

# Annual Rent Registration 2010

## Instructions for Filing

Rent Stabilized Apartments in New York City and  
Housing Accommodations Outside New York City  
Regulated by ETPA



New York State  
Division of Housing and Community Renewal  
David E. Paterson, Governor  
Brian Lawlor, Acting Commissioner

**New for 2010....changes to the Annual Apartment Registration form items  
8b and 9. See pages 6 and 7 of these instructions for details.**

DHCR Website: [www.nysdhcr.gov](http://www.nysdhcr.gov) Toll-free number: 1-866-275-3427  
Processing Services Unit: (518) 486-3367/email: [psu@nysdhcr.gov](mailto:psu@nysdhcr.gov)

**\*\*The Deadline for the 2010 Annual Registration is July 31, 2010\*\***

**INTRODUCTION**

All **rent stabilized** housing accommodations in the State of New York must be registered annually with the Division of Housing and Community Renewal (DHCR). This booklet provides owners with instructions for the preparation and submission of the 2010 Annual Registration forms.

Individual coop owners (proprietary lessees or holders of unsold shares) and condo unit owners should complete the Annual Apartment Registration form(s) for their apartment(s), or have their managing agents complete the forms on their behalf. It is recommended that the Cooperative Board or Condominium Association, or the managing agent acting on behalf of such entity, file with DHCR all of the Annual Apartment Registration forms along with the Annual Registration Summary for the building. If this is not possible, the individual owner, or his/her managing agent, should file the apartment form(s) and the Registration Summary with DHCR.

**NOTE:** Owners of buildings containing housing accommodations being registered for the first time must file an Initial Registration. Contact a DHCR office listed on Page 12 to obtain the appropriate forms or visit the DHCR website at the address below to download the forms.

**It is important to remember that the information asked for on these forms is for rents, tenancy, and services in effect on April 1, 2010.** Please type or print this information neatly, and check each form carefully after completion to make sure all required items have been entered.

If after reading the instructions you still have questions concerning registration, contact the DHCR Infoline telephone number which appears on Page 12 or visit the DHCR website at [www.nysdhcr.gov](http://www.nysdhcr.gov). You will also find, on Page 10 special instructions on registering vacant and decontrolled apartments.

The Annual Registration is filed on two types of forms.

The **Annual Registration Summary Form RR-2S (2010)** - One form is completed for each building in which there are rent stabilized housing accommodations.

The **Annual Apartment Registration Form RR-2A (2010)** - One form must be filed for each stabilized housing accommodation in New York City and in the municipalities covered by the Emergency Tenant Protection Act.

**HOW TO COMPLETE THE ANNUAL REGISTRATION SUMMARY  
Form #: RR-2S (2010)**

One Registration Summary must be submitted for each building for which one or more apartment registration forms are being filed. One copy of the Annual Registration Summary must be signed and notarized before being sent to DHCR. One copy is retained by the owner.

The numbers below refer to items on the Summary form.

1. **Building Registration Number**  
Enter the building registration number in this box. The building registration number appears on the receipt you received for the 2009 registration submission. If you have questions on what building registration number to use, contact the Processing Services Unit in Albany (page 12).
2. **Building Street Address** - Enter the building street address.
3. **City, Town or Village** - Enter the name of the city, town, or village where the building is located. Do not abbreviate.
4. **Zip Code (plus 4)** - Enter zip code.

5. **County Code** - Enter the applicable 2-digit county code for building address.

60 Bronx  
61 Kings (Brooklyn)  
62 New York (Manhattan)  
63 Queens  
64 Richmond (Staten Island)  
28 Nassau  
39 Rockland  
55 Westchester

5a. **Municipality Code (if outside NYC)** - If you entered the county code for Nassau, Rockland, or Westchester, enter the municipality code of the appropriate locality in this item. See page 11 for a Table of Municipality Codes.

6. **Owner's Name** - For a coop, enter the cooperative corporation name. For a condominium, enter the name of the homeowner's association. For all others, enter the full name of the building owner in the following format:

- under the word **Last** enter the owner's last name
- under the word **First** enter the owner's first name
- under the **M.I.** enter the owner's middle initial, if one is used

Example 1:     Davis Clarence R  
                  Davis Mary Ann S

Example 2:     Jones Ralph

7. **Owner's Street Address** - Enter the owner's mailing address.

8. **City, Town, or Village** - Enter the owner's city, town or village.

9. **State** - Enter the owner's State (see Table of State Abbreviations, page 11).

10. **Zip Code** - Enter the owner's zip code.

11. **Telephone Number/E-mail Address** - Enter the owner's telephone number and area code and provide an email address. DHCR will use this address to send future notifications to the owner. This address will remain confidential and not be shared with any other company.

12. **Managing Agent** - Enter the managing agent's name, and if under 7A Administration, write "7A" next to the name.

13-17. **Managing Agent Street Address** - Items 13 through 17 apply to the managing agent's mailing address and telephone number the same way that Items 7 through 11 apply to the owner.

18. **Building Status:** Place an **X** in the box that applies to indicate building class.

- **Class A** multiple dwelling refers to multiple dwellings which are occupied, as a rule, for permanent residence purposes. This class includes apartment hotels and all other multiple dwellings except "Class B" multiple dwellings.
- **Class B** multiple dwelling refers to multiple dwellings which are occupied, as a rule, transiently, as the more or less temporary abode of individuals or families who are lodged with or without meals. This class includes hotels, SRO's and rooming houses.

