likewise, an owner is entitled to the restoration of rent once it is established that the required services cited in a rent reduction order have been restored. RSC § 2527.5(b) gives the Administrator the authority to request an inspection at any stage of a DHCR proceeding and New York courts have consistently held that the DHCR has broad discretion to

decide if an inspection is necessary DHCR policy, in accordance with the Code, recognizes that denial of a tenant's application or restoration of rent is appropriate where a tenant fails to provide access at the time arranged for an inspection


The Commissioner finds that the Administrator properly restored the rent after Petitioner failed to provide access for a DHCR inspection Landlord's November 2018 application for a restoration of the rent that had previously been decreased by DHCR Order FP410318S alleged that the services underlying the order had been impossible to restore due to "NO ACCESS " Landlord's restoration application also included two letters, dated August 9, 2018 and August 21, 2018, purportedly sent to Petitioner via certified mail, return receipt requested, demanding access to "inspect and repair" the services at issue in this proceeding In response, Petitioner sent a letter dated December 7, 2018 rejecting the assertion that it had refused access to Landlord to make repairs and, instead, claiming that Landlord failed to appear at the scheduled access dates Given this, the Commissioner finds that the Administrator's request for an inspection to resolve the matter was appropriate Contrary to the PAR's assertion, the record reflects that notification of the inspection was sent to Petitioner on January 11, 2021 and there is no evidence in the record that such mailing was unsuccessful As the DHCR inspector noted in his January 20, 2021 report that the Petitioner was 'not home" and the occupant of the Premises at the time of inspection "would not" let him in to perform the inspection, the Commissioner finds that the Administrator's Order granting Landlord s rent restoration application was appropriate As the PAR fails to provide any other basis that would compel a modification or revocation of the Administrator's determination, the PAR must be denied

The Petitioner may file another complaint of decreased services on Form RA 81 to apply for a rent reduction based on the outstanding repairs claimed in the PAR, if the facts so warrant

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, that this petition be, and the same hereby is, denied, and that the Rent Administrator's Order be, and the same hereby is, affirmed

OCT 14 2021



WOODY PASCAL
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gritz Plaza 92-31 Union Hall Street
Jamaica NY 11433
Web Site: www.hcr.ny.gov

Right to Court Appeal

This Deputy Commissioner's order can be further appealed by either party only by filing a proceeding in court under Article 78 of the Civil Practice Law and Rules seeking judicial review. The deadline for filing this 'Article 78 proceeding' with the courts is within 60 days of the issuance date of the Deputy Commissioner's order. This 60 day deadline for appeal may be extended by executive orders at <https://governor.ny.gov/executiveorders>. No additional time can or will be given. In preparing your papers, please cite the Administrative Review Docket Number which appears on the front page of the attached order. If you file an Article 78 appeal, the law requires that a full copy of your appeal papers be served on each party including the Division of Housing and Community Renewal (DHCR). With respect to DHCR, your appeal must be served on DHCR Counsel's office at 641 Lexington Ave. New York, NY 10022.

Note: During the period of the current Covid-19 emergency, as a courtesy, if the Article 78 proceeding is commenced by e-filing pursuant to the Court Rules, service may be effectuated, as limited as follows, by forwarding the court's email indicating the assignment of the Index Number and the documents received by the court, i.e. Notice of Petition, Petition, and other e-filed documents to DHCRlegalMail@nysdcr.org. Upon receipt of the complete filings, the receipt of such documents will be acknowledged by email. Only after such acknowledgement of receipt of such documents will the service by email be deemed good service on New York State Division of Housing and Community Renewal (DHCR). DHCR is not the agent for service for any other entity of the State of New York or any third party. In addition, the Attorney General must be served at 28 Liberty Street, 18th Floor, New York, NY 10005. Since Article 78 proceedings take place in the Supreme Court, it is advisable that you consult legal counsel.

There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF**

**Various Tenants of
5400 Fieldston Road
Bronx, NY**

**ADMINISTRATIVE REVIEW
DOCKET NO GO610041RT**

PETITIONERS

**RENT ADMINISTRATOR'S
DOCKET NO FT610097OR
(EW610022B)**

-----X

ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On March 26, 2018, the above-named petitioner-tenants filed a petition for administrative review (PAR) against an order issued on February 20, 2018 by the Rent Administrator concerning the housing accommodations known as 5400 Fieldston Road, Various Apartments, Bronx, NY, wherein the Administrator granted the owner's rent restoration application

The Commissioner has reviewed all of the evidence in the record and has carefully considered the portion of the record relevant to the issues raised by the petition

The tenants contend, essentially, that the storage that the owner claimed to be providing to the tenants is about 12% (approximately 600 square feet) of the original storage size, that a possible miscommunication of the facts probably informed the DHCR's granting of the owner's rent restoration application, that the owner substituted two small rooms (approximately 600 square feet) for the original six "store rooms" (approximately 4,700 square feet), that the inspection was conducted at a time when the tenants were not present, that the owner wrongfully seized and/or discarded some tenants' properties, that the owner removed an iron rod infrastructure which could accommodate scores of bicycles, replacing same with small iron rod bicycle stands in each room that can accommodate about four bicycles and can be forcibly removed with a screw driver, that the owner restricted the time for the distribution of keys to the period that the tenants are at work instead of making the keys available through the superintendent as was the practice, and that although the keys are duplicable, the tenants were additionally required to sign waivers as a precondition to obtaining keys

The owner opposed the tenant's PAR, arguing that there is no legal basis to the tenants' PAR that the Agency's inspection indicated that the sole condition, storage space, had been restored, that the determination was based upon the findings of impartial inspections, and there is a long history of the court's upholding DHCR independent reliance on its own inspections, that as stated in the owner's rent restoration application, a Memorandum dated August 10, 2017 was sent to all tenants, intimating the tenants that the owner would be providing the tenants with storage room service indicating where the storage rooms are located and the procedure to obtain keys for the locked storage rooms, that the owner installed new bike racks, that as the owner advised below, the tenants previously used gas and electrical meter rooms as storage space, until the New York City Fire Department (FDNY) notified the owner that storage was not permitted in any meter rooms pursuant to the New York City Fire Code, New York City Fuel Gas Code and the New York City Electrical Code, and that the tenants raised some issues which were not raised below

After careful consideration of the entire evidence of record, the Commissioner is of the opinion that the petition should be denied

Pursuant to Section 2523 4 of the Rent Stabilization Code (RSC or the Code), and Section 2202 16 of the New York City Rent and Eviction Regulations (Regulations), DHCR is authorized to order a rent reduction, upon application by a tenant, where it is found that an owner has failed to maintain required or essential services Likewise, an owner is entitled to the restoration of rent once it is established that the required services cited in the rent reduction order have been restored

In the initial proceeding under Docket No **EW610022B**, the tenants filed a complaint on November 21, 2016, alleging a diminution in storage space and door person services On July 10, 2017, the Administrator issued a rent reduction order based on the Agency's inspection of May 18, 2017, which found the storage space service not maintained

On August 23, 2017, the owner filed the rent restoration application herein under review The owner's application was served on the tenants on September 1, 2017

By correspondence dated between September 6, 2017 and September 17, 2017, the tenants, making submissions of a uniform answer, opposed the owner's application, making essentially the same arguments as in their PAR herein

The owner advised by its submission dated October 5, 2017, that the storage room service had been reinstated and new bike racks had been installed in the storage rooms

The Agency's record indicates that the Rent Administrator requested an inspection of the subject premises The Agency's inspection covering the issue of storage room(s), *inter alia* was conducted on January 9, 2018 The Commissioner notes that a review of the inspection report, augmented by photographic evidence, indicated that two storage rooms have been made available to the tenants

The Commissioner notes that the tenants' initial complaint was that the storage room in the subject premises was emptied and the tenants were going to be charged for usage Here, the Rent Administrator properly found that the owner was providing storage space to all tenants as revealed

in the January 9, 2018 Agency inspection. Additionally, the tenants' allegation of a reduction in the size of the storage space has not been substantiated. Thus, the Commissioner finds that the Rent Administrator properly granted the owner's rent restoration application based on the records.

Based on the set of facts explicated above, the Commissioner finds that the Rent Administrator's order was proper as issued, and that the tenants did not establish a basis to modify or reverse the Rent Administrator's order.

The Commissioner notes that the tenants may file a fresh service complaint, if the facts warrant.

THEREFORE, in accordance with the applicable sections of the Rent Stabilization Law and Code and the New York City Rent and Eviction Regulations, it is

ORDERED, that this petition be, and the same hereby is, denied, and that the Rent Administrator's order be, and the same hereby is, affirmed.

