

Instructions for Filing Initial Rent Registration

Housing Accommodations Outside New York City Regulated by The Emergency Tenant Protection Act (ETPA)

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Introduction

State Law requires the owner of any housing accommodation subject to its provisions to initially register each individual housing accommodation with the New York State Division of Housing and Community Renewal (DHCR). It also requires the owner to annually update the registration each year using the Annual Rent Registration forms.

The Initial Registration consists of completing, mailing, and/or posting the following forms, as instructed in this booklet:

- [Initial Apartment Registration form RR-1\(i\)](#) for each occupied apartment; and
- [Initial Registration Summary form RR-2\(i\)](#) for the building; and
- [Building Services Registration form RR-3\(i\)](#) for the building.

Please read and follow the instructions for completing each Initial Registration form carefully. If you have any questions concerning these forms, or the registration activity itself, please email PSU@hcr.ny.gov.

We recommend either typing directly into the PDF form or printing the form and using only black ink (please print) to help ensure legibility. The forms will be entered into our database, so it is very important that every required item has been completed and all information on all copies is clear and easy to read. Check to see that any necessary signatures appear. If a form requires the signature and seal of a notary public, be sure to have this done.

DHCR Filing/Contact Information

For assistance in completing this Initial Registration packet, please submit an email to PSU@hcr.ny.gov.

For general information, including forms, applications, and printed material, please access the following link: <https://hcr.ny.gov/> and/or email RentInfo@hcr.ny.gov.

Filing the Initial Registration with DHCR

Please follow the steps below:

Place one copy of the Initial Registration Summary form and one copy of the Initial Building Services form on top of the stack of Initial Apartment Registration forms.

NOTE: If the information being provided in this initial registration is being established in whole or in part by a municipal regulatory agreement and/or Tax Benefit Program, copies of relevant pages including established rents need to be submitted along with an explanatory cover letter and the required registrations forms.

Keep a copy of the forms for your records.

Place the registration forms and all related material in an envelope large enough to hold them flat and mail them to:

DHCR/ORR Rent Registration Unit
92-31 Union Hall Street
Jamaica, NY 11433

Incomplete Submissions

Please take note, incomplete and/or incorrect submissions not accepted for processing may be returned by mail with a DHCR notice or DHCR may contact the owner and/or managing agent by phone and/or email to attempt to resolve filing issue(s). When completing these forms, please enter phone numbers (including extensions) and email addresses to best reach you with.

Reminder: when serving the tenant with a copy of the Initial Apartment Registration Form, service must be made by certified mail and owners should keep a copy of proof of mailing.

Annual Administrative Fee

Pursuant to the Rent Stabilization Law and the Emergency Tenant Protection Act (ETPA), there is an annual administrative fee paid by owners to the municipality for each apartment subject to Rent Stabilization/ETPA.

The Housing Stability and Tenant Protection Act (HSTPA) has set this fee at \$20 per apartment.

For buildings outside of New York City, owners will be billed this fee by the appropriate municipality.

Apartment Registration

Completing the Initial Apartment Registration form RR-1(i)

This form needs to be filed only for occupied apartments. It must be served on the occupant by certified mail. Owners should maintain proof of mailing.

Owners are also advised that occupants/tenants will have the right to file a Fair Market Rent Appeal (FMRA) with the DHCR.

If an apartment is **vacant** on the date of the Initial Building Registration and becomes occupied after that date, an Initial Apartment Registration form must be completed and mailed to the tenant within ninety (90) days after occupancy begins.

One copy of the Initial Apartment registration form is supplied to the tenant by certified mail, one copy is retained by the building owner, and one copy is mailed to DHCR.

If the tenant in occupancy on the date in item 1 is not still in occupancy, the tenant currently in occupancy must receive the tenant's copy of this Initial Apartment Registration form.

Item 1 - Date apartment became subject to Rent Stabilization

Enter the start date of Rent Stabilization, known as ETPA (Emergency Tenant Protect Act) outside New York City.

The City of Newburgh's Date of Stabilization is 12/18/2023.

This is the date that the building and the occupied apartments became subject to Rent Stabilization. For apartments that were Vacant on that date and become subsequently occupied, enter the date of initial occupancy.

Item 2 - Date of this Initial Registration

Enter the date on which the Initial Apartment Registration form is being completed.

Item 3 - Building ID Number

If DHCR has already provided you this number, enter the number.

If DHCR has not provided you this number, leave it blank, and DHCR will assign a number to the building.

Item 4 - Street Address

Enter the principal address of the building. If there are multiple entrances (ex- garden complex) on different streets, list each of these with the principal address first. If the building is known by a specific name, enter that name here also. Do not use any abbreviations; spell out words completely (East, West, Road, Court, etc.).

