

SRER Amendment Summary

The following is summary of the proposed amendments of the State Rent and Eviction Regulations (the full text of all the amendments is available on DHCR's website at <https://hcr.ny.gov/regulatory-information>):

1. 9 NYCRR § 2100.1 (a) adds “Division of Housing and Community Renewal”.
2. 9 NYCRR § 2100.2 (c), (d), and (g) amending definitions of the terms “Rent,” “Maximum Rent,” and “Tenant”.
3. 9 NYCRR § 2100.3 (k) and (l) adds definitions of the terms “Common Ownership” and “DHCR”.
4. 9 NYCRR § 2100.9 (v) repeals high rent vacancy deregulation to comply with HSTPA.
5. 9 NYCRR § 2100.9 (w) repeals high rent/high income deregulation to comply with HSTPA.
6. 9 NYCRR § 2100.15 amendments regarding requirements for rent receipts.
7. 9 NYCRR § 2100.18 adds language regarding the primary residency of a victim of domestic violence.
8. 9 NYCRR § 2102.1 amendments regarding the establishment of maximum rents pursuant to HSTPA.
9. 9 NYCRR § 2102.3 amendments largely mandated by HSTPA for Individual Apartment Improvements (“IAI”) and Major Capital Improvements (“MCI”). For IAIs the amendments include: written tenant consent from tenant for IAIs; required filings with DHCR supported by before and after photographs; an itemized list of work performed and the reason for such work; limits the amount the rent can be increased to 1/168th or 1/180th of the cost of the improvement depending on the number of units in the building;

no more than three separate IAI increases collected over a 15-year period and the total cost of eligible improvements cannot exceed \$15,000; with limited exception, all work must be done by a licensed contractor with no common ownership between the contractor and the owner; prohibition on increases based upon the installation of similar equipment or furnishings within the useful life of such new equipment or furnishings; prohibitions on increases where there are any outstanding hazardous and immediately hazardous violations at the time of installation that pertain to the subject apartment and; new IAI increases collected for the first time after June 14, 2019, are temporary and will be removed from the rent in thirty years. For MCIs, the amendments include: definition which incorporates new “green” installation; removal of MCI increases after thirty years; amortization of costs over twelve years or twelve and a half years depending on the number of units in the building, modification of the annual cap on collectability to two percent per year; a reasonable cost schedule; prohibition of rent increases due to immediately hazardous violations and hazardous violations; MCIs are no longer allowed for work done in individual apartments that is not otherwise an improvement to the entire building; and prohibition of MCIs in buildings with 35 percent or fewer rent regulated units.

10. 9 NYCRR § 2102.4 (h) updates DHCR’s website address and references.
11. 9 NYCRR § 2103.4 adds a requirement that apartment registrations include an “actual, physical street address” for the owner or agent.
12. 9 NYCRR § 2104.3 (a) and (c) adds the address for filing of the notice with DHCR.

13. 9 NYCRR § 2104.4 amendments of the requirements of the relocation requirements when directed by or is required pursuant to a condition for the granting of a certificate of eviction.
14. 9 NYCRR § 2104.5 (a)(1), (a)(2), (b), (c)(2) requirements for recovery of a rent regulated unit for owner occupancy to comply with HSTPA.
15. 9 NYCRR § 2104.6 (d) modification and clarification of requirements for establishing succession rights.
16. 9 NYCRR § 2106.1 (d)(5) adds that the tenant shall have a cause of action in a court of competent jurisdiction for damages, declaratory, injunctive relief against the owner where the owner fails to use the certificate of eviction for the specified purpose.
17. 9 NYCRR § 2108.10 provides that where a code provision or applicable statute is enacted or amended during the pendency of a PAR, the determination shall be in accordance with the statute or code as it existed at the time the rent administrator's order was issued, unless the relevant law or regulation states otherwise.
18. 9 NYCRR § 2110.2, § 2110.3, § 2110.4, § 2110.5, § 2110.6, § 2110.7 repeal of high rent/high income deregulation sections as of June 14, 2019, pursuant to HSTPA.
19. 9 NYCRR § 2110.8 is repealed as of June 14, 2019, pursuant to HSTPA and replaced with language providing that any apartment lawfully deregulated as of June 14, 2019 remains deregulated.