

282 A.D.2d 262

(Cite as: 282 A.D.2d 262, 722 N.Y.S.2d 864)

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Sessler v. New York State Div. of Housing and
Community Renewal
282 A.D.2d 262, 722 N.Y.S.2d 864
N.Y.A.D.,2001.

282 A.D.2d 262722 N.Y.S.2d 864, 2001 WL
361718, 2001 N.Y. Slip Op. 03112

In the Matter of John Sessler, Appellant,
v.

New York State Division of Housing and Com-
munity Renewal, Respondent, and M. Freile Fleet-
wood, Intervenor-Respondent.
Supreme Court, Appellate Division, First Depart-
ment, New York

(April 10, 2001)

CITE TITLE AS: Matter of Sessler v New York
State Div. of Hous. & Community Renewal

Order, Supreme Court, New York County
(Nicholas Figueroa, J.), entered December 28,
1999, which denied petitioner tenant's application
to annul respondent Division of Housing and Com-
munity Renewal's determination denying his rent
overcharge complaint, unanimously affirmed,
without costs.

Respondent properly refused to consider the rent
history of the subject apartment beyond the four-
year period measured from petitioner's commence-
ment of the rent overcharge proceeding on March
31, 1997 (Rent Stabilization Law of 1969
[Administrative Code of City of NY] § 26-516 [a]
[2]; CPLR 213-a). It does not avail petitioner that
the last rent registration statement filed by the land-
lord prior to the commencement of the rent over-
charge proceeding was in 1989, two years before
petitioner took occupancy in July 1991, where the
record does not support petitioner's claim of equit-
able estoppel (see, *Matter of Brinckerhoff v New*

York State Div. of Hous. & Community Renewal,
275 AD2d 622, appeal dismissed96 NY2d 729). We
have considered and rejected petitioner's other ar-
guments.

Concur--Rosenberger, J. P., Ellerin, Wallach, Lern-
er and Rubin, JJ.

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York

N.Y.A.D.,2001.

Matter of Sessler v New York State Div. of Hous.
& Community Renewal

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