

PHONE: (718) 721-5289
FAX: (718) 545-3566

P.O. BOX 5027
LONG ISLAND CITY, NY 11105

M. & L. Milevoi

Managing Agent

RECEIVED
PUBLIC SERVICE
COMMISSION
EXEC-FILES-ALBANY
2013 OCT - 7 AM 11: 03

October 1, 2013

Ms. Kathleen H. Burgess
Secretary to the Commission
3 Empire State Plaza
Albany, New York 12223

RE: Case 11-M-0710

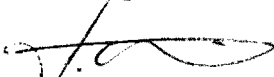
Dear Ms. Burgess,

We are writing to you in response to your September 27, 2013 letter. Please note that we are the managing agent/owner of the property 1849 Sedgwick Avenue, Bronx, New York.

This building is no longer a sub-metered building, and has been changed to direct metering as of 2010. We have attached copies from DHCR for your files.

If you have any questions, please call our office at 718 278-9476.

Best regards,



Mary Milevoi
M. & L. Milevoi



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

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

Docket Number:
 XE610020 OD

Order Granting Permission to Terminate Rent Inclusion of Electricity and Change from Master Metering to Direct Metering

Mailing Address of Tenant:

Various
 1849 Sedgwick Avenue
 Bronx, New York 10453

Mailing Address of Owner/Managing Agent:

M 1849 LLC
 c/o M & L Milevoi Management
 20-74 Steinway Street
 Astoria, New York 11105-1609

Subject Building: (If different from tenant's mailing address)

Same as above

Number and Street	Apt. No.	City, State, Zip Code
-------------------	----------	-----------------------

Applicable Regulations:

- Section 2202.21 of the Rent and Eviction Regulations (NYC-RC)
- Section 2522.4(d) of the Rent Stabilization Code (NYC-RS)

Determination:

After consideration of all evidence in the record, the Rent Administrator finds that the application to terminate rent inclusion of electric current should be granted. It is therefore ordered that:

The owner is permitted to convert from rent inclusion to rent exclusion of electric current by installing individual meters in the apartments or in the building; thereafter, the tenants will pay their own electric bills.

The owner was originally granted permission to submeter effective June 9, 2004 under Docket No. SB610004 OD. At that time the tenants were to be charged the same rate for electricity that the owner is charged by the utility as the owner was going to submeter electricity. The new application by the owner for direct metering will result in the tenants receiving their electricity and bill directly from the utility. Therefore, the rent adjustment attached hereto are effective the first rent payment date subsequent to the date the utility begins billing the tenants. It should be noted that the rent reductions listed in this Order are for direct metering and cannot be used in combination with the previously issued Order for submetering. The Order issued in docket No. SB610004 OD is hereby revoked.

Upon completion of the conversion, the rent adjustments are effective the first rent payment date subsequent to the conversion to individual metering. The adjustment amounts to be applied are on page 2 of this order or the most recent Operational Bulletin or update in effect.

After the conversion, all tenants are responsible for their own electric bills except those who, on the date of the conversion, are receiving a Senior Citizen Rent Increase Exemption (SCRIE) or a Disability Rent Increase Exemption (DRIE). For those tenants the rent is not reduced and the cost of electricity remains included in the rent, although the owner is permitted to install any equipment in such tenant's housing accommodation as is required for effectuation of the electrical conversion.

After the conversion, upon the vacature of the tenant, the owner is required to reduce the legal regulated rent or maximum rent for the housing accommodation in accordance with the schedule of rent reductions set forth in Operational Bulletin 2003-1 or any update thereto which is in effect at the time of the vacancy, and thereafter the tenant is responsible for the cost of his or her consumption of electricity, and for the legal regulated rent as reduced, including any applicable major capital improvement rent increase based upon the cost of work done to effectuate the electrical conversion if not already included in the rent. After the conversion, if a tenant ceases to receive SCRIE or DRIE benefits, the owner may reduce the rent and the tenant becomes responsible for electrical bills for the period in which the tenant is not receiving SCRIE or DRIE benefits. However, if the tenant is later reinstated in the SCRIE or DRIE program, the owner is required to eliminate the rent reduction and resume responsibility for the tenant's electric bills.

