

THE CITY OF NEW YORK RENT GUIDELINES BOARD

June 24, 1996

**Order Number 28 -- Apartments and Lofts, rent levels for leases
commencing October 1, 1996 through September 30, 1997**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No 276 of 1974 of the New York City Council and extended by Chapter 253 of the laws of 1993, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby adopts the following levels of fair rent increases over lawful rents charged and paid on September 30, 1996. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after October 1, 1996 and through September 30, 1997. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

ADJUSTMENT FOR RENEWAL LEASES (APARTMENTS)

Together with such further adjustments as may be authorized by law, the annual adjustment for renewal leases for apartments shall be:

- For a one year renewal lease commencing on or after October 1, 1996 and on or before September 30, 1997: 5%
- For a two year renewal lease commencing on or after October 1, 1996 and on or before September 30, 1997: 7%

And, in addition, a Supplementary Adjustment of \$20 per month to the levels of rent increase for renewal and vacancy leases commencing October 1, 1996 through September 30, 1997, if the apartment is renting for \$400 or less on September 30, 1996.

These adjustments shall also apply to dwelling units in a structure subject to the partial tax exemption program under Section 421a of the Real Property Tax Law, or in a structure subject to Section 423 of the Real Property Tax Law as a Redevelopment Project.

LEASES ON VACANT APARTMENTS (VACANCY ALLOWANCE)

Where a dwelling unit becomes vacant, the levels of rent increase governing a new tenancy commencing on or after October 1, 1996 and on or before September 30, 1997 are the same levels over rentals charged on September 30, 1996 as those set forth above for lease renewals, plus 9% over the rent charged on September 30, 1996.

ADJUSTMENTS FOR UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7C OF THE MULTIPLE DWELLING LAW (LOFTS)

The Rent Guidelines Board hereby adopts the following levels of rent increase above the "base rent," as defined in Section 286, subdivision 4, of the Multiple Dwelling Law, for units where residential renewal leases are offered pursuant to Section 286, subdivision 3:

- For one year renewal leases commencing on or after October 1, 1996 and on or before September 30, 1997: 4%

- For two year renewal leases commencing on or after October 1, 1996 and on or before September 30, 1997: 6%

LEASES ON VACANT LOFT UNITS

No "vacancy allowance" is permitted under this order. Therefore, except as otherwise provided in Section 286, subdivision 6, of the Multiple Dwelling Law, the rent charged to any tenant for a vacancy lease commencing on or after October 1, 1996 and on or before September 30, 1997 may not exceed the "base rent" referenced above plus the level of adjustment permitted above for renewal leases.

FRACTIONAL TERMS

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, and any period over one year and up to and including two years shall be deemed a two year lease.

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 the Emergency Tenant Protection Act of 1974 and Resolution Number 276 of the New York City Council, contained an escalator clause for the increased costs of operation and such clause is still in effect, the lawful rent on September 30, 1996 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 that 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 October 1, 1996 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.

SPECIAL ADJUSTMENTS UNDER PRIOR ORDERS

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on September 30, 1996 shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

SPECIAL GUIDELINE

Under Section 26-513(b)(1) of the New York City Administrative Code, and Section 9(e) of the Emergency Tenant Protection Act of 1974, the Rent Guidelines Board is obligated to promulgate special guidelines to aid the State Division of Housing and Community Renewal in its determination of initial legal regulated rents for housing accommodations previously subject to the City Rent and Rehabilitation Law which are the subject of a tenant application for adjustment. The Rent Guidelines Board hereby adopts the following Special Guidelines:

- For dwelling units subject to the Rent and Rehabilitation Law on September 30, 1996, which become vacant after September 30, 1996, the special guideline shall be the greater of 40% above the maximum base rent as it existed or would have existed plus the current allowable fuel cost adjustment established pursuant to Section 2202.13 of the Rent and Eviction Regulations, or 50% above the maximum collectible rent paid by the prior tenant plus the allowable fuel cost adjustment.

DECONTROLLED UNITS

The permissible increase for decontrolled units as referenced in Order 3a which become decontrolled after September 30, 1996, shall not exceed the greater of 40% above the maximum base rent as it existed or would have existed plus the current allowable fuel cost adjustment established pursuant to Section 2202.13 of the Rent and Eviction Regulations, or 45% above the maximum collectible rent paid by the prior tenant plus the allowable fuel costs adjustment.

CREDITS

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

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing apartment units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (Section 26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, Section 4 [Section 2]).

The Rent Guidelines Board is also authorized to promulgate rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law. The purpose of the loft guidelines is to implement the public policy set forth in the Legislative Findings of Article 7-C of the Multiple Dwelling Law (Section 280).

Dated: June 24, 1996
Edward S. Hochman, Esq.
Chairman
Rent Guidelines Board