



New York State Division of Housing and Community Renewal

Gertz Plaza 92-31 Union Hall St.
Jamaica, NY 11433
Web Site www.nyshcr.org
(718) 739-6400

Docket Number:
GV-430003-B

Order Reducing Rent for Rent Stabilized Tenant(s)

Mailing Address Of Tenant:		Mailing Address Of Owner/Agent:	
Name: [REDACTED]		Name: 150 Narayan, LLC	
Number/Street: 150 West 84 th Street Apt. # [REDACTED]		Number/Street: 41 Bay Avenue	
City, New York,		City, East Moriches,	
State, Zip Code: N.Y. 10024		State, Zip Code: N.Y. 11940	
Building (Number and Street)	(If Different From Tenant's Mailing Address)	(Apt. No.)	(Municipality)
		same as above	

I. **FACTS:** The tenant(s) filed a complaint on October 5, 2018 based upon decreases in service(s). The owner was afforded an opportunity to respond by service of complaint on October 22, 2018.

II. **FINDINGS:** After consideration of all evidence in the record, and upon the grounds stated in (only boxes marked "X" apply); the Rent Administrator finds:

- ☐ Sections 2500.3 and 2503.4 of the Tenant Protection Regulations (NYS-RS)
☒ Sections 2520.6(r) and 2523.4 of the Rent Stabilization Code (NYC-RS)

☒ **SERVICES NOT MAINTAINED:**

Change of intercom system

☐ **SERVICES MAINTAINED:**

☒ **ADDITIONAL COMMENTS:**

The Tenants in their complaint stated that as of June 2018, all Tenants lost access to their intercom service. The intercom was de-activated and the Owner installed a new touch screen intercom system called "Gate Guard/Teman." Under this new system, the Tenants can only let people into the building using an application on their smartphones. The Owner has informed the Tenants that key access to the building will be taken away shortly and they will only be able to use the facial recognition and password on a touch screen to enter the building.

The Tenants stated that they are now deprived of an essential service, as some of the Tenants do not have smartphones and therefore are unable to let people into the building. Furthermore, the Tenants included a violation report from the New York City Department of Buildings for the intercom system.

The Owner in response dated October 31, 2018 denies all of the allegations asserted by the four Tenants. The Owner stated that the new technology system was installed to provide more security to the premises stemming from the Tenants complaints that packages were being stolen when delivered at their doors, and to alleviate the necessity of duplication of the keys due to misplacement or loss, and keys being distributed to unauthorized people.

The new intercom system operates by face recognition, yet, still has key accessibility.

A review of this Agency's record indicates that the change of the intercom system was done without this Agency's permission.

Therefore, the Rent Administrator finds that a reduction of rent is warranted for the change of the intercom system.

The Owner may file DHCR Form RAS-93 for Modification and/or Discontinuance of Services for the change of the intercom system.

If the Application for Modification and/or Discontinuance of Services has been granted, the Owner may file an Owner's Application for Rent Restoration by using DHCR Form RTP-19A.

III. DETERMINATION: The legal regulated rent is reduced to the level in effect prior to the most recent guidelines increase for the tenant's lease which commenced before the effective date of this Order, except:

A) If a Major Capital Improvement (MCI) increase has been granted for the subject premises and collection began before issuance of the rent reduction order, that portion can continue to be collected. However, the prospective portion of any MCI increase, if scheduled to be collected after the effective date of the rent reduction order, cannot be collected and that portion of the prospective increase not collectible during the life of the service reduction order may not be recaptured after issuance of an order restoring the rent.

B) If the owner has already begun to collect an Owner Individual (OI)/ Individual Apartment Improvement (IAI) increase before the effective date of this order, that increase can continue to be collected. OI or IAI increases assessed or collected after the effective date of this order may not be collected until an order restoring the rent is issued. Owners may not recapture the portion of any rent increase lost while the service reduction order was in effect.

No other rent increases may be collected after the effective date of this rent reduction Order (see Section IV) until a rent restoration order has been issued. The owner is directed to refund to the tenant(s) all amounts collected in excess of the reduced rent since the effective date of this rent reduction Order. If the owner fails to make a refund within thirty (30) days of the issue date of this Order, the tenant is authorized to deduct the amount from future rent(s) until the total amount has been refunded, unless the owner files a Petition for Administrative Review of this Order. The owner is directed to restore the above services not maintained for all apartments affected by the order within thirty (30) days of the issue date.

IV. EFFECTIVE DATE: November 1, 2018 - which is the first of the month following the service of the complaint on owner.

V. PETITION FOR ADMINISTRATIVE REVIEW (PAR): If you believe this order is based on an error in law and/or fact, you may file a Petition for Administrative Review (PAR), form RAR-2, no later than 35 days after the issuance date of the order. PARs filed after the time limit specified above will be considered late and will be dismissed. Call 1-718-739-6400 or visit your local Rent Office and request form RAR-2. This form is also available on our website at www.nyshcr.org.