Item 5 - City, Town, or Village

Enter the name of the city, town, or village. Do not abbreviate.

Item 6 - Zip Code

Enter the zip code.

Item 7 - County

Enter the county name. Do not abbreviate.

Item 8 - Apartment Number or Location

Enter the apartment number. The apartment number entered will need to be used in future Annual Registration filings, which are done online.

If the building is a complex with multiple addresses, such as a range address, and apartments share the same apartment number but have different addresses in the

complex, we recommend the following: enter the apartment number followed by parentheses specifying the address for each apartment. Example: "1A(100)" and "1A(120)".

Item 9 - Total Number of Rooms in Apartment

Enter the total number of rooms in the apartment as follows: count all rooms that have windows and contain at least 60 square feet; count all rooms that have no windows and contain at least 80 square feet; then add one room for any windowless kitchen measuring at least 59 square feet. Do NOT count bathrooms, half rooms, walk-in closets, etc.

Item 10 - Tenant Name(s)

For each tenant who is occupying the apartment on the date in item 1, enter the name(s).

NOTE: To identify a Temporary Exemption, write one of the following: Owner Occupied, Employee, Not-For-Profit, Commercial/Professional. See the following details.

For Apartments that are owner-occupied or occupied by a family member of the owner without payment of any rent, or employee-occupied at the time of Initial Registration, in the section for the Tenant name (Item 10), enter "Owner" or "Employee". Please note, while the apartments are "Temporary Exempt", these apartments do have Rent Stabilization status and are subject to the annual \$20 administrative fee per apartment.

Apartments that are occupied for commercial/professional or other non-residential purposes are also subject to Rent Stabilization. Please enter "Commercial/Professional". Please note, while the apartments are "Temporary Exempt", these apartments do have Rent Stabilization status and are subject to the annual \$20 administrative fee per apartment.

If the building is operated exclusively for charitable purposes on a not-for-profit basis, or the tenant is affiliated to a not-for-profit institution, enter "Not-For-Profit" and the name of the tenant and/or not-for-profit institution. Please note, while the apartments are "Temporary Exempt", these apartments do have Rent Stabilization status and are subject to the annual \$20 administrative fee per apartment.

Item 11 - Lease Dates in effect on Date in Item 1

Enter the Beginning Lease Date and the Expiration Date for the lease in effect on the date in item 1.

If there is no written lease in effect, please leave this blank.

Item 12 - Equipment and services included in rent

Place an "X" in the appropriate box for each of the pieces of equipment or services in item 12, which is provided by the building owner, and which is included in the rental amount.

If you enter an "X" for owner-provided room air conditioners, also enter the total number of air conditioners provided.

If any additional piece of equipment or services is provided by the owner and included in the rent, enter an "X" in the box marked "Other," and specify the additional piece of equipment or service(s).

Item 13 - Equipment and services for which a separate charge is collected by owner

Enter an "X" in the appropriate box for each of the pieces of equipment or services in item 13 which is provided to this apartment by the building owner at a separate charge and enter the total amount charged for all items selected in Item 13.

If you provide an additional piece of equipment or service(s) to this apartment for a separate charge, enter an "X" in the box marked "Other," and specify the additional piece of equipment or service(s).

If you collect a separate charge, such as a surcharge, not included in the rent and this surcharge is directed by a government Regulatory Agreement, enter an "X" in the box marked "Other," and specify the reason for the surcharge and enter the amount.

In addition: If you enter an "X" for garage space or parking space at a separate charge, also enter the monthly charge. If this is covered in a separate lease, enter the beginning and ending dates for that lease.

Item 14 - Legal Regulated Rent on Date in Item 1

Insert the rent for the apartment as of the date the apartment became subject to Rent Stabilization (the date in Item 1) and whether this amount is payable monthly or weekly. Please note, if a tenant is receiving a rent subsidy (ex- Section 8), enter the sum of their out-of-pocket payment and the subsidy.

For employee-occupied apartments and owner-occupied apartments, if a rent is charged and paid, enter the amount. If rent is not charged, enter 0.00.

For commercial/professional or non-residential use apartments, enter 0.00.

If the building is operated exclusively for charitable purposes on a non-profit basis, or the tenant is affiliated to a not-for-profit institution, and you are asserting Temporary Exemption, enter 0.00.

Item 15a - Actual Rent Paid on Date in Item 1

There may be situations where pursuant to government Regulatory Agreement, the registration of more than one rent is required. If you are in possession of such an agreement, enter the actual rent paid.

Please note, in situations where the tenant may be receiving a government subsidy that reduces their out-of-pocket payment, please do not enter the out-of-pocket payment in this field.

Please note, the inclusion of a different rent will not be recognized by DHCR unless required by a government Regulatory Agreement.

