



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

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

Docket Number:
 (For office use only)

PETITION FOR ADMINISTRATIVE REVIEW (PAR)

This form is a petition to the Division of Housing and Community Renewal (DHCR) appealing an Order of a Rent Administrator. It must be completed, attached to a copy of the Order being appealed in accordance with the Instructions on Side Two of this form, and filed with DHCR.

Section A. Identification of the Order being appealed:

1. Case Docket No.: _____ 2. Date Order Issued: _____
 3. DHCR Issuing Office: Gertz Plaza Rent Office Westchester Rent Office Nassau Rent Office

Section B. Identification of premises involved in the Order:

4. Number and Street: _____ Apt. No.: _____ or Building-Wide
 Garden Apartment Complex Multi-building Complex
 City, State, Zip Code: _____

Section C. Identification of Petitioner:

5. _____
 Petitioner's Name
 () _____
 Daytime Telephone Number
 Petitioner's Mailing address

 Number and Street Apt. No.

 City, State, Zip Code

Identification of Petitioner's Attorney/Authorized Representative:

6. _____
 Name of Attorney/Authorized Representative
 () _____
 Daytime Telephone Number

 Mailing Address (No. and Street)

 City, State, Zip Code

7. Petitioner is the (check one): Owner Tenant Sub-tenant Authorized owner representative*
 Authorized tenant representative* Other _____
 (* A signed authorization must be attached) Managing Agent for Owner

Section D. Statement of Petitioner:

8. I, the undersigned, object to the Order identified in Section A above, and request that it be (check one):
 Reversed (cancelled completely) Modified (changed in part)
 9. I believe the error of fact and/or law in the Order being appealed is (attach additional sheet(s) if necessary):

Item 10. The names and addresses of all other parties affected by the Order being appealed are as follows: **Note:** If you are the tenant (or subtenant) or the tenant's representative, provide in the space below only the owner's (and the prime tenant's, if relevant) name and address. If more than one owner is involved or there is a new owner, provide this information for each owner. If you are the owner or the owner's representative, provide in the space below the names and addresses of all tenants and other parties (e.g., prior owner, subtenant) affected by the Order. Attach additional sheet(s) if necessary. Be sure to attach a complete copy of the Order being appealed.

| | | | |
|------|---------|------|---------|
| Name | Address | Name | Address |
| | | | |
| Name | Address | Name | Address |
| | | | |
| Name | Address | Name | Address |
| | | | |

Section E. Affirmation or Verification (You must complete either the verification or the affirmation. See instructions on the reverse side of this form before completing this section):

Affirmation (Does not require notarization):

I have read the foregoing petition and any attachments thereto and I affirm that the same is true to my own knowledge except as to those matters which I have stated to be based on information and belief, and as to those matters, I believe it to be true. False statements made in this petition may subject me to the penalties provided by law.

 Name of Petitioner (please print) Signature of Petitioner / Date

Verification (Requires notarization):

State of New York, County of _____) S.S.:

(Name of Petitioner) _____, being duly sworn, deposes and says: That he (she) is the petitioner in the foregoing petition; that he/she has read the foregoing petition, and any attachments thereto, and knows the contents thereof; that the same is true to his (her) own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters he (she) believes it to be true.

Sworn to before me this _____ day of _____, 20____. Signature of Petitioner (sign in presence of notary)

Instructions for completing and filing a Petition for Administrative Review (PAR)

Completing the Form

Please type or print clearly all information required. This will help us process your PAR more quickly. Since some of the information appears on the Order being appealed, you should have that Order available for reference when you complete the PAR. Attach a complete copy of the Order being appealed to the original of the PAR.

Section A

Item 1. Copy the case docket number which appears in the upper right corner of the Order.

Item 2. Copy the date of issuance which appears on the Order.

Item 3. Check the box for the issuing office which appears at the top of the Order.

Section B.

Item 4. Copy this information as it appears on the line marked "Building" on the Order.

Section C.

Enter the name, address, and telephone number of the person(s) filing this PAR in this section of the form. Also enter the name, address, and telephone number of any representative of the person(s) filing this PAR.

