



## Required and Essential Services

2 PAGES

### **Services owners are required to provide**

An owner must provide and maintain services and equipment furnished or required by Rent Control or Rent Stabilization regulations. Required or essential services include repairs, heat, hot and cold water, maintenance, painting and janitorial services, elevator service and ancillary services such as garage and recreational facilities. This may include services that were provided but not registered by the owner on the Initial Apartment Registration (DHCR Form RR-1(i)) or, the Initial Building Services Registration (DHCR Form RR-3(i)).

Under rent stabilization, an owner must generally maintain all services required by the Rent Stabilization Law on rent stabilization's base dates of May 31, 1968 and/or May 29, 1974. The base date for apartments under the Emergency Tenant Protection Act (ETPA) outside of NYC is May 29, 1974, or the day immediately prior to the local effective date, whichever is later. The base date for buildings which were governed by Mitchell-Lama regulations is the day they became subject to rent regulation.

Under rent control, the owner must generally provide and maintain all services furnished or required to be furnished on the base date of May 1, 1950 for rent controlled apartments outside of NYC, and March 1, 1943 for those within NYC.

### **Minor (De Minimis) Service conditions**

Certain conditions complained of as constituting a decrease in a required service may have only a

minimal impact on tenants, do not affect the use and enjoyment of the premises, and may exist despite regular maintenance of services. Such conditions, which are minor (de minimis) in nature, do not rise to the level of a failure to maintain a required service. See Fact Sheet # 37, De Minimis Conditions, for a schedule of these conditions.

### **Repair or replacement of defective equipment**

When an owner provides equipment or services within an apartment, such as a refrigerator, stove or air conditioner, the owner must maintain it in good working order. Defective equipment can be:

1. Repaired at the owner's expense or;
2. Replaced with reconditioned or used equipment, provided it is in good working order and is comparable to the item replaced. The owner is not entitled to any increase in rent based on the cost of reconditioned or used equipment or;
3. Replaced with a new one, for which the owner may be entitled to an Individual Apartment Improvement (IAI) rent increase. For occupied apartments, however, the tenant's voluntary written consent is required before the owner may collect the increase. If an installation of new equipment is done while the apartment is vacant, the new tenant's consent is not required for the owner to collect the IAI rent increase. See Operational Bulletin 2016-1.

## Filing complaints with DHCR

Tenants can file a written complaint of a decrease in services on the appropriate DHCR form. For additional information, see Fact Sheet # 14, Rent Reductions for Decreased Services.

## SOURCES

New York City Rent Stabilization Code, Section 2523.4  
 Tenant Protection Regulations, Section 2503.4  
 New York City Rent and Eviction Regulations, Section 2202.16  
 New York State Rent and Eviction Regulations, Section 2102.4

## RELATED MATERIALS

### FACT SHEET #14

#### Rent Reductions for Decreased Services

### FACT SHEET #37

#### De Minimis Conditions in Building-Wide or Individual Apartment Areas

### OPERATIONAL BULLETIN 2016-1

#### Individual Apartment Improvements



➤ **Rent Connect:**  
rent.hcr.ny.gov

✉ **Ask a question:**  
portal.hcr.ny.gov/app/ask

🗣️ **For translation help:**  
hcr.ny.gov/language-accessibility

➤ **Our website:**  
hcr.ny.gov/rent

**To visit a Borough Rent Office, by appointment only, please contact:**

#### QUEENS

92-31 Union Hall Street  
6th Floor  
Jamaica, NY 11433  
718-482-4041

#### BROOKLYN

55 Hanson Place  
6th Floor  
Brooklyn, NY 11217  
718-722-4778

#### UPPER MANHATTAN

163 W. 125th Street  
5th Floor  
New York, NY 10027  
212-961-8930

#### LOWER MANHATTAN

25 Beaver Street  
New York, NY 10004  
212-480-6238

#### BRONX

1 Fordham Plaza  
4th Floor  
Bronx, NY 10458  
718-430-0880

#### WESTCHESTER

75 South Broadway  
3rd Floor  
White Plains, NY 10601  
914-948-4434