**Building Description:** Place an **X** in as many boxes as apply to indicate building description.

- A **Hotel** is an inn having thirty or more sleeping rooms.

- **Single Room Occupancy** is the occupancy by one or two persons of a single room, or of two or more rooms which are joined together, separated from all other rooms within an apartment in a multiple dwelling, so that the occupant or occupants thereof reside separately and independently of the other occupant or occupants of the same apartment. When a Class A multiple dwelling is used wholly or in part for single room occupancy, it remains a Class A multiple dwelling.
- **Garden Apartment Complex** consists of certain attached, detached, or semi-detached dwelling units, containing six or more housing accommodations having common facilities such as a sewer line, water main, or heating plant and operated as a unit under common ownership.

**Coop/Condo:** enter one date.

- **Non-Evict Coop/Condo** is a building that has become a cooperative or a condominium without the right to evict any non-purchasing tenants.
- **Evict Coop/Condo** is a building that has become a cooperative or a condominium with the right to evict non-purchasing tenants other than eligible senior citizens or eligible disabled tenants within a specified period of time.
- **Coop/Condo Plan Filed** if a coop/condo conversion plan has been declared effective, or has been accepted for filing by the Attorney General's Office, give the date that the plan was declared effective, or if not yet effective, give the date that the plan was accepted for filing.

**Financing Programs:** Place an **X** in the box(es) of the applicable financing programs related to the building. If the building receives 421-a tax benefits, enter in the spaces provided the number of Income Restricted and Market Rate units in the building.

19. **Types of Units in Building On April 1, 2010** - Enter the number of units in each category as of April 1, 2010. Enter the total number of units physically present in the building for **TOTAL NUMBER OF APTS. IN BUILDING**.

- **Stabilized/ETPA** - a unit that is regulated under the Rent Stabilization Law or the Emergency Tenant Protection Act. (Includes apartments which were vacant on April 1, 2010 and **temporarily exempt apartments**.)
- **Rent Control** - a unit subject to Rent Control on April 1, 2010.
- **Permanently Exempt** - a unit in which the rent is permanently exempt from regulation. Some types of permanent exemptions are provided on the Annual Apartment Registration form in Item 7b. See also DHCR Policy Statement 89-7 on page 13.

20. **TOTAL NUMBER OF APARTMENT FORMS SUBMITTED** - Enter the number of apartment registration forms [Form RR-2A (2010)] being included with the Registration Summary Form.

21. **AFFIDAVIT AND CERTIFICATION** - This item must be completed by the individual owner, the building's managing agent, or an officer or partner of the corporation or partnership that owns the building. If the building is owned by a cooperative corporation or a condominium association, the signature must be that of the corporation or association president or the managing agent acting on behalf of that entity. The corporation or association name must be printed on the line provided. **The signature in this section should be made before a notary public.**

**HOW TO COMPLETE THE ANNUAL APARTMENT REGISTRATION**  
**Form #: RR-2A (2010)**

The Annual Apartment Registration form - One copy is sent to DHCR; one copy is retained by the owner; and one copy along with the Tenant Information is sent to the tenant in occupancy on April 1, 2010.

The numbers 1-14 below refer to the items on the Apartment Registration form. As used here, the word **apartment** refers to the individual housing accommodation.

1. **Building Registration Number** - Enter the building registration number in this box. The building registration number appears on the receipt you received for the 2009 registration submission. If you have questions on what building registration number to use, contact the Processing Services Unit in Albany (page 12).

2. **Tenant in Occupancy on 4/1/2010** - For each tenant who is named in the lease (**including temporarily exempt units and permanently exempt units**) enter the name in the following format:

- under the word **Last** enter the tenant's last name
- under the word **First** enter the tenant's first name
- under the **M.I.** enter the tenant's middle initial, if one is used

Example 1:     Davis Clarence R  
                  Davis Mary Ann S

Example 2:     Jones Ralph

- if the apartment is vacant on April 1, 2010, place an **X** in the **VACANT** box
- if the tenant succeeded to the apartment after June 19, 1997 place an **X** in the box. **Succeeded** means that the owner gave the tenant a renewal lease because the tenant was a family member of the former tenant, who died or vacated the apartment. For additional information on succession, please refer to DHCR's Fact Sheet 30, **Succession Rights**, which is available on DHCR's website or at its local offices.

3. **Apartment Street Address** - Enter the apartment's specific street address. Each apartment can reflect its own individual address.

4. **Apartment Number** - Enter the apartment number, room number, or other designation for the apartment. **Please note that apartment numbers should be unique within each building.** Duplicate apartment numbers in the same building cannot be processed without errors.

5. **City, Town, or Village** - Enter the name of the city, town, or village where the building is located. Do not abbreviate.

6. **Zip Code (plus 4)** - Enter zip code.

7a. **If this apartment is TEMPORARILY exempt, indicate the reason below** - Complete this section to indicate that the apartment/unit is **temporarily exempt**. If the apartment is temporarily exempt from rent stabilization because of the nature of the occupancy or the status of the occupant, check the appropriate reason for the exemption. **YOU ARE NOT REQUIRED TO COMPLETE ITEMS 7B THROUGH 13 FOR TEMPORARILY EXEMPT UNITS.** Proceed to item 14.

