

THE CITY OF NEW YORK
RENT GUIDELINES BOARD

CORRECTED NOTICE

Due to typographical errors that appeared in July 7th and 8th printing of Order No. 9 corrected notice is herewith given.

ORDER NO. 9
Rent Levels July 1, 1977 through June 30, 1978

PURSUANT TO THE AUTHORITY VESTED IN IT BY THE RENT STABILIZATION Law of 1969, and Chapter 576 of the Laws of 1974, as implemented by Resolution No. 276 of 1974 of the New York City Council and extended by Chapter 204 of the Laws of 1977, the Rent Guidelines Board hereby establishes and adopts the following levels of fair rent increases

over lawful rents charged and paid on June 30, 1977 (including the "stabilizer", if any) for dwelling units subject to the Rent Stabilization Law of 1969, as amended.

Adjustments for Renewal Leases

Together with such further adjustments as may be authorized by the Board, as explained below:

- For one year leases expiring before July 1, 1979: 6½ per cent
- For two year leases expiring before July 1, 1980: 8½ per cent
- For three year leases expiring before July 1, 1981: 11½ per cent

The Board shall convene within 60 days of the date of this Order to consider special guidelines for dwelling units in a structure receiving tax abatement or exemption benefits pursuant to Section J51-2.5 of the Administrative Code of the City of New York and may, at such meeting, adopt guidelines for adjustments for leases for such units pursuant to this Order which shall be effective as of July 1, 1977. Until such determination, the adjustments for renewal leases as set forth above shall be utilized and be subject to further adjustment.

The Board may convene to consider an adjustment for unusual fuel costs should the weighted average delivery price of heating fuel for New York City reported in the Journal of Commerce change by a factor of 25 per cent or more of the reported price in such publication on the same date during the period of July 1, 1976 through June 30, 1977. The Board may also consider, at its annual meetings, any catastrophic change in the Operating and Maintenance Cost Index and order appropriate supplementary adjustments. The Board reserves the right to modify this Order during its terms pursuant to this paragraph provided that any further adjustments as described in this paragraph may impact on all existing leases effective under this Order where the lease permits the rental reserved therein to be adjusted pursuant to subsequent determinations of the Rent Guidelines Board during the term of such lease.

Adjustments for Renewal Leases on dwelling units receiving partial tax exemption pursuant to Section 421 or 423 of the Real Property Tax Law.

Where a dwelling unit is in a structure subject to the partial tax exemption program under Section 421 of the Real Property Tax Law, or in a structure subject to Section 423 of the Real Property Tax Law as a Redevelopment Project, permissible percentage increases for renewal leases are as follows for the structures in which the exemption is 100 to 80 per cent of the real property taxes otherwise payable:

- For one year leases expiring before July, 1979: 5 per cent
- For two year leases expiring before July 1, 1980: 7 per cent
- For three year leases expiring before July 1, 1981: 10½ per cent

Where a dwelling unit is in a structure subject to such partial tax exemption programs in which the exemption is 40 to 79 per cent of the real property taxes otherwise payable, permissible percentage increases for renewal leases are as follows:

- For one year leases expiring before July 1, 1979: 5½ per cent
- For two year leases expiring before July 1, 1980: 7½ per cent
- For three year leases expiring before July 1, 1981: 11 per cent

Where a dwelling unit is in a structure subject to such partial tax exemption programs in which the exemption is 20 to 39 per cent of the real property taxes otherwise payable, permissible percentage increases for renewal leases are as follows:

- For one year leases expiring before July 1, 1979: 6 per cent
- For two year leases expiring before July 1, 1980: 8 per cent
- For three year leases expiring before July 1, 1981: 11½ per cent

Furthermore, nothing in this Order shall prohibit the inclusion of a lease provision for an annual or other periodic rent increase over the initial rent at an average rate of not more than 2.2 per cent per annum where the dwelling unit is receiving partial tax exemption pursuant to Section 421 of the Real Property Tax Law and the Regulations adopted pursuant thereto or, where applicable, such rate of rental increase as is provided for and authorized by Section 423 of the Real Property Tax Law. The cumulative but not compounded charge of up to 2.2 per cent per annum as provided by Section 421 or the rate provided by Section 423 is in addition to the amount permitted under this section of the Guideline Order for leases.

For such renewal leases under this Order, the percentage of the real property tax exemption shall be determined on the basis of the tax exemption rate in effect on July 1, 1977.

Leases on Vacant Apartments

Where a dwelling unit becomes vacant, the levels of rent increase governing a new tenancy commencing on or after July 1, 1977, and before June 30, 1978, are the same levels over rentals charged on June 30, 1977 as those set forth above for lease renewals, plus 5 percent over the rentals charged on June 30, 1977 on each vacancy of such unit during the effective period of this Order.

Fractional Terms

Except as to leases on vacant apartments, for the purpose of these guidelines any lease or tenancy for a period up to and including one year shall be deemed a one year lease or tenancy; the same for a period over one year and up to and including two years shall be deemed a two year lease; and the same for a period over two years and up to and including three years shall be deemed a three year lease. As to leases on vacant apartments, for the purpose of these guidelines any lease for a period from one year to less than two years shall be deemed a one year lease; the same for a period from two years to less than three years shall be deemed a two year lease; and the same for a period of three years or more shall be deemed a three year lease.

