

RENT GUIDELINES BOARD

PUBLIC NOTICE

PLEASE TAKE NOTICE THAT SCHEDULES AND PROCEDURES RELATING to meetings and hearings of the New York City Rent Guidelines Board (RGB) or consideration of the guidelines for rent adjustments for apartment, loft and hotel dwelling units subject to the Rent Stabilization Law of 1969, as amended, have been formulated. In accordance with Chapter 45 of the New York City Charter (the "City Administrative Procedure Act"), the Board has proposed rent guidelines, which are now being followed by a notice and comment period, public hearings and the promulgation of final rent orders. The proposed rent guidelines will be published in accordance with the City Administrative Procedure Act and the public will have a minimum of 30 days to review and consider the proposals prior to the public hearings described below. Following the hearings and the receipt of public comments on the proposed rent guidelines, the Board will meet on **Tuesday, June 23, 2009 at 5:30 PM** at The Great Hall at Cooper Union, 7 East 7th Street at corner of 3rd Avenue (basement), New York, NY 10003 to adopt **final** rent guidelines. Apartment renewal leases and loft increase periods during the period of **October 1, 2009 through September 30, 2010** and rent stabilized hotel units will be affected.

SCHEDULE OF MEETINGS AND HEARINGS

The schedule of Rent Guidelines Board meetings and hearings to consider such adjustments is as follows:

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>
Thursday June 4, 2009 Public Meeting	Department of City Planning Spector Hall 22 Reade Street New York, NY 10007	9:30 A.M. – 12:00 P.M.
Monday June 15, 2009 Public Hearing (Public Testimony)	Main Theatre of Hostos Community College/CUNY 450 Grand Concourse Bronx, NY 10451	4:00 P.M. – 10:00 P.M. (Public Hearing)
Wednesday June 17, 2009 Public Hearing (Public Testimony)	The Great Hall at Cooper Union 7 East 7 th Street at corner of 3 rd Ave. (basement) New York, NY 10003	10:00 A.M. – 6:00 P.M. (Public Hearing)

Tuesday
June 23, 2009
Public Meeting
(Final Vote)

The Great Hall
at Cooper Union
7 East 7th Street
at corner of 3rd Ave.
(basement)
New York, NY 10003

5:30 P.M. – 9:30 P.M.
**(VOTE on Final Rent
Guidelines)**

In order to ensure that the members of the Rent Guidelines Board are able to deliberate and to hear members of the public with regard to renewal lease adjustments, and that members of the public are able to participate meaningfully in the public meeting and hearing process, items that are reasonably likely to disrupt the proceedings, such as noisemakers and drums, are prohibited and may not be brought into meeting and hearing venues. We encourage you to arrive early to avoid delays and help speed the entry of all members of the public. Your cooperation, patience and understanding are greatly appreciated.

NOTE: The Rent Guidelines Board reserves the right to cancel or reschedule public meetings.

In relation to the public hearings, registration of speakers is required. Pre-registration of speakers is now being accepted and is advised. Those who wish to pre-register for the June 15 hearing in the Bronx may call (212) 385-2934 until 1:00 P.M. on **Friday, June 12, 2009**. Those who wish to pre-register for the June 17 hearing in Manhattan may call (212) 385-2934 until 1:00 P.M. on **Tuesday, June 16, 2009**. **An exact time for speaking cannot be provided**, but those pre-registering will be informed of their number on the list of pre-registered speakers when they call the above listed phone number. Written requests for pre-registration must be received at the office of the Board at 51 Chambers Street, Room 202, New York, NY, 10007, before 1:00 P.M. on Friday, June 12 for the June 15 hearing and before 1:00 P.M. on Tuesday, June 16 for the June 17 hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at a hearing are requested to notify Ms. Charmaine Superville at the Rent Guidelines Board (212) 385-2934, 51 Chambers Street, Room 202, New York, NY 10007 by **Wednesday, June 3, 2009** at 4:30 PM.