- Transient Occupancy in Hotel/SRO - units in hotels or single room occupancy accommodations housing transient occupants.
- Commercial/Professional - units rented solely for business or professional use on April 1, 2010 **only if** no certificate of occupancy has been issued for commercial or professional use.

- Owner occupied - units occupied as of April 1, 2010 by the building owner or members of his immediate family in non-coop or non-condo buildings.
- Employee occupied - units occupied as of April 1, 2010 by a building employee who is not paying rent.
- Non-primary resident occupied - units occupied by tenants who as of April 1, 2010 who do not use the unit as a primary residence.
- Not for Profit - units owned by non-profit institutions which are occupied by tenants who are affiliated with that institution, in a building which also contains non-affiliated tenants. However, it should be noted that a building occupied totally by affiliated tenants is permanently exempt from rent stabilization (see item 6 of Policy Statement 89-7 on page 13).

7b. **If this apartment became PERMANENTLY exempt since 2009 registration, indicate effective date and reason below** - Complete this section to indicate if the apartment/unit became **permanently exempt** from rent stabilization after April 1, 2009. Carefully review the instructions and explanations for section 7a to ensure the apartment is actually permanently exempt from rent regulation rather than simply temporarily exempt. For example, an apartment that is occupied by the building owner or rent-free by an employee of the building owner does not become permanently exempt from rent regulation simply because the building owner or employee moves into the apartment.

- indicate the date it became permanently exempt
- check the appropriate reason for the exemption
- if "Other" is checked a reason for permanent exemption **MUST** be specified

DHCR Policy Statement 89-7 on page 13 cites some grounds for permanent exemption of apartments from rent stabilization. The rent regulations provide additional categories of exemption applicable to this registration.

**YOU ARE NOT REQUIRED TO COMPLETE ITEMS 8 THROUGH 13 FOR PERMANENTLY EXEMPT UNITS.** Proceed to item 14.

#### **High Rent Vacancy**

Statewide, pursuant to the Rent Regulations, an apartment with a legal regulated rent of \$2,000 or more per month on or after June 19, 1997, and which was or becomes vacant on or after June 19, 1997, is not subject to rent regulation. Previously, apartments were exempt from rent regulation, statewide, if they had legal rents of \$2,000 or more per month at any time between July 7, 1993 and October 1, 1993 and were or became vacant on or after July 7, 1993. In addition, in New York City, apartments with legal rents of \$2,000 or more per month at any time which were or became vacant on or after April 1, 1994 were exempt from rent stabilization.

If the apartment being registered qualifies for this exemption, the box entitled **High Rent Vacancy** should be checked and the last legal regulated rent must be entered.

#### **High Rent/High Income**

High-rent apartments occupied by high-income tenants are deregulated by order of DHCR in response to the filing of an owner's petition for luxury deregulation. Generally, an owner would indicate this exemption on the 2010 annual registration after having received a final DHCR order granting such in response to the owner's petition for luxury deregulation filed with DHCR.

Pursuant to the Rent Regulations for luxury deregulation petitions filed with DHCR on or before June 30, 1997 involving New York City apartments, deregulation occurs for apartments with legal

rents of \$2,000 or more per month, which are occupied by tenants with incomes in excess of \$250,000 in each of the two successive years prior to the filing of the owner's petition; and for luxury deregulation petitions filed on or before June 30, 1997 involving apartments located outside New York City, deregulation occurs for ETPA apartments with legal rents of \$2,000 or more on October 1, 1993 and which are occupied by tenants with incomes in excess of \$250,000 in each of the two successive years prior to the filing of the owner's petition.

Pursuant to the Rent Regulations for luxury deregulation petitions filed with DHCR after January 1, 1998, upon the issuance of a final DHCR Order, deregulation will occur statewide for NYC and ETPA apartments with legal rents of \$2,000 or more per month and which are occupied by tenants with incomes in excess of \$175,000 in each of the two successive years prior to the filing of the owner's petition. If the apartment being registered qualifies for this exemption, the box entitled **High Rent/High Income** (DHCR has issued a final order exempting apartment) should be checked.

**Commercial/Professional (with C/O)**

Apartments rented for commercial or professional usage with a certificate of occupancy.

**Coop/Condo Occupied by Owner or Non-Protected Tenant**

In addition to New York City cooperative or condominium apartments occupied by an owner or non-protected tenant, the exemption applies to cooperative or condominium apartments in Nassau, Westchester and Rockland counties which were or became vacant on or after July 7, 1993 and which were not previously exempted by local resolution. If the apartment being registered qualifies for this exemption, the box entitled "Coop/Condo Occupied by Owner or by Non-Protected Tenant" should be checked.

**Substantial Building Rehabilitation**

An apartment that has been substantially rehabilitated since the last annual rent registration.

**Qualifying Expiration of**

The financing program has expired for one or all of the following: Section 11-243 or 11-244(J-51); Section 608; or Section 421-A.

**OTHER**

Check this box **ONLY if NONE of the other reasons for permanent exemption from regulation listed in section 7b apply**. Therefore, carefully review all of the reasons for permanent exemption specifically set forth in section 7b before selecting "OTHER"; and if one of those other reasons applies check that box **rather** than "OTHER". If "OTHER" is checked you **MUST** provide an explanation for the claim of permanent exemption.