ISSUED **OCT 15 2021**



WOODY PASCAL
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gutz Plaza 92-31 Union Hall Street
Jamaica, NY 11433
Web Site: www.hcr.ny.gov

Right to Court Appeal

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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO JP410009RO**

BANNER GROUP LLC

PETITIONER

**RENT ADMINISTRATOR'S
DOCKET NO HW410001OR**

-----X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On April 16, 2021, the above-named petitioner owner filed a Petition for Administrative Review ("PAR") of an order the Rent Administrator issued on March 8, 2021 (the "order"), concerning the housing accommodation known as 665 West 160th Street, Apt [REDACTED], New York, New York, wherein the Rent Administrator denied the owner's rent restoration application finding the owner had not corrected the unmaintained services as the owner's agent failed to provide the Agency's inspector access to the apartment

The Commissioner has reviewed the entire evidence of the record including that portion of the record that is relevant to the issues raised by the PAR

After careful consideration of the entire evidence of record, the Commissioner is of the opinion the petition should be denied

In the PAR, the owner requests that the Agency "place this application on pause" while it evicts the tenant and repairs the damage caused by him. In addition, the owner stated "it will re submit" when it gains possession of the apartment so that it "can get the rent restored." The petitioner owner also stated that they predicted that the Agency inspector would not gain access on December 29, 2020, and that the "occupant" signed off on the repairs, so questioned why an inspection was necessary. The Commissioner notes that the owner has not raised any error of fact or law against the Rent Administrator's order in the instant appeal.

Pursuant to Section 2523.4 of the Rent Stabilization Code (the "Code"), DHCR is authorized to order a rent reduction, upon application by a tenant, where it is found that an owner has failed to maintain required or essential services. Likewise, an owner is entitled to the

restoration of rent once it is established that the required services cited in the rent reduction order have been restored. Furthermore, Section 2527 5(b) of the Code provides that, at any stage of a proceeding, the DHCR may conduct an inspection and New York courts have consistently held that DHCR has broad discretion to decide if an inspection is necessary.

A review of the record shows that rent was previously reduced by an order issued on August 1, 2016 under Docket Number EO410058S for the failure to maintain services in various areas of the subject apartment. Thereafter on November 1, 2019, the owner filed an application to restore rent based on the restoration of the services found unmaintained in Docket Number EO410058S.

In the proceeding below, the Rent Administrator requested an inspection of the subject premises to confirm the owner's contention that the services were repaired. The Agency inspection was conducted at the premises on December 29, 2020. The inspection report, substantiated with photographic evidence, revealed that at the time of the Agency inspection, the intercom for the subject apartment, [REDACTED], stated that it was for the superintendent, and that the inspector rang the intercom, but the superintendent did not show up or provide access for the inspection. A review of the Agency records also revealed that the owner registered the subject apartment as "employee occupied" for the year 2020. The Rent Administrator therefore denied the owner's rent restoration request on March 18, 2021 as the Agency inspector was not provided with access to the subject apartment for the inspection.

In view of the above, the Commissioner finds that the Rent Administrator properly denied the owner's rent restoration application under Docket Number HW410001OR. The Rent Administrator properly requested an Agency inspection to verify the owner's claim that the services were restored, and the Agency inspector was not provided with access at the time of the scheduled inspection.

Based on the foregoing, the Commissioner finds that the owner's PAR is denied as the owner has not raised any error of fact or law with the Rent Administrator's order and has not set forth any basis to revoke such Rent Administrator's determination.

The Commissioner notes that the owner may file a fresh rent restoration application if the facts so warrant.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, that the petition is denied, and the Rent Administrator's order is affirmed.

ISSUED **OCT 15 2021**



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Critz Plaza 92-31 Union Hall Street
Jamaica, NY 11433
Web Site: www.hcr.ny.gov

Right to Court Appeal

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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO JR410010RT**

[REDACTED] / [REDACTED]

PETITIONERS

**RENT ADMINISTRATOR'S
DOCKET NO HX410119OR**

-----X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On June 7, 2021, the above named Petitioner tenants filed a Petition for Administrative Review ("PAR") against HX410119OR, an order the Rent Administrator issued on May 6, 2021 (the 'order'), concerning the housing accommodation known as 40 East 3rd Street, Apartment [REDACTED], New York, New York, wherein the Rent Administrator granted in part the owner's rent restoration application based upon an Agency inspection which confirmed that the conditions cited in the order reducing rent were partially restored

The Commissioner has reviewed the entire evidence of the record including that portion of the record that is relevant to the issues raised by the PAR

In the PAR, the tenants request that the Rent Administrator's order be modified, averring that the right window in the Petitioners' living room remains defective as the window is currently not functional. Pictures taken by the tenants purporting to depict the condition of the alleged window is attached to this PAR.

The owner submitted an answer objecting to the tenants' appeal and requested that the Administrator's order be affirmed.

After careful consideration of the entire evidence of record, the Commissioner is of the opinion that the petition should be denied.

ADMINISTRATIVE REVIEW DOCKET NO JR410010RT

Pursuant to Section 2523 4 of the Rent Stabilization Code (RSC or the Code), DHCR is authorized to order a rent reduction, upon application by a tenant, where it is found that an owner has failed to maintain required services. Likewise, the Rent Administrator is authorized by law to confirm the restoration of services and grant a rent restoration, upon application by an owner, where it is determined that required services have been restored. Additionally, Policy Statement 90-2 allows the Rent Administrator to rely on an Agency's inspection in determining if services at issue are maintained or properly restored. New York Courts have consistently upheld the reliability of the Agency inspections.

On April 3, 2019, the tenants commenced the initial proceeding by the filing of a complaint, alleging a diminution in various apartment-wide services. By order dated May 29, 2019 under Docket No. HP410121S, the tenants were granted a rent reduction and the Administrator directed the restoration of services based on the DHCR inspection conducted at the subject premises on May 23, 2019, wherein the inspector confirmed defects to the living room windows, bedroom 2 windows, and the bedroom 3 window.

Subsequently, on December 24, 2019, the owner filed the underlying rent restoration application herein, Docket No. HX410119OR, asserting that the owner restored the conditions found unmaintained under Docket No. HP410121S. The tenants were afforded an opportunity to respond to the owner's application by service on the tenants on January 14, 2020. Thereafter, the Rent Administrator requested an Agency inspection of the conditions that were found not maintained originally in the initial proceeding to ascertain if the conditions were in fact restored, including the windows in the living room, the windows in bedroom 2, and the window in bedroom 3. On April 20, 2021, the Agency's impartial inspector conducted an inspection of the subject premises. The Agency's inspection report, based on which the Rent Administrator granted in part the owner's rent restoration application, confirmed that at the time of the inspection on April 20, 2021, repairs were not properly made as the lock on the old wood window (left side) in bedroom 2 window was inoperable. The living room and bedroom 3 windows had no defects and were found properly operable at the time of the inspection.

On May 6, 2021, based upon a complete review of the record, including the inspection report which confirmed that the owner had partially resolved the underlying service issues, the Rent Administrator granted in part the owner's application to restore rent, finding that the left side bedroom 2 window was not restored and the windows in the living room, bedroom 3, and the right side bedroom 2 window were maintained.

The Commissioner notes the tenants' contention that the Rent Administrator's order should be modified because the right window in the living room is still defective. However, the Commissioner finds the tenants' unsubstantiated claim in this appeal to be meritless. The Rent Administrator's determination was appropriate and was supported by a rational basis, namely the inspector's report that revealed the living room and bedroom 3 windows were properly operable at the time of the Agency inspection. The Rent Administrator's reliance on the inspector's training and experience in the area of building inspections, as well as the inspector's impartiality in conducting the inspection was reasonable and in accordance with the Code and Policy Statement 90-2.

ADMINISTRATIVE REVIEW DOCKET NO JR410010RT

Based on the forgoing, the Commissioner finds that the Rent Administrator correctly granted in part the owner's rent restoration, and the tenants' PAR has not established any basis to modify the Rent Administrator's determination

The Commissioner notes that the owner has filed another rent restoration application which is currently pending under Docket No JT410013OR

The tenants are advised to file a fresh service application if the facts so warrant

THEREFORE, in accordance with the relevant Rent Regulatory Laws and Regulations, it is

ORDERED, that this petition is denied and that the Rent Administrator's order is affirmed

ISSUED

OCT 15 2021



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza 92-31 Union Hall Street
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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO JP630001RP
(FS630043RO)**

3224 GC LLC

PETITIONER
-----X

**RENT ADMINISTRATOR'S
DOCKET NO FN610022OR**

**ORDER AND OPINION, ON REMAND, GRANTING PETITION FOR
ADMINISTRATIVE REVIEW**

On July 21, 2017, the above-named petitioner owner filed a Petition for Administrative Review (‘ PAR’) of an order the Rent Administrator issued on June 16, 2017, under Docket Number FN610022OR, concerning the housing accommodation known as 3224 Grand Concourse, Various Apartments, Bronx NY, wherein the Administrator denied the owner's application to restore rent

The Commissioner's order of the aforementioned PAR under Docket Number FS630043RO was subsequently appealed in a proceeding commenced by the above-named petitioner owner pursuant to Article 78 of the Civil Practice Law and Rules 3224 GC LLC v DHCR et al, Supreme Court of the State of New York, County of Bronx, Index No 260299/2018

On November 21, 2019 an Order was signed by Justice Alison Y Tuitt remitting the proceeding to the Agency for a further determination consistent with the Court's decision and Order dated November 21, 2019, wherein the Court found that while a New York City Department of Building (‘DOB’) violation notice may be properly relied upon by DHCR, in this case the rent restoration application's denial was based on a DOB violation that was not part of the record and not the basis for the underlying rent reduction order

Based on the Supreme Court's remand above, the Agency re opened the proceeding by service of notice on the parties on April 14, 2021 The owner's attorney filed a submission on April 26, 2021, wherein the attorney requested that the owner's rent restoration application be granted in accordance with the Court's November 21 2021 Order

The tenant of apartment [REDACTED] submitted an answer to the notice which detailed an overcharge complaint as well as new building-wide service complaints pertaining to the porter, garbage collection, building façade, janitorial, heating and laundry services

A review of the proceedings below shows that on October 10, 2014, a rent reduction was issued under Docket Number CR630026B for a diminution in cooking gas service to the subject building after an inspection at the subject premises on October 8, 2014 revealed that cooking gas was not provided to the building. On November 18, 2014, a Non Compliance case was filed and assigned Docket Number CW630007NC. The case was closed upon the signing of a stipulation and the imposition of a civil fine on November 7, 2016.