Additional Charges for Appliances

After the conversion, for every unit that becomes individually metered, the owner will not be permitted to collect any previously authorized appliance charges to offset the cost of electricity for operating appliances which consume large quantities of electricity (i.e., air conditioners), but will be permitted to impose any surcharge or other additional charge that is permitted for an individually metered building (i.e., charge for air conditioner extending beyond window line). The rent adjustments set forth below, along with the elimination of the authorized appliance charges, will be the only decreases in rent allowed and will not be followed by any additional decreases, except for any adjustments that are permitted for the protection of senior citizens or disabled persons as described above.

The number of rooms in an apartment is calculated in the same manner as major capital improvement rent increases – see Policy Statement 93-2.

SCHEDULE OF RENT REDUCTION

<u>New York City</u>	<u>Submetering</u>
1 Room	\$40.00
2 Rooms	\$50.00
3 Rooms	\$51.00
4 Rooms	\$60.00
5 Rooms	\$68.00
6 Rooms	\$75.00
Over 6 Rooms add	\$ 7.00 per room

If you believe this order is based on an error in law and/or fact, you may file a Petition for Administrative Review within 35 days of issuance of this order. Call (718) 739-6400 or visit your Borough Rent Office and request form RAR-2

AUG 24 2018

Issue Date

Lilia Albano

Lilia Albano
Rent Administrator

RO-70



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

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

Docket Number:
XE6100200D
AMENDED

ORDER AMENDING PREVIOUSLY ISSUED ORDER

Mailing Address of Tenant(s): Various Tenants 1849 Sedgwick Avenue Bronx, New York 10453	Mailing Address of Owner/Rep.: M 1849 LLC c/o M.L. MILEVOI 20-74 STEINWAY ST. ASTORIA NY 11105
--	---

Subject Premises: 1849 Sedgwick Avenue, Bronx, New York 10453

Number and Street	Apartment Number	City, State, Zip Code
-------------------	------------------	-----------------------

The Rent Administrator has reconsidered the record in the above-entitled proceeding and find that the order entered on August 24, 2010 under docket number XE6100200D should be **amended**.

Facts:

On February 9, 2004, the owner of the subject building filed an application before the Rent Administrator requesting authorization to terminate rent inclusion of electricity and change from master metering to sub-metering. By order dated June 9, 2004, under docket number **SB610004OD**, the Administrator granted the owner's application permitting the conversion from rent inclusion to rent exclusion of electric current by installing individual meters in the apartments or in the building. The tenants were, thereafter, responsible for paying their own electric bills. The tenants were to be charged the same rate for electricity that the owner was being charged by the utility - not to exceed the bulk rate (SC-8 or equivalent). The owner was also allowed to charge an additional fee for administrative purposes not to exceed \$4.00 per meter, per month.

As a condition of the order, the owner was directed to reduce the tenants' legal regulated rents as follows:

SCHEDULE OF RENT REDUCTION	
<u>New York City</u>	<u>Sub metering</u>
1 Room	\$30.81
2 Rooms	\$30.81
3 Rooms	\$35.27
4 Rooms	\$39.59
5 Rooms	\$44.06
6 Rooms	\$48.38
Over 6 Rooms	add \$ 4.39 per room

Subsequent to the issuance of the order numbered SB610004OD, the owner, on May 26, 2009 filed another application before the Rent Administrator, once again requesting authorization for modification of the electric service, this time seeking to terminate rent inclusion of electric current by changing from master metering to direct metering. The owner's application was granted on August 24, 2010, under docket number XE610020OD; the previously issued order (SB610004OD) was revoked and a new schedule of reductions were directed, as follows:

SCHEDULE OF RENT REDUCTION

<u>New York City</u>	<u>Sub metering</u>
1 Room	\$40.00
2 Rooms	\$50.00
3 Rooms	\$51.00
4 Rooms	\$60.00
5 Rooms	\$68.00
6 Rooms	\$75.00
Over 6 Rooms	add \$ 7.00 per room

By correspondence dated March 22, 2011, the owner/rep requested clarification of the situation as there was the uncertainty as to how the rent reductions were to be applied.

Determination:

Based upon the aforementioned, the Rent Administrator deems it appropriate to amend the order issued on August 24, 2010, under docket number XE610020OD, as follows:

The order issued on June 9, 2004 under docket number SB610004OD is terminated effective the first rent payment date subsequent to the conversion to individual metering, which is the same effective date of the reductions granted under docket number XE610020OD. Thus, the rent reductions granted under docket number SB610004OD expires on the same date the reductions granted under docket number XE610020OD commence. All other parts of the order remain in full force and effect.

