

**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.: MQ210006RT

RENT ADMINISTRATOR'S  
DOCKET NO.: KT210012RV

OWNER: 50 Rosen Realty, Corp.

\_\_\_\_\_ X  
**PETITIONER**

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

The petitioner filed an administrative appeal (PAR) against an order issued on April 4, 2024 by the Rent Administrator (RA) concerning the housing accommodation known as apartment [REDACTED] located at 1958 50<sup>th</sup> Street, Brooklyn, NY.

The RA found that on August 3, 2022, the tenant filed a lease violation complaint stating that the owner failed to furnish him with a signed copy of his renewal lease; that the owner answered by submitting a fully executed copy of the renewal lease commencing on August 1, 2022 for a two-year lease term; and that therefore the record reflects that the tenant has a current renewal lease for a two-year term. The RA terminated the proceeding.

On PAR, the tenant contends that the renewal lease he executed on April 10, 2022 was not signed by the owner and returned to him and therefore the lease is ineffective. The tenant provides a copy of a letter sent to the owner on May 4, 2024 demanding a copy of the fully executed renewal lease. In the letter, the tenant is also returning to the owner a signed copy of a renewal lease set to commence on August 1, 2024 for a new two-year term which the tenant signed on May 4, 2024.

The owner opposed the PAR arguing that the 2022 lease was returned and that the new 2024 renewal lease is in effect.

In reply, the tenant stated that the 2022 lease submitted by the owner was a replacement lease and not the one he actually signed on April 10, 2022.

. Having reviewed the record, the Commissioner denies this PAR.

PAR Docket No. MQ210006RT

The record before the RA contains a fully executed copy of the 2022 renewal lease which the owner states was mailed to the tenant. The Commissioner finds that the tenant's denial of receipt of the fully executed lease is not substantiated; that the disputed lease term ended on July 31, 2024; that a new renewal lease from August 1, 2024 to July 31, 2026 is in effect; and therefore the issue of the 2022 lease is moot.

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

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

**ISSUED:**

**OCT 15 2024**



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**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](http://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.

There is no other method of appeal

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

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

ADMINISTRATIVE REVIEW  
DOCKET NO.: MP210021RT

RENT ADMINISTRATOR'S  
DOCKET NO: KR210076RV

██████████  
PETITIONER

OWNER: Westbury Flats. LLC

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

Petitioner timely filed a petition for administrative review (PAR) of an order issued by the Rent Administrator (RA) on March 26, 2024 concerning apartment █████ at 2100 Westbury Ct., Brooklyn, NY 11225.

On June 21, 2022, petitioner filed a lease violation complaint alleging that she has resided in the subject apartment since 1994 and that the owner failed to sign and return a renewal lease for the term beginning January 1, 2022, which was made out to █████ her mother, but which petitioner had signed. Petitioner asserted that the owner had been accepting rent payments from her.

The owner answered that petitioner is the daughter of the tenant of record, that she has no rights to the apartment and that a holdover proceeding was commenced.

On February 9, 2024, DHCR served a copy of the owner's answer on the petitioner and asked her for information to prove her succession rights to the apartment. The request for information was addressed to petitioner at the subject apartment and was returned to the agency by the post office as "not deliverable as addressed – unable to forward."

In the order under review, the RA found that petitioner had vacated the apartment and the proceeding was terminated.

On PAR, petitioner contends that she continues to reside in the subject apartment.

The owner answered that it filed a holdover petition because it has evidence that petitioner does not reside in the subject apartment.

In reply, petitioner states that she never received the February 9, 2024 DHCR Request for

PAR Docket No. MP210021RT

Additional Information/Evidence (RAIE); that there is no proof this was mailed to her; that she has lived in the apartment with her mother since 1994; that her mother vacated in 2019 and the owner was aware of this fact; and that attached to the PAR are documents proving her succession rights.

The PAR is denied.

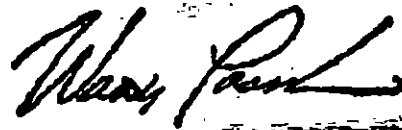
Based on the evidence on record, including the returned mail; the RA properly concluded that the tenant was not living in the apartment. This conclusion was also supported by a review of agency records which reveal that the tenant filed a similar complaint in 2020 (IN210060RV) and in which the owner's answer was mailed to her at the subject apartment and in which she also did not respond resulting in termination of her complaint. Given this, the tenant's denial of receipt of mailings sent to the apartment while at the same time claiming to live there are simply not persuasive. Under the scope of review doctrine, the Commissioner need not consider new evidence presented for the first time on PAR. The Commissioner also notes that there is a pending holdover proceeding in Court (Index No. LT-321368-23/KI) which will resolve the matters raised in this terminated agency proceeding.

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

ORDERED, that the petition for administrative review be, and the same hereby is, denied.

