



---

**MEMORANDUM**

---

TO: REF Review Attorneys, Paralegals  
Law Students

FROM: Mary Sabatini DiStephan *MSD*

RE: Final Deficiency Letters

DATE: 8/6/87

---

Please let me see all final deficiency letters before sending them out to sponsors' attorneys.

When the reason for the final deficiency letter is an excessive long-term vacancy problem please indicate the specific count which made the vacancy greater than 10% and also refer to the second part of the statute and explain that the vacancy also exceeds twice the normal average vacancy rate for that building or group of buildings.

The regulation does not make any provision for notification of tenants in the situation where a plan is finally rejected by the Department of Law. (We hope to amend the regulation to correct this deficiency.) 13 NYCRR Section 18.1(o) only requires the sponsor to send written notice to offerees in the case of withdrawals, terminations or abandonments (the same situations in which RS-3 forms are requested to be filed). In the meantime, all final deficiency letters should include the following paragraph:

"Sponsor shall send written notice to all offerees of this rejection by the Department of Law by serving all tenants with a copy of this letter within ten days of the date of this letter."

MSD:kd

A  
V  
2