Section 610 of PHFL allows for Actual Rents that are higher than the Legal Rent provided that the tenant has been given rental assistance and the Regulatory Agreement stipulates approval. These two conditions must be present for the ability to collect a higher Actual Rent.

In addition, when an owner has been approved for PHFL 610 in a Regulatory Agreement there may be a time lapse until the subject apartments receive rental assistance resulting in an Actual Rent that is higher than a Legal Rent. In these situations, if the Actual Rent is not higher than the Legal Rent at the time of this registration, do not select "PHFL 610 Rental Assistance" in Item 15b.

Owners are also advised that occupants/tenants will have the right to file a Fair Market Rent Appeal (FMRA) with the DHCR.

Item 15b - Reason for Difference

If an Actual Rent is entered, give the reason for the difference in item 15b.

If you have a government Regulatory Agreement requiring you to register more than one rent, then place an "X" in the box marked "Other". And in the space provided, enter a brief name of the agreement. If a higher Actual Rent has been authorized and is being collected, also place an "X" in the box marked "PHFL 610 Rental Assistance".

Please note, the inclusion of a different rent will not be recognized by DHCR unless required by a government Regulatory Agreement.

Item 16a - Reason for Initial Apartment Registration

Put an "X" in the box marked "Other," and enter the phrase "ETPA Adoption".

Item 16b - Initial Apartment Registration Status

For all apartments, place an "X" in the box labeled "Stabilized/ETPA".

There is an exception for Permanently exempt apartments. If the apartment is Permanently Exempt, place an "X" in the box labeled "Permanently Exempt," and place an "X" in the box giving the appropriate reason for the exemption. The **only** appropriate reasons are identified as follows:

If the apartment is in a cooperative or condominium and is occupied by the owner or a non-protected tenant, place an "X" in the box marked "**Coop/Condo Occupied by Owner or Non-Protected Tenant**".

If the apartment has been directed to have a Permanently Exempt status by a government Regulatory Agreement or other statutory provision, place an "X" in box "**Regulatory Agreement/Statutory Provision**".

NOTE: Temporary Exemptions (for which the subject apartment is subject to the annual \$20 administrative fee) are to be reported in item 10.

Item 17 - Owner/Managing Agent Name

Put the name and address of the preparer and place an "X" in the box next to the designation (Owner, Managing Agent or Coop/Condo Owner) which describes the preparer.

If the unit is a Coop/Condo, place an "X" in the box next to "Coop/Condo Owner" and enter the information for the unit owner.

An actual, physical street address is required by regulation, effective 11/8/2023.

Instructions for handling the tenant's copy of the Initial Apartment Registration form RR-1(i)

Address an envelope with the Initial Apartment Registration form enclosed to the tenant occupying the apartment on the date in item 1, unless that tenant has vacated. If that tenant has vacated, mail it to the current tenant, or if the apartment is currently vacant, mail it to the next tenant to occupy the apartment. **In all cases delivery must be via certified mail.**

Building Registration

How to complete form RR-2(I) Initial Building Registration

One Initial Registration Summary form must be submitted for each building being registered. One copy must be signed and notarized and returned to DHCR. The other copy is retained by the owner.

Item 1 - Building ID Number/Building Type

If DHCR has already provided you this number, enter the number.

If DHCR has not provided you this number, leave it blank, and DHCR will assign a number to the building.

Items - 2-5 Building Street Address

Copy the building information exactly as it appears in items 4 to 7 of the Initial Apartment Registration form RR-1(i).

Items 6-11 - Owner Name and Address

Enter the name, address, telephone number, and email address of the building owner. For a coop, enter the cooperative's corporate name, address and telephone number. For a condominium, enter the name, address, and telephone number of the homeowner's association.

An actual, physical street address is required by regulation, effective 11/8/2023.

NOTE: For individual Coop/Condo unit owners, please reference the Apartment Registration form, Item 17, where specific unit owner's name may be entered.

Items 12-17 - Managing Agent Name and Address

Enter the name, address, telephone number, and email address of the managing agent.

An actual, physical street address is required by regulation, effective 11/8/2023.

Item 18 - Date Building Became Subject to Rent Stabilization

Enter the date on which the building adopted Rent Stabilization, known as ETPA (Emergency Tenant Protection Act) outside New York City, as set forth in the local law.

The City of Newburgh's Date of Stabilization is 12/18/2023.

Item 19 - Building Status/Description/Financing Programs

"Class A" multiple dwelling refers to multiple dwellings which are occupied, as a rule, for permanent residence purposes. This class includes apartment hotels, and all other multiple dwellings except "Class B" multiple dwellings.

"Class B" multiple dwelling refers to multiple dwellings which are occupied, as a rule, transiently, as the more or less temporary abode of individuals or families who are lodged with or without meals. This class includes hotels, SRO's and rooming houses.

