**Frequently Asked Questions**

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

For buildings with at least three rental units, from Oct. 1 through May 31, heat must register at least 68 degrees Fahrenheit from 6 a.m. to 10 p.m. when the outside temperature falls below 55 degrees. Between 10 p.m. and 6 a.m., heat must register at least 62 degrees Fahrenheit, regardless of the temperature outside. If your landlord fails to provide heat or hot water, keep a detailed daily record of this lack of service, including the temperature outside and inside. If your records are to be submitted as evidence, be sure to keep copies for yourself.

**What if my landlord doesn’t provide heat?**

Tenants are allowed 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. Visit www.hcr.ny.gov to obtain an application for rent reduction from New York State Homes & Community Renewal.

**How much money do I need to give for a security deposit?**

Security deposits are limited to an amount equal to one month’s rent and must be refundable. If a building has more than six units, the owner must place the security deposit in an interest-bearing account and pay the tenant the full annual interest minus a service charge of 1 percent of the interest generated on the security deposit. When the tenant vacates his or her unit, the owner must return the security deposit in full, minus any reasonable deductions for damage beyond normal wear and tear.

**Are there any special exemptions for senior citizens or the disabled?**

Elderly or disabled tenants may be eligible for rent increase exemptions through the Rent Increase Exemption program. Applications are available at my district office and at most senior centers.

If you are at least 62 and pay one-third or more of your income for rent, you may be eligible for the Senior Citizen Rent Increase Exemption (SCRIE). To qualify, your total household income must be no more than $50,000 a year. Your rent is frozen at its current level and you will not have to pay any further increases as long as you remain in the program. You may also apply for the Disability Rent Increase Exemption (DRIE) program, which provides a similar exemption from rent increases. The income and rent burden requirements to qualify are the same as for SCRIE.

For more information on SCRIE or DRIE, visit NYC Finance at www.nyc.gov/finance and type the name of the program in the search box.

**Facts about rent stabilization & control for NYC residents**

The New York City Rent Stabilization Law was enacted in 1987 to provide protections for tenants in a time of drastic office and most increases. The law applies to buildings of 16 units or more, as well as some small buildings. It establishes a system of rent increase controls and protections for tenants.

The law also establishes a right to counsel for tenants facing eviction or rent increases.

For more information, visit www.nyassembly.gov or contact my district office.

**Contact Information**

**New York State Homes & Community Renewal**
- 718-739-6400
- www.hcr.ny.gov

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

**Speaker of the Assembly**
- Carl E. Heastie
- www.nyassembly.gov
Rent-controlled
Your apartment is probably rent-controlled if your building was constructed before February 1, 1947, contains three or more apartments and you’ve lived there continuously since before July 1, 1971. Once vacated, rent-controlled apartments either become market rate or become rent-stabilized.

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

- was constructed between Feb. 1, 1947, and Jan. 1, 1974, or
- was built before Feb. 1, 1947, and you moved in after June 30, 1971.

There is usually no rent stabilization for buildings constructed on or after Jan. 1, 1974, unless the building has been assisted by tax benefits or other government assistance.

Note: There are exceptions to both of these general categories.

How can I find out if my apartment is rent-stabilized or rent-controlled?
You can submit a form with New York State Homes & Community Renewal (HCR) by visiting www.hcr.ny.gov to find out if your apartment is rent-controlled or rent-stabilized and to confirm your legal rent. These forms, and assistance filling them out, are also available at my district office.

HCR administers the rent-stabilization and rent-control programs. Landlords are required to annually register the rents and services of all rent-stabilized apartments with HCR and serve a copy of the apartment’s registration statement to each tenant.

If your apartment is rent-stabilized...
The rent guidelines are established annually and apply to leases entered into between Oct. 1 and the following Sept. 30. They provide increases for one- or two-year renewals. The rent-stabilization laws provide a formula for calculating the rent of a vacancy lease. Special guidelines apply to apartments that were formerly rent-controlled and are being rented to the first rent-stabilized tenant. Special provisions are often made for low-rent units, rent-stabilized hotel units and in other circumstances. Other laws cover many loft units that are being converted from manufacturing to residential use. Please call your local HCR office for specific information on current guidelines.

Can I have a roommate? You are legally entitled to have a roommate, and you may share your apartment with a person who has not signed the lease. When you sign a lease as the only named tenant, you’re entitled to share your apartment with immediate family, one additional occupant who is not a member of your immediate family and any dependents 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 expired lease renewed 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 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 your landlord has made an offer and you have had 60 days to respond. You have the right to renew your lease for one or two years. When you renew, you have the right to lease with the same terms and conditions as the previous lease, except for any rent increase or if any other changes are required by law. Leases signed after September 1975 cannot prohibit you from subletting, even if you are renewing a previous lease that contained such a provision. However, special procedures must be carefully followed if you wish to sublet your apartment. For more information about subletting, please visit www.hcr.ny.gov or call your local office.

What if I move into an apartment that used to be rent-controlled? If you’re moving into an apartment that was previously rent-controlled, the landlord can increase the rent, but if your apartment has become rent-stabilized, you may challenge the amount if you feel it’s excessive. You should consult your local HCR office about the manner in which the apartment was decontrolled and what course of action can be taken.

If your apartment is rent-controlled...
Can I have a roommate? You are legally entitled to have a roommate share your apartment even if he or she was not an original tenant on the lease. You are entitled to share your apartment with immediate family, one additional occupant who is not a member of your immediate family and any dependents of that occupant.

How much is my rent? New York 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) and labor cost increases. A rent-controlled apartment must be painted at the landlord’s expense at least once every three years.

How can I find out if my apartment used to be rent-controlled? Your apartment is probably rent-stabilized if your building was constructed before February 1, 1947, contains three or more apartments and you’ve lived there continuously since before July 1, 1971. Once vacated, rent-controlled apartments either become market rate or become rent-stabilized.

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 may challenge the increase within 35 days of receipt of the Order of Eligibility. Forms for this challenge are available at my district office and HCR. Do not pay an increase unless you receive notification, including both a notice from your landlord and a copy of the Order of Eligibility. These forms, and assistance filling them out, are also available at my district office.

What are “increased labor costs” and a “fuel cost adjustment”? Until 2019, for New York City rent-controlled apartments, rents could be increased because of increases in fuel costs (pass-alongs). The 2019 Housing Stability and Tenant Protection Act, which made the state’s rent stabilization and rent control regulations permanent, prohibits fuel adjustments or pass-alongs for rent-controlled tenants. However, in some cases, rents may still be increased to cover higher labor costs.

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