Note: If you are an attorney or other authorized representative of a party or parties to the PAR, you must attach a sheet containing the names, addresses and signed authorizations of all represented parties joining in the PAR, and complete the requested information. Proper authorization for a representative should contain the following language: "The undersigned, authorize(s) Mr./Mrs.Ms. _____ as our (my) representative in the filing of this petition for administrative review against the Order issued under docket number _____."

Name (Printed)

Signature

Address

Additionally, an attorney for, or another authorized representative of, a building- or complex-wide tenant organization, may file a PAR on behalf of all members of such organization. To do so, the attorney or representative must attach either a resolution of the organization authorizing such representative filing, or if an officer of the organization is empowered to authorize such representative filing, the authorization of such officer. In either case, a statement that the representative is filing on behalf of all members of the organization must be included, and a current roster of the organization's members must be attached.

Section D.

Item 8. Check the appropriate box to indicate whether you are requesting that the entire Order be cancelled, or that the Order be partially changed.

Item 9. Your objection must relate to what you believe to be **an error in the facts or procedures of the case, and/or error in the law** as applied by the Rent Administrator in the Order. This form may not be used to object to anything other than the Rent Administrator's Order. If you submit evidence or raise issues which were not submitted or raised before the Rent Administrator, you must show good cause why such evidence or issues are being submitted for the first time on appeal.

Item 10. This Item is self-explanatory.

(Items 9 and 10. If you need more space for your entries, attach additional sheets. **Make sure that each sheet contains the Case Docket Number and the Petitioner's name.)**

Section E.

You must either affirm or verify your statement. **False statements may subject you to the penalties provided by law.**

Affirmation: This does not require notarization. The Petitioner must sign and date the petition. The name of the petitioner must be printed in the indicated space.

Verification: This requires notarization. The petitioner must swear to the truth of the petition before a Notary Public or Commissioner of Deeds. **Pursuant to DHCR regulations, the petition must be either verified or affirmed.**

How to file a PAR

1. Use the correct form. PARs must be filed using DHCR form RAR-2 (9/00). PARs filed on other forms including letters will not be accepted.

2. Attach a complete copy of the Order being appealed to the original of the PAR. If refiled, attach a copy of the order rejecting your prior petition as well.

3. You must file an original plus one copy of the PAR (including all additional sheets) with DHCR at the Gertz Plaza address on the top of side one. You should also keep a copy for your files. An acknowledgment will be sent to you. Do not mail or deliver the PAR to any other DHCR location. Owners' PARs of orders affecting multiple tenants should include a sufficient number of copies for DHCR to serve upon each affected tenant. Owners are also required to submit a self-sticking 4" wide and 1" high mailing label addressed to each affected tenant, if there are multiple tenants.

Time limit for filing a PAR

1. If the PAR is hand-delivered to the address on the top of side one, it must be **received** no later than 35 days after the date the Order was issued. (The issuance date appears on 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 no later than 35 days after the Order's issuance date, or you must 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, as specified in items 1 and 2 above, will be considered late and will be dismissed.

Processing a PAR

When a completed PAR has been properly filed with DHCR, the Office of Rent Administration will send a copy of the PAR to all other affected parties. A DHCR form, which permits each party to answer the PAR and file the answer with DHCR, will be included. Copies of the answers will be sent to the Petitioner and all adversely affected parties. DHCR will then review the PAR and the answers, request additional information as necessary, and make a final determination. DHCR will inform all parties to the PAR of the final determination.

Unless DHCR determines the PAR within 90 days (or any extension) from the date the PAR was filed, the PAR may be "deemed denied" by the Petitioner, who may commence a proceeding in court under Article 78 of the Civil Practice Law and Rules, for judicial review of such "denial" of the PAR, within 60 days after the expiration of the 90-day period. The law also allows the person who filed the PAR to commence an Article 78 proceeding for judicial review of the Order determining the PAR within 60 days after the final Order is issued by DHCR. Since the Commissioner has determined that DHCR will issue a final PAR Order, despite the passage of the 90-day "deemed denial" period (or extension), it may be advisable to await that Order.