



NYS ASSEMBLY MEMBER

Daniel O'Donnell

— **Sixty Ninth Assembly District** —

Fact Sheet: Rent Stabilization

What is rent stabilization?

Rental buildings that contain 6 or more units and were built before 1974 often contain units that are rent stabilized. In rent stabilized apartments, rent can only increase by the percentage determined by the Rent Guidelines board.

The amount is posted each year, which you can find [here](#).

Help! My building shut down the laundry room, elevator, or other service I had when I moved in! What should I do?

- First, reach out to the landlord or management company in writing via certified mail or E-mail to request an update on when the service will be restored. Second, reach out to our office to request help following up with the landlord.
- If neither of the above yield results, file a complaint through the Division of Housing and Community Renewal (DHCR)'s forms online or by mail [here](#).
- Be patient & responsive as DHCR investigates.
- Keep in mind that DHCR can freeze rents due to a reduction in the building services that tenants had when they [moved in](#).

I think my apartment should be rent stabilized & I have been paying more rent than I should!

First, determine if you might have been overcharged!

- Request your rent history [here](#).
- Compare to the Rent Guidelines Board Increase allowed, which you can find [here](#).
- Examine closely for inconsistent rent amounts, large gaps in registration, or other suspicious elements in your rent history.

Next, if you believe the rent history looks inconsistent, file an overcharge complaint using the form available on the HCR website, which you can [here](#).

If the Department of Homes and Community Renewal (DHCR) determines that you have been overcharged, you can be awarded with back rent or even an additional amount as a penalty, if it is determined that there was fraud. Speak with a lawyer or free legal services to determine next steps! Don't hesitate to reach out to our office for more information or a referral.

Contact Our Office

212-866-3970

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Fact Sheet: Rent Stabilized Apartment Leases

How about lease renewals?

The building owner must mail or hand-deliver a renewal lease between 90 and 150 days before the current lease expires.

Renewal lease should include:

- DHCR Renewal Lease Form (RTP-8) which can be found [here](#).
- DHCR Rider which can be found [here](#).
- Always check that the rent amounts against the Rent Guidelines Board site [here](#).
- In addition, make sure all tenants are on the lease, and check for any other errors before signing!
- Tenants have 60 days to return the renewal lease after receiving the renewal lease offer.

Help! My landlord refuses to give me a renewal lease for my rent stabilized apartment!

Tenant should continue paying rent on time at the same rate as the most recent lease. In addition, for each year that a landlord refuses to provide a renewal lease, tenants should file complaint form RA-90: Application for Tenant's Complaint of Owner's Failure to Renew Lease and/or Failure to Furnish a Copy of a Signed Lease, either online or by mail. You can find the form [here](#).

My landlord asked me to sign a lot of other riders to my lease!

- Your landlord cannot not take away a right that you had within your apartment when you first moved in. For example, the right to smoke inside your apartment is a common one (the landlord may restrict smoking in the building common areas and hallways, which is already prohibited by NYC law).
- Riders about sprinkler systems, stove knob covers, lead paint, and window guards are important notices to you and your household, but should be checked carefully for errors.
- Riders on other topics should be very carefully examined - when in doubt, be hesitant to sign unexpected riders and reach out to our office or to legal services to ask!

Help! My landlord has not returned my signed lease!

- The owner should return a counter-signed copy of the new lease to the tenant within 30 days. Even if it takes longer, the tenant should still pay the new rent.
- If the landlord does not send back the new lease, remind them via certified return receipt mail or email (email is convenient and easy to keep a record!)
- For more information view the DHCR Lease Renewal Fact sheet [here](#)

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Fact Sheet: Rent Regulated & Affordable Apartments in Newer Buildings

Can I find a rent stabilized apartment in a newer building? What about other kinds of rent-regulated housing?

Apply for various rent-regulated apartments in different leasing programs on NYC Housing Connect. Click [here](#) to apply.

There are many different kinds of apartments on NYC Housing Connect, including low and middle income apartments, special buildings for the elderly and disabled, and supportive housing.

It is generally a good idea to apply to many different buildings and income levels, because your income may change by the time your lottery number is reached! Feel free to reach out to our office with questions.

Don't forget to keep an eye out for rent stabilized apartments on the open market! - there are more than you think!

- When applying for apartments, keep an eye out for buildings that fit the criteria mentioned above - over 6 units and built before 1971 - as these may contain rent stabilized apartments!
- In addition, some apartments contain rent amounts ending in uneven or non-round numbers (for example: \$2,056.00 or \$3,009) - this may be a clue that the apartment MAY be rent stabilized.

