

# FACT SHEET



George E. Pataki, Governor  
Joseph H. Holland, Commissioner

A PUBLICATION OF NEW YORK STATE  
DIVISION OF HOUSING AND COMMUNITY RENEWAL  
OFFICE OF RENT ADMINISTRATION

## #3 Required and Essential Services

Under **rent stabilization**, an owner must maintain all services required by the Rent Stabilization Law on rent stabilization's base dates of May 31, 1968 and/or May 29, 1974. The base date for apartments under the Emergency Tenant Protection Act (ETPA) outside of NYC is May 29, 1974, or the day immediately prior to the local effective date, whichever is later. These services are called **required services** and include, but are not limited to: repairs, maintenance, the furnishing of light, heat, hot and cold water, elevator services, janitorial services, the removal of refuse, and ancillary services such as garage and recreational facilities.

Under **rent control**, the owner must provide and maintain all services furnished or required to be furnished on the base date of May 1, 1950 for rent controlled apartments outside of NYC, and March 1, 1943 for those within NYC. Modification to required services may have been ordered thereafter, with an appropriate adjustment in rent. These services are called **essential services** and may include, but are not limited to: repairs, maintenance, the furnishing of light, heat, hot and cold water, elevator service, kitchen, bath and laundry facilities and privileges, janitor service, and removal of refuse.

**Required services or essential services** for apartments may be building-wide, such as heat, hot water, elevator service, and maintenance of public areas of the building. The service may also be something furnished within an individual apartment, such as a refrigerator, stove, air conditioning equipment, or painting.

When an owner provides equipment or services, such as a refrigerator or an air conditioner, the owner must maintain it in good working order. Defective equipment must be repaired or replaced. The owner does not have to replace defective equipment with brand new equipment. The defective equipment may be replaced with reconditioned or used equipment, provided it is in good working order. The owner is not

entitled to any increase in rent based on the cost of reconditioned or used equipment.

For example, if the apartment includes one or more air conditioners, the owner is required to see that they are in good working order. If the owner does not repair or replace a broken air conditioner, the tenant may request a rent reduction from DHCR, which is empowered to reduce rents when a service complaint is valid. Furthermore, unless the owner did not consent to the installation of an air conditioner, the owner must, at his or her own expense, remove and reinstall the air conditioner when any exterior work requires such removal and reinstallation.

If an appliance or equipment is replaced with a new one, the owner may be entitled to a rent increase equal to 1/40th of the cost of the new equipment, including installation costs, but not including finance charges. For occupied apartments, however, the tenant's written consent is required before the owner may collect the increase. See Fact Sheet # 12, *Rent Increases for New Services, New Equipment, or Improvements to an Apartment.* For stabilized apartments, the tenant's written consent should be retained by the owner but need not be filed by the owner with DHCR. For all apartments subject to rent control, the owner must file a notice (DHCR Form RN-79b) with DHCR to obtain a rent increase for new equipment. The tenant's consent is a part of that form and the rental increase is effective on the first rent payment date following the filing of the form.

If an installation of new equipment is done while the apartment is vacant, the new tenant's consent is not required for the owner to collect a 1/40th increase.

A tenant who experiences a decreased service in an individual apartment should first contact the owner. If that does not resolve the problem, the tenant may file an *"Individual Tenant Statement of Complaint of Decrease in Services"* (DHCR Form RA-81). For complaints

involving a decrease in building-wide services, still uncorrected after a tenant contacted the owner, a tenant or tenant representative may file a *"Statement of Complaint of a Decrease in Building-Wide Services"* (DHCR Form RA-84). For additional information, see Fact Sheet #14, *"Complaints of Decreased Services."*

*For more information or assistance, call the DHCR Rent InfoLine, or visit your Borough or County Rent Office.*

**Central**

92-31 Union Hall Street  
4th Floor  
Jamaica, NY 11433  
(718) 739-6400

**Lower Manhattan**

156 William Street  
9th Floor  
New York, NY 10038  
South side of 110th St. and below

**Brooklyn**

250 Schermerhorn Street  
3rd Floor  
Brooklyn, NY 11201

**Bronx**

1 Fordham Plaza  
2nd Floor  
Bronx, NY 10458

**Upper Manhattan**

163 W. 125th Street  
5th Floor  
New York, NY 10027  
North side of 110th St. and above

**Staten Island**

60 Bay Street  
7th Floor  
Staten Island, NY 10301

**Nassau County**

50 Clinton Street  
6th Floor  
Hempstead, NY 11550

**Rockland County**

94-96 North Main Street  
Spring Valley, NY 10977

**Westchester County**

55 Church Street  
White Plains, NY 10601