



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

Operational Bulletin 84-2 (October 1, 1984)

Emergency Tenant Protection Act

Summary of Guidelines Rates of Maximum Rent Increases approved and filed by the New York City and the County Rent Guidelines Boards for leases commencing between October 1, 1984 and September 30, 1985.

	• Rockland County	•• Nassau County	••• Westchester County	•••• New York County
One-Year Lease	3%	6%	0%	6%
Two-Year Lease	6%	8%	3%	9%

The guidelines shall be applied to the base rent without tax or cost escalating factors.

All counties outside New York City require the owners to file operating expense statements before they are eligible to collect any guideline rent increases.

• Rockland County

When a vacancy occurs, the owner shall be allowed to increase the rent level for that apartment to the highest rent level as of October 1, 1984, for an apartment having the same number of rooms within the same building or complex, or by a factor of 5%, *whichever is lower*.

This base rent is then established for apartments in this building or complex having the same number of rooms *for the balance of the guideline year*.

Upon this base rent the allowable guideline rent increase shall be added, provided that the owner shall further fully recite in the lease the designation and location of the apartment having the same number of rooms and the highest rent level.

•• Nassau County

Where a vacant apartment is rented to a new tenant not then residing in the building or complex, an additional guideline, not to exceed *one month's prior legal regulated rent* may be charged, to be paid by the tenant in equal monthly installments over the (Revision 12/18/84) term of the lease selected by the tenant. This additional guideline may still be taken if the owner has filed or files an application with the State Division of Housing and Community Renewal for a rent adjustment based on the installation of new equipment to replace existing equipment.

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.



Where the legal regulated rent includes *electric and gas* service, an additional 2% may be charged, which shall not become part of the legal regulated rent. This rent shall only be applicable to accommodations contained in solely residential buildings.

Where the tenant pays for heat, the guideline authorized shall be reduced by 1.5% for one-year leases, and 2% for two-year leases.

••• Westchester County

No additional guideline rent increase when renting a vacant apartment to a new tenant.

•••• New York City

The following is a summary of orders established by the New York City Rent Guidelines Board for leases commencing between *October 1, 1984 and September 30, 1985*.

1) Adjustments

a) For Renewal Leases

One-year lease 6%
Two-year lease 9%

These guidelines also apply to dwelling units with partial tax exemption under Sections 421 and 423 of the Real Property Law as a Redevelopment Project.

Any lease less than one year shall be deemed a one-year lease. Any lease over one year and up to and including two years, shall be deemed a two-year lease.

b) For Vacancy Leases

Vacancy leases shall be further increased by 7 1/2%, providing there has been no new tenant during the 10/01/83 - 9/30/84 guideline year or where there had previously been a new tenancy 10/1/83 or after and the applicable vacancy allowance under Rent Guidelines Board Order No. 15 was zero. No more than one vacancy lease allowance for leases commencing during this period is permitted.

c) Supplementary Charge

For a vacancy or renewal lease for a unit with a lawful rent of less than \$250.00 per month on 9/30/84 the levels of rent increase shall be the same as for a renewal lease (as in a above) plus an additional charge of \$10.00 provided however, that the resulting rent does not exceed:

\$265.00 per month for a one-year renewal lease; or for a vacancy lease where no additional vacancy allowance is permitted;

\$272.50 per month for a two-year renewal lease; or for a vacancy lease where no additional vacancy allowance is permitted;

\$283.75 per month for a one-year vacancy lease;

\$291.25 per month for a two-year vacancy lease;

d) Electrical Inclusion

For the lease of a dwelling unit in which the rent includes electrical service, no additional increase shall be allowed.

e) Article 7-C of the Multiple Dwelling Law

For units where renewal leases are offered pursuant to Section 286, paragraph 3 of the Multiple Dwelling Law (MDL), the rate of rent increase above the base rent (as defined by Section 286, paragraph 4 of the MDL) shall be the same as those above for renewal leases, except that there will be no supplement adjustment of up to \$10.00 per month for apartments with a rent of less than \$250.00 per month. This also applies to vacancy leases.

f) Special Guideline (Fair Market Rent)

For dwelling units subject to the Rent and Rehabilitation Law on 9/30/84, which subsequently become vacant, the Fair Market Rent shall be 15% above the 1984/85 maximum base rent, as it existed or would have existed, plus the current allowable fuel adjustments as established on Rent Control forms pursuant to Section 2202.13 (33.10) of the Rent and Eviction Regulations for the City of New York, effective 1980.

g) Decontrolled Units

The permissible rent increase for decontrolled units as defined in Order 3a, which become decontrolled after 9/30/84, shall not exceed the formula outlined in (f) above.

h) Fuel

No fuel cost adjustment for leases commencing on or after 10/1/83 to 9/30/84 are warranted at this time.

i) Hotels

The level of fair rent increases over lawful rent actually charged and paid on 6/30/84 shall be zero (0) percent.

2) Escalator Clauses

Where a lease which was in effect on 5/31/68, or in effect on 6/30/74 for a unit which became subject to the Rent Stabilization Law of 1969 pursuant to ETPA, contained an escalator clause for increased costs of operation and which is still in effect, the lawful rental on 9/30/84 shall include the increased rental, if any, due under such clause, except those charges which accrued within one year of the commencement of the renewal lease. Moreover, where a lease contained an escalator clause that the owner may validly renew under the Code, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

3) Stabilizer

The 1/2 "stabilizer" charged in leases pursuant to previous orders shall remain in effect until the expiration of such lease and shall be included in the base rent for the purpose of computing subsequent rents.

4) Credits

Rentals paid in excess of the rent increases established in these orders shall be fully credited against the next month's rent.