- 8a. **Legal Regulated Rent on 4/1/2010** - Enter the Legal Regulated Rent being charged on April 1, 2010 per lease or rental agreement. Indicate whether this amount is payable monthly or weekly by checking the appropriate box. Do not include in the Legal Regulated Rent any separate charges, either temporary or continuous. For example, do not include charges for: garage and recreational facilities; air conditioners, arrears for DHCR approved increases; window guards, etc. Such separate charges should be indicated in Item 9.

**For Multi-Tier Rents:** Owners who have been authorized by DHCR to register multi-tiers of Legal Regulated Rents are required to place an **X** in the box marked **Other** in item 9, and enter **MT**, followed by the Multi-Tier Docket Number (i.e. MT123456789G), in the space provided. Owners are also required to enter in item 8a the highest legal regulated rent authorized by the governmental agency or public benefit corporation for the housing accommodation as of April 1, 2010, indicating whether such rent is payable monthly or weekly. (Participating Multi-Tier Programs may include, but are not limited to, the Special Initiatives Program, Neighborhood Entrepreneurs Program, Housing Trust Fund, Single Room Occupancy Program, Vacant Building Program (some units), SIP Occupied Sales Program, Neighborhood Redevelopment Program and the LISC/Enterprise Program).

**For 421-a Units:** If the building receives tax benefits pursuant to RTPL, Sec. 421-a, place an "X" in the appropriate box to indicate whether the apartment is a **Market Rate unit** or an **Income Restricted unit**. If the apartment is an Income Restricted unit, fill in the blank providing the household income limitation percentage that applies to the apartment.

- 8b. **Preferential Rent in effect on 4/1/2010** - Enter the Preferential Rent Paid on April 1, 2010 if different from the Legal Regulated Rent (Item 8a above). Indicate whether this amount is payable monthly or weekly by checking the appropriate box.
9. **Other Rent Adjustments** - Check the applicable box(es) to indicate if any of the following rent adjustments are in effect on 4/1/2010 SCRIE, DHCR Rent Reduction Order, Section 8, DRIE, Appliance Surcharge, Other. Enter the **Actual Rent Paid by the Tenant** if different from the amount entered in item 8a or 8b.
10. **Lease in effect on 4/1/2010** - Enter the term of the lease in effect on April 1, 2010 for the tenant(s) named in Item 2. Please note the **lease begin date must be prior to April 1, 2010**. Indicate if there is no lease by checking the **NONE** box.  
**Provide information for boxes 11 through 13 only for Rent Adjustments effective between April 2, 2009 and April 1, 2010**
11. **Rent has changed since 2009 registration due to (check one or more)** - If the rent shown in Item 8 has changed from the rent charged on April 1, 2010 due to a Second Succession, Lease Renewal, Vacancy Lease, and/or 421-A increase, check all boxes that apply.

**Note: On Second Succession:** Under certain circumstances, a family member of a tenant is entitled to **succeed** or receive a renewal lease in his or her own name after the tenant dies or vacates. For each second such succession where a family member receives a renewal lease, the owner is entitled to all vacancy increases that would apply to a vacancy lease. For additional information on what increases can be collected upon a second succession, please refer to DHCR's Fact Sheet 30, **Succession Rights**, which is available on DHCR's website or at its local offices.

12. **Rent changes since 2009 registration due to DHCR rent adjustment order(s) (check one or more)** - If the rent amount shown in Item 8a has changed from the rent charged on April 1, 2010 due to a DHCR rent adjustment order, check as many as applicable.
13. **Rent changes since 2009 registration instituted without DHCR order (specify as many as apply)** - If the rent amount shown in Item 8a has changed from the rent charged on April 1, 2010 as a result of a rent adjustment which occurred without a DHCR order, specify the reason(s) for each adjustment in rent. Give the month and year that the adjustment(s) was effective and show the monthly amount of the increase.

**RENT ADJUSTMENTS** shown in Item 13 are calculated by dividing the total cost of new equipment, furnishings, services, or improvements within the apartment by 40. This is the amortization rate. The result is the maximum amount that the monthly rent can be increased for the individual apartment improvement.

14. **Owner/Managing Agent (check one)** - If the apartment is in a cooperative or in a condominium building, enter the name and address of the coop owner (proprietary lessee or holder of unsold shares) or condo unit owner, check the appropriate box and complete and sign the affirmation on the back of the DHCR copy. If not a cooperative or condominium building, enter the name and address of either the building owner or managing agent and check the appropriate box.

If the Cooperative Board or Condominium Association is filing the Annual Apartment Registration form, it is recommended that the individual coop owner (proprietary lessee or holder of unsold shares) or condo unit owner or the managing agent acting on behalf of such owner complete and sign the Coop or Condo Owner Affirmation on the back of the DHCR copy of the Annual Apartment Registration Form (RR-2A).



## PAYMENT OF ADMINISTRATIVE FEES

### For NYC Rent Stabilized Apartments

Section 26-517.1 of the Rent Stabilization Law provides for the imposition of a fee on owners of housing accommodations "subject" to the RSL to defray the cost of administering the law. **Failure** to pay the administrative fee shall constitute a charge due and owing New York City, and may result in a lien being placed on the property.

### For ETPA Apartments

Section 8 of the Emergency Tenant Protection Act provides for a city, town or village, which has determined that rents are to be regulated under this law, to assist DHCR by defraying the cost of administering the law.

The legislative body of any city, town or village acting to impose regulation of residential rents pursuant to the provisions of the ETPA may impose on the owner of every building containing housing accommodations subject to such regulation an annual charge for each accommodation.