February 1, 2019

Issue Date



Rent Administrator

Additional Parties:

██████████
150 West 84th Street
Apt. █
New York, N.Y. 10024
(Tenant's Representative)

Ranjana and Dhiren Mehta
41 Bay Avenue
East Moriches, N.Y. 11940
(Owner)



New York State Division of Housing and Community Renewal

Gertz Plaza 92-31 Union Hall St.
Jamaica, NY 11433
Web Site www.nysdcr.org
(718) 739-6400

Docket Number:
GV-430003-B

Order Reducing Maximum/Legal Rent (Building-Wide)

Mailing Address Of Tenant:		Mailing Address Of Owner/Agent:	
Name: Various, see schedule		Name: 150 Narayan, LLC	
Number/Street: 150 West 84 th Street Apt. #:		Number/Street: 41 Bay Avenue	
City, New York,		City, East Moriches,	
State, Zip Code: N.Y. 10024		State, Zip Code: N.Y. 11940	
Building (Number and Street)	(If Different From Tenant's Mailing Address)	(Apt. No.)	(Municipality)
		same as above	

I. **FACTS:** The tenant(s) filed a complaint on October 5, 2018 based upon decreases in service(s). The owner was afforded an opportunity to respond by service of complaint on October 22, 2018.

II. **FINDINGS:** After consideration of all evidence in the record, and upon the grounds stated in (only boxes marked "X" apply); the Rent Administrator finds:

- ☐ Sections 2100.3 and 2102.4 of the Rent and Eviction Regulations (NYS-RC)
- ☒ Sections 2200.3, 2202.3 and 2202.16 of the Rent and Eviction Regulations (NYC-RC)
- ☐ Sections 2500.3 and 2503.4 of the Tenant Protection Regulations (NYS-RS)
- ☒ Sections 2520.6(r) and 2523.4 of the Rent Stabilization Code (NYC-RS)

☒ **SERVICES NOT MAINTAINED:** (Amounts for Rent Controlled Apartments Only)

Change of intercom system * \$ 6.00 for the Rent Controlled Tenants)

☐ **SERVICES MAINTAINED:**

☒ **ADDITIONAL COMMENTS:**

The Tenants in their complaint stated that as of June 2018, all Tenants lost access to their intercom service. The intercom was de-activated and the Owner installed a new touch screen intercom system called "Gate Guard/Teman." Under this new system, the Tenants can only let people into the building using an application on their smartphones. The Owner has informed the Tenants that key access to the building will be taken away shortly and they will only be able to use the facial recognition and password on a touch screen to enter the building.

The Tenants stated that they are now deprived of an essential service, as some of the Tenants do not have smartphones and therefore are unable to let people into the building. Furthermore, the Tenants included a violation report from the New York City Department of Buildings for the intercom system.

The Owner in response dated October 31, 2018 denies all of the allegations asserted by the four Tenants. The Owner stated that the new technology system was installed to provide more security to the premises stemming from the Tenants complaints that packages were being stolen when delivered at their doors, and to alleviate the necessity of duplication of the keys due to misplacement or loss, and keys being distributed to unauthorized people.

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Therefore, the Rent Administrator finds that a reduction of rent is warranted for the change of the intercom system.

The Owner may file DHCR Form RAS-93 for Modification and/or Discontinuance of Services for the change of the intercom system.

If the Application for Modification and/or Discontinuance of Services has been granted, the Owner may file an Owner's Application for Rent Restoration by using DHCR Form RTP-19A.

III. DETERMINATION:

☒ RENT CONTROLLED APARTMENT: The maximum legal collectible rent is reduced by \$ 6.00 per month as itemized above, effective on the first rent payment date following the issue date of this Order which is March 1, 2019. If there is a decrease in an essential service as indicated above by an asterisk (*), the owner may not collect any increases until a restoration order is issued. Future MCI increases may not be collected if there is any decrease in service until a rent restoration order is issued. If none of the decreased services is an essential service, the owner is entitled to MBR and Fuel rent increases less the above amount. The owner is directed to restore the above services not maintained for all apartments affected by this order within thirty (30) days of the issue date.

☒ RENT STABILIZED APARTMENT: The legal regulated rent is reduced to the level in effect prior to the most recent guidelines increase for the tenant's lease which commenced before the effective date of this Order, except:

A) If a Major Capital Improvement (MCI) increase has been granted for the subject premises and collection began before issuance of the rent reduction order, that portion can continue to be collected. However, the prospective portion of any MCI increase, if scheduled to be collected after the effective date of the rent reduction order, cannot be collected and that portion of the prospective increase not collectible during the life of the service reduction order may not be recaptured after issuance of an order restoring the rent.

