



**Notice of Certification of Overcharge Penalties**

**Mailing Address of Tenant:**

Name: \_\_\_\_\_  
 Number and Street: \_\_\_\_\_ Apt. No.: \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_

Re: Docket No.: \_\_\_\_\_  
 Order No.: \_\_\_\_\_  
 Date Order Issued: \_\_\_\_\_

**Subject Building:**

Number and Street \_\_\_\_\_ Apt. No. \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_

**TENANT PLEASE TAKE NOTICE:**

The owner of your building has been directed to pay you the amount of the penalty as set forth in the Administrator's Order as referenced above.

The owner must pay you this penalty within thirty-five (35) days of the issuance date of the Administrator's Order, unless he or she has served you and filed with the Division a Petition for Administrative Review (**PAR**) of the Administrator's Order. If you have been served with or notified by the Division that a **PAR** has been filed, you should await the decision of the Commissioner before submitting this Notice. Thereafter you may file the certified copy of the Order as a judgment for the amount specified therein, or as adjusted by the **PAR**, pursuant to the instructions below, unless the owner commences a proceeding for judicial review pursuant to Article 78 of the **CPLR** within sixty (60) days of issuance of the **PAR** Order & Opinion.

If thirty-five (35) days have elapsed and you have neither received a **PAR** from the owner nor been notified by this office that a **PAR** has been filed, you should do the following: Mail this Notice to **DHCR** at the address indicated above. It will be returned to you with specific information marked on the reverse side of this form, in either **Part A** or **Part B**.

1. If **Part A** is completed, this means that the review requested by the owner is still in progress; you must wait for further notification from **DHCR** as to the decision and further action to be taken.
2. If **Part B** is completed, this means that the dollar amount of the penalty is final. **DHCR** will certify one of the following: that the owner did not file a **PAR** within the specified time period; that a **PAR** was filed which was dismissed/denied, or modified the Administrator's Order (specific changes are described on reverse side); that the owner did not request court review within the specified time period; that the court dismissed the petition for review; or that the court entered a judgment changing the Order, in which case specific changes are described on reverse side.

You may then take either, but **not both**, of the following steps to obtain the amount awarded:

- a. Deduct from each of your future monthly rent payments an amount not more than twenty percent (20%) of the authorized penalty, as upheld or as changed by the **PAR** or court Order until you have deducted the total amount of the authorized penalty;

**or**

- b. Complete and sign the Tenant's Affidavit (**Part C of the returned Form**) before a Notary Public. Then proceed to file this Notice, together with the certified copy of the overcharge Orders, with the County Clerk of the county in which your building is located in the same manner as a judgment for the full amount of the authorized penalty.

**If you have already sent DHCR a request for information on this Administrator's order, and have received a reply with information and instructions, please do not mail this Notice as a new request.** Should you have further questions, please contact the **Division's Information Unit** at the address indicated above. When communicating about this matter, please refer to the Order and Docket Number as indicated in the upper right hand section of this page.

For Completion by the Division of Housing and Community Renewal

(Only applicable portions are marked and completed)

**Part A - Notice of Pending Proceeding for Judicial Review**

- 1.  On \_\_\_\_\_ a judicial proceeding under CPLR Article 78 was instituted to review the Order referred to on the reverse of this form. You will be notified by DHCR when the PAR Order becomes final. For status of the Judicial review proceeding, contact the DHCR Office of Legal Affairs.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Part B - Divison of Housing and Community Renewal Certification**

It is hereby certified: (Applicable items are marked)

- 1.  That more than thirty-five (35) days have expired from the issuance date of the Administrator's Order in this proceeding, and the DHCR has not been served with a Petition for Administrative Review (PAR). Accordingly, the owner is precluded from challenging said Order in an CPLR Article 78 judicial proceeding.
- 2.  That the \_\_\_\_\_ did file a PAR to review the Administrator's Determination in this proceeding and on \_\_\_\_\_ the Commissioner issued an Order and Opinion denying the PAR.
- 3.  That upon the \_\_\_\_\_ PAR, the Commissioner issued an Order and Opinion which changed the penalty awarded in the Administrator's Order as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 4.  That more than sixty (60) days have expired from the issuance date of the Order and Opinion deciding the PAR on \_\_\_\_\_, and the DHCR has not been served with notice of a CPLR Article 78 judicial proceeding to review the Order and Opinion.
- 5.  That a CPLR Article 78 judicial proceeding was commenced by the \_\_\_\_\_ to review the Order and Opinion in this proceeding, and on \_\_\_\_\_, a judgment was entered by the Supreme Court dismissing the \_\_\_\_\_ petition.
- 6.  That judgment was entered on \_\_\_\_\_, by the court in the CPLR Article 78 judicial proceeding changing the penalty awarded in the Order and Opinion as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Certification: \_\_\_\_\_

For Completion by Tenant (below)

**Part C - Tenant's Affidavit**

State of New York

County of \_\_\_\_\_

\_\_\_\_\_ being duly sworn deposes and says: I am the tenant in this administrative proceeding. No payment of the penalty has been received by me in cash or as an offset against rent payments as directed in the Order, a certified copy of which is attached. WHEREFORE, I respectfully request that the Order be entered as a judgment against the owner for the amount directed to be paid as a penalty in said Order and Determination.

Sworn to me

this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Notary Public or Commissioner of Deeds