



Homes and Community Renewal

ANDREW M. CUOMO
Governor

JAMES S. RUBIN
Commissioner/CEO

January 6, 2016

Dear Owner:

As you may know, New York courts have determined that any apartment that was subject to Rent Stabilization at the date of the receipt of the J-51 benefits must register those units as rent stabilized with DHCR. Specifically, buildings and units receiving a J-51 tax benefit for a residential rehabilitation must be registered as rent regulated. This includes all units that have been treated by the owner as exempt due to a high-rent vacancy during the period of receipt of J-51 benefits. See, *Roberts v. Tishman Speyer Props., L.P.*, 13 N.Y.3d 270 (2009), and progeny, e.g., *Roberts v. Tishman*, 89 A.D.3d 444 (2012); *Borden v. 400 East 59th Street*, 24 N.Y.3d 382 (2014). Accordingly, any buildings receiving J-51 tax benefits must be registered.

According to our records, the above-referenced building received a J-51 tax benefit. Our records further indicate that you have registered one or more apartments as being exempt from rent stabilization. The court rulings require you to do two things:

- (1) If you are currently receiving J-51 benefits and have been treating such a tenant as deregulated due to high rent vacancy, you must provide notice to the tenant indicating that the apartment is rent stabilized and prior to the expiration of the current lease provide the tenant with a lease renewal offer accompanied by required supporting documents.
- (2) You are also required to register the apartments in any building receiving J-51 benefits with DHCR. You may register in the upcoming 2016 annual registration cycle using our online filing system, Owner Rent Regulation Applications at www.nyshcr.org, and should include the new count of rent stabilized apartments in the Registration Summary Form. The legal rent to be registered cannot exceed the rent actually being paid by the tenant.

~~Please feel free to contact our office if you have any questions. We will of course work with you to ensure full~~
compliance with these J-51 related registration requirements.

Sincerely Yours,

Woody Pascal
Deputy Commissioner, Division of Housing & Community Renewal