The owner subsequently filed an application to restore the rent on February 8, 2017, which was denied on June 16, 2017, under Docket Number FN610022OR, based on an open DOB violation, notwithstanding an Agency inspection conducted on May 30, 2017 which revealed the restoration of the cooking gas service to the building.

In the PAR, denied by the Commissioner on September 10, 2018 under Docket Number FS630043RO, the owner sought a reversal of the Rent Administrator's order, and asserted the Agency disregarded its evidence showing it restored the building's gas service, including the acknowledgements from a majority of the tenants that the gas had been restored, while relying on a DOB violation that was not in the record to deny the rent restoration application.

After a review of the record and in light of the Court's decision and Order from November 12, 2019, the Commissioner is of the opinion that the PAR, on remand, must be granted, effectively revoking the Rent Administrator's decision under Docket Number FN610022OR, thereby granting the owner's rent restoration application, on remand. In this case, the Court found that the DOB violation that the Rent Administrator relied on to deny the owner's rent restoration application was not part of the record, and furthermore, was not the basis for the underlying rent reduction order. The Court relied on the evidence provided by the owner which revealed that 61 tenants acknowledged cooking gas services were restored and a third party certification from an independent licensed architect that found cooking gas had been restored, as well as the Agency inspection on May 30, 2017 which found cooking gas restored to the building at the time of the inspection.

Accordingly, the Rent Administrator's order under Docket Number FN610022OR is herein revoked, thereby granting the owner's rent restoration, effective May 30, 2017, the date of the inspection revealing the underlying service restored. Any arrears that may result from the issuance of this Commissioner's order may be paid in equal monthly installments equal to the amount of the rent reduction herein revoked.

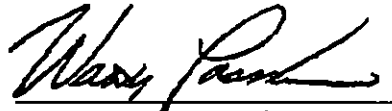
The tenants are advised to file a new service and/or overcharge complaint if the facts so warrant.

THEREFORE, it is

ADMINISTRATIVE REVIEW DOCKET NO JP630001RP

ORDERED, that this Petition for Administrative Review under Docket Number JP630001RP be, and the same hereby is, granted, and that the Rent Administrator's order under Docket Number FN610022OR hereby is revoked, effectively granting the Owner's application to restore rent, effective as of May 30, 2017

ISSUED **OCT 19 2021**

A handwritten signature in black ink, appearing to read "Woody Pascal", written over a horizontal line.

Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Critz Plaza 92-31 Union Hall Street
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Right to Court Appeal

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Note: During the period of the current Covid-19 emergency, as a courtesy, if the Article 78 proceeding is commenced by e-filing pursuant to the Court Rules, service may be effectuated, is limited as follows: by forwarding the court's email indicating the assignment of the Index Number and the documents received by the court, i.e., Notice of Petition, Petition, and other e-filed documents to DHCR at egilMail@nyscourts.org. Upon receipt of the complete filings, the receipt of such documents will be acknowledged by email. Only after such acknowledgement of receipt of such documents will the service by email be deemed good service on New York State Division of Housing and Community Renewal (DHCR). DHCR is not the agent for service for any other entity of the State of New York or any third party. In addition, the Attorney General must be served at 28 Liberty Street, 18th Floor, New York, NY 10005. Since Article 78 proceedings take place in the Supreme Court, it is advisable that you consult legal counsel.

There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK, 11433**

----- X
**IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF**

**[REDACTED]
(TENANT)**

**ADMINISTRATIVE REVIEW
DOCKET NO JO110025RT**

**RENT ADMINISTRATOR'S
DOCKET NO HV110071OR**

PETITIONER

----- X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On March 22, 2021, the above-named petitioner-tenant filed a Petition for Administrative Review ("PAR") of an order the Rent Administrator issued on February 9, 2021 (the "Order"), concerning the housing accommodation known as 143 48 41st Avenue, Apt [REDACTED], Flushing, NY 11355, wherein the Rent Administrator issued an order restoring the rent for the subject apartment

The Commissioner has reviewed the entire evidence of the record including that portion of the record that is relevant to the issue raised by the PAR

In the PAR, the Tenant requests that the Order be reversed (cancelled completely) because the repairs were not completed, the water leak in the small bedroom continues, the paint and plaster are damaged. The Tenant, however, has not raised any issues of law or fact that challenge the decision that the Rent Administrator made in the matter below

The Owner, by letter dated May 5th, 2021, objected to the claims purported in the Tenant's PAR

After careful consideration of the entire evidence of record, the Commissioner is of the opinion the petition should be denied

Pursuant to Section 2523.4 of the Rent Stabilization Code (the "Code"), the Rent Administrator is authorized by law to direct the restoration of services and grant a rent reduction upon application by a tenant, where it is determined that required services have not been maintained. Likewise, an owner is entitled to a restoration of rent when it is established that the required services that were cited in the rent reduction order have been restored. Section 2523.4

and Policy Statement 90-2 also provides that an objection to a rent restoration application by a tenant who fails to provide access at the time arranged by the DHCR for the inspection will be denied

In the proceeding below, the Owner filed a request with the Agency on October 15, 2019, alleging the restoration of the services previously found unmaintained under Docket No DF110602S, including the painting and plastering of the apartment and the repairing of the underlying cause for the water stain. The Tenant was served with notice of the Owner's application (the "Initial Notice") on October 28, 2019. Agency records indicate that the Tenant responded to the Initial Notice objecting to the Owner's application, as well as additional claims that were unrelated to the underlying rent restoration order; these unrelated claims were not entertained in the matter. On December 22, 2020, notice of an Agency inspection of the Tenant's apartment was mailed to the Tenant. The notice scheduled the Agency's inspection for January 7, 2021 and advised the Tenant that the failure to provide access to the inspector at the time of the scheduled inspection without rescheduling, may result in a determination against the Tenant's interests. On the day of the inspection, the Tenant failed to provide a DHCR inspector access for a physical inspection of the subject apartment. Therefore, on February 9, 2021, the Rent Administrator deemed the services restored, and issued an order granting the Owner's rent restoration request.

The Commissioner notes that the Tenant's claim that the repairs were not completed. However, this unsubstantiated claim by the Tenant does not warrant a modification or reversal of the Rent Administrator's order which was in accordance with Section 2523.4 of the Code and Policy Statement 90.2.

Based on the foregoing, the Commissioner finds that the Rent Administrator correctly granted the Owner a rent restoration after the Tenant failed to grant the DHCR Inspector access to the subject apartment on January 7, 2021. The Tenant's PAR has not established any basis to modify or revoke the Rent Administrator's determination.

The Tenant is advised that they may file a new service complaint with the Agency if the facts so warrant.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, the petition is denied, and the Rent Administrator's order is affirmed.

