

Report To New Yorkers On Housing From State Senator Liz Krueger

Dear Neighbor,

With the growing shortage of affordable housing—for both renters and homeowners—there has never been a more important time to understand your rights and how housing laws apply to you. There is not enough space to address all the pertinent facts here, so this newsletter covers the issues that come up most frequently in my District Office. Many of the government agencies and advocacy groups listed on page 4 have additional information on their websites that you may find useful. Please be aware that there are exceptions to some of the guidelines outlined and that my office cannot provide legal advice.

I also include information on SCRIE/DRIE, a rent freeze program for rent regulated seniors and disabled residents whose income is under \$50,000 per year. These rent programs are dramatically underutilized, particularly on the east side of Manhattan where residents have not applied or are unaware that such programs exist.

While the problems faced by condominium owners and co-op shareholders are often different from those faced by renters, my office receives many inquiries from residents who are confused about their rights and responsibilities. Page 4 provides an overview of the rights of shareholders and owners, as well as property tax exemptions for which they may be eligible.

If you need more information, additional copies of this newsletter, or help with individual or building-wide problems, please contact my office.

Sincerely,



Liz Krueger
State Senator

and should be complied with by both sides. In cases where the lease and the law differ, however, the law prevails and tenants cannot sign away any of their legally protected rights.

What if I don't receive proper services or repairs?

If you have a problem with services or need repairs, first speak to the owner or agent. If they fail to respond, put it in writing and mail it by certified mail, return receipt requested. Keep copies of all correspondence and records of conversations. Many of the organizations listed on page 4 provide sample letters and additional details about obtaining repairs on their websites. If the owner does not act in a reasonable period of time consider these options:

Request a Code Enforcement Inspection. File a complaint with HPD by calling 311. HPD will send inspectors who can issue orders to correct violations.

Go to Housing Court. If your problem is serious, you may want to initiate a case in Housing Court – known as an “HP action.” If the problem is building-wide, it may be a good idea to take legal action with other tenants. To bring an owner to court, specific forms must be completed and served on the owner (the forms are obtainable from the clerk’s office in Housing Court at 111 Centre Street). Judges can levy fines, issue orders to correct violations, and appoint special administrators to run problem buildings. There is a \$45.00 filing fee but it may be recovered if you win your case. If you cannot afford the fee, you may apply to have it waived.

For more information on the Housing Court process, contact Housing Court Answers or visit the Housing Court’s website (see page 4 for details).

Seek a rent reduction. Rent regulated tenants can file an application with the State Division of Housing and Community Renewal (DHCR) for a rent reduction based on decreased service(s). DHCR has the authority to order a rent reduction until services are restored. Separate complaint forms are available for individual and building-wide issues. You can obtain the forms from DHCR by calling 718-739-6400 or download them from the agency’s website.

Is my building required to have a superintendent?

Owners of buildings with nine or more apartments must either provide janitorial services themselves if they live onsite or hire a super who lives in the building or within 200 feet. The name and 24-hour phone number of the person responsible for janitorial services must be posted in the lobby. If these services are not provided, you can file a complaint with HPD by calling 311.

What about heat and hot water?

During the heating season (October 1 through May 31), owners must provide heat as follows: from 6am to 10pm, if the outdoor temperature is below 55 degrees, apartments must be heated to at least 68 degrees. Between 10pm to 6am, if the temperature is below 40 degrees, apartments must at least 55 degrees. Hot water must be supplied all year at a minimum temperature of 120 degrees.

If you do not have adequate heat or hot water, keep a daily record and notify your landlord. If the situation does not improve, file a complaint by calling 311.

Am I entitled to have my apartment painted?

City law requires apartments in buildings with three units or more to be painted every three years. If your apartment has not been painted, put your request in writing. If you do not receive a satisfactory response, you can file a complaint by calling 311.

May I install my own appliances?

