

# FACT SHEET



Andrew M. Cuomo, Governor

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DIVISION OF HOUSING AND COMMUNITY RENEWAL  
OFFICE OF RENT ADMINISTRATION

## # 44 Fees

There are certain fees that owners may charge tenants separate and apart from the rent for the apartment. However, fees of any kind do not become part of the legal rent or preferential rent and cannot be added to it for the purpose of calculating lease renewal increases.

### **Lawful fees:**

Late fees where a clause in the initial vacancy lease allows for them to be charged by a certain specific date and the late fees are no more than 5% of the monthly rent currently being charged and collected. Preferential rents, which may also be referred to as “on-time rent”, that are conditioned on prompt payment of rent or terminate upon late payment of rent are not allowed.

Legal fees can only be collected if ordered by a judge in court.

Reasonable fees for a background check when applying to be a tenant.

Fees for screening a prospective subtenant (Background check, credit check, employment verification) may be charged to the tenant in occupancy requesting a sublet.

Fees for window guards (\$10 per guard) are detailed in DHCR Fact Sheet # 25.

Fees for smoke alarms, carbon monoxide detectors and natural gas detectors are established by the local municipality.

Actual Fees/charges incurred for insufficient funds for a tenant’s rent check that did not clear (bounced checks), if this was provided for in the initial lease.

Fees imposed by the NYC agency (Ex-HPD, HDC) that has oversight authority pursuant to a regulatory agreement.

Fees for Air Conditioners and Tenant-installed Washing Machines, Dryers and Dishwashers are detailed in DHCR’s Operational Bulletin 84-4 and DHCR Operational Bulletin 2005-1.

Fees for Sub-Metering or other utility services. Fees for Sub-Metering are detailed in DHCR Operational Bulletin 2014-1.

**Unlawful Fees:**

Fees for background checks on rent stabilized tenants in occupancy.

Fees cannot be charged to the tenant for a background check on a prospective roommate or additional family member.

Pet security deposit or fees proposed for a service animal or that are in violation of fair housing law.

Fees for owner installed air conditioner brackets are prohibited.

Fees including but not limited to damage fees, repair fees of any kind including those incurred for removal of municipal violations, painting fees, cleaning fees and other fees not established by or in excess of the amount allowed by the rent regulations or other municipal regulations are prohibited. Please note that the inappropriateness of imposing these fees through the lease may not necessarily prevent an owner from independently seeking other relief in court for objectionable conduct or damages.

The ten dollar fee that must be paid by owners to the municipality for each stabilized apartment can not be passed along as a fee to the tenant.

**Filing complaints with DHCR**

Tenants who have been billed for fees and/or surcharges that they may believe is unlawful, or untimely have the right to file a complaint of rent overcharge on DHCR form RA-89 and/or pursue remedies in court. In processing these complaints DHCR may request proof of purchase and/or installation, copies of leases, rent ledgers, other relevant evidence and may also conduct inspections. When DHCR identifies a pattern of multiple complaints filed by tenants in one building, or in a series of buildings that have common ownership, it may refer the cases in a consolidated manner for administrative and/or enforcement proceedings.

*For more information or assistance, call the DHCR  
Rent InfoLine, or visit your Borough or County Rent Office.*

**Queens**

92-31 Union Hall Street  
6th Floor  
Jamaica, NY 11433  
(718) 739-6400

**Lower Manhattan**

25 Beaver Street  
5th Floor  
New York, NY 10004

**Brooklyn**

55 Hanson Place  
7th Floor  
Brooklyn, NY 11217

**Bronx**

1 Fordham Plaza  
4th Floor  
Bronx, NY 10458

**Upper Manhattan**

163 W. 125th Street  
5th Floor  
New York, NY 10027

**Westchester County**

75 South Broadway  
White Plains, NY 10601