ISSUED:

OCT 28 2024



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WOODY PASCAL  
Deputy Commissioner



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

ADMINISTRATIVE REVIEW  
DOCKET NO.: MR610031RT

██████████

PETITIONER

RENT ADMINISTRATOR'S  
DOCKET NO: KQ610074RV

-----X OWNER: 975 Walton Bronx, LLC

ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

Petitioner filed a timely petition for administrative review (PAR) of an order issued on May 31, 2024 by the Rent Administrator (RA) concerning apartment █████ at 975 Walton Ave., Bronx, NY 10452.

On May 19, 2022, petitioner filed a lease violation complaint alleging that the owner refuses to offer him a renewal lease.

The owner answered that the complainant does not reside in the subject apartment and thus the owner is not obligated to provide him with a lease.

Petitioner replied that he has lived in the apartment with his mother since 1978; that he has keys to the apartment mailbox and receives mail at this address; that he has a room with furniture, clothes, personal property and his own pets at this address; that he never moved out or changed addresses; and that he knows the landlord, the building superintendent and the other tenants.

On January 3, 2024, the RA served the petitioner with a copy of Fact Sheet #30 (Succession Rights) and a Request of Additional Information/Evidence (RAIE) at the subject apartment. The RAIE states as follows:

- “ I. Has your mom vacated the apartment? If you are claiming succession, we need proof your mother has permanently vacated. The following proof you are required to submit is:
- the original lease in your mother’s name and her most recent renewal
  - Driver’s license or NYS ID
  - Income tax and W2
  - Bank Statements
  - Utility records (phone, gas, electric, cable, etc.)

PAR Docket No. MR610031RT

- Employment records
- School records
- Voting records"

Because petitioner failed to respond, the RA issued the order under review herein, terminating the proceeding.

On PAR, petitioner contends that he never received the RAIE because his mailbox is being compromised; and that he has all the proof in PDF file.

On July 12, 2024, petitioner informed DHCR that all mail should be sent or re-sent to a new address, that is 200 West 147<sup>th</sup> Street, New York, NY 10039.

On August 19, 2024, the Commissioner served a copy of the RAIE on petitioner at his requested mailing address and again requested proof of succession. Petitioner did not respond.

The PAR is denied.

The tenant of record of the subject apartment as of the filing of the complaint was [REDACTED]. [REDACTED] has been the registered tenant of the subject apartment since 1985. If petitioner is indeed [REDACTED] son, he may have succession rights to the apartment if his mother has vacated the apartment and if he lived with her two years prior to her vacate date. Both the RA and the Commissioner afforded the petitioner an opportunity to prove his succession rights and he failed to provide any such information.

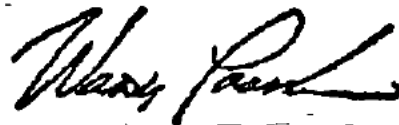
There has been no showing of an error of fact or law by the RA. Because petitioner failed to submit proof of succession as requested, the RA correctly terminated the proceeding.

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

ORDERED, that the petition for administrative review be, and the same hereby is, denied; and that the Rent Administrator's order be, and the same hereby is, affirmed.

ISSUED:

NOV 06 2024



WOODY PASCAL  
Deputy Commissioner





State of New York  
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JAMAICA, NEW YORK 11433

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

ADMINISTRATIVE REVIEW  
DOCKET NO.: MR210034RT

██████████

PETITIONER

RENT ADMINISTRATOR'S  
DOCKET NO: KT210062RV

-----X OWNER: M&M Crown Realty, LLC

ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

The petitioner filed a timely petition for administrative review (PAR) of an order issued on May 31, 2024 by the Rent Administrator (RA) concerning the housing accommodation known as apartment ██████████ at 621 Lefferts Avenue, Brooklyn, NY 11203.

On August 17, 2022, petitioner filed a lease violation complaint alleging that he has lived in the subject apartment since 1986; that his mother moved out in 2018; that he pays rent; that he has requested a lease in his name; that the owner offered him a buy-out which was refused; that he received an offer to move to another apartment which was also refused; and that the owner refuses to offer him a lease.

The petitioner, in response to a request for additional information, provided the following:

- (1) Birth Certificate indicating his mother as ██████████
- (2) Notarized statement from the mother showing that she lived in the subject unit from 1979 – 2017; that her son ██████████ always resided in the same apartment since 1986 when he was born; that she permanently vacated the subject apartment on August 10, 2017; and that her son has always been paying the rent and all expenses in the apartment since her permanent departure. Attached are copies of ██████████ NYC Voter ID and her Resident ID in the retirement facility;
- (3) ██████████ NYS Driver License issued December 23, 2019 indicating the subject apartment as his address; his Social Security card; NYC Voter ID with the same address;
- (4) School transcript from 2008-2013 indicating residence in the same apartment;
- (5) 2013 NYS Resident Income Tax Return; W-2s from 2022; Best Buy

earning statement from July 2018; IRS records from 2014-2015; 2023 US Tax return; and 2023 W-2s;

- (6) 2017 Chase bank accounts in the petitioner's name addressed at the subject apartment;
- (7) Various utility bills in the petitioner's name at the subject apartment from 2024; and
- (8) HealthFirst insurance benefits statement, dated March 2017 to petitioner at the subject apartment.