ISSUED

OCT 21 2021



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza, 92-31 Union Hall Street
Jamaica, NY 11433
Web Site www.hcr.ny.gov

Right to Court Appeal

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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK, 11433**

----- X
**IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF**

**[REDACTED]
(TENANT)**

**ADMINISTRATIVE REVIEW
DOCKET NO JQ410025RT**

**RENT ADMINISTRATOR'S
DOCKET NO IN410066OR**

PETITIONER

----- X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On May 19, 2021, the above named petitioner-tenant filed a Petition for Administrative Review ("PAR") of an order the Rent Administrator issued on May 14, 2021 (the "Order"), concerning the housing accommodation known as 360 Central Park W, Apt [REDACTED] New York, NY, wherein the Rent Administrator issued an order restoring the rent for the subject apartment

The Commissioner has carefully reviewed the entire evidence of the record including that portion of the record that is relevant to the issue raised by the PAR

In the PAR, the Tenant requests that the Order be reversed (cancelled completely) and claims in substance that the decreased service is still the same, the replacement door does not properly fit the door frame. The tenant claims that they are not safe in case of a fire, from construction dust/debris, noise, fumes, rodents, insects, etc. The Tenant, however, has not raised any issues of law or fact that challenge the decision that the Rent Administrator made in the matter below

After careful consideration of the entire evidence of record, the Commissioner is of the opinion the petition should be denied

Pursuant to Section 2523.4 of the Rent Stabilization Code (the "Code"), the Rent Administrator is authorized by law to direct the restoration of services and grant a rent reduction, upon application by a tenant, where it is determined that required services have not been maintained. Additionally, an Owner is entitled to the restoration of rent when it is established that the required services that were cited in the rent reduction order have been restored. Pursuant

to Policy Statement 90-2, the Rent Administrator may rely on an Agency inspection when making a determination

In the proceeding below, the Owner filed a rent restoration request with the Agency alleging the restoration of the apartment entry door which was previously found unmaintained by the Rent Administrator under Docket Number HN410117S. The Tenant was served with the notice of the Owner's request (the 'Initial Notice') on February 26, 2020. The Agency records indicate that the Tenant responded to the Initial Notice by letter received on April 15, 2020 and claimed that the door is not fixed. The Landlord replaced the door with a new door that has gaps all around, on all four sides and in the corners.

Based in the foregoing details, an inspection of the Tenant's apartment was conducted on May 6, 2021. The impartial Inspector found no damage to the apartment door. As a result of this finding, the Rent Administrator issued an order granting the Owner's rent restoration request on May 14, 2021.

The Commissioner notes the Tenant's contention herein that there are still problems with the door for the apartment. However, this unsubstantiated claim by the Tenant does not warrant a modification or reversal of the Rent Administrator's order. The Rent Administrator's determination was supported by a rational basis in the record, namely the May 6, 2021 inspection report. The Rent Administrator's reliance on the inspector's training and experience in the area of building inspections as well as the inspector's impartiality in conducting the inspection and taking the photographs was reasonable (see Policy Statement 90-2).

Based on the foregoing, the Commissioner finds that the Rent Administrator correctly granted the Owner a rent restoration that was based on the observations of the Agency's impartial Inspector, and the Tenant's PAR has not established any basis to modify or revoke the Rent Administrator's determination.

The Tenant is advised that she may file a 'Service Complaint,' with this Agency for the new door if the facts so warrant.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, the petition is denied, and the Rent Administrator's order is affirmed.

ISSUED

OCT 22 2021



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza 92-31 Union Hall Street
Jamaica, NY 11433
Web Site www.hcr.ny.gov

Right to Court Appeal

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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK, 11433**

----- X
**IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO JR410017RT**



**RENT ADMINISTRATOR'S
DOCKET NO IW410044OR
(ES410007S)**

PETITIONER

----- X

ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On June 16, 2021, the above named petitioner-tenant filed a petition for administrative review (PAR) against an order issued on June 8, 2021, by the Rent Administrator concerning the housing accommodations known as 200 E 30th Street, Apartment [REDACTED], New York NY, wherein the Administrator granted the owner's application to restore rent

The Commissioner has reviewed all of the evidence in the record and has carefully considered that portion of the record relevant to the issues raised by the petition

The tenant requests a reversal of the Rent Administrator's order and contends, substantively, that the tenant had informed the DHCR repeatedly that the owner does not request a mutually convenient time for access for repairs, that when the tenant received the Notice of Inspection – For Access, the tenant called the inspector to explain that the date for the scheduled inspection was not convenient, and was advised to notify the DHCR in writing, that she requested an inspection for May 11, 2021, between 11 00AM and 3 00PM, that the Agency inspector arrived at 9 30AM, not 11 00AM, that when invited inside the inspector refused, allegedly stating that the case was closed, that it is incorrect that she did not provide access, and that her rent should be cancelled retroactively

The tenant raised other issues, not pertaining to the rent restoration proceeding below

The owner, through counsel, opposed the tenants' petition, arguing, in substance, that the tenant's PAR was without merit and should be dismissed as the Owner complied with the DHCR No Access policy

ADMINISTRATIVE REVIEW DOCKET NO JR410017RT

On September 14, 2021, the Agency served the tenant with a copy of the owner's reply to the tenant's PAR

The tenant responded by correspondence dated September 21, 2021 that the necessary repairs have not been performed, that the harassment case, Docket No IV410005HL was not dismissed, that the rent reduction was not applied by the owner, and the tenant was already been overcharged for some improvements performed in the subject apartment, and that the intercom system was still not working

After careful consideration of the entire evidence of record, the Commissioner is of the opinion that the petition should be denied

Pursuant to Section 2523 4 of the Rent Stabilization Code (the "Code"), the Rent Administrator is authorized by law to direct the restoration of services and grant a rent reduction, upon application by a tenant where it is determined that required services have not been maintained Likewise, an owner is entitled to the restoration of rent once it is established that the required services cited in the rent reduction order have been restored

At the outset, the Commissioner notes that in the initial proceeding, Docket No ES410007S, on January 5, 2017, the Administrator granted the tenant a rent reduction based on the Agency's inspection of the subject premises, conducted on October 18, 2016, wherein the inspector found various items not maintained including the painting of the apartment, plumbing, electrical, the ceilings, kitchen and living room windows, bathroom accommodations, and the kitchen cabinet

On November 18, 2020, the owner commenced the rent restoration ('OR') proceeding herein below, wherein the owner indicated that most of the necessary repairs in the subject apartment had been completed, but that the tenant was not granting access for the remaining repairs to be performed The owner submitted copies of letters requesting access for repairs dated September 17, 2020, September 30, 2020, and October 13, 2020 On November 20, 2020, the tenant was served with a copy of the owner's rent restoration application

The record indicates that, as the Owner had fulfilled the requirements for an Agency No-Access inspection, a No-Access inspection was requested by the Rent Administrator during the proceeding

A No-Access inspection is conducted, pursuant to Section 2523 4 of the Code when an owner claims that the tenant is denying access to make necessary repairs, and such owner should provide the Agency with copies of two letters to the tenant attempting to arrange access, each letter mailed at least eight days prior to the date proposed for access, and must have been mailed by certified mail, return receipt requested At the time of an inspection, an owner or its employees must be present and ready to make the necessary repairs and/or restore services Per the Notice of Inspection, "Failure of the owner and/or the owner's repair person(s) to be present and ready to attend to repairs and/or restore services, or the failure of the tenant to keep this appointment will result in a determination based solely on the evidence presently in the record " Furthermore, Section 2523 4 of the Code and Policy Statement 90-2 provides that an objection to a rent

ADMINISTRATIVE REVIEW DOCKET NO JR410017RT

restoration application, by a tenant who fails to provide access at the time arranged by the DHCR for the inspection, will be denied

The Commissioner notes that in the proceeding below, the Administrator requested a No Access inspection of the alleged conditions. The records indicate that the Agency's No Access Inspection was scheduled for April 26, 2021, and that the tenant requested a change of date to May 11, 2021.

According to the Agency's records, in a Non-Compliance ("NC") proceeding (IV410027NC), related to the underlying services case, Docket Number ES410007S, the Agency had notified the tenant on April 23, 2021, of an inspection scheduled for May 11, 2021, between the hours of 9:30 AM and 10:30 AM, addressing the tenant's items of complaint. Thus, an Agency inspector arrived at the subject premises on the scheduled inspection date.

In the inspection report, the inspector noted that on May 11, 2021, at the time of inspection, the inspector was unable to inspect the subject apartment due to the tenant's refusal to allow the inspector, superintendent and the contractor entry to commence repairs.

Based on tenant's failure to provide access at the time of the scheduled Agency inspection, the Rent Administrator granted the owner's rent restoration request on June 8, 2021.

Based on the foregoing, the Commissioner notes that, as indicated above, where a No Access inspection is truncated by a tenant's refusal, the Rent Administrator may properly find services restored. In this case, the inspection record indicates that the tenant, after notice of the scheduled inspection, failed to provide access to the Agency inspector for the purposes of the inspection, and therefore the Rent Administrator properly granted the owner a rent restoration.

With respect to the tenant's concern that the rent reduction had not been applied, or that the tenant was being overcharged for the improvements performed in the subject apartment, the Commissioner notes that the tenant may commence an Overcharge proceeding with the Agency for a determination of the issues alleged.

Concerning the tenant's allegation regarding the intercom system, the Commissioner notes that this item did not form part of the initial proceeding or the rent restoration proceeding below and cannot thus be addressed herein. Also, the records indicate that the harassment case referenced by the tenant, Docket No. IV410005HL, was dismissed based on the finding that the tenant had failed to reply to communications from the Agency and/or attend a scheduled conference on the matter.

Based on the foregoing, the Commissioner finds that the Rent Administrator conducted the proceeding below in accordance with established law, Agency practice, and principles of due process, and that the Rent Administrator properly concluded that a rent reduction order was warranted, and properly granted the owner's rent restoration application.

