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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 215 SSM 14  
In the Matter of the 60 East 12th  
Street Tenants' Association, et  
al.,

Appellants,

v.

New York State Division of  
Housing and Community Renewal, et  
al.,

Respondents.

(And Another Proceeding.)

Submitted by Seth A. Miller, for appellants.

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

Submitted by Jeffrey Turkel, for respondent 12 Broadway  
Realty LLC.

The Urban Justice Center, amicus curiae.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules  
(22 NYCRR 500.11), order affirmed, with costs, and certified  
question answered in the affirmative. The Appellate Division did  
not err in permitting respondent New York State Division of  
Housing and Community Renewal to address on remand the  
application of respondent 12 Broadway Realty, LLC for a claimed  
major capital improvement rent increase based on resurfacing work  
consistent with the Appellate Division decision. Chief Judge  
DiFiore and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and  
Garcia concur.

Decided September 15, 2016