Pre-registered speakers who have confirmed their presence on the day of the hearing will be heard in the order of pre-registration and before those who have not pre-registered. If a speaker's pre-registered position has been passed before he or she has confirmed his or her pre-registration, his or her position is forfeited and he or she must re-register. There will be no substitutions of one speaker's position for another. Those who have not pre-registered or need to re-register can register **at the hearing location from 3:45 PM until 8:00 PM at the June 15 hearing and from 9:45 AM until 6:00 PM at the June 17 hearing**, and will be heard in the order of their registration. Public officials and a limited number of speakers chosen by owner and tenant groups may be given priority over other speakers. The public is invited to observe all Public Meetings and Public Hearings but is invited to speak at only the Public Hearings. Please note that testimony regarding the preliminary guidelines from tenants and owners of rent stabilized apartments, lofts, and

hotels, as well as public officials, will be heard throughout the day starting at 4:00 PM on June 15 and 10:00 AM on June 17. There is no scheduled break for lunch or dinner.

SCHEDULE FOR WRITTEN SUBMISSION OF INFORMATION AND COMMENTS BY THE PUBLIC

Written comments on the proposed rent guidelines must be received by **Wednesday, June 17, 2009**. Such materials must be submitted to the office of the RGB at 51 Chambers Street, Suite 202, New York, N.Y. 10007, or in the alternative may be submitted directly to the RGB Staff at the Hearings on **June 15 and June 17, 2009**. Written submissions can also be sent via fax at 212-385-2554 or by email to board@housingnyc.com.

INSPECTION AND ACCESS TO THE MATERIAL

Written material submitted to the RGB may be inspected by members of the public by appointment between the hours of 10:00 AM and 4:00 PM on weekdays at the RGB office. Copies of written materials submitted to the RGB may be ordered, in writing, at a cost of \$.25 per page, plus postage, which shall be paid in cash. In addition, copies of the existing guidelines and the RGB's Explanatory Statements from prior years are also available for inspection and copies may be obtained in the manner provided above.

Dated: May 6, 2009

Marvin Markus, Chair
New York City Rent Guidelines Board

**NEW YORK CITY RENT GUIDELINES BOARD
NOTICE OF OPPORTUNITY TO COMMENT
PROPOSED 2009 APARTMENT ORDER (#41)**

Notice of Opportunity to Comment on Proposed Rent Guidelines Governing Rent Levels in the following accommodations subject to the Rent Stabilization Law of 1969, as amended: Apartments and Lofts.

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 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board (RGB) hereby **proposes** the following levels of fair rent increases over lawful rents charged and

paid on **September 30, 2009**. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after **October 1, 2009** and through **September 30, 2010**. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

PUBLIC HEARINGS

Pursuant to Section 1043 of the City Charter and the hearing requirements of the Rent Stabilization Law of 1969, as amended, (Section 26-510(h) N.Y.C. Administrative Code) hearings on the proposed guidelines set forth below shall be held on **Monday, June 15, 2009, from 4:00 PM to 10:00 PM** at the Main Theatre of Hostos Community College/CUNY, 450 Grand Concourse, Bronx, NY 10451, and **Wednesday, June 17, 2009, from 10:00 AM to 6:00 PM** at The Great Hall at Cooper Union, 7 East 7th Street, at the corner of 3rd Avenue (basement), New York, NY 10003.

In relation to the public hearings, registration of speakers is required. Pre-registration of speakers is now being accepted and is advised. Those who wish to pre-register for the June 15 hearing in the Bronx may call (212) 385-2934 until 1:00 P.M. on **Friday, June 12, 2009**. Those who wish to pre-register for the June 17 hearing in Manhattan may call (212) 385-2934 until 1:00 P.M. on **Tuesday, June 16, 2009**. **An exact time for speaking cannot be provided, but those pre-registering will be informed of their number on the list of pre-registered speakers when they call the above listed phone number.** Written requests for pre-registration must be received at the office of the Board at 51 Chambers Street, Room 202, New York, NY, 10007, before 1:00 P.M. on Friday, June 12 for the June 15 hearing and before 1:00 P.M. on Tuesday, June 16 for the June 17 hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at a hearing are requested to notify Ms. Charmaine Superville at the Rent Guidelines Board (212) 385-2934, 51 Chambers Street, Room 202, New York, NY 10007 by **Wednesday, June 3, 2009** at 4:30 PM.

