



New York State
Division of Housing and Community Renewal
Office of Rent Administration

Operational Bulletin No. 86-1 (January 14, 1986)

***Summary of Guideline Rates of Maximum Rent Increases Filed by
County and New York City Rent Guidelines Boards for Leases
Commencing Between October 1, 1985 and September 30, 1986***

	• Rockland County	•• Nassau County	••• Westchester County	•••• New York City
One-Year Lease	4.5%	4.5%	6.0%	4.0%
Two-Year Lease	7.0%	6.5%	10%	6.5%

The guidelines shall be applied to the base rent without tax or cost escalating factors, unless stated otherwise in the specific guidelines order.

All counties outside New York City require that owners file operating expense statements for eligibility to collect any guideline rent increases.

• Rockland County

When a vacancy occurs, the owner shall be allowed to increase the rent level for that housing accommodation to the highest legal regulated rent as of October 1, 1985, of a housing accommodation in the same building or complex having the same number of rooms or by a factor of 5% *whichever is lower*.

This base rent is then established for housing accommodations in this building or complex having the same number of rooms *for the balance of the guideline year*.

The allowable guideline rent increase shall be added to this base rent provided further that the owner shall fully recite in the lease the designation and location of the housing accommodation having the same number of rooms and the highest legal regulated rent.

•• Nassau County

Where a vacant apartment is rented to a new tenant, an additional guideline, not to exceed *one month's prior legal regulated rent*, may be charged, to be paid by the tenant in equal monthly installments over the term of the lease selected by the tenant. This additional guideline may still be taken if the landlord has filed or files an application with the State Division of Housing and Community Renewal (DHCR) or otherwise obtains a rent adjustment based upon the installation of new equipment to replace existing equipment.

This document is being reissued for informational purposes only.

The original document which contains signatures of authorization is on file at DHCR's Office of Rent Administration.



In order for the vacancy allowance to be collectible, the owner must file a certification with DHCR affirming that at least one month's prior rent has been spent preparing the apartment for the incoming tenant. The affirmation part of the certification should conform substantially to the certification used on the owner survey schedule filed with the DHCR; and a copy of this certification must be attached to the incoming tenant's lease.

In general, all expenses associated with the rental to a new tenant may be included in the cost of preparing the apartment. Thus, the cost of painting, cleaning, replacing and refinishing wood floors, venetian blinds, kitchen floors and bathroom tiles, window washing, and exterminating are includable. Other non-includable expenses are lease preparation, rental expense, rental agent, advertising, and any labor of the owner's own employees performed as part of their regular job. Loss of rent, however, is not an includable expense unless the owner can demonstrate that the prior tenant did not vacate in time for the owner to prepare the apartment before the expiration of the lease or tenancy; and that the new tenant's rent was proportionately reduced based on the days lost due to preparation of the apartment.

Only one permanent vacancy allowance may be charged for an apartment in the twelve (12) month guidelines period. A temporary vacancy allowance of one (1) month's prior legal regulated rent may be surcharged a subsequent vacancy tenant notwithstanding that a permanent vacancy allowance was collected within the 12 months guidelines period but only when a new certification of expenditures is filed with the DHCR, and a copy is attached to the incoming tenant's lease. This temporary vacancy allowance shall not be collectible during the term of the lease and shall not become part of the legal regulated rent for purposes of computing subsequent rent increases.

Where the legal regulated rent includes *electric and gas* service, the owner may charge an additional 2% guideline rate, which shall not become part of the legal regulated rent. This rate is only applicable to accommodations in solely residential buildings.

Where the tenant pays for heat, the guideline authorized shall be reduced by 1% for one year leases and 1.5% for two year leases.

••• Westchester County

No additional guideline rent increases when renting a vacant apartment to a new tenant.

•••• New York City (Rent Guidelines Board Order Number 17)

The following is a summary of orders established by the New York City Rent Guidelines Board of leases commencing between October 1, 1985 and September 30, 1986.

1) Adjustments

These guidelines are also applicable to buildings receiving partial tax exemption pursuant to Sections 421 and 423 of the Real Property Tax Law.

For the purposes of these guidelines, any lease or tenancy for a period of less than one year shall be deemed a one year lease or tenancy; any lease or tenancy for a period in excess of one year, and up to and including two years, shall be deemed a two year lease or tenancy.