Tenants must return their apartments in the same condition in which they were rented. Tenants may not remove any appliances installed by the owner without first receiving written permission. In many cases, making permanent physical changes without written permission can be grounds for eviction.

What about security deposits?

Owners are entitled to collect a security deposit equal to one month’s rent from regulated tenants. Security deposits for market-rate apartments are not limited. Owners of buildings with six or more apartments must place security deposits in separate interest-bearing accounts, and inform tenants of the name of the bank. Tenants may request to have the interest paid annually (minus a 1% administration fee), applied towards the rent or paid in a lump sum when they move.

If the building is sold, the landlord must transfer all security deposits to the new owner within five days, or return the security deposits to the tenants. Landlords must notify the tenants, by registered or certified mail, of the name and address of the new owner.

Tenants are entitled to receive the security deposit back once they leave at the end of the lease if the owner determines no damage (beyond normal wear) has been done. Complaints regarding security deposit issues can be filed with the State Attorney General’s Office or in Small Claims Court.

Can the owner enter my apartment?

Owners must have access to your apartment in an emergency such as a fire, broken water pipe, or gas leak. Owners are also permitted to enter apartments with reasonable notice to inspect, make needed repairs, and show them to prospective purchasers. Tenants may install an additional lock but must provide the landlord a duplicate key if one is requested. Failure to grant reasonable access can be grounds for eviction.

May I have pets in my apartment?

If your lease specifically permits pets or is silent on the issue, then you may have pets. Lease clauses banning pets are binding. However, “no-pet” clauses are void if owners don’t act to enforce them within three months of the time the tenant began openly keeping a pet. Additionally, owners must make exemptions to “no-pet clauses” for disabled tenants who need service animals.

QUESTIONS AND ANSWERS ABOUT TENANTS’ RIGHTS

Is my apartment rent controlled or rent stabilized?

While there are exceptions to these general rules, your apartment is probably **rent controlled** if your building was built before 1947, contains three or more apartments, and you or a family member moved in before July 1, 1971. Generally, controlled tenants have one original lease or no lease.

Your apartment is likely **rent stabilized** if your building has at least six apartments, and either 1) was built between 1947 and 1973; or 2) was built before 1947 and you moved in after June 30, 1971. Apartments in buildings constructed after 1973 are not subject to regulation unless the owners receive government tax benefits such as J-51 or 421-a abatements. *All apartments in a building, regardless of the rent level, are rent stabilized if the building is currently receiving J-51 or 421a tax benefits.*

Some apartments that meet the general criteria for rent stabilization are exempt due to the rent level, the timing of past vacancies, or the rent and income of a tenant in occupancy. Special rules also apply to buildings owned by non-profit institutions.

What about market-rate apartments?

Rental apartments not subject to the rent stabilization or control laws are known as “market-rate” apartments. Rents for market-rate apartments are negotiated, and the lease the parties sign dictates the terms of the tenancy. Owners of market-rate apartments are not required to offer tenants renewal leases and there are no limits on rent increases. Despite the exemption from rent regulation, there are a number of laws that apply to all apartments, such as the Warranty of Habitability, the Housing Maintenance Code, the Multiple Dwelling Law, and the Roommate Law.

Some tenants with market-rate leases are actually living in apartments that legally should be rent stabilized. If you have questions about the status of your apartment, contact my office, a tenant attorney, or tenant advocacy organization.

Can an apartment be rented for less than 30 days?

In NYC, it is illegal to rent an entire apartment located in a building with three or more apartments for less than 30 days. Such rentals are commonly known as “illegal hotels.” Rentals of less than 30 days also violate the terms of almost all leases, as well as co-op and condominium bylaws. While the law does not prohibit permanent residents from renting individual rooms in their apartments if they remain in occupancy the entire time, such short-term rentals may violate the residents’ leases or bylaws.

If you suspect an apartment in your building is being rented for less than 30 days, you can report this activity to the Mayor’s Office of Special Enforcement by calling 311 and/or my office.

