

1009. Basis for Re-determination of Permissible Rent Level

The permissible rent level reflected in the certificate is the final decision of the Board unless appealed pursuant to Regulation 1007. A landlord or tenant who wishes to contest the permissible rent level after the appeal period has expired shall file a statement of the basis for re-determination on a Board form in addition to the Appeal. The permissible rent level may be re-determined only upon a showing of (a) fraud or misrepresentation, including the Board's failure to accurately reflect a prior certification or individual rent adjustment decision, (b) a failure to receive notice as required by law, or (c) where a vacancy occurred during the appeal period. ***A landlord's failure to provide full and accurate information on a Vacancy Registration form regarding the circumstances of the termination of a prior tenancy constitutes intentional misrepresentation.***