The Commissioner notes that the tenant may file a fresh complaint and/or an overcharge complaint, if the facts warrant.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, that this petition be, and the same hereby is, denied, and that the Rent Administrator's order be, and the same hereby is, affirmed

ISSUED

OCT 22 2021

A handwritten signature in black ink, appearing to read "Woody Pascal", written over a horizontal line.

Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza, 92-31 Union Hall Street
Jamaica, NY 11433
Web Site www.hcr.ny.gov

Right to Court Appeal

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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO JR210014RO**

Lenox Road, LLC

**RENT ADMINISTRATOR'S
DOCKET NO HV210131OR
(GS220167S)**

PETITIONER

-----X

ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On June 3, 2021, the above named petitioner owner filed a petition for administrative review (PAR) against an order issued on April 30, 2021, by the Rent Administrator concerning the housing accommodations known as 181 Lenox Road, Brooklyn, NY, wherein the Administrator denied the owner's rent restoration application after an Agency inspection revealed that the subject service condition was not restored

The Commissioner has reviewed all of the evidence in the record and has carefully considered the portion of the record relevant to the issues raised by the petition

The owner requests a reversal of the Rent Administrator's order, and contends, that the circuit breaker box is new, and the service is due to the tenant's misuse of the outlets

After careful consideration of the entire evidence of record, the Commissioner is of the opinion that the petition should be denied

Pursuant to Section 2523.4 of the Rent Stabilization Code (RSC or the Code), DHCR is authorized to order a rent reduction, upon application by a tenant, where it is found that an owner has failed to maintain required or essential services. Likewise, an owner is entitled to the restoration of rent once it is established that the required services cited in the rent reduction order have been restored

In the initial proceeding, Docket No **GS220167S**, the tenant filed a complaint on July 25 2018, alleging a diminution in various services. On March 19, 2019, the Administrator issued a rent reduction order based on the Agency's inspection of March 1, 2019, which found that even though a new electric fuse - circuit breaker had been installed in the subject apartment, the tenant was unable to use more than one appliance at a time and could not use the outlet in the bedroom.

On October 24, 2019, the owner filed the rent restoration application herein under review, indicating that the electric fuse - breaker box service had been restored. The owner's application was served on the tenant on October 31, 2019.

The Agency's record indicates that the Rent Administrator requested an inspection of the subject premises. The Agency's inspection was conducted on March 24, 2021. The inspector observed that when using the microwave and the hair dryer together for several minutes in the subject apartment, the power goes out, and that the bedroom outlets could be used only for small items with two prong plugs. Thus, the Rent Administrator denied the owner's rent restoration application as the inspector's observation showed that the issue of the circuit breaker had not been resolved.

Based on the set of facts explicated above, the Commissioner finds that the Rent Administrator's order was proper as issued, and that the owner did not establish a basis to modify or reverse the Rent Administrator's order. The Commissioner notes that the owner's unsubstantiated claims are without merit and are merely self-serving in this case. The Rent Administrator's determination was supported by a rational basis contained in the record, namely the March 24, 2021 inspection report. The Rent Administrator's reliance on the inspector's training and experience in the area of building inspections as well as the inspector's impartiality in conducting the inspection and taking the photographs was reasonable (*see* Policy Statement 90 2).


The Commissioner notes that the owner may file a rent restoration application if the facts warrant.

THEREFORE, in accordance with the applicable sections of the Rent Stabilization Law and Code, it is

ORDERED, that this petition be, and the same hereby is denied, and that the Rent Administrator's order be, and the same hereby is, affirmed.

ISSUED

OCT 22 2021



WOODY PASCAL
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza, 92-31 Union Hall Street
Jamaica, NY 11433
Web Site www.hcr.ny.gov

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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO JQ610027RT**

[REDACTED]

PETITIONER

**RENT ADMINISTRATOR'S
DOCKET NO IW610058OR**

-----X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On May 21, 2021, the above named petitioner tenant filed a timely Petition for Administrative Review (PAR”) of an order the Rent Administrator issued on April 26, 2021 (the “order”), concerning the housing accommodation known as 251 East 236th Street, Apt [REDACTED], Bronx, New York wherein the Rent Administrator granted the owner's rent restoration application finding the owner corrected and restored the hot water temperature in the bathroom sink and bedroom 1 radiator conditions

After careful consideration of the entire evidence of record, the Commissioner is of the opinion the petition should be denied

In the PAR, the tenant seeks a reversal of the Rent Administrator s order, denying the hot water temperature in the bathroom sink and bedroom 1 radiator services were restored ‘The tenant states, in essence, that the hot water temperature depends on all others use of the water and works in the middle of the morning when the inspection was conducted, unlike at other times of the day such as early morning, the evening or overnight, and that the tenant seeks an additional inspection, to be conducted in the evening, as the radiator “bang[s] loudly every night in the heating season ”

The owner, through its representative, opposes the petition

Pursuant to Rent Stabilization Code (RSC ') Section 2523 4, the Rent Administrator is authorized to direct the restoration of services and grant a rent reduction, upon application by a tenant, where it is determined that required services have not been maintained Policy Statement 90-2 permits the Rent Administrator to rely on an Agency inspection when making a determination Likewise, an owner is entitled to the restoration of rent once it is established that the required services cited in the rent reduction order have been restored

The Agency records show that the tenant filed a complaint on March 19 2019 alleging a diminution of services to the water temperature in the bathroom sink and to both bedroom 1 and living room radiators assigned Docket No HO610048S The tenant's rent reduction application was granted by the Rent Administrator on September 28, 2020 based on an Agency inspection which found the hot water temperature in the bathroom sink inadequate and bedroom 1 radiator defective

In the proceeding below, the owner filed its application to restore the rent on November 19, 2020, claiming it restored the hot water temperature in the bathroom and bedroom 1 radiator services found unmaintained in the underlying rent reduction order The tenant was afforded an opportunity to respond by service of the rent restoration application on November 23, 2020 The tenant responded stating the services have not been restored The tenant claimed the radiator's pressure is still high producing loud noises, and that an independent inspector is warranted to inspect the apartment

The Agency records also show that on November 16, 2020, the tenant filed an Affirmation of Non Compliance assigned Docket No IW610005NC affirming that the owner failed to comply with the Rent Administrator's underlying rent reduction order The Rent Administrator scheduled an Agency inspection, and it was conducted on January 22, 2021 The Agency inspection found that the inadequate hot water temperature in the bathroom sink and defective bedroom 1 radiator had been corrected by the owner Thereafter, the Compliance Unit found on February 4, 2021 the owner in compliance, and the proceeding was closed

On April 26, 2021, the Rent Administrator, in the proceeding below, based on the January 22, 2021 Agency inspection, found the hot water temperature in the bathroom sink and bedroom 1 radiator cited in the order reducing the rent corrected and ordered the rent restored

The Commissioner finds the tenant's PAR does not establish any basis to modify or revoke the Administrator's determination, which was based on the inspector's finding that the services were corrected The tenant provided no evidence to rebut the clear findings of the Agency inspection, which was held on January 21, 2021 The tenant's unsubstantiated claims that the services were not corrected and restored by the owner, and that another inspection is necessary in this matter are insufficient to disturb the Rent Administrator's determination

Based on the foregoing, the Commissioner finds that the Rent Administrator's determination was neither arbitrary nor capricious and was supported by a rational basis, namely the inspector's report and time/date stamped photographs dated January 22, 2021, and in accordance with Agency policy and the RSC, the Administrator correctly deemed the services restored and granted the owner's application to restore the rent The Rent Administrator's

reliance on the inspector's training and experience in the area of building inspections, as well as the inspector's impartiality in conducting the inspection was reasonable. The tenant has not presented any allegations of errors of law or fact to warrant reversal of the Rent Administrator's order.

The tenant is advised to file a fresh service reduction application, if the facts so warrant.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, that the petition is denied, and the Rent Administrator's Order is affirmed.

ISSUED

OCT 28 2021



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gritz Plaza 92-31 Union Hall Street
Jamaica NY 11433
Web Site: www.hcr.ny.gov

Right to Court Appeal

This Deputy Commissioner's order can be further appealed by either party only by filing a proceeding in court under Article 78 of the Civil Practice Law and Rules seeking judicial review. The deadline for filing this "Article 78 proceeding" with the courts is within 60 days of the issuance date of the Deputy Commissioner's order. This 60 day deadline for appeal may be extended by executive orders at <https://governor.ny.gov/executiveorders>. No additional time can or will be given. In preparing your papers, please cite the Administrative Review Docket Number which appears on the front page of the attached order. If you file an Article 78 appeal, the law requires that a full copy of your appeal papers be served on each party including the Division of Housing and Community Renewal (DHCR). With respect to DHCR, your appeal must be served on DHCR Counsel's office at 641 Lexington Ave. New York, NY 10022.

