

FACT SHEET



George E. Pataki, Governor

A PUBLICATION OF NEW YORK STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION

#31 Guide to Rent Increases for Rent Stabilized Apartments in Nassau, Rockland and Westchester Counties

This is a guide to rent increases for Rent Stabilized Apartments in Nassau, Rockland and Westchester Counties, the counties in which Rent Stabilized Apartments are Regulated under the Emergency Tenant Protection Act of 1974. A list of the municipalities which have adopted the ETPA can be found at the end of this Fact Sheet.

A tenant may separately request from the New York State Division of Housing and Community Renewal (DHCR) a printout of the rent registration information on file for the tenant's apartment and it will be sent to the tenant in a separate mailing. This printout and this guide will assist the tenant in reviewing the rental history of the tenant's apartment.

The rent registration printout will show the rents the building Owner registered with DHCR for the tenant's apartment for the last four years. Rent changes occurring after April 1 of a given year will be included in the rent shown for April 1 of the following year.

In addition to the rent increases discussed in this fact sheet, a tenant's rent may be affected by prior cases relating to the tenant's apartment. The tenant may request from DHCR a printout showing any prior cases affecting the rent of the tenant's apartment. This printout, as well as the rent registration printout mentioned above, may be obtained by visiting one of DHCR's offices and speaking to a counselor. The end of this fact sheet lists DHCR's offices.

Four common ways Owners may increase rents are:

1. Lease Increases Approved by the Applicable ETPA County Rent Guidelines Board

The ETPA provides for the establishment of County Rent Guidelines Boards in Nassau, Rockland and Westchester Counties. These Guideline Boards independently set the maximum allowable rates for rent adjustments effective October 1st each year for renewal leases in ETPA apartments; and for vacancy leases may authorize a vacancy allowance in addition to the statutory vacancy increase.

Each year, Owners of all housing accommodations subject to ETPA must complete and certify a Property Maintenance and Operations Cost Survey Schedule. DHCR staff members use the Surveys to tabulate the changes in Owner's cost and income from year to year. These tabulations are used by the County Rent Guidelines Boards to determine rent guidelines.

The filing of this Survey does not satisfy an Owner's responsibility to annually register all of the apartments subject to the ETPA with DHCR. Both requirements, the Survey and Registration, must be satisfied for the Owner to legally collect the guideline increase.

Nassau, Rockland and Westchester County Rent Guidelines Boards have generally held that when an Owner fails to file the completed Survey in a timely manner, they may not be eligible to collect guideline increases for the following lease term. All information on the Surveys is kept confidential, unless the Owner indicates otherwise.

The "D-1" List

If an Owner fails to return the completed survey to DHCR, the Owner's name is added to the "D-1" list. That listing means that without a legally acceptable reason for failing to submit the Survey, the Owner may be ineligible for guideline rent increases.

The "B-2" List

Late filing of the Survey will place an Owner on the "B-2" List. By filing late, an Owner may also forfeit guidelines rent increases.

Tenants in residence have the right to select a lease renewal for a one or two year term. The Owner must offer notice of renewal by certified mail or personal delivery on lease renewal forms, Owner's Notice To Tenant for Renewal Lease, (DHCR form RTP-8 Outside NYC) not more than 120 days and not less than 90 days before the existing lease expires.

The Owner may charge the tenant a County Rent Guidelines Board authorized adjustment based on the length of the renewal lease term selected by the tenant. For example, if the guidelines adjustment for renewal leases determined by an ETPA county Rent Guidelines Board effective from October 1, until September 30, of a given year was 4% for a one year lease renewal and a tenant in that county with a rent of \$800 decided to renew his or her lease for a one year term, the new rent would be computed as follows: $\$800. (\text{old rent}) \times .04 = \$32. (\text{rent increase}) = \$832 (\text{new rent})$.

In addition to renewal lease increases, the County Rent Guidelines Board may provide for an additional increase called a "vacancy allowance". This vacancy allowance is in addition to the Statutory Vacancy Increase which is described below.

Listed below are the guidelines adopted by each of the ETPA County Rent Guidelines Boards for leases commencing during the periods given below.

