

David A. Paterson
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

June 6, 2008

This is in response to your request for an agency opinion.

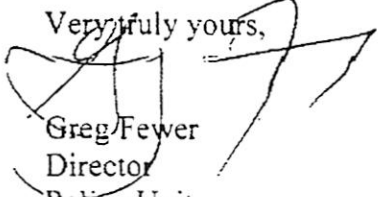
In your letter, you state that a tenant is requesting ceramic tile instead of linoleum in the kitchen area; that installing linoleum will cost \$400.00, including labor and material; that ceramic tile will cost \$1,800.00, leaving a \$1,400.00 difference. You inquire whether you can collect your compensation via 1/40th of the cost difference or whether you have the option to ask for payment as half down and half as final payment when the job is complete.

Please be advised that in a rent stabilized apartment, if there is existing linoleum in the kitchen that is defective, you are required to repair it or, if that is not possible, to replace it at no cost to the tenant. If the tenant in occupancy requests ceramic tile instead, then, upon written consent of the tenant, you can collect 1/40th of the cost of new ceramic tile, including labor and material. You do not have the option of collecting half down and half when the job is complete.

We trust we have answered your inquiry.

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 an opportunity to be heard.

Very truly yours,


Greg Fewer
Director
Policy Unit

GCF:MM:lp
cc: Deputy Commissioner Torres
OL #2393