



Advisory Opinion 87-4 (October 1, 1987)

***This Advisory Opinion is Issued Pursuant to
Sections 2520.7 and 2527.11 of the Rent Stabilization Code.***

Advisory Opinion 87-3 postponed the effective date for implementation of certain provisions of the Rent Stabilization Code to October 1, 1987. Except as is otherwise stated below regarding Code Section 2522.5(c)(1) (Lease Rider), the DHCR has determined that it is necessary to continue to postpone the implementation of these provisions to October 28, 1987:

1. a) Section 2527.3 - Notice to the Parties Affected

Subdivision (a) - which provides that the DHCR shall serve all parties adversely affected thereby with a copy of any application, complaint, answer or reply.

b) Section 2529.4 - Service and Filing of a PAR

Subdivision (b) - which provides that the DHCR shall serve a copy of a PAR upon the adverse party.

The continued postponement of these sections applies only to PAR's and to applications relating to building-wide improvements, including MCI's and Hardships.

2. Section 2522.4 - Adjustment of Legal Regulated Rent

The following provisions which establish new processing standards and requirements

Subdivision (a)(2)(d) - "Useful Life" will continue to be applied to the extent currently utilized by the DHCR; a more extensive "Useful Life" schedule, including provisions for the waiver thereof under certain conditions, shall be made available and relied upon by the DHCR as of October 28, 1987.

Subdivision (a)(3) - The accelerated MCI procedure. Please note that this provision of the Code is presently the subject of litigation. The DHCR has been served with a court order declaring that this provision cannot be implemented unless another public hearing is held. The DHCR believes that the public has already had full opportunity to comment on this provision, and is appealing the court's decision. Because the outcome of the appeal is uncertain at this time, the DHCR has determined that it would be in the best interests of both owners and tenants to postpone the implementation of the accelerated MCI procedure until the appeal has been decided.

This document is being reissued for informational purposes only.

The original document which contains signatures of authorization is on file at DHCR's Office of Rent Administration.



3. Section 2522.5 - Lease Agreements

Subdivision (c)(1) - The DHCR has promulgated a new Lease Rider pursuant to this subdivision. Such Lease Rider will be made available by the DHCR to owners commencing in October, 1987. Owners will be required to attach a copy of the Lease Rider to all vacancy and renewal leases which commence on or after December 1, 1987. Owners will also be required to serve such Lease Rider no later than February 1, 1987, on all current tenants who signed vacancy or renewal leases which commenced on or after April 1, 1984, but prior to December 1, 1987.

Promulgation by the DHCR of a Spanish language version of the revised Lease Rider is further postponed to October 28, 1987.

Subdivision (c)(2) - The promulgation by the DHCR of a Spanish language version of the Notice of Rights and Duties of Hotel Owners and Tenants is further postponed to October 28, 1987.

4. Section 2523.5 - Notice for Renewal of Lease and Renewal Procedure

Subdivision (a) - The required use of the new lease renewal notice form to be prescribed by the DHCR is further postponed to October 28, 1987.

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for Rent Administration