A. For Renewal Leases

1. One-year lease 4.0% over 9/30/85 lawful rents.
2. Two-year lease 6.5% over 9/30/85 lawful rents.

B. For Vacancy Leases

The same adjustments as for renewal leases (A. above) plus 7 1/2%, except no vacancy allowance is permitted:

- (1) where there was a new tenancy during the 10/1/84 - 9/30/85 guidelines year (Guidelines 16), unless no vacancy allowance was permitted pursuant to Guidelines 16; or
- (2) in a building of over 50 units in which 10% or more of the units were vacant for the 60 days preceding the commencement of the lease.

No more than one vacancy lease allowance may be collected during the term of this guidelines order (October 1,1985 to September 30,1986).

C. Supplementary Adjustment

For a lease for a housing accommodation with a lawful monthly rent of less than \$300.00 on 9/30/85, the levels of rent increase shall be the same as for a renewal or vacancy lease (as in A and B above) plus \$15.00 per month, provided that the resulting monthly rental does not exceed:

- 1) for a renewal lease or a vacancy lease where the 7.5% allowance does not apply
for a one-year lease ..\$312.00
for a two-year lease ..\$319.50
- 2) for a vacancy lease where the 7.5% vacancy allowance applies
for a one-year lease ..\$334.59
for a two-year lease ..\$342.00

D. Electrical Inclusion Adjustment

For the lease of a housing accommodation in which the rent includes electrical service, no additional increase shall be allowed.

E. Article 7-C of the Multiple Dwelling Law

For renewal and vacancy lease, the rate of rent increase above the base rent (as defined by Section 286, paragraph 4 of the Multiple Dwelling Law (MDL) shall be the same as those above (A and B) for renewal and vacancy leases, except that for purposes of the provision prohibiting the 7.5% vacancy allowance in buildings of more than 50 units in which more than 10% of the units were vacant for the 60 days preceding the commencement of the lease, only residential units covered by Article 7-C of the MDL or those that have had a residential certificate of occupancy issued for the unit shall be counted.

F. Special Guideline (Fair Market Rent)

For housing accommodations subject to the Rent and Rehabilitation Law on 9/30/85, which subsequently become vacant, and where the tenant has filed a Fair Market Rent Appeal, the special guideline's criterion is 20% above the sum of the 1984-1985 maximum base rent as it existed or would have existed, plus the current allowable fuel adjustments as established on Rent Control forms pursuant to Section 33.10 of the Rent and Eviction Regulations for New York City (9 NYCRR 2202.13), beginning in 1980.

G. Decontrolled Units

The permissible rent for decontrolled units as defined in Order 3a, which become decontrolled after 9/30/85, shall not exceed the formula outlined in (F) above.

H. Fuel

No fuel cost adjustment is warranted for leases which commenced during the 10/1/82 - 9/30/83 guideline year (R.G.B.O.#14), the 10/1/83 - 9/30/84 guideline year (R.G.B.O. #15), or the 10/1/84 - 9/30/85 guideline year (R.G.B.O. #16).

I. Hotels (Hotel Order #15)

The level of fair rent increases over the lawful rent actually charged and paid on June 30, 1985 shall be 2% for a new or renewal tenancy. If no lease is in effect, the effective date of the increase shall be the later of one year from the date the tenant commenced occupancy or one year from the date of the last level of fair rent increase charged to the tenant. Any resultant retroactive increase shall be collectible in monthly installments not exceeding one-half of the monthly increase permitted under the Order (if the rental period is other than monthly, the retroactive portion of the increase shall be prorated accordingly). In no event shall there be more than one guidelines increase during one guideline period.

The 2% increase is not applicable, however, to units in buildings of more than 30 units where more than 5% of the units are vacant for the 60 days preceding the effective date of Hotel Order Number 15, unless the owner can prove to the satisfaction of the DHCR that he has attempted in good faith to rent said units.

1) Escalator Clauses

Where a lease which was in effect on 5/31/68 or, for a unit which became subject to the Rent Stabilization Law of 1969 pursuant to ETPA, which was in effect on 6/30/74, contained an escalator clause for increased costs of operation and which is still in effect, the lawful rent on 9/30/85 shall include the increased rental, if any, due under such clause except those charges which accrued within one year of the commencement of the renewal lease. Where a lease contains an escalator clause that the owner may validly renew under the Code, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized in Guidelines Order 17 unless such clause is deleted from the lease commencing during the Guidelines Order 17 period.

2) Stabilizer

The 1/2 "stabilizer" charged in leases pursuant to previous orders shall remain in effect until the expiration of such lease and shall be included in the base rent for the purpose of computing subsequent rents.

3) Credits

Rentals paid in excess of the rent increases established in these orders shall be fully credited against the next month's rent.