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PROPOSED RENEWAL ADJUSTMENTS FOR 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, 2009** and on or before **September 30, 2010**: **2% - 4.5%**

For a **two**-year renewal lease commencing on or after **October 1, 2009** and on or before **September 30, 2010**: **4% - 7.5%**

Provided, however, that where the most recent vacancy lease was executed **six** years or more prior to the date of the renewal lease under this Order, the following shall instead apply:

For a **one**-year renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **2% - 4.5% or \$20-\$45, whichever is greater.**

For a **two**-year renewal lease commencing on or after October 1, 2009 and on or before September 30, 2010: **4% - 7.5% or \$40-\$75, whichever is greater.**

Adjustments for renewal leases 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.

PROPOSED VACANCY ALLOWANCE FOR APARTMENTS

No vacancy allowance is permitted except as provided by sections 19 and 20 of the Rent Regulation Reform Act of 1997.

PROPOSED ADDITIONAL ADJUSTMENT FOR RENT STABILIZED APARTMENTS SUBLET UNDER SECTION 2525.6 OF THE RENT STABILIZATION CODE

In the event of a sublease governed by subdivision (e) of section 2525.6 of the Rent Stabilization Code, the allowance authorized by such subdivision shall be **10%**.

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

The Rent Guidelines Board **proposes** the following levels of rent increase above the "base rent", as defined in Section 286, subdivision 4, of the Multiple Dwelling Law, for units to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law:

For **one-year** increase periods commencing on or after **October 1, 2009** and on or before **September 30, 2010**: **2% - 4.5%**

For **two-year** increase periods commencing on or after **October 1, 2009** and on or before **September 30, 2010**: **4% - 7.5%**

VACANT LOFT UNITS - PROPOSAL

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 tenancy commencing on or after **October 1, 2009** and on or before **September 30, 2010** may not exceed the "base rent" referenced above plus the level of adjustment permitted above for increase periods.

FRACTIONAL TERMS - PROPOSAL

For the purposes 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 lease or tenancy for a period of over one year and up to and including two years shall be deemed a two-year lease or tenancy.

ESCALATOR CLAUSES - PROPOSAL

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, 2009** 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, 2009** 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 - PROPOSAL

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on **September 30, 2009** shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

PROPOSED 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 **proposes** the following Special Guidelines:

For dwelling units subject to the Rent and Rehabilitation Law on **September 30, 2009**, which become vacant after **September 30, 2009**, the special guideline shall be the greater of:

- (1) **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1]) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2009**.

DECONTROLLED UNITS - PROPOSAL

The permissible increase for decontrolled units as referenced in Order 3a which become decontrolled after **September 30, 2009**, shall be the greater of:

- (1) **50%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1]) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2009**.

CREDITS - PROPOSAL

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 (§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, §4 [§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: May 5, 2009

Marvin Markus
Chair
New York City Rent Guidelines Board

NEW YORK CITY RENT GUIDELINES BOARD

**NOTICE OF OPPORTUNITY TO COMMENT
PROPOSED 2009 HOTEL ORDER (#39)**

Notice of Opportunity to Comment on Proposed Rent Guidelines Governing Rent Levels in the following accommodations subject to the Rent Stabilization Law of 1969: Hotels, Rooming Houses, Single Room Occupancy Buildings and Lodging Houses.

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 82 of the Laws of 2003, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby **proposes** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2009**.

APPLICABILITY

This order shall apply to units in buildings subject to the Hotel Section of the Rent Stabilization Law (Sections 26-504(c) and 26-506 of the N.Y.C. Administrative Code), as amended, or the Emergency Tenant Protection Act of 1974 (L.1974, c. 576 §4[§5(a)(7)]). With respect to any tenant who has no lease or rental agreement, the level of rent increase established herein shall be effective as of one year from the date of the tenant's commencing occupancy, or as of one year from the date of the last rent adjustment charged to the tenant, or as of **October 1, 2009**, whichever is later. This anniversary date will also serve as the effective date for all subsequent Rent Guidelines Board Hotel Orders, unless the Board shall specifically provide otherwise in the Order. Where a lease or rental agreement is in effect, this Order shall govern the rent increase applicable on or after **October 1, 2009** upon expiration of such lease or rental agreement, but in no event prior to one year from the commencement date of the expiring lease, unless the parties have contracted to be bound by the effective date of this Order.

