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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 177 SSM 13
In the Matter of Kelley S. Boyd,
Respondent,
v.
New York State Division of
Housing and Community Renewal, et
al.,
Appellants.

Submitted by Jack Kuttner, for appellant New York State
Division of Housing and Community Renewal.

Submitted by David I. Paul, for appellants 232/242
Realty Co. LLC et al.

Submitted by Kenneth N. Rosenfeld, for respondent.
Association for Neighborhood and Housing Development et
al.; CAMBA Legal Services; Bill Perkins et al.; Letitia James et
al., amici curiae.

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On review of submissions pursuant to section 500.11 of the Rules,
order reversed, with costs, judgment of Supreme Court, New York
County, reinstated, and certified question answered in the
negative. New York State Division of Housing and Community
Renewal's determination denying tenant's petition for
administrative review was not arbitrary or capricious, as tenant
failed to set forth sufficient indicia of fraud to warrant
consideration of the rental history beyond the four-year
statutory period (see Matter of Grimm v State of N.Y. Div. of
Hous. & Community Renewal Off. of Rent Admin., 15 NY3d 358,
366-367 [2010]). Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott, Rivera and Abdus-Salaam concur.

Decided June 26, 2014