Note: During the period of the current Covid-19 emergency, as a courtesy, if the Article 78 proceeding is commenced by e-filing pursuant to the Court Rules, service may be effectuated, is limited as follows, by forwarding the court's email indicating the assignment of the Index Number and the documents received by the court, i.e. Notice of Petition, Petition, and other e-filed documents to DHCRLegalMail@nyscourts.org. Upon receipt of the complete filings, the receipt of such documents will be acknowledged by email. Only after such acknowledgement of receipt of such documents will the service by email be deemed good service on New York State Division of Housing and Community Renewal (DHCR). DHCR is not the agent for service for any other entity of the State of New York or any third party. In addition, the Attorney General must be served at 28 Liberty Street, 18th Floor, New York, NY 10005. Since Article 78 proceedings take place in the Supreme Court, it is advisable that you consult legal counsel.

There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK, 11433**

----- X
**IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF**

YOGANDRA PARAY
(OWNER)

**ADMINISTRATIVE REVIEW
DOCKET NO JS230011RO**

**RENT ADMINISTRATOR'S
DOCKET NO IO230005OR**

PETITIONER

----- X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On July 8, 2021, the above-named petitioner-owner filed a Petition for Administrative Review (' PAR') of an order the Rent Administrator issued on April 23, 2021 (the ' Order'), concerning the housing accommodation known as 361 Grove Street, Brooklyn, NY, wherein the Rent Administrator issued an order denying the Owner s application to restore rent, finding that the janitorial services in the hall and stairs were not restored

The Commissioner has reviewed the entire evidence of the record including that portion of the record that is relevant to the issue raised by the PAR

In the PAR, the Owner claims that while the DHCR Inspector was at the building, the Janitor was cleaning the hallway The Owner asserts that the Inspector took pictures of the dirt the Janitor was sweeping The Owner also contends that the loose tiles in the hallway have been replaced The Owner, however, has not raised any issues of law or fact that challenge the decision that the Rent Administrator made in the matter below

After careful consideration of the entire evidence of record, the Commissioner is of the opinion the petition should be denied

Pursuant to Section 2523.4 of the Rent Stabilization Code (the "Code"), the Rent Administrator is authorized by law to direct the restoration of services and grant a rent reduction, upon application by a tenant, where it is determined that required services have not been maintained Similarly, an owner is entitled to the restoration of rent when it is established that the required services that were cited in the rent reduction order have been restored

In the proceeding below, the Owner filed a rent restoration application with the Agency on March 2, 2021, alleging the restoration of the janitorial services in the hall and stairs. The Tenants were served with notice of the Owner's application (the "Initial Notice") on March 11, 2021. Thereafter on April 19, 2021, the Agency conducted an inspection of the premises and the impartial DHCR inspector observed the public hallway floors in need of cleaning, loose/broken tiles creating a trip hazard on the third floor, and the public staircases in need of proper cleaning. Based on the inspection report, on April 23, 2021, the Rent Administrator denied the Owner's rent restoration application, finding that the underlying service conditions were not restored.

The Commissioner notes the Owner's contention that janitorial services were being conducted at the subject building while the impartial DHCR Inspector was on the premises and that loose tiles were replaced with new tiles in the hallway on the third floor. However, this unsubstantiated claim by the Owner does not warrant a modification or reversal of the Rent Administrator's order which was based on conditions that the impartial DHCR Inspector observed while conducting an inspection on April 19, 2021.

Based on the foregoing, the Commissioner finds that the Rent Administrator correctly denied the Owner's rent restoration claim and the Owner's PAR has not established any basis to modify or revoke the Rent Administrator's determination in the matter below.

The Owner is advised that she may file a new "Owner's Application to Restore Rent," with this Agency if the facts so warrant.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, the petition is denied, and the Rent Administrator's order is affirmed.

ISSUED

NOV 05 2021



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza, 92-31 Union Hall Street
Jamaica, NY 11433
Web Site www.hcr.ny.gov

Right to Court Appeal

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There is no other method of appeal.

the underlying service reduction order, Docket No. HP210111S. The Tenant was served with notice of the Owner's application (the "Initial Notice") on February 3, 2020. The Agency records indicate that the Tenant responded to the Initial Notice on February 6, 2020 when the Tenant said that all conditions listed in the Owner's application were restored. Consequently, the Rent Administrator issued an order granting the Owner's rent restoration request.

The Commissioner notes the Tenant's claims herein that the work that was done on the ceiling in the apartment only lasted one (1) week, the problem kept recurring, and she moved out of the subject apartment on June 23, 2021.

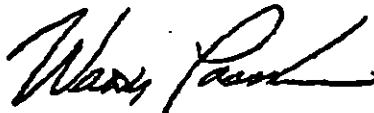
The Commissioner finds that the Rent Administrator adhered to the Tenant's claim that the services were restored and properly granted the Owner rent's restoration request. The Tenant's claims in the PAR contradict the claims that the Tenant made when the matter was before the Rent Administrator. Finally, the Tenant claims that she has vacated the apartment.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, this matter is terminated, and the Rent Administrator's order is affirmed.

ISSUED:

NOV 05 2021



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza, 92-31 Union Hall Street
Jamaica, NY 11433
Web Site: www.hcr.ny.gov

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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO JR210027RO**

536 EAST 96th LLC

PETITIONER

**RENT ADMINISTRATOR'S
DOCKET NO HX210073OR**

-----X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On June 17, 2021, the above-named petitioner-owner filed a Petition for Administrative Review ("PAR") of an order the Rent Administrator issued on May 14, 2021 (the "order"), concerning the housing accommodation known as 536 East 96th Street, Apt [REDACTED] Brooklyn, New York, wherein the Rent Administrator denied the owner's rent restoration application upon finding the owner did not restore the vermin control service

The Commissioner has reviewed the entire evidence of the record including that portion of the record that is relevant to the issues raised by the PAR

After careful consideration of the entire evidence of record, the Commissioner is of the opinion the petition should be denied

In the PAR, the petitioner owner, through its attorney, seeks a reversal of the Rent Administrator's order based in essence on its assertions that the tenant did not provide its exterminator access to the apartment prior to the Agency inspection, that the underlying rent reduction order was based upon a finding of roach droppings and not on mice droppings and water bugs as set forth in the appealed order, and while the owner provides regular extermination services the tenant does not avail herself of all of those services

Pursuant to Section 2523.4 of the Rent Stabilization Code ("RSC"), following a complaint by a tenant, DHCR is authorized to order a rent reduction where it is found that the owner has failed to maintain required or essential services. Moreover, if there is a finding that

services are not maintained and an order reducing rent is issued, DHCR will subsequently issue an order restoring the rent after the required services specified in the rent reduction order have been restored. Policy Statement 90-2 permits the Rent Administrator to rely on an Agency inspection when making a decision. Section 2527.5(b) of the RSC gives the Administrator the authority to request an inspection at any stage of a DHCR proceeding and New York Courts have consistently recognized the reliability of DHCR inspections.

In the initial proceeding under Docket No. FS210191S, the tenant filed a complaint alleging a diminution in services regarding vermin control and window sash/frame apartment wide. On January 18, 2018, the Rent Administrator granted the tenant a rent reduction and directed the restoration of services, based on a diminution in vermin control service in the subject apartment, while finding the window sash conditioned maintained. Subsequently, on February 14, 2018, the owner filed its first rent restoration application assigned Docket No. GN210087OR. On September 14, 2018, the Rent Administrator denied the owner's application finding the owner had not restored the vermin control service as the inspector found roach droppings in the apartment.

In the proceeding below, the owner filed its second application to restore the rent on December 16, 2019, claiming it corrected the vermin control service found unmaintained and that its exterminator Top of the World Pest Control exterminated the apartment on November 24, 2019. In support of its application, the owner submitted the exterminator's November 24, 2019 invoice for mice and roach treatment. The tenant did not submit a response to the owner's complaint (the 'Initial Notice') served on January 9, 2020. Subsequently, the Rent Administrator requested an inspection, and it was conducted on May 3, 2021. The inspector found evidence of mice droppings, dead roaches and water bugs in the kitchen cabinets and bedroom near the heat pipe and glue traps. Based on the Agency inspection, the Rent Administrator denied the owner's application to restore the rent as evidence of a lack of vermin control was found in the apartment.

The Commissioner finds the owner's PAR does not establish any basis to modify or revoke the Rent Administrator's determination which was based on the May 3, 2021 Agency inspection which found a lack of vermin control. Contrary to the owner's assertion, the lack of extermination services to control the roaches in the tenant's apartment as reported by the Agency inspector below was the basis of the underlying rent reduction order. As reported herein and in the underlying rent reduction order, the vermin control was found to be inadequate and is a failure to provide required services pursuant to Section 2523.4 of the RSC.

Furthermore, the Commissioner notes the owner's claims that the tenant does not avail herself of all of the extermination services offered by the owner, and the tenant failed to provide its exterminator access to the apartment prior to the Agency inspection. However, the owner did not allege these claims in the proceeding before the Rent Administrator and thus these allegations are outside the Commissioner's scope of review which is limited to the evidence and issues raised before the Rent Administrator.

