New York City Rent Guidelines Board Adjustments (No. 40) for Rent Stabilized Apartments

Increases for renewal leases commencing between 10/1/08 and 9/30/09

One year lease (landlord supplies heat) One year lease (tenant pays for heat)	4.5% 4%
Two year lease (landlord pays for heat) Two year lease (tenant pays for heat)	8.5% 8%
Except where last vacancy lease was six or more years ago and the rent is below $1000:	
One year lease (landlord pays heat) One year lease (tenant pays heat) Two year lease (landlord pays heat) Two year lease (tenant pays heat)	$45 $40 $85 $80
Lofts	2.5% one year lease, 5.25% two year lease
SRO Hotels and Rooming Houses	4.5% for all categories —however, 0% when fewer than 85% of units are occupied by permanent, rent regulated tenants

Vacancy Leases (commencing between 10/1/08 and 9/30/09)

Current Rent (prior to vacancy)	One Year Lease	Two Year Lease
More than $500 and a vacancy in the last 8 years	16%	20%
More than $500 and no vacancy in the last 8 years	0.6% times number of years since last vacancy, plus 16%	0.6% times number of years since last vacancy, plus 20%
Rent between $300 and $500 and a vacancy in the last 8 years	16% or $100, whichever is greater	20% or $100, whichever is greater
Rent between $300 and $500 and no vacancy in the last 8 years	0.6% times number of years since last vacancy, plus 16% or $100, whichever is greater	0.6% times number of years since last vacancy, plus 20% or $100, whichever is greater
Rent less than $300 and a vacancy in the last 8 years	16% plus $100	20% plus $100
Rent less than $300 and no vacancy in the last 8 years	0.6% times number of years since last vacancy, plus 16% plus $100	0.6% times number of years since last vacancy, plus 20% plus $100

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Renewals & Sublets

Landlords must offer a rent-stabilized tenant a renewal lease 90 to 120 days before the expiration of the current lease. The renewal lease must keep the same terms and conditions as the expiring lease, except when reflecting a change in the law. Once the renewal offer is received, the tenant has 60 days to accept it and choose whether to renew the lease for one or two years. The owner must return the signed and dated copy to the tenant in 30 days. The new rent does not go into effect until the start of the new lease term, or when the owner returns the signed copy (whichever is later).

Late offers: If the owner offers the renewal late (fewer than 90 days before the expiration of the current lease), the lease term can begin, at the tenant's option, either on the date it would have begun had a timely offer been made, or on the first rent payment date 90 days after the date of the lease offer. The rent guidelines used for the renewal can be no greater than the RGB increases in effect on the date the lease should have begun (if timely offered). The tenant does not have to pay the new rent increase until 90 days after the offer was made.

Sublease Allowance

Landlords can charge a 10 percent increase during the term of a sublease that commences during this guideline period.

Seniors & the Disabled

Senior Citizen Rent Increase Exemption Program

Rent stabilized seniors (and those living in rent-controlled, Mitchell-Lama, and limited equity coop apartments), 62 or older, whose disposable annual household income is $28,000 or less (for the 2007 tax year) and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a rent freeze. Apply to: NYC Dept. for the Aging, SCRIE Unit, 2 Lafayette St., NY, NY 10007 or call 311 or visit their Web site, *www.nyc.gov/html/dfta/html/scrie/scrie.shtml*.

Disability Rent Increase Exemption Program

Rent-regulated tenants (and those living in rent-controlled, Mitchell-Lama, and limited equity coop apartments) receiving eligible disability-related financial assistance who have incomes of $17,580 or less for individuals and $25,212 or less for a couple and are facing rents equal to more than one-third of their income may be eligible for a rent freeze. Apply to: NYC Dept. of Finance, DRIE Exemptions, 59 Maiden Lane, 20th floor, New York, NY 10038. Call 311 for an application or go to the Web site at *www.nyc.gov/html/dof/html/property/property_tax_reduc_drie.shtml*.

Overcharges

Rent Overcharges Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses—and tenants' unfamiliarity with apartment rent histories—to charge an illegal rent. Tenants can challenge unauthorized rent increases through the courts or by filing a challenge with the state housing agency, the Division of Housing and Community Renewal (DHCR). The first step in the process is to contact the DHCR to see the official record of the rent history. Go to *www.dhcr.state.ny.us* or call (718) 739-6400 and ask for a detailed rent history. Then speak to a knowledgeable advocate or a lawyer before proceeding.

For previous guidelines, call the RGB at (212) 385-2934 or go to www.housingnyc.com.

Fair Market Rent Appeal

The first rent stabilized tenant living in a formerly rent-controlled apartment can, and should, file a complaint of overcharge and a fair market rent appeal with the DHCR. The agency uses two measures to determine if there has been an overcharge: rents in nearby comparable apartments and the RGB's Special Guideline (see over). Tenants must go through the DHCR for the Fair Market Rent Appeal as the courts will not handle these complaints. Go to *www.dhcr.state.ny.us* or call (718) 739-6400 and ask for the appropriate forms.

For more detailed information about your rights as a tenant, or for assistance in organizing a tenants' association:
METROPOLITAN COUNCIL ON HOUSING 339 Lafayette Street, New York, NY 10012 • www.metcouncil.net
Tenant Hotline: 212-979-0611 (Mondays, Wednesdays and Fridays 1:30-5:00 p.m.)
Free Tenant Clinic: Tuesdays 6:30 p.m., Cooper Square 61 East 4th Street (between Bowery & 2nd Ave.)

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