



Dear Friend,

New York City has two rent regulation programs—rent control and rent stabilization—to protect tenants in certain privately-owned buildings from illegal rent increases.

This brochure briefly overviews both systems and answers some common questions about rent control and rent stabilization. I hope it's helpful to you. If you have questions or need more information, please contact the New York State Homes and Community Renewal's Office of Rent Administration (ORA) online at hcr.ny.gov/office-rent-administration-ora or by calling **833-499-0343**.

As always, don't hesitate to contact my office if I can assist you further with this or any other matter.

Sincerely,

Carl E. Heastie
Speaker of the Assembly

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IF YOU PAY RENT

Facts about Rent Stabilization & Rent Control for NYC residents



Compliments of
Speaker of the Assembly
Carl E. Heastie

Frequently Asked Questions

When must my landlord provide heat to my apartment?

During the heating season (Oct. 1 through May 31), owners of buildings with at least three rental units must provide all tenants with the following:

- Between 6 a.m. and 10 p.m., if the outside temperature falls below 55 degrees Fahrenheit, the heat must register at least 68 degrees
- Between 10 p.m. and 6 a.m., the heat must register at least 62 degrees, regardless of the temperature outside.

If your landlord fails to provide heat, keep a detailed daily record of this lack of service, including the temperature outside and inside. If you need to submit these records as evidence, keep copies for yourself.

What if my landlord doesn't provide heat?

If you are rent-controlled or rent-stabilized, you may file a service complaint with the NYS Homes and Community Renewal's Office of Rent Administration (ORA) for a rent reduction based on decreased services. For more information and to find forms online, please visit the Homes and Community Renewal (HCR) website at hcr.ny.gov/living-conditions-and-essential-services or call ORA at **833-499-0343**.

While you await action on your rent reduction request, you can also call **311** (TTY 212-504-4115) or visit portal.311.nyc.gov to file a complaint with the NYC Department of Housing Preservation and Development (HPD). A Code Enforcement inspector will investigate your complaint, and HPD will give the landlord notice of any verified violations and instruct them to repair the heat or hot water issue immediately upon receiving notification from the city.

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. For buildings with 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% of the interest generated on the security deposit. When the tenant vacates their 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?

The NYC Rent Freeze Program, which includes the Senior Citizen Rent Increase Exemption (SCRIE) Program and the Disability Rent Increase Exemption (DRIE) Program, allows eligible seniors and people with disabilities living in rent-regulated apartments to freeze their rent. Under this program, a property tax credit covers the difference between the actual rent amount and what you (the tenant) are responsible for paying. For more information on SCRIE or DRIE, to check your eligibility or apply, call **311** or visit nyc.gov/site/rentfreeze/index.page.



Are you rent-stabilized or rent-controlled?

Rent-controlled: Your apartment is likely rent-controlled if your building was constructed before February 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.

Buildings constructed on or after Jan. 1, 1974 aren't typically rent-stabilized, 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?

Contact ORA to find out if your apartment is rent-controlled or rent-stabilized or to confirm your legal rent.

Contact New York State Homes and Community Renewal's Office of Rent Administration (ORA):

Call: 833-499-0343, or dial 311 to connect

Visit online: hcr.ny.gov/office-rent-administration-ora

Tenants who want information about an apartment's rent history or if an apartment is rent-stabilized can submit a request online: portal.hcr.ny.gov/app/ask

For questions on leases, services, rent increases, etc., go to Rent Connect online: rent.hcr.ny.gov/RentConnect/Welcome

If your apartment is rent-stabilized...

How much can my rent increase?

Rates for rent increases in rent-stabilized apartments are set by the New York City Rent Guidelines Board (NYCRGB) each year and apply to vacancy and renewal leases entered into between Oct. 1 and the following Sept. 30. Call **311**, or visit rentguidelinesboard.cityofnewyork.us for specific information on current guidelines.



Can I have a roommate?

You are legally entitled to a roommate and may share your apartment with someone who has not signed the lease.

- If you are the only tenant named on a lease, you have the right to share your apartment with your immediate family, one additional roommate who is not a member of your immediate family and any dependents of that roommate.
- If two or more tenants are named on the lease, the number of tenants and roommates can't exceed the number of tenants named in the lease.

What are my rights when I renew my lease?

Except in limited cases, if you live in a rent-stabilized apartment, you have a right to renew your expired lease for your choice of 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 other changes required by law. The landlord must offer to renew your lease 90 to 150 days before it expires. You then have

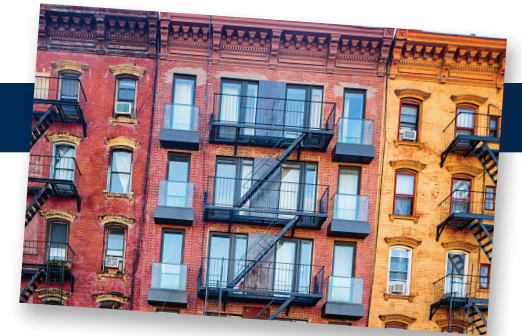
60 days to accept. If the landlord makes the renewal offer late, you have the right to remain in your apartment at the same rent until your landlord has made an offer and you have had 60 days to respond.

Can I sublet my apartment?

You are entitled to request permission to sublet from the building owner. There are special procedures that must be followed to sublet your rent-stabilized apartment legally. For more information on sublet guidelines, please visit hcr.ny.gov/leases.

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

If you're moving into a rent-stabilized apartment that was previously rent-controlled, the landlord can increase the rent, but you may challenge the amount if you feel it's excessive. Consult HCR to learn more about how the apartment was decontrolled and what actions may be available.



If your apartment is rent-controlled...

Can I have a roommate?

You are legally entitled to share your apartment with a roommate even if they were not an original tenant on the lease. You may share your apartment with your immediate family, one additional roommate who is not a member of your immediate family and any dependents of that roommate.

How much is my rent?

In New York City, the highest price a landlord can charge for a rent-controlled apartment is called the Maximum Base Rent (MBR). It is established for each apartment and adjusted every two years to reflect increases in operating costs. The amount rent-controlled tenants actually pay in rent is called the Maximum Collectible Rent (MCR), which can be less than the MBR.

Can my landlord raise my rent?

There may 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. Rent increases are limited to 7.5%, or the average of the past five Rent Guidelines Board increases, whichever is lower. It should not exceed your MBR.

Landlords are only entitled to raise rents if they certify they are providing essential services and have removed all rent-impairing violations and 80% of all other violations on record six months before the effective date of the increase. If your landlord receives authorization for an MBR increase without meeting these requirements, you can challenge the increase within 35 days of getting the Order of Eligibility. Contact HCR for the appropriate forms.

What if my landlord increases my rent?

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 ensure your new MCR is not more than 7.5% higher than the previous rent and that the new rent is no higher than the MBR. If you are being overcharged, challenge the increase immediately. You are

eligible to receive a refund of overcharges incurred in the two years preceding the filing of the complaint. If the refund is not made, you can sue in court to enforce the order.

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.