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**NEWS RELEASE**

**FORMER MITCHELL-LAMA TENANTS NOT SUBJECT TO MARKET RENTS**  
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Thousands of tenants in former “Mitchell-Lama” buildings will be protected from having their rents increased to market levels thanks to a recent decision by the Appellate Division, First Department, *Columbus 95 v. DHCR v. Columbus House Tenants Association*. Himmelstein, McConnell, Gribben, Donoghue & Joseph (HMGDJ) represented the Columbus House Tenants Association as well as eight other Tenants Associations whose members will benefit from the ruling: Columbus Manor and New Amsterdam/Axton in Manhattan and Janel Towers, Boulevard I Towers, Noble Mansion, Undercliff, Bruckner and Highbridge in the Bronx.

The owner of a Columbus House, a former Mitchell-Lama on the Upper West Side applied to the DHCR for rent increases to market rents under the “unique or peculiar” provision of the Rent Stabilization Law. After the application was filed, the New York State Division of Housing and Community Renewal (DHCR) adopted a new regulation which said that having been in the Mitchell-Lama program is not a “unique or peculiar” circumstance that could be the sole basis of such rent increases.

The owner challenged the code provision as being contrary to the Rent Stabilization Law. The Supreme Court, in a decision by Hon. Alice Schlesinger, found that the new DHCR regulation was valid and that the rent laws never authorized such increases. The Appellate Division agreed. “This decision will protect thousands of former Mitchell-Lama tenants from enormous rent increases that would have forced many of them from their homes” said HMGDJ’s David Hershey-Webb, a partner at the firm who argued the case before the Appellate Division.