If billed by your locality, the failure to pay the prescribed assessment shall constitute a charge due and owing the locality, and may result in a lien being placed on the property.

### For Both New York City Rent Stabilized and ETPA Apartments

Owners of apartments subject to the Rent Stabilization Law or the Emergency Tenant Protection Act are billed an annual administrative fee per apartment. The administrative fee is assessed against all regulated apartments including apartments which are temporarily exempt. An example of such apartment is one which is occupied by the building's owner or by the building's superintendent. The owner will be billed the administrative fee for such housing accommodation. **The owner is also required to file the annual apartment registration form for the temporarily exempt apartment.**

In both New York City and ETPA counties, the fee will not be charged for housing accommodations which are permanently exempt from rent regulation. An example of a **permanently exempt** apartment is one which is occupied as a doctor's office in accordance with the building's Certificate of Occupancy. DHCR's Policy Statement 89-7 on page 13 contains a detailed list of some apartments which are **permanently exempt** and for which the owner is **not** obligated to pay the fee. The instructions for Item 7b contain a description of additional categories of permanently exempt apartments. The owner of a permanently exempt apartment is required to file an annual apartment registration only for the year in which the apartment became permanently exempt.

If you have a question as to whether an apartment is temporarily or permanently exempt, review Policy Statement 89-7 on page 13.

The administrative fees discussed in this section are in addition to late-filing surcharges, which are discussed below under "Penalties for Failure to Comply with Rent Registration Requirements," on page 10.

## HOW TO SUBMIT COMPLETED RENT REGISTRATION FORMS TO DHCR

Completed Apartment RR-2A (2010) and Summary RR-2S (2010) registration forms are accepted starting April 1, 2010 but must be postmarked to the DHCR Processing Services Unit in **Albany** no later than **July 31, 2010**.

### DO NOT SUBMIT REGISTRATION FORMS TO BOROUGH/DISTRICT RENT OFFICES.

1. One copy of the Annual Registration Summary form is for DHCR. Retain the other copy for your records.
2. Provide one copy of the Apartment Registration Form to the tenant who was in occupancy on April 1, 2010. This copy must be hand delivered or mailed to the tenant before the registrations are filed with DHCR. If the tenant in occupancy on April 1, 2010 is not in occupancy at the time of registration, the owner should attempt to forward it to the tenant. If this attempt is unsuccessful, keep the copy together with the postal notice of non-delivery for your records.
3. Place one copy of the Annual Registration Summary form on top of the stack of Apartment Registration forms.
4. Keep a copy of the forms for your records.
5. Place the registration forms in an envelope large enough to hold them flat and mail them to:

DHCR Processing Services Unit  
Hampton Plaza  
38-40 State Street  
Albany, New York 12207

DHCR will return a receipt to the registered owner showing the date received and the apartments registered. Retain the receipt for your records; it will serve as proof of registration. **The Owner Receipt is the only official notification of receipt and processing of your rent registration filing.**

### SPECIAL INSTRUCTIONS How to Register Vacant and Decontrolled Apartments

For apartments that were vacant on April 1, 2010:

- in Item 2, place an **X** in the **VACANT** box
- in Item 8 give the last legal regulated rent charged before vacancy (if the apartment has been continuously vacant since April 1, 2006 enter 0.00)
- leave Item 9 blank

For apartments that became **Decontrolled** between April 1, 2009 and April 1, 2010 (formerly rent controlled apartments now subject to rent stabilization), the owner must file an Initial Apartment Registration decontrolling the apartment within 90 days of the date the first Rent Stabilized tenant took occupancy and thereafter, annual rent registrations must be submitted. Registration forms may be obtained by contacting one of the DHCR offices listed on Page 12 or downloaded from the DHCR website.

### CHANGE OF OWNERSHIP/MANAGING AGENT

If there is a change of ownership or managing agent after the annual registration forms have been submitted, the successor owner is required to notify DHCR within thirty days by filing Form RA-44 with the DHCR.

## Penalties for Failure to Comply With Rent Registration Requirements

The Rent Regulations provide for a retroactive "rent freeze" for failure to comply with the initial or annual rent registration requirements. The late filing of a registration will result in the prospective elimination of this penalty.

The Rent Regulations provide that for proceedings docketed by DHCR on or after July 1, 1991, where all rent increases were lawful but for the owner's failure to register, and where the owner files and serves upon the tenant a late registration, DHCR shall not thereafter find that the owner has collected an overcharge at any time prior to the filing of the late registration. If, however, that late registration is filed subsequent to the filing of a rent overcharge complaint, DHCR shall assess the owner a late-filing surcharge for each apartment affected in the amount of fifty percent of the current rent registration fee for timely-filed registrations. The surcharge, based upon the current administrative fee in both New York City and ETPA counties is \$5.00.

DHCR may impose a penalty of up to \$250 upon owners for each knowing violation of the Rent Regulations. Owners include, but are not limited to, rental building owners, cooperative corporations, condominium associations, individual cooperative owners (proprietary lessee or holder of unsold shares) and condominium unit owners who have rent regulated tenants, and the owner's managing agents.

Pursuant to the Rent Regulations, rent registration issues involving rental events occurring more than four years prior to the filing of a tenant's rent overcharge complaint may no longer be investigated by DHCR.

Owners of rent stabilized apartments in Nassau, Westchester and Rockland Counties must comply with these registration requirements in addition to filing the required financial and operating expense statements with the County Rent Guidelines Board.