Building Description

A "**Hotel**" is an inn having thirty or more sleeping rooms.

"**Single Room Occupancy (SRO)**" consists of occupancy by one or two persons of a single room, or of two or more rooms which are joined together, separated from all other rooms within an apartment in a multiple dwelling, so that the occupant or occupants thereof reside separately and independently of the other occupant or occupants of the same apartment. When a Class A multiple dwelling is used wholly or in part for single room occupancy, it remains a Class A multiple dwelling.

"**Garden Apartment Complex**" consists of certain attached, detached, or semi-detached dwelling units, containing six or more housing accommodations having common facilities such as a sewer line, water main, or heating plant and operated as a unit under common ownership.

Coop/Condo

"**Non-Evict Coop/Condo Plan Effective Date**" The building has become a cooperative or a condominium without the right to evict any non-purchasing tenants. Enter the plan effective date.

"**Evict Coop/Condo Plan Effective Date**" The building has become a cooperative or a condominium with the right to evict non-purchasing tenants other than eligible senior citizens or eligible disabled tenants within a specified period of time. Enter the plan effective date.

"**Coop/Condo Plan Filed**" If a coop/condo conversion plan has been declared effective or has been accepted for filing by the Attorney General's Office, place an "X" in the box. Give the date that the Plan was declared effective, or if not yet effective, give the date that the Plan was accepted for filing.

Financing Programs

For buildings subject to government Regulatory Agreements, enter a brief name of the agreement under "**Other/Regulatory Agreement**". It is required to attach a copy of the Regulatory Agreement or relevant documentation.

If the Regulatory Agreement authorizes the collection of higher Actual Rents under Section 610 of PHFL, **also** select "**Section 610 of PHFL**" and attach the Regulatory Agreement. This selection should be made even if individual apartments are not yet receiving rental assistance resulting in higher Actual Rents.

Item 20 - Types of Units in Building

Enter the number of units of each type in the building.

Take note, unit type Stabilized/ETPA includes Vacant and Temporarily Exempt units. For details, see item 10 of the Apartment Form instructions.

Item 21 - Total Number of Apartment Forms Submitted

Enter the total number of apartment forms being submitted.

Item 22 - Affirmation and Certification

This item must be completed either by the individual owner, the building's managing agent, or an officer or partner of the corporation or partnership that owns the building. If the building is owned by a cooperative corporation or a condominium association, the signature must be that of the corporation or association president or the managing agent acting on behalf of that entity. The corporation or association name must be printed on the line provided. The signature in this section should be made before a notary public.

Services Registration

Completing the Initial Building Services Registration form RR-3(i)

One Initial Building Services form must be submitted for each building being registered for the first time. One copy must be posted in the lobby of the building, one copy is returned to DHCR, and one copy is retained by the owner.

Item 1 - Building ID Number and Type

If DHCR has already provided you this number, enter the number.

If DHCR has not provided you this number, leave it blank, and DHCR will assign a number to the building.

Items 2-5 - Building Address

Copy the building information exactly as it appears in items 4-7 of the Initial Apartment Registration form RR-2(i).

Items 6-11 - Managing Agent Information

Enter the name, address, and telephone number of the managing agent if applicable.

An actual, physical street address is required by regulation, effective 11/8/2023.

Item 12 - Floors

Enter the number of floors/stories in the building.

Items 13 - Who pays for the Heat?

Place an "X" in the appropriate box indicating whether heat for individual apartments is provided by the owner to the tenants as part of the rent, or whether the tenants pay for their heat as an additional charge to the rent.

Item 14 - Fuel Type

Place an "X" in the appropriate box identifying the fuel used to heat the building. If oil is marked, also circle the type(s) of oil used.

Item 15 - Services

Place an "X" in the appropriate box(es) for each of the services listed which is provided by the owner to all tenants and is included in the rent.

In addition, if "**Maintenance Services**" is marked off, also enter the total number of full-time and part-time workers employed (full-time is considered 30 hours or more).

If "**Door /Lobby Attendant**" is marked off, enter the total number of hours per day this service is provided. If the hours differ on different days then enter the range of hours the service is provided. Example 8-16 hours per day.

If "**Attended Elevator**" is marked off, follow the instructions for Door/Lobby Attendant above.

Place an "X" in the box marked "**Other**" if other services are provided as part of the rent which are not listed in item 15 and specify the service.

Item 16 - Posting Date

Enter the date on which a copy of this Building Services form will be posted in the lobby of the building. This date may be no later than the date on which this registration is filed with DHCR.

Instructions for posting the Buildings Services Form RR-3(i)

One copy is to be posted in the building in a conspicuous location in the lobby for viewing by the tenants. In buildings which have no lobby, the form should be posted directly outside the managing agent's on-premise office.

1/2024