Nassau

Period During which Lease Commenced	One Year Lease Term Renewal	Two Year Lease Term Renewal	Vacancy Allowance
10/1/00 - 9/30/01	3% (2% for Village of Hempstead)	5% (4% for Village of Hempstead)	0%
10/1/01 - 9/30/02	3%	5%	0%
10/1/02 - 9/30/03	1.5%	2.5%	0%
10/30/03 - 9/30/04	5%	8%	0%

* Pursuant to a court decision the one percent reduction applies only to apartments occupied by tenants who receive a Senior Citizen Rent Increase Exemption (SCRIE).

Rockland

Period During which Lease Commenced	One Year Lease Term Renewal		Two Year Lease Term Renewal		Vacancy Allowance
	61 Units or more	60 Units or less	61 Units or more	60 Units or less	
10/1/00 - 9/30/01	1.25%	1.75%	2.5%	2.5%	0%
10/1/01 - 9/30/02 +	1%	1.75%	2.25%	2.5%	0%
10/1/02 - 9/30/03	2.5% (All Units)		3% (All Units)		0%
10/1/03 - 9/30/04	2.5%		4%		0%

+ These guidelines also provided for an extra \$15.00 per month increase for all renewal leases if, after all increases allowable under the ETPA, the legal rent did not exceed the following; for a studio, \$550.00 or less, for a one bedroom, \$600.00 or less; for a two bedroom, \$650.00 or less; for a three bedroom or larger, \$700.00 or less.

Westchester

Period During which Lease Commenced	One Year Lease Term Renewal	Two Year Lease Term Renewal	Vacancy Allowance
10/1/00 - 9/30/01	2.75% (2% if Owner does not provide heat and/or hot water)	3.75% (3% if Owner does not provide heat and/or hot water)	0%
10/1/01 - 9/30/02	2.75% (2.25% if Owner does not provide heat and/or hot water)	3.75% (3% if Owner does not provide heat and/or hot water)	0%
10/1/02 - 9/30/03	1.5% (1.2% if Owner does not provide heat and/or hot water)	2.5% (2% if Owner does not provide heat and/or hot water)	0%
10/1/03 - 9/30/04++	2% (1.6% if Owner does not provide heat and/or hot water)	3% (2.4% if Owner does not provide heat and/or hot water)	0%

++ These guidelines also provided for an additional supplement of \$25.00 to be added to any legal regulated rent currently \$500 per month or less, prior to the imposition of any renewal lease guidelines increase and that such a guidelines percentage rent increase be computed upon the sum of the prior rent and the rent allowance.

2. Vacancy increase authorized by the RRRA of 1997

The Rent Regulation Reform Act of 1997 (RRRA of 1997) amended the Emergency Tenant Protection Act to provide for new vacancy increases, in addition to any vacancy allowances which may be authorized by the ETPA County Rent Guidelines Boards for vacancy leases starting on or after June 15, 1997. For vacancy leases starting on or after June 15, 1997, Owners may no longer collect the one or two year guidelines applicable to renewal leases. For additional information on these new vacancy increases, see Fact Sheet #5, "Vacancy Leases in Rent Stabilized Apartments." The vacancy increases that apply to all vacancy leases, during the periods given below are as follows:

Nassau

Period During which Lease Commenced	Statutory Vacancy Increase* For A	
	One Year Lease Term	Two Year Lease Term
10/1/00 - 9/30/01	18%	20%
10/1/01 - 9/30/02	18%	20%
10/1/02 - 9/30/03	19%	20%
10/1/03 - 9/30/04	17%	20%

Rockland

Period During which Lease Commenced	Statutory Vacancy Increase* For A		Two Year Lease Term
	One Year Lease Term		
	61 Units or more	60 Units or Less	
10/1/00 - 9/30/01	18.75%	19.25%	20%
10/1/01 - 9/30/02	18.75%	19.25%	20%
10/1/02 - 9/30/03	19.5% (All units)		20%
10/1/03 - 9/30/04	18.5% (All units)		20%

