



*Policy Statement 92-3 (August 14, 1992)*

***Proof of Registration***

The Rent Stabilization Law and Code require owners to file an initial registration for each rent stabilized housing accommodation and to thereafter file annual updates with the DHCR. Owners must serve copies of the registrations on the tenant. This Policy Statement is being issued to provide guidance to owners concerning the type of documentation an owner must submit to the DHCR to substantiate proper registration including proof of service on the tenant in response to a DHCR notice requesting such proof.

As more fully described below, in some instances, the evidence submitted will be “conclusive” (sufficient by itself) to determine the issue, and in some instances the “totality of the evidence” (including documents which have already been filed with the DHCR, and documents submitted by tenants) will be determinative of the issue.

**I. For Any Year - Conclusive Evidence of Filing with DHCR of Either Initial or Annual Registration**

In a DHCR proceeding, when the issue is raised of failure to file an initial or annual registration due in any year, any one of the following documents, if included with the owner’s response to the DHCR notice requesting such information, will be conclusive evidence of such filing:

- Registration Receipt from the DHCR Rent Registration Unit; or
- DHCR date stamped copy of the registration form; or
- Original affidavit of service by the person who actually did the mailing, or who was responsible for overseeing the owner’s mailing procedures, sworn to contemporaneously with the filing with the DHCR.

**II. For Years Prior to 1988 - Proof of Filing with DHCR of Either Initial or Annual Registration Based Upon Totality of Evidence**

Registration receipts only became uniformly available in 1988. Therefore, if none of the documents described above as “conclusive evidence” is available, DHCR will accept other proof of registration for such prior years, based upon the totality of the evidence, as indicated below.

Provided that DHCR records corroborate the owner’s substantial compliance with registration requirements for the building, an owner may establish the filing of an initial or annual registration statement with the DHCR for any year prior to 1988 by submitting as many of the documents listed below as possible. Although no single document shall be conclusive proof of filing, the totality of evidence submitted shall be considered in determining whether such filing was made.

*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.*



- Certified Mail Receipt or Post Office Proof of Mailing to DHCR Rent Registration Unit;
- Notarized Registration Summary Form;
- Affidavit of Service made after the filing with the DHCR by the person who actually did the mailing or who was responsible for overseeing the owner's mailing procedures;
- Receipts, bills, affidavits or other proof of service from an organization or an agent who was contracted by the owner to file registration forms with the DHCR on the owner's behalf;
- Admission of service by tenants or substantial proof of service of the registration on tenants.

Where, based upon consideration of the entire record, the rent being collected from the tenant of the subject apartment is not consistent with the application of appropriate guidelines and other permissible increases, and therefore the owner is collecting an overcharge, there will be a rebuttable presumption of non-registration of that apartment.

### III. Evidence of Service on the Tenant of Initial Registration Form

#### A) Prior to May 1, 1987:

The method of service on the tenant of the initial registration prior to the May 1, 1987 effective date of the amended Code was specified in the DHCR's registration instructions. The only acceptable proof of this service on the tenant for initial registrations filed prior to May 1, 1987 is:

- A contemporaneously signed receipt (the original receipt, not a copy) from the tenant acknowledging hand delivery of the initial registration form; or
- A Post Office receipt certifying the date and the number of pieces of mail to the building included in the "Carrier Route Pre-Sort" service along with a list of the mailing addresses furnished by the RSA or by a bonded mailing house; or
- A signed and dated form #P03877, "Acceptance of Registered, Insured, C.O.D., and Certified Mail," which proves the date of delivery of first class mail to the Post Office.

#### B) On or after May 1, 1987:

For initial registrations completed on or after May 1, 1987, the Code requires service by certified mail. Therefore, the only acceptable proof of service is a date-stamped Post Office receipt for the certified mailing of the tenant of the registration form. However, the original of the tenant's signed receipt acknowledging hand delivery of the form will also be accepted.

### IV. For Any Year (1985 - Present) - Evidence of Service on the Tenant of Annual Registration Form

#### A) Conclusive Evidence:

- Certified Mail Receipt or Post Office Proof of Mailing to tenant; or

- Statement from tenant acknowledging receipt of tenant's copy of registration.
- B) Proof of Service Based Upon Totality of Evidence:
- Receipts, bills, affidavits by persons who actually did the mailing or who were responsible for overseeing the owner's mailing procedures, or other proof of service from an organization of an agent who was contracted by the owner to serve registration forms upon the tenant on the owner's behalf;
  - Affidavits from other tenants attesting to receipt of the annual registration form in a timely manner;
  - Where service of the annual registration form is being challenged, evidence that the contents of the form, including the rent set forth therein, conformed to the requirements of law may be considered;
  - Such other proof as the owner may have which is relevant.

*General Application*

In determining the issues set forth herein, a strong negative presumption will be imputed against owners who have generally not complied with rent registration requirements or who have not adhered to the rent laws in general, as for example, by failing to properly compute and set forth the lawful rent. A showing of substantial compliance with such requirements will, however, give rise to a strong positive presumption in favor of owners.

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