

# REGULATORY AGENDA

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## Division of Housing and Community Renewal

Pursuant to Section 202-d of the State Administrative Procedure Act (SAPA), the following Agenda sets forth a list and brief description of the subject matter of regulatory amendments to 9 NYCRR which the Division of Housing and Community Renewal (DHCR) is presently considering proposing during 2007.

The DHCR's regulatory plans are subject to change, and it reserves the right to add to, delete from, or modify items on the Agenda without further notice. SAPA Section 202-d does not preclude the DHCR from proposing a rule for adoption that is not described in this Agenda, nor is the DHCR required to propose any rule for adoption that is described in this Agenda.

This notice is also intended to provide small businesses, local governments, and public and private interests in rural areas with the opportunity to participate in the rule making process, as provided for in SAPA Section 202-b and 202-bb.

### AGENCY CONTACT PERSON:

Information may be obtained, and written comments may be submitted for consideration, by contacting:

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### OFFICE OF COMMUNITY DEVELOPMENT

#### 9 NYCRR 2040. LOW INCOME HOUSING CREDIT QUALIFIED ALLOCATION PLAN

Revise, clarify and update project selection criteria and scoring categories.

### OFFICE OF HOUSING OPERATIONS

#### 9 NYCRR 1630. INSURANCE

Increase public liability insurance coverage required for housing projects constructed under loan and subsidy contracts, and reflect the current address of the Division.

#### 9 NYCRR 1725. GENERAL ADMINISTRATION

Interested board members and other principals. Strengthen the regulation concerning conflict of interests by establishing standards for determining when board members of mutual companies would be prohibited from participating in votes to approve, renew, or affect a contract.

Unauthorized payments. Strengthen the regulation prohibiting persons associated with housing companies from receiving gifts or other payments by expanding the prohibition to cover gifts or payments in relation to contracts or proposed contracts.

#### 9 NYCRR 1727. OCCUPANCY

Eviction of Tenants for Cause. Clarify the regulation concerning grounds and procedures for eviction of tenants for cause by providing that a housing company may proceed directly in court unless the Commissioner determines that in a particular case or category of case the housing company is required to apply to the Commissioner for a certificate of no objection, permitting a housing company to collect rent while such application is pending, providing for service of a notice to cure and notice of termination, and adding a specific ground for termination following denial of the right to succession.

Occupancy Standards. Conform occupancy standards to DHCR policies and update it to reflect appropriate housing standards.

#### 9 NYCRR 1725-1750

Commence a comprehensive review of the Manual for Housing Companies NYCRR Parts 1725 through 1750 to identify provisions that have become obsolete, require revision, and to identify new areas that need to be created that would benefit the regulated parties or aid DHCR in fulfilling its statutory and regulatory responsibilities.

### OFFICE OF RENT ADMINISTRATION

#### 9 NYCRR 2503 ADJUSTMENTS

Owners and tenants may apply for an adjustment of the initial legal regulated rent based on unique and peculiar circumstances when a unit first enters the rent stabilized program under the Emergency Tenant Protection Act. However, previous regulation under the Private Housing Finance Law or other State or Federal regulation does not, in and of itself, constitute unique and peculiar circumstances. Any economic loss predicated by an owner's withdrawal from such prior alternative governmental regulation can be addressed through the filing of a hardship application.

#### 9 NYCRR 2522 RENT ADJUSTMENTS

Owners and tenants may apply for an adjustment of the initial legal regulated rent based on unique or peculiar circumstances when a unit first enters the rent stabilization program. Previous regulation under the Private Housing Finance Law (PHFL) or other State or Federal regulation does not, in and of itself, constitute unique and peculiar circumstances. Any economic loss predicated by an owner's withdrawal from such prior alternative governmental regulation can be addressed through the filing of a hardship application.