<b>Table of Municipality Codes</b>					
<b>Nassau County</b>	<b>Code</b>	<b>Westchester County</b>	<b>Code</b>	<b>Rockland County</b>	<b>Code</b>
North Hempstead	11	New Rochelle	21	Spring Valley	31
Floral Park	12	Yonkers	22	Haverstraw	32
Long Beach	13	Mamorneck (Village)	23		
Thomaston	14	Greenburgh	24		
Great Neck Plaza	15	Harrison	25		
Great Neck	16	Mt. Vernon	26		
Mineola	17	Larchmont	27		
Rockville Center	18	White Plains	28		
Cedarhurst	19	Tarrytown	29		
Freeport	51	Mamaroneck (Town)	30		
Lynbrook	52	Croton-On-Hudson	60		
Baxter Estates	53	Eastchester	61		
Flower Hill	54	Hasting-On-Hudson	62		
Russell Gardens	55	Mt. Kisco	63		
Glen Cove	57	Pleasantville	64		
Great Neck Estates	59	Port Chester	65		
Roslyn	91	Dobbs Ferry	66		
Hempstead	92	Irvington-On-Hudson	67		
		North Tarrytown	68		

<b>Table of State Abbreviations</b>					
Alabama	AL	Kentucky	KY	North Dakota	ND
Alaska	AK	Louisiana	LA	Ohio	OH
Arizona	AZ	Maine	ME	Oklahoma	OK
Arkansas	AR	Maryland	MD	Oregon	OR
California	CA	Massachusetts	MA	Pennsylvania	PA
Colorado	CO	Michigan	MI	Puerto Rico	PR
Connecticut	CT	Minnesota	MN	Rhode Island	RI
Delaware	DE	Mississippi	MS	South Carolina	SC
District of Columbia	DC	Missouri	MO	South Dakota	SD
Florida	FL	Montana	MT	Tennessee	TN
Georgia	GA	Nebraska	NE	Texas	TX
Hawaii	HI	Nevada	NV	Utah	UT
Idaho	ID	New Hampshire	NH	Vermont	VT
Illinois	IL	New Jersey	NJ	Virginia	VA
Indiana	IN	New Mexico	NM	Washington	WA
Iowa	IA	New York	NY	West Virginia	WV
Kansas	KS	North Carolina	NC	Wisconsin	WI
				Wyoming	WY

<b>DHCR RENT OFFICES</b>	
<b>DHCR INFOLINE</b> (718) 739-6400	<b>DHCR TOLL-FREE</b> 1- 866-275-3427
<b>BRONX</b> One Fordham Plaza 2 <sup>nd</sup> Floor Bronx, NY 10458	<b>UPPER MANHATTAN</b> 163 West 125th Street 5 <sup>th</sup> Floor New York, NY 10027
<b>BROOKLYN</b> 55 Hanson Place Room 702 Brooklyn, NY 11217	<b>WESTCHESTER COUNTY</b> 75 South Broadway 2 <sup>nd</sup> Floor White Plains, NY 10601
<b>LOWER MANHATTAN</b> 25 Beaver Street 5 <sup>th</sup> Floor New York, NY 10004	<b>QUEENS</b> Gertz Plaza 92-31 Union Hall Street 4 <sup>th</sup> Floor Jamaica, NY 11433
<b>PROCESSING SERVICES UNIT/ALBANY</b> <b>Hampton Plaza - 5<sup>th</sup> Floor</b> 38-40 State Street Albany, NY 12207 Telephone: (518) 486-3367 Email: <a href="mailto:psu@nysdhcr.gov">psu@nysdhcr.gov</a>	

New York State  
Division of Housing and Community Renewal  
**Office of Rent Administration**  
*Policy Statement 89-7 (June 21, 1989)*

***Collection of Administrative Fees: Housing Accommodations  
Permanently Not Subject to the  
RSL or ETPA and Application Form***

**Note:** 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

Section 26-517.1 of the Rent Stabilization Law and Section 8 of the Emergency Tenant Protection Act provide for the imposition of a fee on owners of housing accommodations **subject** to the RSL or ETPA to assist DHCR in defraying the cost of administering such laws.

It is this Task Force interpretation of the relevant statutes that only *those housing accommodations which are permanently not subject to the RSL or ETPA are excused from such assessment*. What follows is applicable only to the issue of whether an owner is responsible for payment of the fee authorized by Section 26-517.1 RSL.

The purpose of this memo is to list those legal situations which cause the permanent decontrol of housing accommodations.

*The Rent Stabilization Law & Code in N.Y.C.*

Section 26-504 of the RSL and Section 2520.11 of the Rent Stabilization Code specify the grounds for both permanent decontrol and temporary exemption from the RSL & Code. While this memo will deal solely with the grounds for permanent decontrol, it is not always easy to separate the decontrol from the temporary exemption. **Permanent** may not always mean **eternal**. The following constitute grounds for permanent decontrol from Rent Stabilization coverage in New York City and, therefore, exempt the owner from the payment of the administrative fee:

