



# Some things you should know...

## When must my landlord provide heat to my apartment?

From October 1 through May 31 your landlord must provide heat as follows: during the day (6 a.m. to 10 p.m.), if the temperature outside is below 55 degrees, your apartment must be heated to at least 68 degrees. At night, if the temperature outside is below 40 degrees, your apartment must be heated to at least 55 degrees. If your landlord fails to provide heat or hot water, keep a detailed daily record of this lack of service. For lack of heat, be sure to record the temperature outside and inside. If your records are to be submitted as evidence of lack of service, be sure to keep copies for yourself.

## What if my landlord doesn't provide heat?

The law now allows tenants to purchase fuel for themselves when the landlord fails to provide heat. The amount paid by each tenant can then be deducted from the monthly rent payment. An application for rent reduction can be obtained from the NYS DHCR Office of Rent Administration. Be sure to follow the procedure set forth in the application.

## How much security deposit do I need to give?

Security deposits of no more than one month's rent may be retained by your landlord. In most cases, any additional security

deposit taken by the landlord must be refunded. However, for some rent-stabilized tenants, if you deposited more than one month's rent before the apartment became regulated, you may be required to maintain a greater security deposit. **If your building has more than six apartments**, the owner must place the security deposit in an interest-bearing account and pay interest at the prevailing rate minus a service charge of one percent of the security deposit.

## Are there any special exemptions for senior citizens?

Senior citizens may be eligible for rent increase exemptions. If you are at least 62 and pay more than one-third of your income for rent, you may be eligible for a rent increase exemption, depending on your income. Currently, your household income must be no more than \$27,000 a year. This income amount includes social security benefits but not income and social security taxes. When you receive the exemption, in most cases you will not have to pay any further increases that raise your rent to more than one-third of your income. **You must recertify the exemption every 2 years.** Applications for the rent exemption are available at my community office and at most senior citizens centers. When it is time for benefit renewal, the city should automatically mail you an application 30 days in advance.

Individuals with disabilities who receive certain forms of State or Federal disability-related financial assistance may be eligible for a disability exemption (Disability Rent Increase Exemption-DRIE). There are very specific eligibility requirements. For more information contact your housing authority or community office.



Courtesy of...

Assemblyman

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# IF YOU PAY RENT



Facts about  
Rent Stabilization & Control  
for NYC residents

Courtesy of...  
Assemblyman  
Marcos A. Crespo

## Important Telephone Numbers

New York City Housing Authority  
(212) 306-3000

New York State Division of  
Housing and Community Renewal  
(866) ASK-DHCR (275-3427)  
DHCR Rent Infoline  
(718) 739-6400

New York City Citizen Service Center  
311  
or  
Outside New York City  
(212) NEW YORK (639-9675)  
TTY (212) 504-4115

New York State Assembly, Albany, NY 12248

# Rent Stabilized or Rent Controlled?

## ● Rent Controlled

Your apartment is probably rent controlled if your building was constructed before 1947, contains three or more apartments, and you moved in before July 1, 1971, although there are exceptions.

## ● Rent Stabilized

Your apartment is probably rent stabilized if your building contains at least six apartments and:

- a) was constructed between 1947 and 1973, or
- b) was built before 1947 and you moved in after June 30, 1971.

There is usually no rent stabilization for buildings constructed on or after January 1, 1974 unless the building has been assisted by tax exemption.

## How can I find out if my apartment is rent stabilized or rent controlled?

You can file a form with the Division of Housing and Community Renewal (DHCR) District Rent Office to find out if your apartment is rent controlled and to confirm your legal rent. These forms, and assistance in filling them out, are available at my community office.

The DHCR administers the Rent Stabilization and Rent Control systems. Landlords are required to register the rents and services of all stabilized apartments with DHCR and serve a copy of the apartment's registration statement to each tenant. To find out whether your apartment is rent stabilized or rent controlled, contact your local DHCR District Rent Office.

## If your apartment is Rent Stabilized...

The guidelines are established annually and apply to leases entered into between October 1 and the following September 30. They provide increases for one or two year renewal. The Rent Stabilization Law provides a formula for calculating the rent for a vacancy lease. Special guidelines apply to apartments which were formerly rent controlled and are being rented to the first rent stabilized tenant. Special provisions are often made for loft dwelling units, low-rent units, rent-stabilized hotel units and other unusual circumstances. Please call your local DHCR District Rent Office for specific information on current guidelines.

