

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

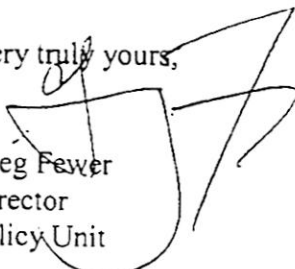
December 17, 2008

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

In your letter, you state that you purchased a building that had four existing IMD tenants in a commercial building, that at that time, the tenants had air conditioners they had installed in their units; that in the process of bringing the building up to code as a residential building, the existing Loft Board tenants' units were completely renovated, and that the air conditioning units were removed and reinstalled in different locations. You state that you are in the process of writing rent stabilized leases for the now legal residential tenants, that the tenants are protesting the air conditioner charge, and that you believe that, since the tenants never had legal residential leases, they should be charged the air conditioner fee per unit. You request an opinion on this matter.

Please be advised that your inquiry is too fact-specific to be dealt with in a general context in an opinion letter, but rather requires an administrative proceeding involving specific fact-finding in which all parties have an opportunity to participate. To obtain a definitive ruling as to the initial legal regulated rent for the apartments in question, you may initiate an "AD" proceeding with this agency. Your request to initiate such a proceeding should be addressed to the Rent Administrator, Sekhar Unnithan, at the address listed above.

Very truly yours,


Greg Fewer
Director
Policy Unit

GF:MM:lp
cc: Deputy Commissioner Torres
OL #2468