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New York State Division of Housing and Community Renewal

Office of Rent Administration

Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433

Amended
OPERATIONAL BULLETIN 2005-1
(Supplement No. 1)

SURCHARGES FOR TENANT-INSTALLED WASHING MACHINES,
DRYERS AND DISHWASHERS

- Implementing -

New York City Rent Stabilization Law (RSL)
Emergency Tenant Protection Act of 1974 (ETPA)
New York City Rent and Rehabilitation Law
(City Rent Control Law)
Emergency Housing Rent Control Law
(State Rent Control Law)

This Operational Bulletin is issued pursuant to Sections 2522.9 and 2527.11 of the Rent Stabilization Code; Sections 2502.8 and 2507.11 of the Emergency Tenant Protection Regulations; Section 2209.8 of the City Rent and Eviction Regulations; and Section 2109.8 of the State Rent and Eviction Regulations. It applies to all rent controlled and rent stabilized housing accommodations throughout New York State.

Unless a lease provides otherwise, owners are not required to allow tenants to install washing machines, dryers or dishwashers. Where a tenant requests permission from the owner to install such appliance or appliances, whether permanently installed or portable, and the owner consents, the owner may collect a surcharge or surcharges, as set forth below. Such surcharge or surcharges shall not become a part of the legal regulated or maximum rent for the purpose of computing any guidelines or other increases under the Rent Laws or Regulations. Under no circumstances shall servicing or replacement of such appliance or appliances become a service required to be provided by the owner.

Monthly Surcharges

Monthly surcharges are shown on the attached chart. Permissible surcharges for housing accommodations regulated pursuant to the State Rent Control Law and not located within the ETPA counties will be determined on a case-by-case basis. "Electrical exclusion" means the tenant pays for electricity; "electrical inclusion" means the owner pays for electricity. DHCR may make a downward adjustment of the surcharge where a tenant pays for heating of hot water.

Factors Considered in Developing the Surcharges

Various cost factors were considered, including, where applicable, the cost of energy to heat water and the cost of electricity. Non-energy factors considered were water costs and wear and tear on plumbing. Cost estimates were based on properly installed and functioning machines placed in buildings whose plumbing, water supply, and electrical systems are adequate for use of the relevant appliance.

Disputes arising because the owner claims that the installation of an appliance by the tenant has damaged the owner's plumbing or other property, if not resolvable between the parties, are not within the jurisdiction of the DHCR and would have to be determined by the courts.

Applicability and Prior Practice

The surcharges set forth on the attached chart shall be applicable to all pending administrative proceedings, where those proceedings include the issue of a charge for the tenant's installation of a washing machine, dryer or dishwasher.

Where a prior installation by a tenant of such appliance or appliances comes to the attention of the owner and the owner consents to the continued use of the appliance or appliances, these surcharges shall only be available prospectively.

The permissible monthly surcharges set forth in this Supplement No. 1 to Operational Bulletin 2005-1 shall take effect immediately and shall apply to all tenancies subject to this Operational Bulletin. The surcharges set forth herein shall remain in full force and effect until September 30, 2010. In the event DHCR does not issue an updated Operational Bulletin supplement by September 30, 2010, the surcharges herein established shall continue in effect until such time as a subsequent annual update is issued.

LESLIE TORRES
Deputy Commissioner
for Rent Administration

Dated: July 14, 2009

Appliance	Electrical Exclusion or Inclusion Buildings	New York City (Rent Stabilized or Controlled)	ETPA Localities ¹ (Rent Stabilized or Controlled)
Washing Machine	Exclusion	\$ 16.82	\$ 14.49
	Inclusion	\$ 18.60	\$ 16.28
Dryer	Exclusion	\$ 0.00	\$ 0.00
	Inclusion	\$ 15.00	\$ 15.00
Dishwasher	Exclusion	\$ 4.74	\$ 4.74
	Inclusion	\$ 7.12	\$ 7.12

Gas Powered Dryers:	Exclusion	\$ 0.00	\$ 0.00
	Inclusion	\$ 8.68	\$ 8.68

1 ETPA localities are those localities within the Counties of Nassau, Rockland and Westchester that have adopted the Emergency Tenant Protection Act of 1974.