- 1) A rent controlled apartment while it is still subject to Rent Control (Sec. 2520.11(a)).
- 2) Housing accommodations owned by the United States, the State of New York, any political subdivision, agency or instrumentality thereof, any municipality or any public housing authority (Sec. 2520.11(b)).  
*Example: An **In Rem** building or a building owned by HUD because it foreclosed on the FHA insured mortgage. But, not a **preempted** building because this constitutes a temporary exemption.*
- 3) Housing accommodations for which rentals are fixed by DHCR, HPD or UDC pursuant to laws other than the RSL and/or ETPA and which do not become subject to the RSL and Code after the establishment of initial rents pursuant to such other laws. (Sec. 2520.11(c)). *Example: A Mitchell-Lama building while subject to PHFL. .*
- 4) Buildings containing fewer than six housing accommodations on the date the building first became subject to the RSL (Sec. 2520.11(d)). *Example: A building containing five housing accommodations on July 1, 1974, the effective date of ETPA. According to court rulings, if a 6th unit is subsequently added, the building will become subject to RSL. A building will remain subject to the RSL if after the "base date" the number of housing accommodation is reduced to less than 6 units. A "garden apartment" development is subject to the RSL even though the individual certificates of occupancy are for one or two family houses.*

Depending on such factors as common ownership and common facilities (common heating plant, water sewer, utility lines, roof, etc.) two three-family houses may become subject to the RSL as a six family house.

- 5) Housing accommodations in buildings completed or buildings substantially rehabilitated as family units on or after January 1, 1974, except such buildings which are made subject to this Code by provisions of the RSL or any other statute (Sec. 2520.11(e)). *Example:* A newly constructed building effectuated entirely by private financing or a **gut rehabilitation** similarly performed. Where such construction is financed by the **421-a** or **J-51** program, the newly constructed building is subject to the RSL for a specified period. See Items 12 and 13.
- 6) Housing accommodations owned by a hospital, convent, monastery, asylum, public institution, college or school dormitory or any institution operated exclusively for charitable or educational purposes on a non-profit basis, and occupied by a tenant whose initial occupancy is contingent upon an affiliation with such institution (Sec. 2520.11(f)). *Example:* A hospital owns a building containing ten housing accommodations, five are occupied by Nurses working at the hospital since the hospital acquired the building; five apartments are occupied by nonaffiliated tenants. If DHCR's registration records show ten apartments registered, DHCR should continue to bill for the ten units until such time as the entire building is occupied by affiliated personnel of the hospital. As occupancy is the basis for a **temporary exemption** only and DHCR cannot investigate each change of tenancy to determine **affiliation**, until the entire building is not subject to the RSL, for the purpose of collecting the fee, the entire building will remain subject to the RSL.
- 7) Rooms or other housing accommodations in hotels where such housing accommodations were rented on May 31, 1968 for more than \$350.00 per month or \$88.00 per week or are contained in a hotel which was constructed after July 1, 1969 (Sec. 2520.11(g)). Note: Hotel registration records showing exempt units in the various hotels in New York City are in the possession of DHCR.
- 8) Housing accommodations in any motor court, or any part thereof, any trailer, or trailer space used exclusively for transient occupancy or any part thereof; or any tourist home serving transient guests exclusively, or any part thereof. The term tourist home shall mean a rooming house which caters primarily to transient guests and is known in the community as a tourist home (Sec. 2520.11(n)). *Example:* What is known in common parlance as a **Motel**. Also, see item 8 on page 4 for the definition of a **motor court** as stated in the Tenant Protection Regulations for the counties of Nassau, Rockland and Westchester.
- 9) Housing accommodations in buildings operated exclusively for charitable purposes on non profit basis (Sec. 2520.11(j)). *Example:* Housing accommodations in YMCA/YMHA building; or housing accommodations in the hospital building itself as opposed an apartment house owned by the hospital.
- 10) Housing accommodations contained in buildings owned as cooperatives or condominiums as provided in Section 352eeee of the General Business Law in accordance with Section 2522.5(h) of the Code and housing accommodations occupied by the Proprietary lessee/condo owner (Sec. 2520.11(1)). *Example:* Where a building has been converted to co-op ownership pursuant to a non-eviction plan, apartments occupied by a non-purchasing rent stabilized tenant are subject to the Rent Stabilization Law for as long as the tenant continues to reside therein. However, if that tenant vacated from the apartment after the co-op has been declared effective and title passed to the co-op corporation or if the rent paying tenant buys the apartment and continues to reside therein, the apartment is not subject to the RSL. In a co-op eviction plan, the co-op may evict the non-purchasing tenant three years after the plan has been declared effective and once that period has expired, the apartment is no longer subject to the RSL.
- 11) Housing accommodations used exclusively for professional, commercial or other nonresidential purposes in accordance with the certificate of occupancy (Sec. 2520.11(n)). *Example:* As this ground is an

exemption based on usage, which for the purpose of fee collection is not operative to excuse the owner from payment of the fee because of its temporary nature, this ground will excuse an owner from payment of the fee only where the apartment has been converted to professional or commercial usage and the change has been noted on the certificate of occupancy. Also, for the owner to qualify for the decontrol on this basis, the tenant cannot reside in the apartment.

