



*Policy Statement 93-2 (August 20, 1993)
(Superseding Policy Statement 90-3)*

Definition of Room for Major Capital Improvement (MCI) Purposes

The definition of a room for MCI purposes only is as follows:

- 1) A windowless kitchen containing at least 59 square feet or a kitchen of any size with window. In either case, a kitchen must be enclosed by at least three sides, excluding the side(s) that contain(s) the entranceway.

or
- 2) An enclosed area with window containing at least 60 square feet.

or
- 3) An enclosed area without window containing at least 80 square feet.

Bathrooms, walk-in closets, porches, terraces and hallways are not rooms.

An “enclosed area” is an area bounded by ceiling-to-floor walls, one or more of which may contain an entranceway. An entranceway to an enclosed area must be either a door or an open archway that usually has dimensions similar to those of a standard size door frame, but which may be as large as a double-sized door frame. A sliding door or other type of door will generally qualify as an entranceway to an enclosed area. However, where two adjacent, otherwise enclosed areas are separated by an archway greater in size than a double-sized door or are distinguished from each other by a clearly perceptible difference in geometric form (such as an “L” shape), and where each of those areas contains at least 60 square feet and at least one window, such adjacent areas shall be considered two rooms.

A dwelling unit will be determined to have the same number of rooms as other like dwelling units (as determined, for example, from alteration plans or by comparison to other dwelling units in the line) notwithstanding that it has been altered or customized in a manner which would have resulted in a lower room count if the other principles set forth in this Policy Statement had been applied.

The owner should use this definition of a “room” in applying for MCI rent increases for both rent-controlled and rent-stabilized apartments. Each affected tenant will be advised by the DHCR of the number of rooms ascribed to his or her apartment by the owner in the MCI application. If a tenant objects to the room count for his or her apartment as indicated in the owner’s MCI application, such objection must be made in the MCI proceeding.

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.



The change made by that part of this Policy Statement which sets forth the qualifications of a kitchen (paragraph numbered "1" above) shall be effective immediately, and shall apply to all pending MCI proceedings. In all other respects, this Policy Statement shall be effective for all MCI applications filed on and after October 15, 1993, or upon such later date as new application forms will have been made available containing the revised definition of "room" set forth in this Policy Statement. Until such time, Policy Statement 90-3, which sets forth the current definition of "room" for MCI processing, shall remain in effect.

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for Rent Administration