

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.: WB410019RO

RENT ADMINISTRATOR'S
DOCKET NO.: UJ410002OD

PETITIONER
-----X

ORDER AND OPINION GRANTING PETITION FOR ADMINISTRATIVE REVIEW

On February 15, 2008, the above-named petitioner timely re-filed a petition for administrative review (PAR) of an order issued on January 10, 2008 by a Rent Administrator (Gertz Plaza) concerning the housing accommodations known as 370 East 69th Street, New York, NY, various apartments, wherein the Administrator granted the owner's application for modification of services and reduced the tenants' rent equal to the level in effect prior to the most recent guideline increase. The Rent Administrator's order granted the owner authorization to replace gas stoves with electric stoves.

In this petition, the owner requests reversal/modification of the Administrator's order alleging, in substance, that the reduction granted was excessive, and that granting the tenants a rent reduction for this service modification is inconsistent with prior DHCR findings.

The Commissioner has reviewed all of the evidence in the record and has carefully considered that portion of the record relevant to the issues raised by the petitioners and is of the opinion that this petition should be granted and the Rent Administrator's order be modified to rescind the rent reduction.

The evidence of record indicates that the owner is required to provide cooking facilities to the tenants, not the fuel. Since the owner replaced gas stoves with electric stoves, it is providing the necessary cooking facilities. The Commissioner finds that no reduction in services resulted; the owner simply modified the manner in which the service is being provided.

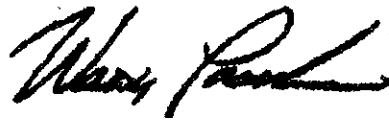
No evidence was submitted below to substantiate the claim that the switch from gas stoves to electric stoves would be more expensive for the tenants. Thus, the Commissioner finds that no rent reduction is warranted for the change and the Rent Administrator's order must be modified accordingly.

THEREFORE, it is

ORDERED, that the owner's petition be, and the same hereby is granted, and the Rent Administrator's order be and the same hereby is modified as provided hereinabove; and it is further

ORDERED, that if there are any arrears due the owner as a result of this order, the tenants shall be permitted to pay off the arrears in twenty-four (24) equal monthly installments. Should any tenant vacate after the issuance of this order, or if any tenant has already vacated, said arrears shall be payable immediately.

ISSUED: NOV 02 2011



WOODY PASCAL
DEPUTY COMMISSIONER