B) If the owner has already begun to collect an Owner Individual (OI)/ Individual Apartment Improvement (IAI) increase before the effective date of this order, that increase can continue to be collected. OI or IAI Increases assessed or collected after the effective date of this order may not be collected until an order restoring the rent is issued. Owners may not recapture the portion of any rent increase lost while the service reduction order was in effect.

No other rent increases may be collected after the effective date of this rent reduction Order which is November 1, 2018 until a rent restoration order has been issued. The owner is directed to refund to the tenant(s) all amounts collected in excess of the reduced rent since the effective date of this rent reduction Order. If the owner fails to make a refund within thirty (30) days of the issue date of this Order, the tenant is authorized to deduct the amount from future rent(s) until the total amount has been refunded, unless the owner files a Petition for Administrative Review of this Order. The owner is directed to restore the above services not maintained for all apartments affected by the order within thirty (30) days of the issue date.

IV. PETITION FOR ADMINISTRATIVE REVIEW (PAR): If you believe this order is based on an error in law and/or fact, you may file a Petition for Administrative Review (PAR), form RAR-2, no later than 35 days after the issuance date of the order. PARs filed after the time limit specified above will be considered late and will be dismissed. Call 1-718-739-6400 or visit your local Rent Office and request form RAR-2. This form is also available on our website at www.nyshcr.org.

February 1, 2019
Issue Date


Rent Administrator

Additional Parties:

[REDACTED]
150 West 84th Street
[REDACTED]
New York, N.Y. 10024
(Tenants' Representative)

Ranjana and Dhiren Mehta
41 Bay Avenue
East Moriches, N.Y. 11940
(Owner)

ADDITIONAL INFORMATION:

A tenant with a valid Senior Citizen Rent Increase Exemption (SCRIE) Certificate or a valid Disability Rent Increase Exemption (DRIE) Certificate should notify the SCRIE or DRIE program immediately upon receipt of this order.

For a rent controlled apartment where there is already an Order Reducing Maximum Collectible Rent in effect for a service decrease specifically contained herein, or for a rent stabilized apartment where such an Order is already in effect for any type of decreased services, no further rent reduction is authorized by this Order, unless the effective date of this Order predates the effective date of the reduction already in effect.

If a tenant receives a rent reduction from DHCR and also receives another abatement or a rent credit because of the same conditions, the tenant cannot get both benefits at the same time. Therefore:

If a rent-controlled tenant has received in court a credit, abatement, or offset in rent because of a breach of the warranty of habitability, and the credit, abatement, or offset applies to rent payable for the months also covered by the reduction granted herein and the breach of the warranty of habitability relates to one or more of the same conditions as those found not maintained herein, then: that portion of the reduction ordered herein for such conditions for any month(s) to which both the reduction and the credit, abatement, or offset apply, is reduced by the amount of that portion of the credit, abatement, or offset that is received because of the conditions found not maintained herein. If the credit, abatement, or offset is greater than the amount of the reduction ordered for the same item, the reduction shall not take effect for months in which the credit, abatement or offset applies.

If a rent-stabilized tenant has received in court a credit, abatement, or offset in rent because of a breach of the warranty of habitability, and the credit, abatement, or offset applies to rent payable for the months also covered by the reduction granted herein and the breach of the warranty of habitability relates to one or more of the same conditions as those found not maintained herein, then: the reduction ordered herein for any month(s) to which both the reduction and the credit, abatement, or offset apply shall not be combined with the amount of the credit, abatement, or offset so as to reduce the tenant's rent to a level lower than the level in effect prior to the most recent guidelines increase, unless the credit, abatement, or offset is greater than the reduction ordered herein, in which case the reduction does not apply for any such months.

NON-COMPLIANCE:

If the owner fails to restore the services, the tenant may request that compliance proceedings be initiated, by filing an Affirmation of Non-Compliance (Form RA-22.1) after thirty (30) days from the issue date of the order. The form may be requested by calling (718) 739-6400.

PENALTIES:

The owner is directed to restore the service(s) listed as not maintained within 30 days of the Issue Date. Failure to do so may result in the implementation of the following additional penalties:

1. For violating an Order, a civil penalty of up to \$2,000 (\$1,000 minimum) for the first such offense and up to \$3,000 (\$2,000 minimum) for each subsequent offense. If each service, directed to be restored is not restored in a timely manner, it may constitute a separate violation.

2. For knowingly violating any provisions of the Rent Stabilization Law or Code (if applicable), a civil penalty of up to \$250⁴ for each violation. Each reduction in service may constitute a further violation separate and apart from the violation described in paragraph (1).

