

New York City Rent Guidelines Board

Rent Guidelines Order No. 40‡

For leases commencing between October 1, 2008 through September 30, 2009

RENEWAL GUIDELINES :

Owner provides heat:

One-year lease.....4.5%

Two-year lease.....8.5%

Minimum: One-year lease.....\$45*, Two-year lease.....\$85*

Tenant provides heat:

One-year lease.....4.0%

Two-year lease.....8.0%

Minimum: One-year lease.....\$40*, Two-year lease.....\$80*

*(Minimum rent applies if no vacancy lease in last 6 years.)

VACANCY ALLOWANCE:

Only as permitted by State statutory vacancy allowances:

One-year lease.....16%

Two-year lease.....20%

Vacancy allowance for sublets.....10%

(See the *RSA Reporter* page 6 for statutory vacancy allowance and page 5 renewal guidelines calculations.)

STABILIZED LOFT RENEWAL GUIDELINES:

Lease Renewals:

For one-year lease.....3.5%

For two-year lease.....6.5%

HOTEL RENT ADJUSTMENTS:

October 1, 2008 shall be:

Residential Class A (apartment) hotels.....4.5%

Lodging houses.....4.5%

Rooming houses (Class B buildings containing less than 30 units)4.5%

Class B hotels.....4.5%

Single Room Occupancy buildings

(MDL section 248 SRO's)4.5%

Special Guideline For Decontrolled Units Entering Stabilization:

50% Above Maximum Base Rent; or, the appropriate Fair Market Rent for Section 8 housing as established by HUD for the New York City PMSA adjusted for gas and electric charges, whichever is greater.

Where the most recent vacancy lease was executed six years or more prior to the date of the renewal lease under this Order, a minimum of 3.0% or \$30, whichever is greater, for a one year lease (2.5% or \$25, whichever is greater, where the tenant pays for heat) or 6.0% or \$60, whichever is greater, for a two-year lease (5% or \$50, whichever is greater, where the tenant pays for heat) shall apply.

‡ The minimum rent increases under Orders #40 and #41 were upheld as legal rent increases by the NYS Court of Appeals on March 24, 2011. RGB Order # 43 states that these minimum rent increases may be included in calculating the September 30, 2011 base rent. However, as of July 1, 2011, there has been no other court or administrative guidance on how these minimum rent increases can be implemented or collected. Consult with your attorney or the RSA prior to implementing these increases.