The RA found that petitioner failed to provide adequate proof that he is entitled to succession rights to the subject apartment.

On PAR, petitioner contends that attached are more documents to the ones already submitted to the RA, showing his proof; and that he could not understand what more supporting papers that the RA wanted. The claimant submits: an August 22, 2006 letter from the NYS Education Department's Office of Vocational and Educational Services for Individuals with Disabilities indicating his address as the subject apartment; and a letter from the Social Security Administration (Supplemental Security Income) dated November 27, 2011 with his address as the subject apartment.

The PAR is denied.

Pursuant to Rent Stabilization Code §2523.5(b)(1)-(2) and DHCR's Fact Sheet #30 – Succession Rights, the petitioner, as a disabled person, had to prove that he resided in the apartment with his mother, the tenant of record, from August 10, 2016 to August 10, 2017, which is one year immediately prior to her permanent vacatur of the apartment. While the petitioner submitted a number of records, none of them encompass the critical time period of August 10, 2016-August 10, 2017, as required by the law. Thus, he failed to prove his rights to succession.

THEREFORE, in accordance with the Rent Stabilization Law and the regulations promulgated thereunder, it is

ORDERED, that the petition for administrative review be, and the same hereby is, denied; and that the Rent Administrator's order be, and the same hereby is, affirmed.

ISSUED:  
NOV 20 2024



WOODY PASCAL  
Deputy Commissioner



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*There is no other method of appeal.*

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

ADMINISTRATIVE REVIEW  
DOCKET NO.: MS210004RT

RENT ADMINISTRATOR'S  
DOCKET NO.:KO210002RV

OWNER: Bushwick Holdings Group

PETITIONER

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

The above-named tenant filed a timely petition for administrative review (PAR) against an order issued on May 31, 2024 by the Rent Administrator (RA) concerning apartment [REDACTED] at 1239 Pacific Street, Brooklyn, NY 11216.

The tenant filed a lease violation complaint on March 1, 2022 alleging that the owner failed to offer a rent stabilized renewal lease. The tenant included her initial lease commencing in 2016 which had a rent of \$2,800 per month.

The owner answered that the building was exempt from rent stabilization due to a substantial rehabilitation completed in 2016; and, in the alternative, that said apartment was newly created in 2016, as it was the combination of two former single room occupancies (SROs) and that the first rent in 2016 exceeded the deregulation threshold.

The RA terminated the proceeding because the parties had a pending case in Kings County Supreme Court under Index Number 519225/2023.

On PAR, the tenant contends that the matter should have been held open by the RA; and later she provided a decision by Justice Robin Sheares of the Kings County Supreme Court, dated October 24, 2024. The Court decision upheld the agency's denial of the owner's substantial rehabilitation application under Docket Numbers HP210007UC and KX210024RO.

Based on the Court decision, the premises is subject to rent regulation and the tenant is entitled to a rent stabilized renewal lease.

Under Rent Stabilization Code §2520.11(r)(12), where an owner substantially alters the outer dimensions of a vacant housing accommodation which then qualifies for a first rent equal to or exceeding the deregulation threshold, said apartment is exempt from rent stabilization. DHCR Operational Bulletin

95-2 also covers the scenario where an owner fails to prove a substantial rehabilitation, but may still qualify for exemption based on Individual Apartment Improvements (IAIs) or a "first rent" where an owner "significantly changes the perimeter and dimensions of an existing housing accommodation." As to the owner's claim that said apartment qualified for a "first rent", there is not enough evidence in this record to support such a claim. The Commissioner cannot decide such claim merely on the assertion that two SROs were combined. The record lacks expert evidence to confirm that the perimeter and outer dimensions of the subject apartment were changed to qualify for a "first rent" exemption under the statute. The owner may file an Administrative Determination proceeding with the agency to request exemption based on a "first rent" or high rent vacancy deregulation based on IAIs.

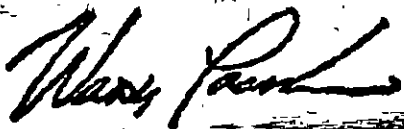
Based on the foregoing, the owner must offer the tenant a rent stabilized renewal lease based on a rent of \$2,800 per month plus applicable guidelines at the time of the offer and must register the subject apartment as rent stabilized with DHCR.

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

**ORDERED**, that this petition is granted; and that the Rent Administrator's order is revoked.

**ISSUED:**

**DEC 05 2024**



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**Woody Pascal**  
**Deputy Commissioner**



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