PUBLIC HEARINGS

Pursuant to Section 1043 of the City Charter and the hearing requirements of the Rent Stabilization Law of 1969, as amended, (Section 26-510(h) N.Y.C. Administrative Code) hearings on the proposed guidelines set forth below shall be held on **Monday, June 15, 2009, from 4:00 PM to 10:00 PM** at the Main Theatre of Hostos Community College/CUNY, 450 Grand Concourse, Bronx, NY 10451, and **Wednesday, June 17, 2009, from 10:00 AM to 6:00 PM** at The Great Hall at Cooper Union, 7 East 7th Street, at the corner of 3rd Avenue (basement), New York, NY 10003.

In relation to the public hearings, registration of speakers is required. Pre-registration of speakers is now being accepted and is advised. Those who wish to pre-register for the June 15 hearing in the Bronx may call (212) 385-2934 until 1:00 P.M. on **Friday, June 12, 2009**. Those who wish to pre-register for the June 17 hearing in Manhattan may call

(212) 385-2934 until 1:00 P.M. on **Tuesday, June 16, 2009**. An exact time for speaking cannot be provided, but those pre-registering will be informed of their number on the list of pre-registered speakers when they call the above listed phone number. Written requests for pre-registration must be received at the office of the Board at 51 Chambers Street, Room 202, New York, NY, 10007, before 1:00 P.M. on Friday, June 12 for the June 15 hearing and before 1:00 P.M. on Tuesday, June 16 for the June 17 hearing. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at a hearing are requested to notify Ms. Charmaine Superville at the Rent Guidelines Board (212) 385-2934, 51 Chambers Street, Room 202, New York, NY 10007 by **Wednesday, June 3, 2009** at 4:30 PM.

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SCHEDULE FOR WRITTEN SUBMISSION OF INFORMATION AND COMMENTS BY THE PUBLIC

Written comments on the proposed rent guidelines must be received by **Wednesday, June 17, 2009**. Such materials must be submitted to the office of the RGB at 51 Chambers Street, Suite 202, New York, N.Y. 10007, or in the alternative may be submitted directly to the RGB Staff at the Hearings on **June 15 and June 17, 2009**. Written submissions can also be sent via fax at 212-385-2554 or by email to board@housingnyc.com.

INSPECTION AND ACCESS TO THE MATERIAL

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PROPOSED RENT GUIDELINES FOR HOTELS, ROOMING HOUSES, SINGLE ROOM OCCUPANCY BUILDINGS AND LODGING HOUSES

Pursuant to its mandate to promulgate rent adjustments for hotel units subject to the Rent Stabilization Law of 1969, as amended, (§26-510(e) of the N.Y.C Administrative Code) the Rent Guidelines Board hereby **proposes** the following rent adjustments:

The allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2009** shall be:

- | | |
|---|------------------|
| 1) Residential Class A (apartment) hotels - | 2% - 4.5% |
| 2) Lodging houses - | 2% - 4.5% |
| 3) Rooming houses (Class B buildings containing less than 30 units) - | 2% - 4.5% |
| 4) Class B hotels - | 2% - 4.5% |
| 5) Single Room Occupancy buildings (MDL section 248 SRO's) - | 2% - 4.5% |

Except that the allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2009** shall be **0%** if permanent rent stabilized or rent controlled tenants paying no more than the legal regulated rent, at the time that any rent increase in this Order would otherwise be authorized, constitute fewer than **85%** of all units in a building that are used or occupied, or intended, arranged or designed to be used or occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

NEW TENANCIES - PROPOSAL

No "vacancy allowance" is permitted under this order. Therefore, the rents charged for tenancies commencing on or after **October 1, 2009** and on or before **September 30, 2010** may not exceed the levels over rentals charged on **September 30, 2009** permitted under the applicable rent adjustment provided above.

ADDITIONAL CHARGES - PROPOSAL

It is expressly understood that the rents collectible under the terms of this Order are intended to compensate in full for all services provided without extra charge on the statutory date for the particular hotel dwelling unit or at the commencement of the tenancy if subsequent thereto. No additional charges may be made to a tenant for such services, however such charges may be called or identified.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing hotel 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 (§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, §4 [§2]).

Dated: May 5, 2009

Marvin Markus
Chair
New York City Rent Guidelines Board
