



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

Operational Bulletin 2022-1 (March 25, 2022)

**Electronic Lease Offering and Tenant's Voluntary Consent**

**INTRODUCTION**

This Operational Bulletin is being issued as a result of the passage of Chapter 74 of the Laws of 2022, which allow tenants to voluntarily consent to accept electronic lease offerings and for the creation of rules and procedures by DHCR for these offerings. It also recognizes the requirements of Section 309 of the State Technology Law.

Additionally, this Operational Bulletin is being issued in accordance with the authority given to the Division of Housing and Community Renewal's Office of Rent Administration by the Rent Stabilization Code and the Emergency Tenant Protection Regulations. Further, DHCR is creating a companion form, EL-TVC Electronic Lease Offer: Tenant's Voluntary Consent, which will be available on the agency's website. This applies to rent stabilized housing accommodations throughout New York State.

**INSTRUCTIONS**

Owners are not required by law to offer leases electronically nor can they require a tenant to sign the consent form. Owners who choose to offer an electronic lease must obtain the tenant's voluntary written consent on the EL-TVC Electronic Lease Offer: Tenant's Voluntary Consent Form.

Owners who choose to offer electronic leases are required to complete the form, sign it electronically or manually and serve it on the tenant by email, placement in an electronic portal, or by personal service/postal mail, if necessary, and the tenant can voluntarily agree to the offer and acceptance of a lease or lease renewal. The content of the DHCR form cannot be changed; however, changes in formatting are acceptable based on related software limitations.

Tenants may sign the consent form electronically and return it electronically or if necessary, sign the consent form manually and return the form to the owner by postal mail or personal service. **If there are multiple tenants named on the lease, other than spouses or domestic partners, each tenant must provide their signature to authorize consent to the electronic offer provided by the owner.**

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.

## LEASE FORMS AND RIDERS

### **DHCR IS NOT AUTHORIZED BY STATUTE TO PROMULGATE THE VACANCY LEASE FORM.**

The use of electronic signatures may apply to the voluntary consent form, the actual lease offer, including all required DHCR lease riders, including those relating to J-51 and 421-a, and all other riders required by law. Owners are advised to use vacancy lease forms that are currently in use and any vacancy lease forms in the future that meet industry standards. Owners are further advised that they may amend such forms as needed to account for electronic signatures.

However, Owners **MUST USE** DHCR-promulgated lease renewal forms. In NYC, the DHCR form is the Renewal Lease Form (RTP-8) and in the ETPA counties the form is ETPA Renewal Lease Form (RTP-8 ETPA). Copies of such forms may be made by owners. Further, to account for the placement of electronic signatures and related software limitations, formatting may be adapted but the content may not be changed.

As a part of consent, the form requires that owners and tenants provide their respective email addresses. The email addresses provided may be changed upon subsequent notice if an alternative email address needs to be used for the purpose of executing the lease offer. Tenants who choose not to provide consent will not be deprived of any rights under the rent laws and regulations. The consent given in this form will apply to all subsequent lease renewal offers during the tenant's tenancy. Both owners and tenants retain the right to opt out of future electronic lease offerings by providing written notice to the other party. Should either owner or tenant information change, both owners and tenants are required to provide written notice to the other party and a new consent form should be completed with the new information.

## **RIGHTS AND RESPONSIBILITIES**

Owners and tenants can use electronic signatures that are utilized by a wide range of software products and electronic portals that can facilitate these lease offerings. Owners are authorized by this bulletin to initially offer the voluntary consent form either prior to or concurrent with the offering of the lease or lease renewal.

Owners and tenants are required to maintain proof of service of the voluntary consent form, the lease offer, and acceptance or refusal. Proof of service should include but not be limited to as many of the following elements as possible: identity of sender and recipient, date of transmission, subject matter, attachments, and/or electronic links to documents, regardless of whether the transmission was done by personal email, electronic portal, or some other alternatives. **In all cases, any of the methods used by the owner to facilitate the execution of the lease must enable the owner and the tenant to print copies of the electronic communications and all documents that can be provided to DHCR and/or the courts upon request in a case proceeding.**

Proof of service of the lease renewal offer by the owner must be in accordance with timelines required by law and regulation. In New York City, an owner must give written notice of renewal by mail or personal delivery not more than 150 days and not less than 90 days before the existing lease expires on a DHCR Renewal Lease Form (RTP-8). After the renewal offer is made, the tenant has 60 days to choose a lease term, sign the lease, and return it to the owner. In ETPA counties, an owner must first sign and date the renewal notice (RTP-8 ETPA), and then send it by certified mail not more than 120 days and not less than 90 days before the existing lease expires. The tenant then has 60 days to choose a lease term, sign the lease, and return it to the owner. For more details, please refer to the HCR Fact Sheet #4, Lease Renewal in Rent Stabilized Apartments.

**NOTE - DHCR is acknowledging that those owners and tenants who choose to voluntarily consent to an electronic lease offer in an ETPA county are using a method of delivery which is a lawful substitute for the use of certified mail required with a postal mailing.**

In cases before DHCR, in addition to referencing the information contained in this bulletin, DHCR will be able to exercise administrative discretion in reviewing evidence placed before it by both parties.

## **VIOLATIONS**

Any tenant who believes that they are being forced into signing the voluntary consent form, cites a retaliatory threat by an owner for refusing to sign it, or asserts that their signature was fraudulently affixed to the form, can file a DHCR Tenant's Statement of Complaint(s) – Harassment (RA-60H).

Any tenant who believes the electronic lease offer they consented to is not meeting the requirements of this bulletin or law with respect to the timelines or terms or conditions can file a DHCR Tenant's Complaint of Owner's Failure to Renew Lease (RA-90 or RA-90 ETPA).

**Woody Pascal**

Deputy Commissioner for Rent Administration

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