



New York State
Division of Housing and Community Renewal
Office of Rent Administration

*New York City Rent Stabilization Code
New York City Rent and Eviction Regulations*

*Fifth Annual Update (Air Conditioners) of Section B of Supplement No. 1
to
Operational Bulletin No. 84-4 (September 25, 1990)*

***B) Permissible Charges for the Use and Installation of an
Air Conditioner for Both Rent Controlled and
Rent Stabilized Apartments in New York City.***

This Annual Update is issued pursuant to Section 2527.11 of the Rent Stabilization Code, and Section 2209.8 of the New York City Rent and Eviction Regulations.

Electrical Inclusion Buildings

An owner may charge a tenant \$224.53¹ per annum per air conditioner (\$18.71 per month) for air conditioners in rent stabilized and rent controlled accommodations which are initially installed between October 1, 1990 and September 30, 1991 if electricity costs are included in the rent.

For Rent Stabilized Apartments, this electrical inclusion charge shall take effect on October 1, 1990 and will thereafter be annually adjusted upward or downward depending upon whether the "Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City", prepared for the New York City Rent Guidelines Board by Speedwell Inc., (or such other research company as the Rent Guidelines Board may choose), shows an increase or decrease in the cost of electricity for electrical inclusion buildings.

For air conditioners in rent stabilized accommodations in electrical inclusion buildings installed between October 1, 1985 and September 30, 1990, the allowable charge per annum is hereby increased to \$224.53 per air conditioner (\$18.71 per month), effective October 1, 1990.

Installation Charge

Owner Performs Installation

Where the air conditioner is purchased and installed by the owner with the rent controlled or rent stabilized tenant's written consent, one-fortieth (1/40th) of the cost of the new air conditioner may be included in the base rent.

¹The 1989 charge (estimated average operating cost) per air conditioner of \$205.80 per annum (\$17.15 per month) is increased to reflect a 9.10% increase in the price of electricity for electrical inclusion buildings. See 1990 *Price Index of Operating Cost for Rent Stabilized Apartment Housing in New York City*, Speedwell Inc., Page 46, one, 1990.

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.

Tenant Performs Installation

Where the rent controlled or rent stabilized tenant purchases and installs his or her own air conditioner between October 1, 1990 and September 30, 1991, a \$5.00 per month per air conditioner charge will be payable to the owner only if the air conditioner protrudes beyond the window line.

Terms and Conditions

For Rent Stabilized Apartments, these charges, with the exception of the one-fortieth (1/40th) charge for the owner-purchased and installed air conditioner, do not become part of the base rent for the purpose of computing any guidelines or other increases under the Rent Stabilization Law or Code. For air conditioners initially installed prior to October 1, 1985, the permissible charge is dependent upon the lawful practice then in effect.

Owners can collect the charges from rent stabilized tenants without an order from the DHCR. However, an owner cannot collect the charges now for an air conditioner if the owner did not begin charging for the air conditioner at the time it was installed or within a reasonable period of time thereafter. A reasonable period is generally considered to be that amount of time in which an owner would be expected to learn that the air conditioner was installed.

These charges remain collectible throughout the year even if the air conditioner is removed temporarily, i.e. during the winter months.

For Rent Controlled Apartments, the owner must apply to the DHCR before collecting any of these charges. An owner may apply to the DHCR by submitting the "Owner's Application for a Rent Increase Based on Increased Services, Furnishings or Equipment", (DHCR form RA-79B). The increase is not collectible until an order to increase the rent is issued by the DHCR. If the owner previously received approval for charges related to the installation of an air conditioner in a rent controlled accommodation where electricity is included in the rent or for an air conditioner purchased and installed by the tenant; no additional charges will be approved for that apartment unless an additional air conditioner is installed.

The electrical inclusion charge and the \$5.00 per month charge for a tenant purchased and installed air conditioner in a rent controlled apartment become part of the maximum collectible rent, but they do not affect the compounding of the maximum base rent. For air conditioners initially installed prior to October 1, 1985, the permissible charge is dependent upon the lawful practice then in effect.

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