**MANAGEMENT OFFICE
150 NARAYAN LLC
41 BAY AVENUE
EAST MORICHES, NEW YORK 11940
TELEPHONE: 631-878-4377
FAX: 631-878-587**

January 24, 2019

To: All Tenants – 150 West 84th Street

Re: Evaluation of Intercom System/Change

Due to the fact that some of the tenants residing at 150 West 84th Street have found that they were unable to adapt or use the newly installed Teman Intercom System for various reasons, we have no choice but to revert to a more simplified version of an entry system at 150 West 84th Street.

The contractor, Accurate Intercom, will be at our building on Thursday, February 7th, to evaluate the present installation and if it is possible to use the present wiring system, a complete switch-over will be completed at that time. However, we say "if possible". If additional re-wiring, etc. is necessary, the job will require additional time and/or return dates for completion.

In order to accomplish this, we need as many tenants to be available on February 7th as possible and mandatory that all tenants on the 1st and 5th floor be available. If this date is a total impossibility for you, may we have your written permission that Kevin, your superintendent, be allowed to enter your apartment with the contractor.

Your confirmation of availability on this date, or your written permission for Kevin to enter will be appreciated by email.

Thank you for your cooperation!

Management Office – 150 Narayan LLC

MANAGEMENT OFFICE
150 NARAYAN LLC
41 BAY AVENUE
EAST MORICHES, NEW YORK 11940
TELEPHONE: 631-878-4377
FAX: 631-878-587

February 1, 2019

To: All Tenants – 150 West 84th Street

Re: Evaluation of Intercom System/Change

As of this date, I have received only two tenant's reply to the memo sent out on January 24th regarding your availability on Thursday, February 7th regarding revision to the present intercom/entrance system at 150 West 84th Street.

This requires the cooperation of ALL tenants being available either physically or by allowing access to your apartment, if required. We had only requested that you assure us that either way, your apartment would be available for access. There is no point of having the contractors, who will do the work, arrive at the building and find that they cannot proceed.

Therefore, once again it is requested that you confirm to email: Loretta@gpmcorp.us that you will have someone in your apartment on that date, or you consent to Kevin entering with the contractors, if required.

We look forward to hearing from you as soon as possible so we may proceed as planned.

Thank you.

Loretta Nassau – Management Office



STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION

Gertz Plaza
97-31 Union Hall Street
Jamaica, N.Y. 11433
(718) 739-6400

DOCKET NO.
GV-430003-B

LIST OF TENANTS AFFECTED BY THIS ORDER
(RENT STABILIZED)

MATTLING ADDRESS OF TENANT:

MAILING ADDRESS OF OWNER/LANDLORD:

Name: Various, see list below
 Number and 150 West 84th Street
 Street: _____
 Municipality, State, New York,
 Zip: N.Y. 10024

Name: 150 Narayan, LLC
Number and
Street: 41 Bay Avenue
Municipality, State,
Zip: East Moriches, N.Y. 11940

(Number and Street)

(Appt. No.)

(Municipality)

same as above

BUILDING:

(If Different From 'Tenant's Mailing Address)

TENANT'S NAME

APT. NO. /

TENANT'S NAME

APT. NO. /

[illegible]

ADDITIONAL INFORMATION:

A tenant with a valid Senior Citizen Rent Increase Exemption (SCRIE) Certificate or a valid Disability Rent Increase Exemption (DRIE) Certificate should notify the SCRIE or DRIE program immediately upon receipt of this order.

Where such an Order is already in effect for any type of decreased services, no further rent reduction is authorized by this Order, unless the effective date of this Order predates the effective date of the reduction already in effect.

If a tenant receives a rent reduction from DHCR and also receives another abatement or a rent credit because of the same conditions, the tenant cannot get both benefits at the same time.

If a rent-stabilized tenant has received in court a credit, abatement, or offset in rent because of a breach of the warranty of habitability, and the credit, abatement, or offset applies to rent payable for the months also covered by the reduction granted herein and the breach of the warranty of habitability relates to one or more of the same conditions as those found not maintained herein, then: the reduction ordered herein for any month(s) to which both the reduction and the credit, abatement, or offset apply shall not be combined with the amount of the credit, abatement, or offset so as to reduce the tenant's rent to a level lower than the level in effect prior to the most recent guidelines increase, unless the credit, abatement, or offset is greater than the reduction ordered herein, in which case the reduction does not apply for any such months.

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2. For knowingly violating any provisions of the Rent Stabilization Law or Code (if applicable), a civil penalty of up to \$250 for each violation. Each reduction in service may constitute a further violation separate and apart from the violation described in paragraph (1).