Westchester

Period During which Lease Commenced	Statutory Vacancy Increase* For A	
	One Year Lease Term	Two Year Lease Term
10/1/00 - 9/30/01	19%	20%
10/1/01 - 9/30/02	19%	20%
10/1/02 - 9/30/03	19%	20%
10/1/03 - 9/30/04	19%	20%

* Additional vacancy increases/special conditions:

An Owner is also entitled to collect additional vacancy increases if certain conditions exist. First, if an Owner last collected a permanent vacancy increase eight or more years ago, the Owner is entitled to collect, in addition to the vacancy increase listed above, a vacancy increase equal to .6% multiplied by the number of years since the Owner last collected a permanent vacancy increase. Second, if the prior legal rent was less than \$300 per month, the Owner is entitled to collect, in addition to the vacancy increases described above, a vacancy increase of \$100 per month. Third, if the prior legal rent was between \$300 per month and \$500 per month, the Owner is entitled to a vacancy increase equal to the greater of the combined vacancy increases, excluding the applicable RGB vacancy allowance, if any; or \$100. For this third condition, the applicable RGB vacancy allowance, if any, is added to the rent after the calculation of the other increases.

3. Major Capital Improvement Rent Increases Approved By DHCR

Where an Owner makes a building-wide improvement, such as the installation of a new boiler, the Owner may be entitled to collect from each rent stabilized tenant in the building a major capital improvement (MCI) rent increase. The MCI increase may not be charged until a DHCR order is issued authorizing the charge and setting the amount. The MCI increase becomes part of the legal regulated rent for the purpose of computing future lawful increases. (See Fact Sheet #11, "Rent Increases for Major Capital Improvements," for additional information.)

4. Individual Apartment Improvement Rent Increase

Where an Owner installs a new appliance in, or makes an improvement to, an apartment, the Owner may be entitled to increase the rent of that apartment for the new appliance or improvement. If an apartment has a tenant in occupancy, the Owner can only receive a rent increase for the individual apartment improvement if the tenant consents in writing to pay an increase for the improvement(s). However, if the apartment is vacant, tenant consent is not required. The increase to the tenant's rent is 1/40th of the total cost of the improvement including installation. (See Fact Sheet #12, "Rent Increases for New Services, New Equipment or Improvements to An Apartment," for additional information).

If a tenant believes that his or her rent exceeds the lawful rent, DHCR recommends that the tenant discuss this with the building's Owner or managing agent before filing an overcharge complaint with DHCR. If the tenant is unable to resolve the problem with the Owner, and the tenant has reason to believe that his or her rent exceeds the lawful rent, the tenant may file an overcharge complaint with DHCR. An overcharge complaint form may be obtained by calling or visiting DHCR's office in your county (see below for the locations and telephone numbers of DHCR's ETPA County offices) or visiting the agency's website. A tenant's complaint must be filed with DHCR within four years of the first overcharge alleged. A tenant's failure to comply with the time limit for filing an overcharge complaint will result in the tenant's inability to challenge the lawfulness of the rent.

Municipalities in Nassau, Rockland and Westchester Counties with ETPA

Nassau

Baxter Estates
Cedarhurst
Floral Park
Freeport
Glen Cove
Great Neck
Great Neck Plaza

Village of Hempstead
Town of North Hempstead
Long Beach
Lynbrook
Mineola
Rockville Centre
Russell Gardens
Thomaston

Rockland

Town of Haverstraw
Spring Valley

Westchester

Dobbs Ferry
Eastchester
Greenburgh
Town of Harrison
Hastings-on-Hudson
Irvington-on-Hudson
Village of Kisco
Mount Vernon
Larchmont

Town of Mamaroneck
Village of Mamaroneck
Pleasantville
Portchester
New Rochelle
Village of Sleepy Hollow
North Tarrytown
White Plains
Yonkers

For further information or assistance contact your local DHCR office in Nassau, Rockland and Westchester Counties.

Nassau

50 Clinton Street, 6th Floor
Hempstead, NY 11550
(516) 481-9494

Rockland

Pascack Plaza
9C - Perlman Drive
Spring Valley, NY 10977
(845) 425-6575

Westchester

75 South Broadway - Suite 200
White Plains, NY 10601
(914) 948-4435