What services are tenants entitled to?

The Warranty of Habitability, the Housing Maintenance Code, the Multiple Dwelling Law, and other state and city laws guarantee tenants certain essential services and protections. Tenants have the right to a safe, well-maintained, livable apartment, to organize tenants’ associations, and to make complaints about a lack of services without reprisals.

Owners must: register with the NYC Department of Housing Preservation and Development (HPD) the name of both the owner and managing agent authorized to make emergency repairs and list a phone number in the building where the owner/agent can be reached at all times; provide regular extermination services if needed; provide daily garbage disposal; keep public areas clean and free of vermin; provide janitorial services; and keep the building in good repair.

What are my responsibilities as a tenant?

Tenants have responsibilities to both the building owner and their neighbors. Tenants must properly maintain their apartments, pay their rent on time, discipline their pets, comply with NYC recycling requirements, and keep stairwells, fire escapes and public hallways clear of obstructions. They must keep noise levels down and, if required in the lease, cover floors with rugs or carpeting.

Leases are valid and enforceable contracts between tenants and owners

How are rent increases determined for rent stabilized and rent controlled apartments?

Increases for **stabilized apartments** are established annually by the NYC Rent Guidelines Board. For renewal leases starting between October 1, 2015 and September 30, 2016, the guidelines are: 0% for a one-year lease and 2% for a two-year lease. The increases for leases commencing between October 1, 2016 and September 30, 2017 are also: 0% for a one-year lease and 2% for a two-year lease.

Increases for **controlled apartments** are derived from two figures: the Maximum Base Rent (MBR), a maximum ceiling for rents, and the Maximum Collectible Rent (MCR), the amount an owner can actually collect. New MBRs are determined every two years by DHCR; the MBR approved for the 2016-2017 period was 9.6%. The annual MCR cannot exceed 7.5%, and owners must certify that they are providing essential services and removed hazardous violations in order to qualify for the increase. Owners are only permitted to increase the rent once they have received “Orders of Eligibility” from DHCR and mailed each controlled tenant an RN-26 form. Rent-controlled tenants also pay fuel cost adjustments, which are determined each year by DHCR based on changes in the price of oil.

Is my landlord allowed to charge me late fees or legal fees?

If you are a rent regulated tenant and your first lease authorized late fees, your landlord can charge them. Late fees must be “reasonable” which is generally defined as less than 5% of your monthly rent. Clauses authorizing late fees cannot be added to renewal leases if they were not in the initial lease.

If you are a market-rate tenant, late fees may only be collected if your lease permits them.

Legal fees cannot be imposed on tenants unless the tenant’s lease permits the landlord to seek legal fees, the tenant is brought to court by the landlord, and either a judge orders the tenant to pay legal fees or the tenant agrees to them in a court-approved stipulation.

What additional increases can affect regulated apartments?

New Appliances: If an appliance provided by the owner breaks, the tenant is entitled to have it repaired or replaced with a used appliance in good working order. If a tenant opts for a *new* appliance, an owner is entitled to a *permanent* monthly rent increase equal to 1/40th of the item’s cost if the building contains 35 or fewer apartments, and 1/60th of the cost if the building has 36 or more apartments. Owners must obtain written consent from tenants in occupancy before installing new appliances. Owners are also entitled to 1/40th or 1/60th increases for new equipment or improvements in vacant apartments.

Major Capital Improvements (MCIs): MCIs are *permanent* increases in rent regulated tenants’ rents calculated based on money spent by an owner on building-wide improvements or on replacing a major building system. Eligible MCIs must contribute to the operation, maintenance and preservation of a building and directly or indirectly benefit all the tenants. The most common improvements are new roofs, elevators, boilers, or windows in every apartment. In buildings with 36 or more apartments, MCIs increases are 1/108th of the total cost of the improvement, divided by the total number of rooms in your building, and then multiplied by the total number of rooms in your apartment. In buildings with 35 or fewer units, MCI increases are 1/96th of the cost, divided by the total number of rooms in your building, and then multiplied by the total number of rooms in your apartment. MCI increases must be approved by DHCR before they can be collected, and are capped at 15% annually for controlled tenants and 6% for stabilized tenants.

