



MEMORANDUM

TO: Review Attorneys

DATE 11-14-85

FROM: Nancy Kramer
Mary Sabatini DiStephan *MSD*

RE: Excessive Long-Term Vacancy Issue

It has become increasingly clear to us that the excessive long-term vacancy issue should be the first issue addressed by the reviewer of a conversion plan for an occupied building that falls within General Business Law §§ 352-eee 2(e) or 352-eeee 2(e). Since the statute gives the Attorney General no discretion on this issue, we cannot accept any plan subject to one of these provisions where the Sponsor fails to demonstrate that there are not excessive long-term vacancies. It is therefore fruitless to spend time reviewing the rest of the plan if this problem exists. Furthermore, it is unfair to sponsors to urge them to correct other (correctable) deficiencies if we must ultimately reject the plan on this ground.

Therefore, please be sure to satisfy yourself on the long-term vacancy issue before looking at the other parts of any plan which requires a finding of no excessive long-term vacancies.

/va