



Policy Statement 89-3 (March 1989)

MBR Fee Collectibility

This policy statement specifies the procedures for MBR fee payment for the 1988-89 and 1990-91 cycles.

Introduction

According to the New York City Rent and Eviction Regulations, Section 2200.17 states, “the fee for processing and obtaining any order ... shall in no event be refunded ... where the landlord has not paid the fee, the Administrator may deny, defer or revoke the order ... for the biennial period for which the required fee was not paid.”

Where an owner filed an MBR application during the 1986-87 cycle, notice to pay the MBR fee was sent with the order of eligibility. If an owner did not subsequently pay the fee, a final payment notice was sent allowing an additional 90 days for payment. If an owner failed to make final payment, he/she was subject to revocation of the order.

Those owners who were denied the increase were never billed.

1988-89 Cycle

Where an owner files an MBR application DHCR processes the request in the following manner:

- Notice requesting payment of the MBR fee is sent to the owner prior to receiving an order of eligibility or denial.
- Where an MBR application is denied, the fee, if paid will be returned to the owner.
- Where the owner is granted an order of eligibility for the rent increase, DHCR retains the fee.
- If, however, an owner does not pay and has received an order of eligibility, he/she will be sent a final payment notice. If payment is not made within ninety days then the order will be revoked.

1990-91 Cycle

Upon DHCR’s receipt of the MBR application, the owner will be billed for the appropriate number of rent controlled apartments, based on the submitted rent schedule. The owner will be requested to submit the fee within 20 days of receipt of the bill. If the owner does not submit the fee, a final notice requesting payment will be sent, allowing an additional 30 days for remittance. Since the MBR fee will be collected as an application processing fee, any owner who fails to make payment after appropriate notice will be issued an order of denial

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