When DHCR begins processing an MCI application, tenants receive a notice outlining the work and increase sought. Tenants have 30 days to challenge an application (an extension can usually be obtained by requesting one in writing from DHCR). DHCR may reject, reduce and/or delay MCI applications if owners cannot prove the work was completed and qualified as MCIs, if there are current immediately hazardous violations in a building, or if owners have not maintained required services. Do not pay any MCI increase until you have received a copy of the order authorizing the increase. Additional information about challenging MCIs is available from many of the organizations listed on page 4.

The SCRIE and DRIE programs will have cover MCI increases for eligible senior and disabled tenants as long as either: (a) the tenants are already participating in SCRIE/DRIE before the MCI was “issued” (i.e. formally approved) by DHCR or (b) the NYC Department of Finance receives SCRIE/DRIE applications from eligible tenants within 90 days of the MCI issue date. Tenants participating in SCRIE or DRIE should notify the DOF about any newly approved MCIs by filing a Tax Abatement Credit Adjustment Form (available on the DOF’s website, by calling 311, or by contacting my office).

How can I check my legal regulated rent?

The legal regulated rent is the highest rent an owner is allowed to charge for a rent stabilized or controlled apartment, and is established by the apartment’s history of vacancies, lease renewals, and renovations. Landlords are required to include the legal rent on all leases and to register it with DHCR every year. If you think it’s possible you are being charged more than the legal rent, you should obtain a copy of your apartment’s rent registration history from DHCR by calling 718-739-6400 or emailing rentinfo@nysdcr.org, and then file a complaint with the agency or consult with a tenant attorney.

Changes made to DHCR’s regulations in 2014 grant new rent stabilized tenants the right to obtain information about any individual apartment increases made before they moved in. New tenants must request this information from their landlord via certified mail within 60 days of signing their first lease. The owner is required to provide information within 30 days. Tenants who do not receive the documents requested may file a complaint with DHCR.

What is a “preferential rent”?

Some rent stabilized tenants pay a rent lower than the legal regulated rent for their apartment – this rent is called a “preferential rent.” In most cases, this rent was negotiated when the tenant first moved in because of building or market conditions. While the law generally allows a landlord to raise the rent from the preferential rent to the legal rent on any lease renewal, certain legal conditions must be met. Tenants who are informed their preferential rents are being terminated should consult a tenant organization or attorney for guidance.

Do I have the right to a lease renewal?

Unfortunately, market-rate tenants are not entitled to lease renewals. Owners of market-rate units have discretion over whether to renew a lease and under what terms.

Rent stabilized tenants have the right to renew their leases for either a one- or two-year period under the same terms and conditions as their original leases. Owners must offer renewal leases between 150 and 90 days prior to the expiration of the tenant’s lease, or state the reason why they are not renewing the lease. If you don’t receive a timely renewal offer, send the owner a certified letter, return receipt requested. If no renewal is forthcoming, you can file a complaint with DHCR. Until you receive a proper renewal lease, your current lease remains in effect. *Please keep in mind that a tenant’s failure to respond within 60 days to a lease renewal offer may lead to eviction proceedings.*

There are very limited circumstances in which an owner can deny a stabilized tenant a renewal lease. Tenants should seek advice from a tenant attorney or advocacy organization if they receive any notices stating that they are not being offered renewal leases.

Can my spouse be added to my existing lease?

If you are a stabilized tenant, you have the right to add your spouse to your lease at any time. Simply write a letter to the owner asking that your spouse be added and send the letter by certified mail, return receipt requested; include a copy of the marriage certificate if you are asked to provide proof. You can file a complaint with DHCR if the owner does not comply. Unfortunately, tenants are not entitled to add other family members to an existing lease.

