



**ORDER REDUCING RENT FOR
RENT STABILIZED TENANT(S)**

Mailing Address of Owner:

Hamdi Nezaj
Kosova Properties
2126 Muliner Avenue
Bronx NY 10462

Mailing Address of Tenant(s):

Gregory Scott
Apt 3A
83 Park Ter W
New York NY 10034

Subject Housing Accommodation:

Apt. No: 3A
83 Park Ter W
New York NY 10034

I. **FACTS:** The tenant(s) filed a complaint on 10/07/2015 based upon decreases in service(s). The owner was afforded an opportunity to respond by service of complaint on 10/23/2015.

II. **FINDINGS:** Based upon a complete review of the record, the DHCR finds:

SERVICES NOT MAINTAINED:
DOOR LOCK-CHAIN GUARD
WINDOW(S) APARTMENT-WIDE
KEY TO BLDG ENTR. DOOR

ADDITIONAL COMMENTS:

To: HAMDI NEZAJ
KOSOVA PROPERTIES
2126 MULINER AVENUE
BRONX NY 10462



State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Web Site: www.nyscr.org

Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433
(718) 739-6400

Docket Number
DV 410066 S
Issue Date
07/06/2016

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An inspection was conducted at the subject premises on April 26, 2015.

This inspection revealed the following:

Apt. Entry Door chain guard is defective/broken.

Kitchen window upper sash is fogged between panes.

Living Room (2) windows, left window upper & lower sashes and right window upper sash is fogged in between panes.

Master Bedroom (2) Windows, left window upper & lower sashes and right window upper sash are fogged in between the panes.

All of the above windows have poor visibility through them.

NOTE: The L/R left window lower sash & right window upper sash inner panes, Master B/R left window upper sash inner pane is cracked.

The owner is directed to fix the cracked panes within 30 days.

Based upon the owner's own admission, the keys to the buildings front entrance door was changed to a type that could not be duplicated without a special key card. As the tenants could make extra keys on their own previously, this is a decrease in service. The owner is advised that they should have filed a Modification of Services application with this Agency prior to the work being performed and the application must be filed before any request for a restoration of rent can be accepted.



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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, 11/01/2015, 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: 11/01/2015 - 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 PAR on DHCR form RAR-2, no later than 35 days after the issuance of this order. PARS filed after the time limit specified above will be considered late and will be dismissed. Call (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.



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Christopher Ducie

CHRISTOPHER DUCIE
Rent Administrator Issued: 07/06/2016

Attachment(s): NOTICE OF ADDITIONAL INFORMATION



NOTICE OF ADDITIONAL INFORMATION

I. ADDITIONAL INFORMATION

- (1) If the owner fails to make a refund of a retroactive reduction within thirty (30) days of the issue date of the referenced 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 PAR.
- (2) 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.
- (3) 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.
- (4) 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:
 - (i) 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.
 - (ii) 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.

II. NON-COMPLIANCE

If the owner fails to restore 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.

III. PENALTIES

If the owner fails to restore the service(s) as directed in the referenced order, then the DHCR may impose penalties & sanctions for each instance of non-compliance as follows:

- (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 provision 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).