More Information about requirements and criteria

- [Marketing Handbook](#)
- [Do You Qualify?](#)

NOTE: If you live in a rent regulated apartment and the landlord says that the rent stabilized status is expiring, DON'T take your landlord's word for it, because this MAY be INCORRECT - reach out to our office or to NYC's free legal services at 917-661-4500.

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Fact Sheet: Rent Control

What is Rent Control?

Rent control only applies to certain tenants who have continuously lived in their apartments since before July 1, 1971 and whose building was built before 1947. There are approximately 16,400 rent controlled apartments. Most rent controlled tenants are aware of their apartment's status.

What will happen to my rent controlled apartment when I leave?

If a rent controlled tenant leaves their apartment and there are no co-tenants with succession rights, the apartment often becomes rent stabilized, unless it was in a building with 5 or fewer units.

Succession rights for rent controlled and rent stabilized apartments are generally the same. Feel free to reach out to my office with any questions about succession rights!

For more information, see:
DHCR Fact Sheet #6: Fair Market Rent Appeals
Rent Guidelines Board FAQ on Succession Rights, which you can find [here](#).

How do rent increases work in a rent controlled apartment?

- Rent controlled apartments operate under the "Maximum Base Rent" (MBR) system, which adjusts every two years. The MBR is a formula calculated to reflect real estate taxes, water and sewer charges, operating and maintenance expenses, return on capital value and vacancy and collection loss allowance. Landlords must apply every two years for MBR increases.
- Tenants pay the Maximum Collectible Rent (MCR), which can increase yearly until it matches the MBR. The MCR increases by ONE of two percentages: either the average of the previous five years' one year rent stabilized lease increases, or 7.5% -- Whichever amount is LOWER.
- For example, in the year 2023, the previous 5 years' one year rent stabilization increases have been: 3%, 3.25%, 0%/1.5% (.75%), 0%, and 1.5%. This means that the MCR increase for an apartment increasing between Oct 1, 2022 and Sept 30, 2023 would be 1.7%
- Landlords should provide Form RN26, "Notice of Maximum Collectible Rent" to confirm the MCR
- Read more on HCR Fact Sheet #22: Rent Control!

Help! I believe I've been overcharged in my rent controlled apartment!

Tenants and owners can use the same form to challenge rent in a rent controlled apartment - DHCR Form RA-94 MBR

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Fact Sheet: Rent Stabilized & Rent Controlled Tenants

What are Major Capital Improvements (MCI)?

- MCIs are small rent increases approved by DHCR for building-wide improvements made by the landlord.
- Procedure: landlords must apply to DHCR and show proof of all costs for work done on buildings, then DHCR notifies tenants of the application and reviews the application, makes reductions based upon disallowed costs
- Tenants may contest the MCI application within 60 days, and may request an additional 30 days with an appropriate reason
- Examples of MCI's include electrical rewiring, windows, boilers, plumbing and roofs.
- Cosmetic improvements, or work done in individual apartments are not considered a major capital improvement.
- Read more on the DHCR fact sheet, which you can find [here](#).

Am I entitled to SCRIE?

- The Senior Citizen Rent Increase Exemption (SCRIE) helps eligible senior citizens stay in affordable housing with a rent freeze. To qualify for SCRIE:
 - A tenant must live in a rent regulated apartment (Stabilized OR controlled)
 - The TOTAL household income must be at or below the income eligibility level (currently \$50,000)
 - A tenant or tenant's spouse must be 62 years old or older.
 - A tenant must pay at least 1/3 of their disposable income toward their rent.
- To apply for SCRIE, contact NYC's Citizen Service Center by dialing 311, apply online, or download the SCRIE application and print for mailing! If you need assistance, don't hesitate to reach out to my office.

What if a senior citizen needs to move out to for medical care?

- New York Real Property Law § 227-a allows a tenant 62 and older to terminate their lease or rental agreement to move into an adult care facility, nursing home, senior housing, or the home of a family member. Once the lease is terminated, the tenant is no longer responsible for rent payments.
- 30 days notice in writing must be given, and it must include documentation of move in where the tenant will be moving to.

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Fact Sheet: Rent Stabilized & Rent Controlled Tenants

What about maintenance and appliances in my apartment?