Can my family member remain in my apartment if I move away or die?

Certain family members have the right to claim succession rights to a rent stabilized or controlled apartment, and become the tenant of record, if they meet particular requirements. The law grants succession rights to two categories of people: “traditional family members” and “non-traditional family members.” The person claiming succession rights must have lived with the former tenant of record as a primary resident for at least two years, or at least one year if the individual is disabled or age 62 or over.

“Traditional family members” include only spouses, children, parents, stepchildren, stepparents, siblings, grandparents, grandchildren, parents-in-law, and children-in-law. “Non-traditional family members” are occupants who can demonstrate that they shared a long-term close, emotional, and financial relationship with the previous tenant that resembles an immediate family relationship.

Succession rights may only be claimed when the previous tenant vacates the apartment. However, tenants who know that they will need to assert succession rights in the future may find it helpful to consult a tenant organization to ensure that they are fully prepared. Tenants whose succession rights are challenged are advised to contact a tenant attorney or advocacy organization.

What is “luxury deregulation”?

Apartments with legal regulated rents of at least \$2,700 can be deregulated if the occupants have an adjusted gross income of \$200,000 or greater for both of the two previous years. The “luxury deregulation” rent threshold increases each year on January 1st by the one-year Rent Guidelines Board increase. Since the Rent Guidelines Board approved an increase of 0% for one year leases in 2015, the \$2,700 threshold remained the same on January 1, 2016. In order to apply to DHCR for a deregulation order, the owner must send the tenant an “Income Certification Form,” by May 1 of each year. If the tenant fails to return the form, or if the owner disputes the information submitted, the owner can file a Petition for Deregulation. DHCR will then attempt to obtain the income information from the tenant. *If the tenant either shows an income of over \$200,000, or fails to return the form within 30 days, DHCR can issue a decontrol/destabilization order.* Many rent regulated tenants with rents over the “luxury deregulation” threshold receive the Income Certification Form and Petition for Deregulation each year; it is essential for tenants to return both forms in a timely fashion even if their income information has remained the same.

What does “primary residence” mean?

To be entitled to the protections of rent regulation, tenants must maintain their apartment as their “primary residence.” While the law does not provide a single definition of primary residence, the following factors are frequently considered: 1) the use of another residence for more than half the year; 2) the use of another address on a tax return, motor vehicle registration, voter registration or other government form; 3) subletting of the apartment. There are exceptions to these guidelines for residents who are absent from their apartments for employment or educational purposes, to care for a relative, or to obtain medical treatment. The failure of a rent regulated tenant to use an apartment as a primary residence is grounds to deny a renewal lease. Any tenant whose primary residence is challenged is strongly urged to contact a tenant attorney or advocacy organization.

May I have a roommate?

Provided a tenant occupies an apartment as his or her primary residence, and is the only tenant named on the lease, the tenant has the right to have one unrelated roommate. If two or more people sign a lease, they are *not* entitled to have roommates; if one or more of the tenants named on the lease moves out, the departing tenant or tenants can be replaced by the same number of roommates.

Tenants who take in a roommate are required to notify the owner within 30 days but do not need to receive permission. Tenants should not charge roommates more than a proportionate share of the rent – doing so can be grounds for eviction and/or overcharge proceedings. If the tenant named in the lease leaves, the remaining occupant has no right to the apartment without the owner’s consent.

Immediate family members of the primary tenant who live in the apartment but are not on the lease are *not* considered roommates. All tenants have a right to live with family members so long as their apartments do not become overcrowded.

Can I sublet my apartment?

Unless greater rights are detailed in their leases, rent stabilized tenants have the right to sublet for two out of every four years subject to the owner’s consent, which cannot be unreasonably withheld. Rent controlled tenants do not have the right to sublet. If the apartment is furnished, the rent charged to a subtenant cannot exceed the legal rent plus a 10% surcharge, payable to the tenant. The owner is also entitled to collect an additional 10% surcharge from the tenant.