This order supersedes the order previously issued on August 24, 2010 under docket number XE610020OD.

APR 22 2011

Issue Date



Lilia Albano
Rent Administrator



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 Operational Bulletin 84-1 governing PARs and 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 on the original of your PAR.

Time Limit for Filing a PAR:

The PAR must be either 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 lower left portion 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 Borough 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. 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 Street
5th Floor
New York, New York 10004

Bronx

1 Fordham Plaza
2nd Floor

Upper Manhattan

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

Queens

92-31 Union Hall St.
6th Floor

Brooklyn

55 Hanson Place
7th Floor
Brooklyn, NY 11217

Westchester

75 South Broadway
Suite 200

Order Pursuant To Owner's Application For An MCI Increase, Continued

A. Conditions

1. If a Rent Reduction Order is currently in effect for any apartment(s) in the building because of the owner's failure to provide or maintain services, any rent increase affecting such apartments, taking effect on or after the effective date of the rent reduction, will be non-collectible for such apartment(s) until a Rent Restoration Order has been issued. Also, the rent increase will be collectible only on a prospective basis, from the effective date of the rent restoration. That portion of any MCI Order starting before the effective date of the Rent Reduction Order is collectible by the owner.
2. In order to collect an increase granted by this Order during the current lease term:
 - a) the lease must contain a provision authorizing the collection of an increase by DHCR order; and
 - b) if the application for this increase was pending before the commencement date of a vacancy lease, the increase granted in this order is collectible only if such lease contains a specific provision that such application is pending and citing the basis for the application, and that any increase granted by the DHCR Order would take effect during the term of the lease.
3. If the tenant of a rent stabilized apartment moves from the building on or after the effective date of this Order, the owner may immediately charge the tenant the full increase for the time period when the tenant was in possession of the apartment under the Order.
4. A tenant who has a valid Senior Citizen Rent Increase Exemption (SCRIE) is exempt from that portion of the MCI increase which causes the rent to exceed 1/3 of the total household disposable income. If the MCI rent increase caused the rent of any senior citizen with a household income of \$28,000.00 or less to exceed 1/3 of the household income for the first time, the tenant may apply for a SCRIE to the NYC Department for the Aging by calling (212) 442-1000.

In New York City, a tenant may apply, if eligible, for a Disability Rent Increase Exemption (DRIE). The applicant with the disability must be named on the lease for the rent-regulated or cooperative/condominium apartment (where the mortgage is or once was federally insured under Section 213 of the National Housing Act). The tenant of a NYC rent controlled or rent stabilized apartment may apply for DRIE by filing an application with NYC Department of Finance DRIE Unit or by calling (212) 487-6736.

5. Tenants may be entitled to a pro-rated share of any tax abatement that may have been granted the owner for improvement(s) to the property. If entitled, the rents will be adjusted upon DHCR's receipt of such Notice from the Agency granting the tax abatement. These adjustments are not retroactive for rent controlled tenants.

B. Limitations

For Rent Stabilized Apartments, this Order permanently increases the Legal Regulated Rent. Collection of the rent increase, including arrears, is to begin on the date indicated on this Order.

In any 12-month period from the date of collectibility established by the Order, the collection of the permanent and temporary retroactive increase combined shall not exceed 6% of the rent listed on Supplementary 2 in any subsequent 12 month period. The permanent rent increase is to be collected first.

For Rent Controlled Apartments this Order permanently increases both the Maximum Base Rent and the Maximum Collectible Rent. Collection of the increase is to begin on the date indicated on this Order. In any 12-month period the rent increase shall not exceed 15% of the current rent as of the issue date of the Order, payable as of the next rent payment date. Any amount exceeding this limit will be allocated to future 12-month periods and shall not exceed 15%.

Subject to the above 6% limitation, the tenant may pay the retroactive increase (arrears) in equal monthly payments for each 12-month period or portion thereof. The owner cannot require the tenant to pay the retroactive increase in a lump sum. Any balance of less than \$1.00 per month may be collected in one lump sum.

The permanent increases collectible by this Order for Rent Stabilized and Rent Controlled Apartments are limited to 6% and 15% per year respectively. These limits include any MCI increase directed by any other DHCR Order currently in effect.