- When an owner provides equipment or services within an apartment, such as a refrigerator, stove or other appliance included in the lease, the owner must maintain the appliance in working order.
- However, landlords are not required to equip a certain quality or type of appliance. This is true even if the tenant previously had a "newer" or more expensive appliance.
- Landlords are still required to provide standard appliances that came with an apartment even if the tenant decided to provide their own appliance for a time --
- For example, say in the year 2000 tenant purchased their own new fridge, but in 2022 that tenant-purchased fridge breaks. Tenant may request landlord provide another fridge, but there is no guarantee as to price or quality of landlord-provided fridge - only that the fridge must work.
- If the landlord replaces an appliance with a brand new one, the landlord might be entitled to an Individual Apartment Improvement (IAI) rent increase
- Note, if the apartment is currently occupied, the tenant must consent voluntarily in writing

What are Individual Apartment Improvements (IAI)?

- IAIs are improvements made within an apartment
- IAI costs to tenants are capped at 1/168th of costs for buildings with 35 or fewer apartments, and 1/180th of costs for buildings with more than 35 apartments, per month for 30 years
- total cost is capped at \$15,000.00.
- A few examples of appropriate IAIs include
- Ordinary repairs and large renovations.
- In order for the IAI to be improved, landlords must receive tenants consent on form RA-79 if the apartment is occupied, and submit before and after photos along with all documentation to DHCR for approval.
- DHCR makes final decisions on costs.

Important Note

- Tenants are cautioned against disposal of landlord provided appliances when providing one's own appliance. Always ask and be sure to get confirmation in writing from the landlord before disposing of a landlord-provided appliance. For more information read the DHCR Fact Sheet on Required and Essential Services, which you can find [here](#).

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Fact Sheet: Tenant Rights

What services I am entitled too?

- Required or essential services include ordinary repairs, heat, hot and cold water, maintenance, painting, janitorial services, elevator service (if your building has an elevator) and ancillary services that existed when you moved in.
 - If your heat, hot water, or other essential service is out, and you have notified the landlord and there is no action, create a 311 complaint! the appropriate agency will send an inspector
- When an owner provides equipment or services within an apartment, such as a refrigerator, stove or other landlord-provided appliance included in the lease, the owner must maintain its' condition.
 - However, landlords are not required to equip a certain quality or type of appliance as long as the appliance works.

What should I know about my Lease?

- The lease cannot be changed after it's signed unless both tenant and landlord agree in writing
- If tenant and landlord ever end up in a dispute in court, the judge will look at the current lease to decide most questions.
- Tenants are entitled to receive a copy of their lease within 30 days of sending it back to the landlord
- Leases must be clear, and tenants have the right to understand their lease to its full extent.
- Rent Stabilized tenants have a right to a one or two year renewal lease using the same terms of the last lease. For market rate tenants, everything must be negotiated between landlord and tenant
- For Rent Stabilized tenants, landlords must notify tenants of their right to renewal 90-150 days before lease expiration.
- Read more [here](#).

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Fact Sheet: Tenant Rights

What is harassment? How do I report it?

- Use force or threaten to use force against a tenant
- Destroy a tenant's property
- Knowingly provide false or misleading information about whether a unit is rent stabilized or controlled
- Discontinue essential services, such as heat or hot water
- Fail or delay to correct hazardous conditions including mold, lead paint, or dust and debris
- Falsely certify that a hazardous condition has been corrected
- Commence baseless court proceedings against a tenant
- Change the lock to a tenant's front door without giving the tenant a new key
- Refuse to offer or renew leases to tenants to push them out of their unit
- Owners that are found guilty of intentionally trying to force a tenant to leave an apartment or trying to cause a tenant to give up rights can be denied lawful rent increases along with civil penalties like fines, and criminal penalties.

Can I be Evicted?

- Eviction is only lawful if the owner has brought a court proceeding and obtained a Judgment of Possession in court from a judge!
- An official marshal, constable or sheriff must carry out an eviction, NOT the landlord or anyone else.
- An owner may not use force or harassment to urge a tenant to self-evict (leave the apartment on their own)
- Tenants should contact an attorney or legal services immediately if they receive an official letter about eviction, late rent, or notice of a nonpayment proceeding.
- common grounds for eviction: Non-payment of rent, extreme circumstances making the building unsafe for other tenants.
- Remember: You cannot be evicted without a court order!

What about renewal leases in market rate apartments?

If the landlord intends to raise the rent more than 5%, or not renew the lease at all, the landlord must give notice of:

- 30 days if you've lived there less than a year
- 60 days if 1 year or more
- 90 days if more than 2 years

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