Am I allowed to move out of my apartment before the lease is over?

Only tenants 62 years of age or older who are moving into designated adult care facilities or senior housing can terminate a lease without penalty if they provide at least 30 days notice. For all other renters, a lease is a legally binding contract and tenants may be held liable for the rent for the balance of the lease term if an owner brings an action in court. However, many owners are pleased about a tenant leaving before the lease is up since it may mean additional rent increases through a vacancy lease or apartment improvements. The best bet is to discuss the situation with the owner well in advance of the time you want to move out.

Can I be evicted?

The laws governing eviction are complex and vary based on the type of housing. However, anyone who has lived in a home for 30 days or longer in NYC can only be legally evicted if the owner has filed an eviction case in Housing Court and obtained a judgment of possession. Attempting to evict a tenant without obtaining a judicial order is a criminal offense and should be immediately reported to the police. Anyone facing possible eviction is strongly advised to seek legal assistance.

While there are some exceptions, if you are a rent regulated tenant you can only be evicted if you fail to pay your rent, do not use the apartment as your primary residence, or violate a substantial obligation of your tenancy. If you are a market-rate tenant you cannot be evicted until your lease expires unless you fail to pay your rent or violate a substantial obligation of your lease.

Are building owners required to make accommodations for disabled tenants?

State and City Human Rights Laws protect the rights of people with disabilities by requiring landlords, co-ops, and condominiums to make “reasonable accommodations” for disabled tenants, shareholders, and owners. A “reasonable accommodation” can be either structural (such as installing a building entrance ramp or grab bars) or involve a policy change (such as waiving a no-pets policy). For an accommodation to be considered reasonable, it must be related to the resident’s disability, be financially and architecturally feasible, and not harm other residents. Building owners are generally required to pay for accommodations that meet these criteria.

Residents with disabilities should notify their landlords of any needed accommodations. They may be asked to provide documentation from a health care provider that describes the nature of the disability, and the functional limitations it imposes. If the building owner ignores or rejects a request, a complaint can be filed with the NYC Human Rights Commission by calling 212-306-7450 or 311.

Should I consider renters’ insurance?

Some leases require tenants to purchase renters’ insurance as a condition of tenancy. Even if it’s not required by your lease, you may want to consider a renters’ insurance policy that covers damage to personal property, the temporarily loss of use of your apartment, and liability if someone is injured in your home. Many uninsured renters are under the mistaken impression that their landlord’s insurance covers their possessions and temporary relocation costs if an apartment becomes temporarily uninhabitable. In almost all situations, this is not the case. As with any type of insurance, it’s important to shop around to find a policy that meets your specific needs and budget.

Is the construction taking place in my building permitted and safe?

Building owners are required to obtain permits from the NYC Department of Buildings (DOB) for the overwhelming majority of construction projects. Information about all pending and issued permits is available on the DOB’s website and is searchable by address. Permits should also be posted on-site. Permit applicants are required to notify the DOB if work will take place in an occupied building, and to submit a “tenant protection plan” outlining the safety protocols that will be implemented to protect residents during construction. City law allows construction Monday to Friday between 7am and 6pm; work may only be done outside of these hours if a building owner receives a special variance from the DOB in advance.

Any concerns about construction safety, work without proper permits, or afterhours construction should be reported to the DOB by calling 311. Feel free to also contact my office, your other elected officials’ offices, and/or your local community board after calling 311 but please note that only the DOB has enforcement power over construction.

What should I do with all my stuff?

What we do in the privacy of our own homes may impact the quality of life and safety of those living near us. Unfortunately, in extreme cases hoarding and excessive clutter can lead to eviction proceedings. My office has published a resource guide to assist you, “What to Do With All That Stuff.” Call my office or go to my website for a copy of the guide.

SPOTLIGHT ON THE NYC RENT FREEZE PROGRAMS

Who is eligible for the Senior Citizen Rent Increase Exemption (SCRIE) program?

