

# 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

## #21 Special Rights of Senior Citizens

The law grants certain exemptions from rent increases to tenants who are senior citizens.

If a New York City (NYC) tenant or tenant's spouse is 62 years of age or older and is living in a rent regulated apartment, and the combined household income is \$20,000 per year or less and they are paying at least 1/3 of their disposable income toward their rent, the senior citizen tenant may apply for the **SENIOR CITIZEN RENT INCREASE EXEMPTION PROGRAM (SCRIE)**. In NYC, the Department for the Aging (DFTA) administers the SCRIE program. In the counties outside of NYC covered by the Emergency Tenant Protection Act, the New York State Division of Housing and Community Renewal (DHCR) administers the SCRIE program. Outside of NYC, SCRIE is a local option and communities have different income eligibility limits and regulations.

If a NYC tenant qualifies for this program, the tenant is exempt from future rent guidelines increases, Maximum Base Rent increases, fuel cost adjustments, and increases based on the owner's economic hardship and Major Capital Improvements. However, the tenant must pay the additional security deposit. Tenants receiving a New York City Senior Citizen Rent Increase Exemption (SCRIE) may choose a one- or two-year lease renewal. New York City senior citizen tenants may also carry this exemption from one apartment to another upon moving, upon the proper application being made to DFTA.

To apply for SCRIE, the tenant of a NYC rent controlled or rent stabilized apartment must file an application with the:

NYC Department for the Aging  
SCRIE Division  
150 William Street, 4th Floor  
New York, New York 10038  
(212) 240-7000

DHCR administers this program only in the counties outside NYC.

### Other rights for NYC senior citizens include:

1. If a building is being converted to cooperative or condominium ownership under an Eviction Plan, an "eligible senior citizen" may refuse to purchase the apartment and remain in occupancy as a fully protected rent stabilized tenant with the right to a lease renewal. Rent controlled senior citizen tenants are similarly protected against eviction.

**"Eligible senior citizens"** are tenants who are primary residents in the apartment and are at least 62 years of age or have a spouse 62 years of age or older on the date the New York State Attorney General accepts the Eviction Plan for filing.

To take advantage of this benefit, an eligible senior citizen in NYC must elect, on forms provided by the Attorney General, to become a "non-purchasing" tenant within 60 days of the date that the Final Offering Plan is presented to the tenants. Outside NYC, there is no formal election requirement.

2. An owner cannot evict a tenant from rent stabilized apartments in NYC for the purpose of owner occupancy, when either the tenant or the tenant's spouse is 62 years of age or older unless the owner provides an equivalent or superior apartment at the same or lower rent in an area near the tenant's present apartment.
3. For rent stabilized apartments outside NYC and rent controlled apartments statewide, an owner may not evict a tenant for the purpose of owner occupancy where any member of the tenant's household is 62 years of age or older.
4. A NYC senior citizen with a currently valid SCRIE order is not required to pay any portion of a fuel cost increase that would raise the total rent to over 1/3 of the tenant's household disposable income. A senior citizen who applies for and is granted a SCRIE order within 90 days after receipt of the owner's fuel cost

adjustment report, are retroactively exempt from paying any portion of the most recent fuel cost adjustment that would raise the total rent to over 1/3 of the tenant's total household disposable income.

5. A tenant 62 years of age or older may terminate his/her lease, without penalty, in order to move into a health care facility or senior citizen housing complex. If the senior citizen terminates the lease in order to move into a health care facility, the owner must receive at least 30 days notice. If the tenant moves into a senior citizen housing complex, the owner must receive 60 days notice.

*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