### Can I have a roommate?

You are legally entitled to have a roommate. You may share your apartment with a person who has not signed the lease. When you sign a lease, if you are the only named tenant, you are entitled to share your apartment with immediate family, one additional occupant who is not a member of your immediate family and any dependent children of that occupant. These provisions are applicable to all leases, regardless of any lease provisions to the contrary.

### What are my rights when I renew my lease?

Except in limited cases, you have a right to have your lease renewed when it expires if you live in a rent-stabilized apartment. The landlord must offer to renew your lease 90 to 150 days before it expires. You then have 60 days in which to accept. If the landlord is late in making the renewal offer, you have the right to remain in your apartment at the same rent until he/she has made an offer and you have had 60 days in which to respond. You have the right to renew your lease for one or two years, depending upon your preference.

When you renew, your new lease must be on the same terms and conditions as the previous lease, except for the rent increase. Leases signed after September 1975 cannot prohibit you from subletting, even if you are renewing a previous lease which contained such a provision. However, special procedures must be carefully followed if you wish to sublet your apartment. For more information about subletting, please call my community office.

### What if I move into an apartment that used to be rent controlled?

If you are moving into an apartment that was previously covered by rent control, the landlord can charge the "market" rent, but you may challenge the amount if you feel it is excessive. The appeal process is complex and you should consult your local DHCR District Rent Office about what procedure to follow.

## If your apartment is Rent Controlled...

### How much is my rent?

The State places a limit on your apartment's rent. Except in certain cases, the rent you are required to pay is officially referred to as the Maximum Collectible Rent (MCR). There may also be rent increases for improvements in your apartment (which you must approve), improvements to the building as a whole (which do not require your consent), labor cost increases and fuel cost increases. A rent-controlled apartment must be painted at the landlord's expense at least once every three years.

### Can my landlord raise my rent?

Your rent may be increased by a maximum of 7.5% each year; but should not exceed your Maximum Base Rent (MBR). The MBR is revised every two years to reflect increases in operating costs. Landlords will not be eligible for the MBR increase if they failed to remove 100% of all rent-impairing violations and 80% of all other violations on record six months before the effective date of the increase.

### What if my landlord increases my rent?

If the above requirements are not being met and the landlord still receives authorization for the MBR increase, you must challenge the increase within 35 days following receipt of the Order of Eligibility. Forms for this challenge are available at my community office and the DHCR District Rent Office.

Do not pay an increase unless you receive notification, including both a notice from your landlord and a copy of the Order of Eligibility sent to the landlord by the State. Check your landlord's figures to be sure that your new rent (MCR) is not more than 7.5% higher than the previous rent, and also that the new rent is no higher than the rent ceiling (MBR). If you are being overcharged, challenge the increase immediately. You are eligible to recover damages equal to three times the amount of any willful overcharge if you filed a complaint with the DHCR within two years of the overcharge.

### What are "increased labor costs" and "fuel cost adjustment"?

Increased labor costs caused by labor contract settlements may result in the granting of rent increases for some rent-controlled apartments. These increases are in addition to the annual 7.5% increase.

A fuel cost adjustment is periodically approved by the State to cover the increased cost of fuel for rent-controlled apartments. These fuel surcharges are not incorporated into the rent when determining rent increases. If the price of fuels has decreased in the preceding year, your fuel surcharge should also decrease. Check with your DHCR District Rent Office to find out if a fuel surcharge has been approved for this year.

Tenants may pay the retroactive amount of a fuel surcharge all at once or one month at a time. Senior citizens with valid rent increase exemptions do not have to pay the increase. If you wish to protest your fuel pass-along because you are being charged for too many rooms, or because you didn't get heat last winter, pick up a "Tenant's Challenge to Landlord's Report and Certification of Fuel Cost Adjustment and Eligibility" form at your local DHCR District Rent Office.

### Can I have a roommate?

You are legally entitled to have a roommate share your apartment even if he/she was not an original tenant in the apartment. You are entitled to share your apartment with immediate family, additional occupants who are not members of your immediate family, and any dependent children of those occupants.