

FACT SHEET



Andrew M. Cuomo, Governor

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DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION

#31 Guide to Rent Increases for Rent Stabilized Apartments in Westchester County

This is a guide to rent increases for Rent Stabilized Apartments in Westchester County, a county 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 1st of a given year will be included in the rent shown for April 1st 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 DHCR's office at 75 South Broadway, White Plains, NY 10601 and speaking to a counselor.

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 the DHCR office at 75 South Broadway, White Plains, NY 10601, (914) 948-4434 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.

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. All information on the Surveys is kept confidential, unless the owner indicates otherwise. 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.

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 1st, until September 30th, 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 two year term, the new rent would be computed as follows: \$800. (old rent) x .04 = \$32. (rent increase) = \$832 (new rent).

In addition to renewal lease increases, the County Rent Guidelines Board may provide for an additional increase called an "additional vacancy allowance". This vacancy allowance is in addition to the Statutory Vacancy Increase which is described in item 2.

Listed below are the guidelines adopted by the Westchester Rent Guidelines Board for leases commencing during the periods given below.

Period During which Lease Commenced	One Year Lease Term Renewal	Two Year Lease Term Renewal	Additional Vacancy Allowance
10/1/07 - 9/30/08	2.5% (2% if owner does not provide heat and/or hot water)	3.5% (2.8% if owner does not provide heat and/or hot water)	0%
10/1/08 - 9/30/09	Greater of 4.5% or \$45 (3.6% or \$36 if owner does not provide heat and/or hot water)	Greater of 6.5% or \$45 (5.2% or \$36 if owner does not provide heat and/or hot water)	0%
10/1/09 - 9/30/10	Greater of 2.25% or \$20 (1.8% or \$16 if owner does not provide heat and/or hot water)	Greater of 4.0% or \$40 (3.2% or \$32 if owner does not provide heat and/or hot water)	0%
10/1/10 - 9/30/11	0%	0%	0%
10/1/11 - 9/30/12	Greater of 2.5% or \$25 (2.0% or \$20 if owner does not provide heat and/or hot water)	Greater of 4% or \$40 (3.2% or \$32 if owner does not provide heat and/or hot water)	0%

2. Vacancy Lease Rent Increases

When a person rents a rent stabilized apartment for the first time, the owner and the tenant sign a **vacancy lease**.

- The new tenant (also called the vacancy tenant) must be given the choice of a one-or two-year lease term. Generally, the rent the owner may charge for a vacancy lease cannot exceed the last legal regulated rent plus the applicable vacancy increases. The rent may also be increased for lawful Individual Apartment Improvements and/or Major Capital Improvements.
- Pursuant to the Rent Act of 2011, effective June 24, 2011, owners can charge and collect no more than one (1) vacancy lease rent increase in a calendar year (January 1st through December 31st).

The vacancy increases for the past several years are as follows:

Period During which Lease Commenced	Statutory Vacancy Increase* For A	
	One Year Lease Term	Two Year Lease Term
10/1/07 - 9/30/08	19%	20%
10/1/08 - 9/30/09	18%	20%
10/1/09 - 9/30/10	18.25%	20%
10/1/10 - 9/30/11	20%	20%
10/1/11 - 9/30/12	18.5%	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. (See Fact Sheet # 5 for additional information).

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 #24, "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.

Pursuant to the Rent Act of 2011, effective September 24, 2011, in buildings that contain more than 35 apartments, the owner can collect a permanent rent increase equal to 1/60th of the cost of the Individual Apartment Improvement (IAI). In buildings that contain 35 apartments or less, the owner can collect a permanent rent increase equal to 1/40th of the cost of the IAI, as had previously been allowed.

For example, if a new dishwasher is installed in a vacant apartment, in a 100 unit building, and the cost is \$900, the rent can be increased by \$15 (1/60th of \$900). The same installation in a 20 unit building would result in a \$22.50 rent increase (1/40th of \$900). The increase, if taking place on a vacancy, is added to the legal rent after the application of the statutory vacancy increase, not before. (See Fact Sheet #12 for additional information).

Municipalities in Westchester County with ETPA

Village of Croton-on-Hudson
Village of Dobbs Ferry
Town of Eastchester
Town of Greenburgh
Town of Harrison
Village of Hastings-on-Hudson
Village of Irvington-on-Hudson
Village of Larchmont
Town of Mamaroneck
Village of Mamaroneck

Village of Mount Kisco
City of Mount Vernon
City of New Rochelle
Village of Sleepy Hollow
Village of Pleasantville
Village of Port Chester
City of Rye
Village of Tarrytown
City of White Plains
City of Yonkers

For further information or assistance contact your local DHCR office at: **75 South Broadway
White Plains, NY 10601
(914) 948-4434**