



NEW YORK STATE  
**DIVISION OF HOUSING AND COMMUNITY RENEWAL**  
OFFICE OF RENT ADMINISTRATION  
GERTZ PLAZA / 92-31 UNION HALL ST.  
JAMAICA, NY 11433

GEORGE E. PATAKI, GOVERNOR  
JOSEPH H. HOLLAND, COMMISSIONER

September 14, 1995

This is in response to your letter dated July 6, 1995, to Nathaniel Geller concerning the replacement of owner supplied appliances by the tenant without the permission of the owner.

An owner may not decrease services which were provided or required to be provided on the applicable "base date," without the approval of DHCR. Appliances, such as air conditioners, supplied by the owner on the "base date" are "Required Services." The owner must maintain all such equipment in good working order. Defective equipment must be repaired or replaced. If the defective item cannot be repaired, the owner does not have to replace it with a brand new appliance, but may replace it with a used appliance that is in good working order.

Since the owner is responsible for maintaining such services or equipment, the tenant cannot act unilaterally to replace the equipment. The tenant must receive permission from the owner by entering into a mutual, consensual agreement.

However, upon the owner's failure to repair or replace the defective appliance or to consent to the tenant's replacing it by a tenant owned appliance, the tenant may institute a proceeding for reduction of the rent based upon a reduction in services with the DHCR.

I trust that I have responded fully to your inquiry.

Please be advised that this opinion letter is not a substitute for a formal agency order issued upon prior notice to all parties and having afforded all parties an opportunity to be heard.

Sincerely,



Arthur Shulman  
Director, Research & Analysis

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