

Eliot Spitzer  
Governor



Deborah VanAmerongen  
Commissioner

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

February 8, 2008

I am responding to your letter request for an agency opinion. In your letter, you state that you are the manager of a co-op building with rent stabilized tenants. Subsequent to conversion, the co-op board created a storage area out of a space owned by the co-op. Now the co-op has changed the fee schedule for the storage spaces and a rent stabilized tenant is refusing to pay the new fee, claiming she is not obliged to honor the board's decision.

You ask for a letter confirming the obligation of the stabilized tenant to pay the new fee.

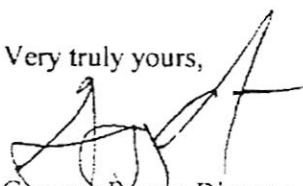
I am afraid that I cannot provide such a letter. Section 2520.6(r) states, in pertinent part, the following definition of "required services":

That space and those services which the owner was maintaining or was required to maintain on the applicable base dates set forth below, and any additional space or services provided or required to be provided thereafter by applicable law. (Emphasis supplied.)

Therefore, once a stabilized tenant was provided with a storage space at a certain rent, that space became a required service at the rent stated in the original agreement. Your letter doesn't specify the terms of the agreement. If the agreement provided that the storage rent would be subject to Rent Guidelines increases (or became part of the stabilized rent) for stabilized tenants, then the storage rent could be adjusted accordingly upon lease renewals. Otherwise, I believe a stabilized tenant can rely upon the rent as stated in the storage agreement.

I hope this letter has addressed your concerns. However, please be advised that this opinion letter is not a substitute for a formal agency order issued upon prior notice to all parties, such parties having been afforded the opportunity to be heard.

Very truly yours,

  
Gregory Power, Director  
Policy Unit

GF/mga

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