

# FACT SHEET



Andrew M. Cuomo, Governor

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DIVISION OF HOUSING AND COMMUNITY RENEWAL  
OFFICE OF RENT ADMINISTRATION

## # 44 Fees

DHCR has previously expressed opinions on the lawfulness of late fees, legal fees and other miscellaneous fees that may be imposed by owners on tenants. As the scope and frequency of fees being imposed has increased and become more pervasive in DHCR administrative cases and in matters before the courts, DHCR has further determined that it is in the public interest to provide a more thorough and detailed summary of its positions in this Fact Sheet.

**Special Note** - Fees of any kind DO NOT become part of the legal rent and cannot be added to it for the purpose of calculating lease renewal rent increases.

**Late fees** - Are allowable where a clause in the 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.

**Legal fees** – No legal fees can be collected unless ordered by a court of competent jurisdiction. Collection of legal fees would require that there have been a clause in the vacancy lease allowing for these fees and that the legal fees are for a court proceeding actually commenced, as opposed to the preparation of a collection letter by an attorney. Absent a judge's order, no owner or attorney can receive the tenant's payment of legal fees.

**Fees for background checks and employment verification for a prospective tenant** - Are not under DHCR's jurisdiction. However, while it is DHCR's position that it is unlawful to impose fees for background checks on rent stabilized tenants in occupancy, DHCR has determined that background fees may be charged to the tenant in occupancy for a background check to be conducted on a prospective subtenant. This fee cannot be passed on to the subtenant. However, these fees cannot be charged to the tenant for a background check on a prospective roommate.

**Other fees** - It is not legal to impose 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 the rent regulations or other municipal regulations. Fees may be collected for window guards and smoke alarm/carbon monoxide detectors, neither of which become part of the legal rent of the apartment. DHCR may recognize an owner's right to recapture charges incurred for insufficient funds for a tenant's rent check that did not clear, if this was provided for in the initial lease.

In addition, fees imposed on a rent bill in a building that is subject to regulation and administration by the City of New York through any of its agencies, including but not limited to HPD, HDFC, HDC, despite possible registration with DHCR, may only be properly imposed by the NYC agency that has oversight authority. Any inquiries on these fees may be directed to the oversight agency.

Surcharges for Air Conditioners are extensively covered in DHCR Operational Bulletin 84-4 Annual Update of Section B of Supplement No. 1.

Surcharges for Washing Machines, Dryers and Dishwashers are extensively covered in DHCR Operational Bulletin 2005-1, which has a Supplement that is periodically updated.

### **Filing complaints with DHCR**

Tenants who have been billed for fees and/or surcharges that they may believe are 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**

2400 Halsey Street  
Bronx, NY 10461

**Upper Manhattan**

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

**Westchester County**

75 South Broadway  
White Plains, NY 10601