



ORDER PURSUANT TO RECONSIDERATION

Mailing Address of Tenant:

Lawrence Mills
Apt 5D
245 W 25th St
New York NY 10001

Mailing Address of Owner:

245 Owners, Llc
1700 Broadway
New York NY 10019

Subject Housing Accommodation:

Apt. No: 5D
245 W 25th St
New York NY 10001

The Rent Administrator has reconsidered the record in the above entitled proceeding and finds that the Order entered on April 14, 2015, under Docket No. BT410002TC, should be Affirmed.

On 04/28/2015, the Rent Administrator determined that the order issued under Docket No. BT410002TC should be re-opened since a comparable unregulated apartment used in determining the subject apartment's fair market rent was not accepted due to the fact that it was deregulated less than 90 days prior to the deregulation of the apartment or the initial date of the first unregulated lease.

The owner was offered the opportunity to submit alternate comparable apartments and the tenant was afforded the opportunity to dispute the comparable apartment. The owner submitted two unregulated apartments, 3H and 6G in the same building as comparable apartments. Apartment 6G is used based on the higher rent of \$3000.00 per month charged as of 12/01/10.

Pursuant to Special Guideline order # 42, which was in effect on the date the first rent stabilized tenant to challenge the rent took occupancy. The 2010 Maximum Base Rent of \$692.87 was adjusted by an additional 50%. This resulted in a rent of \$1049.31.

The owner has identified apartment 6G, an unregulated apartment located at 245 West 25th street as a comparable apartment whose rent should be considered in the determination of this fair market rent appeal. The rent for apartment 6G on 12/01/10 is \$3000.00 per month.

To: RIVKIN RADLER, P.C.
555 MADISON AVENUE
NEW YORK NY 10022-3338



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Based on the foregoing the fair market rent for the subject apartment is established at \$2019.66 (average of the special guideline-\$1039.31 and the unregulated rent of the comparable apartment-\$3000.00). Since the fair market rent of \$2019.66 exceeds \$2000.00 the subject apartment is exempt from rent regulation pursuant to Section 2520.11 (r)(4) of the Rent Stabilization Code. As such, this Agency lacks jurisdiction in this proceeding. Therefore, it is ordered that the relief requested is denied and this proceeding is terminated.

* This order supersedes the previous order issued on April 14, 2015 under Docket No BT410002TC.

Jerry M. Scher
Rent Administrator Issued: 09/10/2015

cc: KOSSOFF, PLLC



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433
Web Site: www.nyshcr.org

Notice of Right to Administrative Review

This Notice explains your right to appeal, seeking review of orders issued by a Rent Administrator. If you believe that an order is based on an error of law and/or fact, as an aggrieved party you have the right to ask the Division of Housing and Community Renewal (DHCR) to review the order based on your claim of error. This request is called a Petition for Administrative Review, and is referred to as a PAR. If you wish to file a PAR, please read the information and instructions below and follow them carefully. Further details may be found in the instructions printed on the reverse side of the form used for filing a PAR.

Who may File a PAR:

An owner, tenant, or other party affected by an order, or an authorized representative of such person(s), may file a PAR. Two or more affected owners or tenants may join in filing a PAR. The DHCR encourages joint filings by affected parties filing on common grounds.

How to File a PAR:

1. Use the correct form. PARs must be filed in duplicate using DHCR form RAR-2, in accordance with the instructions on the form. PARs filed on other forms or by letter will not be accepted.
2. You must attach a complete copy of the order which you are appealing to the original of your PAR.

Time Limit for Filing a PAR:

The PAR must be hand-delivered or mailed to DHCR at Gertz Plaza, 92-31 Union Hall Street, Jamaica, New York 11433.

1. If the PAR is hand delivered, it must be received **no later than 35 days after the date the order was issued.** The date issued usually appears in the upper right-hand corner of the order.
2. If the PAR is mailed, it must be postmarked **no later than 35 days after the date the order was issued.** If you use a private postage meter and the envelope does not have an official U.S. Postal Service Postmark, the PAR must be received by the DHCR office **not later than 35 days after the order's issuance date**, or you will be required to submit other adequate proof (such as an official Postal Service receipt or certificate of mailing) that the PAR was mailed within the 35-day limit.

PARs filed after the time limit will be considered untimely and will be dismissed.

How to Obtain the PAR Form:

You may request the PAR form RAR-2 by coming to any DHCR Rent Office listed below or to the Office of Rent Administration's main office at Gertz Plaza, 92-31 Union Hall Street, Jamaica, New York 11433. You may also request that the form be mailed to you by calling (718) 739-6400. The form is also available on the website listed above. Please note that any delay resulting from mailed delivery of the form to you does not extend the time limit for filing the PAR.

DHCR Rent Offices

Lower Manhattan

25 Beaver St.
5th Floor
New York, NY 10004

Upper Manhattan

163 West 125th St.
5th Floor
New York, NY 10027

Brooklyn

55 Hanson Place
7th Floor
Brooklyn, NY 11217

Bronx

2400 Halsey St.
1st Floor
Bronx, NY 10461

Queens

92-31 Union Hall St.
6th Floor
Jamaica, NY 11433

Westchester County

75 South Broadway
3rd Floor
White Plains, NY 10601

