

George E. Pataki  
Governor



Judith A. Calogero  
Commissioner

**New York State Division of Housing and Community Renewal**  
**Office of Rent Administration**  
Gertz Plaza  
92-31 Union Hall Street  
Jamaica, NY 11433

November 29, 2006

In your November 16, 2006 E-Mail to Michael Rosenblatt, you ask whether a Rent Stabilized tenant would remain protected if an owner makes alterations to the subject building which reduce the number of units to less than six. In your November 17, 2006 E-Mail you specified that the building is an SRO which the owner alters to two or three units and ask whether a Stabilized tenant who remains in the building would retain his or her Stabilized status.

The answer is "yes." That is, alterations to a Stabilized building which merely reduce the number of units from six or more to five or less will not destabilize the building or deprive any tenant of his or her protections under the Rent Stabilization Law. The fact that the building is an SRO will not change this result. See Rent Stabilization Code (RSC) Section 2520.11(d).

I hope this letter has addressed your concerns. However, please be advised that this opinion letter is not a substitute for a formal agency order issued upon prior notice to all parties, such parties having been afforded the opportunity to be heard.

Very truly yours,

A handwritten signature in black ink, appearing to read "GF", written over a horizontal line.

Gregory Fewer, Director  
Policy and Legislative Liaison Unit

GF/mga

COL - 2140