The Commissioner finds that based on the totality of the record, the Rent Administrator's order was correctly issued, and the Rent Administrator and Agency staff conducted the proceeding below in accordance with established law and practice, and principles of due process.

ADMINISTRATIVE REVIEW DOCKET NO JR210027RO

The Rent Administrator's reliance on the inspector's training and experience in the area of building inspections, as well as the inspector's impartiality in conducting the inspection was reasonable. Consequently, the Commissioner finds the owner's claims on appeal are without merit, and that the owner has not presented any allegations of error of fact or law to warrant a reversal of the Rent Administrator's order.

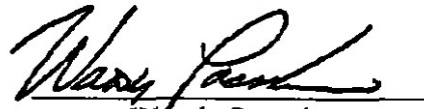
The owner has filed an application to restore the rent currently being processed under Docket No JR210042OR.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, that the petition is denied, and the Rent Administrator's order is affirmed.

ISSUED

NOV 10 2021


Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza, 92-31 Union Hall Street
Jamaica, NY 11433
Web Site www.hcr.ny.gov

Right to Court Appeal

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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK, 11433**

----- X
**IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF**

**[REDACTED]
(TENANT)**

**ADMINISTRATIVE REVIEW
DOCKET NO JS610014RT**

**RENT ADMINISTRATOR'S
DOCKET NO IQ610018OR**

PETITIONER

----- X
ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On July 12, 2021, the above named petitioner-tenant filed a Petition for Administrative Review ("PAR") against IQ610018OR, an order the Rent Administrator issued on June 22, 2021 (the "Order"), concerning the housing accommodation known as 124 E 176th Street, Bronx, NY, wherein the Rent Administrator issued an order granting the Owner's rent restoration application after the Tenant failed to provide access for an Agency inspection

The Commissioner has reviewed the entire evidence of the record including that portion of the record that is relevant to the issue raised by the PAR

In the PAR, the Tenant requests that the Order be reversed (cancelled completely) and claims that the floor is not repaired and that her son answered the door for the inspector, however, the Tenant was not home at that time. The Tenant has not raised any issues of law or fact that challenge the Rent Administrator's determination in the matter below

After careful consideration of the entire evidence of record, the Commissioner is of the opinion the petition should be denied

Pursuant to Section 2523.4 of the Rent Stabilization Code (the "Code"), the Rent Administrator is authorized by law to direct the restoration of services and grant a rent reduction, upon application by a tenant, where it is determined that required services have not been maintained. Likewise, an owner is entitled to a restoration of rent when it is established that the required services that were cited in the rent reduction order have been restored. Section 2523.4 and Policy Statement 90-2 also provide that an objection to a rent restoration application by a

tenant who fails to provide access at the time arranged by the DHCR for the inspection will be denied

In the proceeding below, the Owner filed an application to restore the rent for the subject apartment on May 28, 2020, alleging the restoration of services, including, in relevant part, the floors were repaired. The Tenant was served with notice of the Owner's application (the "Initial Notice") on July 14, 2020. The Agency records indicate that the Tenant responded to the Initial Notice on July 27, 2020 when the Tenant claimed that the problem with living room floor remains the same as of July 21, 2020. Based on the foregoing, an Agency inspection of the Tenant's apartment was scheduled for May 28, 2021 and the Tenant received notice of such inspection on May 13, 2021, which advised the Tenant that the failure to provide access to the inspector, without rescheduling, may result in a determination against the Tenant's interests. On the day of the scheduled inspection, a DHCR Inspector went to the Tenant's apartment but the Tenant was not at home and failed to keep the inspection appointment. The Rent Administrator thereafter issued the subject order granting the Owner a rent restoration.

The Commissioner notes the Tenant's contention herein that on the date of the inspection, her son answered the door, notified the DHCR Inspector that she was downstairs buying some medication for him and she would be coming in one minute, and further claims the Inspector left. However, this unsubstantiated claim by the Tenant does not warrant a modification or reversal of the Rent Administrator's order which was properly based on the Agency inspection report which revealed that the Tenant failed to keep the inspection appointment.

Based on the foregoing, the Commissioner finds that the Rent Administrator correctly granted the Owner's rent restoration application pursuant to Section 2523.4 and Policy Statement 90-2. The Tenant's PAR has not established any basis to modify or revoke the Rent Administrator's determination.

The Tenant is advised that she may file a fresh service complaint with the Agency if the facts so warrant.

THEREFORE, in accordance with the applicable provisions of the Rent Stabilization Law and Code, it is

ORDERED, the petition is denied, and the Rent Administrator's order is affirmed.

ISSUED

NOV 10 2021



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza, 92-31 Union Hall Street
Jamaica, NY 11433
Web Site www.hcr.ny.gov

Right to Court Appeal

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There is no other method of appeal.

STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433

IN THE MATTER OF THE
ADMINISTRATIVE APPEAL OF

ADMINISTRATIVE REVIEW
DOCKET NO JQ410037RO

570 WEST 204 LLC

RENT ADMINISTRATOR S
DOCKET NO HX410122OR

PETITIONER _____X

ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On June 18, 2021, the New York State Division of Housing and Community Renewal (“DHCR”) received a Petition for Administrative Review (‘PAR’) from 570 West 204 LLC (‘Petitioner’) appealing an order issued on May 14, 2021 (“Order”) by the DHCR Rent Administrator (‘Administrator’) concerning the housing accommodations known as 570 West 204th Street, New York, New York 10034 (“Premises”) wherein the Administrator denied Petitioner’s application for a rent restoration following an inspection of the Premises

In the PAR, Petitioner requests a reversal of the Order and contends in substance, that the denial was in error because there was no evidence that the conditions that existed when the initial rent reduction order was issued continue to exist. Despite receiving notice and an opportunity to respond, none of the affected tenants of the Premises submitted an answer to the Petitioner’s PAR.

The undersigned DHCR commissioner (“Commissioner”) has reviewed the evidence in the record and carefully considered that portion of the record relevant to the issues raised by the PAR. After careful consideration of the entire evidence of record, the Commissioner is of the opinion that the Petitioner’s PAR should be denied.

Pursuant to New York City Rent Stabilization Code (“RSC”) § 2523.4, following a complaint by a tenant, DHCR is authorized to order a rent reduction where it is found that the owner has failed to maintain required services. Such reduction is effective until a Landlord applies for and receives a rent restoration after demonstrating that the services have been restored. RSC § 2527.5(b) gives the Administrator the authority to request an inspection at *any* stage of a DHCR proceeding and New York courts have consistently recognized the reliability of DHCR inspections.

The record suggests the Administrator’s determination to deny Petitioner’s rent restoration application was appropriate. The reduction at issue in this proceeding was first granted in March 2017 under Docket ES 410007-B for, among other things, “PAINT PLASTER/BUILDING

ADMINISTRATIVE REVIEW DOCKET NO JQ410037RO

WIDE” after an inspection found ‘Evidence of cracks and peeling paint and plaster” in various areas throughout the subject Premises. In its December 26, 2019 rent restoration application, Petitioner claimed that the building-wide paint and plaster issues were corrected on December 17, 2019. By a February 18, 2020 answer, the tenants of the Premises asserted that “there remain[ed] significant paint and plastering deficiencies throughout the building’s public areas” and provided numerous photographs to illustrate such ongoing issues. Given these submissions, the Commissioner finds the Administrator’s exercise of its discretion to order an inspection to decide the issue was appropriate. As the record reflects that a March 19, 2021 inspection of the Premises confirmed numerous ongoing building wide paint/plaster issues, the Commissioner further finds that the Administrator’s denial of a rent restoration was appropriate. As the PAR fails to provide any other basis to modify or revoke the Administrator’s determination, the PAR must be denied.

The Petitioner may file a Rent Restoration Application when the services outlined in the Order have been restored. The rent reduction shall remain in effect until such time as such application is granted by the DHCR.

THEREFORE, in accordance with the applicable provisions of the New York City Rent Stabilization Code and Regulations, it is

ORDERED, that this petition be, and the same hereby is, denied, and that the Rent Administrator’s Order be, and the same hereby is, affirmed.