Electrical Inclusion Adjustment

In addition to the lease adjustment permitted under this Order No. 9, a lease for a dwelling unit for which the owner supplies full electrical service for which there is no additional cost charged to the tenant in addition to rent, the applicable lease adjustment as established by this Order is increased by 4 per cent. However, this allowance shall not apply to any dwelling unit as to which an increase for electrical inclusion was collected under Guideline Order No. 6 (et. seq.), 7 or 8.

Escalator Clauses

Where a lease for a dwelling unit in effect on May 31, 1968, or where a lease in effect on June 30, 1974 for a dwelling unit which became subject to the Rent Stabilization Law of 1969, by virtue of Chapter 576 of the Laws of 1974 and Resolution No. 276 of the New York City Council and extended by Chapter 204 of the Laws of 1977, contained an escalator clause for the

increased costs of operation and such clause is still in effect, the lawful rental on June 30, 1977 over which the fair rent under this Order is computed 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 which the owner may validly renew under the Code, unless the owner elects or has elected in writing to delete such clause, effective no later than July 1, 1977 from the existing lease and all subsequent leases for such dwelling unit, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

Stabilizer

The one-half per cent "stabilizers" charged in leases pursuant to previous Orders of this Board shall remain in effect until the expiration of such leases.

Special Guidelines to Update Special Guidelines 6b

In order to aid the Conciliation and Appeals Board in determining fair market rents for housing accommodations as to applications for adjustment of the initial regulated rent as may be requested by tenants, the Rent Guidelines Board hereby establishes a special guideline as mandated by Section 12 of Chapter 576 of the Laws of 1974, and as extended by Chapter 204 of Laws of 1977, amending Section YY51-6.02b(1) of the New York City Administrative Code for dwelling units subject to the Rent and Rehabilitation Law on June 30, 1977 which subsequently become vacant after June 30, 1977, the 1976-1977 maximum base rent as it existed or would have existed, plus 20 per cent.

Decontrolled Units

The permissible percentage increases for decontrolled units under Order 3A remain in effect for units covered by such order.

Credits

Rental charged and paid in excess of the levels of fair rent increase established by this Order shall be fully credited against the next month's rent.

Dated: June 30, 1977.

Filed with City Clerk: June 30, 1977.

jy11

JACOB B. UKELES, Chairman, Rent Guidelines Board.

RENT GUIDELINES BOARD

ORDER No. 9a—Modification of the Terms of Order No. 9 Governing Rent Levels for Leases Commencing Between July 1, 1977 and June 30, 1978.

PURSUANT TO THE AUTHORITY VESTED IN IT BY THE RENT STABILIZATION Law of 1969, and Chapter 576 of the Laws of 1974, as implemented by Resolution No. 276 of the New York City Council and extended by Chapter 203 of the Laws of 1977 and Rent Guidelines Order No. 9, the Rent Guidelines Board hereby modifies the terms of its Order No. 9, which governs the levels of fair rent increases over lawful rents charged and paid on June 30, 1977 (including the "stabilizer," if any) for leases commencing between July 1, 1977 and June 30, 1978, for dwelling units subject to the Rent Stabilization Law as amended.

The Board has determined that although the weighted average delivery price of heating fuel for New York City reported in the Journal of Commerce had increased by a factor of more than 25 per cent over the price on April 22, 1977, the operating and maintenance cost increases experienced for stabilized apartment units from 1977 through 1979 were such that no adjustments of the levels of fair rent increases set forth in Order No. 9 are warranted at this time.

The Board may again convene to consider a further adjustment for unusual fuel costs should the weighted average price of heating fuel for New York City reported in the Journal of Commerce change by a factor of 15 per cent or more of the reported price in such publication on June 1, 1979.

Dated: June 18, 1979.

Filed with the City Clerk June 18, 1979.

FRANCES LEVENSON, Chairperson. j20

(33)

THE CITY RECORD - July 7, 1980

RENT GUIDELINES BOARD

ORDER No. 9b- Modification of the Terms of Order No. 9
Governing Rent Levels for Leases Commencing
Between July 1, 1977 and June 30, 1978.

PURSUANT TO THE AUTHORITY VESTED IN IT BY THE RENT STABILIZA-
tion Law of 1969, and Chapter 576 of the Laws of 1974, as
implemented by Resolution No. 276 of the New York City Council
and extended by Chapter 203 of the Laws of 1977 and Rent
Guidelines Order Nos. 9, and 9a, the Rent Guidelines Board
hereby modifies the terms of its Order No. 9a for dwelling
units subject to the Rent Stabilization Law as amended.

The Board has determined that although the weighted
average delivery price of heating fuel for New York City
reported in the Journal of Commerce had increased by a
factor of more than 15 per cent over the price on June 1,
1979, the operating and maintenance cost increases ex-
perienced for stabilized apartment units from 1977 through
1980 were such that no adjustments of the levels of fair
rent increases set forth in Order No. 9 are warranted.

Dated: June 27, 1980
Filed with the City Clerk June 30, 1980.