



New York State
Division of Housing and Community Renewal
Office of Rent Administration

Advisory Opinion 87-5

New York City Rent Stabilization Code

Advisory Opinion 87-5 (October 1, 1987)

***This Advisory Opinion is issued pursuant to
Sections 2520.7 and 2527.11 of the Rent Stabilization Code.***

Pursuant to Section 2522.5(c)(1) of the Rent Stabilization Code ("Code"), the New York State Division of Housing and Community Renewal ("DHCR"), has promulgated an English language version of the new Rent Stabilization Lease Rider ("Rider"), which describes the rights and duties of owners and tenants as provided for under the Rent Stabilization Law ("RSL") and other laws. The Rider also informs rent stabilized tenants signing vacancy leases of the legal regulated rent in effect immediately prior to the vacancy, and explains how the rental amount provided for in the vacancy lease has been computed above the amount shown in the most recent annual registration statement.

The Rider is only informational and its provisions do not modify or become part of the lease. The Rider does not replace or modify the RSL, the Code, or any order of the DHCR or the New York City Rent Guidelines Board. The Rider must be in larger type than the lease, and must be attached as an addendum to the lease. Upon the face of each lease the following language must appear in bold print: ***"Attached Rider Sets Forth Rights and Obligations of Tenants and Landlords under the Rent Stabilization Law."*** (*"Los Derechos y Responsabilidades de Inquilinos y Caseros Estan Disponible en Espanol"*.)

1. Service of Rider

Advisory Opinion 87-3 postponed to September 1, 1987 the promulgation by the DHCR of the Rider required pursuant to Section 2522.5(c)(1) of the Code, and to the extent that any provisions thereof are not inconsistent with the Code, continued the effectiveness until September 1, 1987 of the current Rider promulgated by the DHCR in 1985.

Commencing October 1987, the new Rider is being made available to owners and tenants at DHCR Public Information Offices, and it would be inequitable to enforce the penalty provisions of Section 2522.5(c)(3) of the Code until owners have had adequate opportunity to obtain the Rider. Therefore, the imposition of such penalties is postponed to December 1, 1987. The current Rider must continue to be attached to vacancy and renewal leases commencing before December 1, 1987.

Owners may include an acknowledgment with the Rider indicating that the tenant has received it, and are required to provide every rent stabilized tenant with the Rider, as follows:

This document is being reissued for informational purposes only.

The original document which contains signatures of authorization is on file at DHCR's Office of Rent Administration.



- A) No later than February 1, 1988, to every current tenant who signed a vacancy or renewal lease which commenced on or after April 1, 1984, but prior to December 1, 1987. Owners may serve the Rider personally or by mail;
- B) A copy of the Rider must be attached to every vacancy lease signed by a new tenant which commences on or after December 1, 1987;
- C) A copy of the Rider must be attached to every renewal lease (or DHCR Renewal Lease Form) which commences on or after December 1, 1987.
- D) Section 2522.5(c)(1) of the Code provides that a copy of the Rider shall also be available in Spanish. Advisory Opinion 87-4 postponed to October 28, 1987 the promulgation by the DHCR of the Spanish language version of the new Rider. Such Spanish language version will be made available to owners by the DHCR during the month of November. An owner must deliver a copy of the Spanish language version upon request to each rent stabilized tenant to whom the owner is required to furnish a copy of the Rider.

The penalty provisions described in Section 2 of this Advisory Opinion may be imposed where an owner fails to comply with a request for the Spanish language version of the Rider.

2. Penalties

- A) A tenant who signs a vacancy or renewal lease (or DHCR Renewal Lease Form) which commences on or after December 1, 1987, to which a copy of the Rider is not attached, or who is not served with a copy of the Rider by February 1, 1988, if applicable, may file form RA-90 with the DHCR. This form is called "Tenant's Complaint Of Owner's Failure To Renew Lease And/Or Failure To Furnish A Copy Of A Signed Lease." Tenants should use the reverse side of this form (the additional comments section), specifying the complaints.
- B) Upon complaint by a tenant, the DHCR will order the owner to serve the Rider by certified mail. Non-compliance by the owner within 20 days of such order will result in the denial of any rent increases commencing on or after December 1, 1987, or February 1, 1988, whichever is applicable, resulting from a guidelines lease adjustment, a Hardship, or a Major Capital Improvement, until the Rider is served. The service of the Rider will result in the prospective elimination of such penalty. In addition, an owner who fails to serve a tenant with a Rider after being ordered to do so by the DHCR may be subject to monetary penalties.

3. "For Vacancy Leases Only" Section of Rider

This section of the Rider contains 4 boxes. If the Rider is attached to a renewal lease, the owner is not required to complete this section. If the Rider is attached to a vacancy lease, the owner must supply the required information to explain how the rental amount provided for in the vacancy lease was computed above the amount shown in the most recent annual registration statement. Such increase above the amount set forth in such registration statement must be in accordance with adjustments permitted by the Rent Guidelines Board and the Code.

- Box (a) If the apartment was rent stabilized at the time the last tenant moved out, the owner must check this box and fill in the last tenant's final monthly legal regulated rent. The owner must then fill in all the appropriate amounts and calculate the new rent total;

- Box (b) If the tenant receiving the Rider is the first rent stabilized tenant in the apartment, and the apartment was rent controlled until the last tenant vacated, the owner must check this box, but does not need to fill in such last tenant's rent;
- Box (c) If the new rental amount is based upon an initial or restructured rent pursuant to a government program (e.g., certain rehabilitations pursuant to the Private Housing Finance Law), the owner must specify the program and the rent;
- Box (d) If none of the other boxes apply, for example, where an owner is charging a first rent after an individual apartment substantial rehabilitation, the owner should check this box marked "other", specify the basis for such other rent, and include the amount thereof.

4. Availability of Rider

Copies of the English language version of the Rider are available at the DHCR's Public Information Offices, and will also be available at legal stationery stores. The Spanish language version will be available at DHCR's Public Information Offices in November 1987.

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for Rent Administration