NOV 10 2021



WOODY PASCAL
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza, 92-31 Union Hall Street
Jamaica, NY 11433
Web Site www.hcr.ny.gov

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There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO HX410019RO**

65 HILLSIDE REALTY LLC

PETITIONER
-----X

**RENT ADMINISTRATOR'S
DOCKET NO HS410055OR**

**ORDER AND OPINION TERMINATING PETITION FOR
ADMINISTRATIVE REVIEW**

The above-named owner filed a Petition for Administrative Review (PAR) against Docket No HS410055OR, the order the Rent Administrator issued on November 4, 2019, concerning various apartments at the housing accommodation known as 65 Hillside Avenue, New York, New York wherein the Rent Administrator denied the owner's application to restore rent that was previously reduced under Docket No GV410033B for the failure to maintain services including, in relevant part, elevator leveling

A review of the Agency records reveal that the tenants were previously granted a rent reduction on April 26, 2019 under Docket No GV410033B for the owner's failure to maintain the elevator leveling, vermin control building-wide, and the smoke detectors On November 9, 2020 under Docket No HQ410036RO, the Commissioner granted in part the owner's PAR application against Docket No GV410033B wherein the Commissioner affirmed that part of the Rent Administrator's order finding the elevator leveling not maintained and modified the Rent Administrator's order to eliminate "smoke detectors" from the list of services found not maintained The owner thereafter filed a petition for judicial review under Article 78 of the Civil Practice Law and Rules in the Supreme Court of the State of New York, New York County, Index No 161306/2020

ADMINISTRATIVE REVIEW DOCKET NO HX410019RO

Under Index No 161306/2020, in a decision dated September 20, 2021, the Court granted the owner's petition for judicial review and vacated the Rent Administrator's rent reduction order, Docket No GV410033B, pertaining to the elevator leveling service condition 65 Hillside Realty LLC vs N Y S Division of Housing and Community Renewal, Index No 161306/20 (Nervo, F)

The Commissioner is constrained, therefore, to terminate this owner's appeal against Docket No HS410055OR as it relates to the elevator leveling service condition found unmaintained below, as moot, by reason of the Court's decision to revoke the elevator leveling service condition from the underlying rent reduction order, Docket No GV410033B Accordingly, the Rent Administrator's order under Docket No HS410055OR is hereby modified to remove "elevator leveling" from the list of services found not restored

The Commissioner notes that the effective date of the rent restoration as it relates to the remaining service condition found restored in Docket No HS410055OR, vermin control building-wide, is August 1, 2019, the first of the month following the date of service on the tenants of the owner's application to restore rent (*see* DHCR Policy Statement 90-2)

Any arrears due to the owner as a result of this Commissioner's order may be paid in equal monthly installments equal to the monthly rent reduction taken

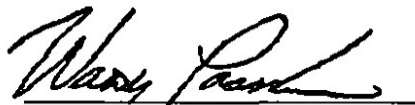
The Commissioner notes that the tenants may file a new decrease in services complaint, if the facts so warrant

THEREFORE, in accordance with the Rent Stabilization Law and Code,
it is

ORDERED, that the Rent Administrator's order under Docket No HS410055OR is modified in accordance with this Commissioner's Order and Opinion to reflect an effective date of August 1, 2019 for rent restoration, and that this petition is hereby terminated as moot

ISSUED

NOV 17 2021



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Curtz Plaza 92-31 Union Hall Street
Jamaica NY 11433
Web Site www.hcr.ny.gov

Right to Court Appeal

This Deputy Commissioner's order can be further appealed by either party only by filing a proceeding in court under Article 78 of the Civil Practice Law and Rules seeking judicial review. The deadline for filing this "Article 78 proceeding" with the courts is within 60 days of the issuance date of the Deputy Commissioner's order. This 60-day deadline for appeal may be extended by executive orders at <https://governor.ny.gov/executiveorders>. No additional time can or will be given. In preparing your papers, please cite the Administrative Review Docket Number which appears on the front page of the attached order. If you file an Article 78 appeal, the law requires that a full copy of your appeal papers be served on each party including the Division of Housing and Community Renewal (DHCR). With respect to DHCR, your appeal must be served on DHCR Counsel's office at 641 Lexington Ave. New York, NY 10022.

Note: During the period of the current Covid-19 emergency, as a courtesy, if the Article 78 proceeding is commenced by e-filing pursuant to the Court Rules, service may be effectuated, as limited as follows, by forwarding the court's email indicating the assignment of the Index Number and the documents received by the court, i.e., Notice of Petition, Petition, and other e-filed documents to DHCRLegalMail@nysdcr.org. Upon receipt of the complete filings, the receipt of such documents will be acknowledged by email. Only after such acknowledgement of receipt of such documents will the service by email be deemed good service on New York State Division of Housing and Community Renewal (DHCR). DHCR is not the agent for service for any other entity of the State of New York or any third party. In addition, the Attorney General must be served at 28 Liberty Street, 18th Floor, New York, NY 10005. Since Article 78 proceedings take place in the Supreme Court, it is advisable that you consult legal counsel.

There is no other method of appeal.

**STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NEW YORK 11433**

-----X
**IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF**

**ADMINISTRATIVE REVIEW
DOCKET NO IU41007RO**

65 HILLSIDE REALTY LLC

PETITIONER

**RENT ADMINISTRATOR'S
DOCKET NO IM41007SOR**

-----X
**ORDER AND OPINION TERMINATING PETITION FOR
ADMINISTRATIVE REVIEW**

The above named owner filed a Petition for Administrative Review (PAR) against an order of the Rent Administrator issued on August 12, 2020, concerning various apartments at the housing accommodation known as 65 Hillside Avenue, New York, New York wherein the Rent Administrator denied the owner's application to restore rent previously reduced under Docket No GV410033B for the failure to maintain services including, in relevant part, elevator leveling

A review of the Agency records reveal that the tenants were previously granted a rent reduction on April 26, 2019 under Docket No GV410033B for the owner's failure to maintain the elevator leveling, vermin control building-wide, and smoke detectors On November 9, 2020 under Docket No HQ410036RO, the Commissioner granted in part the owner's PAR application against Docket No GV410033B wherein the Commissioner affirmed that part of the Rent Administrator's order finding the elevator leveling not maintained and modified the Rent Administrator's order to eliminate "smoke detectors" from the list of services found not maintained The owner thereafter filed a petition for judicial review under Article 78 of the Civil Practice Law and Rules in the Supreme Court of the State of New York, New York County, Index No 161306/2020

Under Index No 161306/2020, in a decision dated September 20, 2021, the Court granted the owner's petition for judicial review and vacated the Rent Administrator's rent

ADMINISTRATIVE REVIEW DOCKET NO IU410007RO

reduction order, Docket No GV410033B, pertaining to the elevator leveling service condition 65 Hillside Realty LLC vs N Y S Division of Housing and community Renewal, Index No 161306/20 (Nervo, F)

The Commissioner is constrained, therefore, to terminate this owner's appeal against Docket No IM410075OR as it relates to the elevator leveling service condition found unmaintained below, as moot, by reason of the Court's decision to revoke the elevator leveling service condition from the underlying rent reduction order, Docket No GV410033B Accordingly, the Rent Administrator's order under Docket No IM410075OR is hereby modified to remove "elevator leveling" from the list of services found not restored

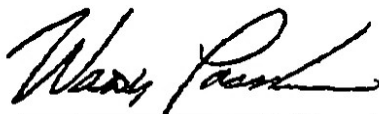
The Commissioner notes that the sole underlying condition found unmaintained under Docket No GV410033B, the vermin control building-wide, was found restored under Docket No HS410055OR

The Commissioner notes that the tenants may file a new decrease in services complaint, if the facts so warrant

THEREFORE, in accordance with the Rent Stabilization Law and Code,
it is

ORDERED, that the Rent Administrator's order under Docket No IM410075OR order is modified in accordance with this Commissioner's Order and Opinion, and that this petition is hereby terminated as moot

ISSUED **NOV 17 2021**



Woody Pascal
Deputy Commissioner



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gutz Plaza 92 31 Union Hall Street
Jamaica NY 11433
Web Site www.hcr.ny.gov

Right to Court Appeal

This Deputy Commissioner's order can be further appealed by either party only by filing a proceeding in court under Article 78 of the Civil Practice Law and Rules seeking judicial review. The deadline for filing this "Article 78 proceeding" with the courts is within 60 days of the issuance date of the Deputy Commissioner's order. This 60-day deadline for appeal may be extended by executive orders at <https://governor.ny.gov/executiveorders>. No additional time can or will be given. In preparing your papers, please cite the Administrative Review Docket Number which appears on the front page of the attached order. If you file an Article 78 appeal, the law requires that a full copy of your appeal papers be served on each party including the Division of Housing and Community Renewal (DHCR). With respect to DHCR, your appeal must be served on DHCR Counsel's office at 641 Lexington Ave. New York, NY 10022.

Note: During the period of the current Covid-19 emergency, as a courtesy, if the Article 78 proceeding is commenced by e-filing pursuant to the Court Rules, service may be effectuated, as limited as follows, by forwarding the court's email indicating the assignment of the Index Number and the documents received by the court, i.e., Notice of Petition, Petition, and other e-filed documents to DHCR's egalMail@nysher.org. Upon receipt of the complete filings, the receipt of such documents will be acknowledged by email. Only after such acknowledgement of receipt of such documents will the service by email be deemed good service on New York State Division of Housing and Community Renewal (DHCR). DHCR is not the agent for service for any other entity of the State of New York or any third party. In addition, the Attorney General must be served at 28 Liberty Street, 19th Floor, New York, NY 10005. Since Article 78 proceedings take place in the Supreme Court, it is advisable that you consult legal counsel.

There is no other method of appeal.