



Notice of Certification of Overcharge Penalties

Mailing Address of Tenant:

Name: _____
 No. & Street: _____ Apt. No.: _____
 City, State & Zip Code: _____

RN No.: _____
Re: Docket No. _____
Date Final _____
Order Issued: _____

Subject Building:

Number and Street a/k/a:	Apt. No.	City, State & Zip Code
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Number and Street	Apt. No.	City, State & Zip Code
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TENANT PLEASE TAKE NOTICE:

YOU MAY ONLY FILE THIS FORM if the owner of your building has been directed to pay you a penalty as set forth in the Administrator's Order as referenced above by "Docket No."

The owner must pay you this penalty within thirty-five (35) days of the issuance date of the Administrator's Order, unless he or she has filed with the Division a Petition for Administrative Review (**PAR**) of the Administrator's Order. If you have been notified by the Division that a **PAR** has been filed, you should await the decision of the Commissioner before submitting this Notice. Thereafter, you may file the certified copy of the Order as a judgment for the amount specified therein, or as adjusted by the **PAR**, pursuant to the instructions below, unless the owner commences a proceeding for judicial review pursuant to Article 78 of the **CPLR** within sixty (60) days of issuance of the **PAR** Order.

If sixty (60) days have elapsed from the date of the Rent Administrator's order and you have not been notified by this office that a **PAR** has been filed, you may do the following: Mail this Notice to **DHCR** at the address indicated above. It will be returned to you with specific information marked on the reverse side of this form, in either **Part A** or **Part B**:

1. If **Part A** is completed, this means that the Article 78 judicial review requested by the owner (or tenant) is still in progress. Before refileing a new form, you must await notification from DHCR as to the decision and any further action to be taken.
2. If **Part B** is completed, this means that the dollar amount of the penalty is final and it exceeds \$1,000 (or less if the tenant has moved from the apartment). **DHCR** will certify to at least one of the following: that the owner did not file a **PAR** within the specified time period; that a **PAR** was filed which was dismissed/denied, or modified the Administrator's Order (specific changes are described on the reverse side of this page); that the owner did not request court review within the specified time period; that the court dismissed the petition for review; or that the court entered a judgment changing the Order, in which case specific changes are described on the reverse side of this page.

If **Part B** is completed, then you may take **ONLY ONE (NOT BOTH)** of the following steps to obtain the amount awarded:

- a. Deduct from each of your future monthly rent payments an amount not more than twenty percent (20%) of the authorized penalty, as upheld or as changed by the **PAR** or court Order until you have deducted the total amount of the authorized penalty;

or

- b. Complete and sign the Tenant's Affidavit (**Part C of the returned Form**) in front of a Notary Public. Then proceed to file this Notice, together with the certified copy of the overcharge Order(s), with the County Clerk of the county in which your building is located in the same manner as a judgment for the full amount of the authorized penalty.

Should you have further questions, please contact the **Division's Rent Information Unit** at the address indicated above. When communicating about this matter, please refer to the RN Docket Number as indicated in the upper right area of this page.

For Completion by the Division of Housing and Community Renewal

(Only applicable portions are marked and completed)

Part A – Notice of Pending Proceeding for Judicial Review pursuant to Article 78 of the CPLR

1. On _____, a proceeding for judicial review of the PAR was filed pursuant to Article 78 of the CPLR. For information on the status of that review, contact DHCR’s Office of Legal Affairs. You will be notified when the PAR Order becomes final. Please refile for certification after a determination has been issued in such review and if any penalty remains.

Signature: _____

Name: _____

Title: _____

Date: _____

Part B – Division of Housing and Community Renewal Certification

It is hereby certified: (Applicable items are marked)

1. That more than thirty-five (35) days have expired from the issuance date of the Rent Administrator’s (RA) Order in this proceeding, and DHCR has not been served with a PAR. Accordingly, both parties are precluded from challenging said Order in a PAR or CPLR Article 78 judicial proceeding.

2. That the _____ did file a PAR to review the RA’s Determination in this proceeding on:

a. _____, and the Commissioner issued an Order and Opinion **DENYING** the PAR.

b. _____, and the Commissioner issued an Order and Opinion **GRANTING** the PAR, as follows:

3. That more than sixty (60) days have expired from the issuance date of the PAR Order in this proceeding, and DHCR has not been served with notice of a CPLR Article 78 judicial action.

4. That the _____ did commence a CPLR Article 78 judicial action to review the PAR Order on:

a. _____, and a judgment was entered by the Supreme Court **DISMISSING** the petition.

b. _____, and a judgment was entered by the Supreme Court **GRANTING** the petition, as follows:

Signature: _____

Name: _____

Title: _____

Date of Certification: _____

For Completion by Tenant

Part C – Tenant’s Affidavit

State of New York

County of _____

_____ being duly sworn deposes and says: I am the tenant in this administrative proceeding. No payment of the penalty has been received by me in cash or as an offset against rent payments as directed in the Order; a certified copy of which is attached. WHEREFORE, I respectfully request that the Order be entered as a judgment against the owner for the amount directed to be paid as a penalty in said Order and Determination.

Sworn to me

this _____ day of _____ 20____

Tenant Signature: _____

Print Name: _____

Notary Public or Commissioner of Deeds