- 12) Housing accommodations in buildings completed or substantially rehabilitated as family units on or after January 1, 1974 or located in a building containing less than six housing accommodations, and made subject to the RSL and Code *solely* as a condition of receiving **J-51** Tax benefits or Art. XVIII PHFL funding; and thereafter receipt of such tax benefits and supervisory period has concluded and such housing accommodations became vacant; or, each lease and each renewal thereof of the tenant in occupancy when the benefit or supervisory period concluded includes a notice informing such tenant that the housing accommodations shall become deregulated upon the expiration of the last lease entered into during the tax benefit or supervisory period and states the approximate date on which such benefits and supervisory period are scheduled to expire (Sec. 2520.11(o)). *Example:* A housing accommodation would normally not be subject to the RSL because it was constructed on or after January 1, 1974 or because it contains less than six housing accommodations. However, because the owner was granted **J-51** benefits or effectuated rehabilitations pursuant to Article XVIII PHFL, the housing accommodations are made subject to the RSL pursuant to the terms of such statutes. When the respective benefits or supervisory period under each of the two statutes cited has (1) ended *and* (2) the tenant has moved out of the apartment *or* (3) the initial and renewal leases of the tenant in occupancy at the end of such periods notified the tenant of the forthcoming deregulation of the apartment and the approximate date thereof, the housing accommodations will no longer be subject to the RSL and the owner will not have to pay the fee.
- 13) Same as item 12 except that the benefit in question is granted pursuant to Section 421-a of the Real Property Tax Law and the housing accommodations became vacant after the expiration of the benefit period; or, for housing accommodations which first became subject to rent stabilization pursuant to 421-a after July 3, 1984 each lease and each renewal thereof of the tenant in occupancy at the time the period of tax exemption pursuant to 421-a expires, contain the same notice as that discussed in item 11 above. (Sec.2520.11(p)). *Example:* Same as item 12, except that the tax benefit statute is Section 421-a Real Property Tax Law. Also, the lease notification provision applies only to housing accommodations becoming subject to RSL because of 421-a, only, on or after July 3, 1984.
- 14) Housing accommodations which would be subject to the RSL & Code solely by reason of the Loft Law but are exempted from the Loft Law pursuant to Sections 286(6) and 286(12) of the MDL. *Example:* Loft space which has been authorized for residential usage by the Loft Board pursuant to the Loft Law becomes subject to the RSL at the initial legal regulated rent set by the Loft Board. However, when the owner buys the improvement made by the tenant to the Loft space in accordance with Section 286(6) of the Loft Law or where the owner and tenant, pursuant to Section 286(12) of such law agree on terms for the tenant to vacate the housing accommodation, such unit is no longer subject to the Loft Law and, therefore, will be not subject to the RSL. The owner is exempt from payment of the fee for such units.

*The ETPA and Tenant Protection Regulations  
in Nassau, Rockland, Westchester Counties*

Section 5 of ETPA and Section 2500.9 of the Tenant Protection Regulations specify the grounds for both permanent decontrol and temporary exemption from the ETPA and Regulations. For the most part they are very similar to those contained in Sections 26-504 of the RSL and Section 2520.11 of the Rent Stabilization Code and, except where clarification is needed, no new examples will be cited. While this memo will deal solely with the grounds for permanent decontrol it is not always easy to separate the decontrol from the temporary exemption. **Permanent** does not always mean **eternal**. The following constitute grounds for permanent decontrol from ETPA



coverage in the ETPA counties and, therefore, exempt the owner from the payment of the administrative fee.

- 1) Housing accommodations subject to the Emergency Housing Rent Control Law (Sec. 2500.9(a) TPR).  
*Example:* An apartment which is subject to the State Rent Control Law.
- 2) Housing accommodations owned by the United States, the State of New York, any political subdivision, agency or instrumentality thereof, any municipality or any public housing authority (Sec. 2600.9(b) TPR).
- 3) Housing accommodations in buildings in which rentals are fixed by or subject to the supervision of the State Division of Housing and Community Renewal under other provisions of law, or the New York State Urban Development Corporation. (Sec. 2500.9(c) TPR).
- 4) Housing accommodations in a building containing fewer than six dwelling units (Sec. 2500.9(d)(1) TPR).
- 5) Housing accommodations in buildings completed or buildings substantially rehabilitated as family units on or after January 1, 1974 (Sec. 2500.9(e) TPR).
- 6) Housing accommodations owned by a hospital, convent, monastery, asylum, public institution, or college or school dormitory or any institution operated exclusively for charitable or educational purposes on a non-profit basis other than accommodations occupied by a tenant on the date such housing accommodation is acquired by such institution, or which are occupied subsequently by a tenant who is not affiliated with such institution at the time of his initial occupancy. (Sec. 2500.9(f) TPR).
- 7) Rooms or other housing accommodations in hotels. (Sec. 2500.9(g) TPR). *Example:* A hotel room in Long Beach, Nassau County. Unlike New York City, hotel rooms in the three ETPA counties are not subject to ETPA.
- 8) Any motor court, or any part thereof, any trailer, or trailer space used exclusively for transient occupancy or any part thereof; or any tourist home serving transient guests exclusively, or any part thereof.
  - (a) The term motor court shall mean an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as motor, auto or tourist court in the community.
  - (b) The term tourist home shall mean a rooming house which caters primarily to transient guests and is known as a tourist home in the community. (Sec. 2500.9(h) TPR)
- 9) Housing accommodations in buildings operated exclusively for charitable purposes on a nonprofit basis (Sec. 2500.9(j) TPR).
- 10) Housing accommodations contained in buildings owned as cooperatives or condominiums for as long as the housing accommodation is occupied by the proprietary lessee/condo owner. However, an owner occupied-apartment or a superintendent-occupied apartment in a non-co-op/condo apartment building is not excused from the payment of the administrative fee.