The SCRIE program freezes rents for tenants and provides a tax abatement for owners. To be eligible for SCRIE, you must be 62 years of age or older, live in a rent regulated apartment, be named on the lease or rent order, have a household income of \$50,000 or less, and pay more than one-third of your monthly income for rent. The NYC Finance Department (DOF) processes applications and requires tenants to recertify every two years. Tenants who experience a permanent decrease in income of more than 20% can apply to have their benefits recalculated.

Studies show that less than half of eligible tenants have applied for SCRIE and that participation rates are particularly low on the East Side of Manhattan. To obtain an application, call 311, download one from the DOF website, or contact my office. The DOF operates a **SCRIE/DRIE service center** at 66 John Street, 3rd floor that is open weekdays from 8:30am to 4:30pm.

Many senior centers and other community organizations organize SCRIE clinics to help residents determine if they are eligible and fill out applications. In my district, the Lenox Hill Neighborhood House regularly offers SCRIE clinics; call 212-218-0503 x6 to schedule an appointment.

Who is eligible for the Disabled Rent Increase Exemption Program (DRIE)?

The DRIE program freezes the rents of disabled adults living in rent regulated apartments and provides a tax abatement for the owners. To be eligible for DRIE, residents must have a household income of \$50,000 or less, pay more than one-third of their monthly income in rent, be named on the lease or rent order, and receive either Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI), a Veterans Affairs disability pension, or disability-related Medicaid. To obtain an application, you can call 311, download one from the DOF website or contact my office. The DOF operates a **SCRIE/DRIE service center** at 66 John Street, 3rd floor that is open weekdays from 8:30am to 4:30pm.

THE RIGHTS OF CO-OP SHAREHOLDERS AND CONDOMINIUM OWNERS

The rights of co-op shareholders and condominium owners are derived from a complex set of laws, regulations, and individual building by-laws and corporate documents. Offerings of condominiums and co-ops are regulated by the Attorney General under the General Business Law, a statute designed to protect potential buyers from fraud through detailed disclosure requirements. Once co-op and condominium plans are declared effective, condominiums fall under the state’s Condominium Act and co-ops fall under the Business Corporation Law – the same statute that regulates the state’s major corporations.

Although both of these statutes grant owners and shareholders some rights, their primary purpose is to require co-ops and condominiums simply to address certain issues in their operating documents. Among the rights of shareholders and condominium owners under various state and city laws, are:

- the right to “quiet enjoyment” and peaceful use of the apartment and all public areas and facilities within the co-op or condominium;
- the right to expect that common areas will be maintained in proper condition, as required under the state’s “Warranty of Habitability;”
- the right to receive all services and use all common facilities available to all other owners in a non-discriminatory manner;
- the right to be charged only the approximate proportionate share of the expenses of the co-op or condominium;
- the right to a list of all shareholders in the co-op corporation;
- the right to participate in an annual meeting of all shareholders or unit owners and to receive timely notice of the annual meeting or any special meetings;
- the right to inspect the minutes of all shareholders’ or condominium association meetings;
- the right to receive an annual financial statement;
- the right to vote to amend the Proprietary Lease, Certification of Incorporation, Declaration of Condominium or Bylaws;
- the right to be counted in elections proportionate to units or shares owned.

Despite these rights, shareholders and condominium owners who believe they have been treated unfairly sometimes feel that the deck is stacked against them when they seek changes, particularly when the board is still controlled by the sponsor. You can find additional information about how to deal with issues involving condominium and co-op boards on the State Attorney General’s website.

PROPERTY TAX EXEMPTION PROGRAMS

New York State homeowners qualify for the **Basic School Tax Relief (STAR)** program regardless of age if their annual adjusted gross income is \$500,000 or less and the property is their primary residence (meaning they live in the home for more than six months each year). STAR provides savings of approximately \$300 a year. Residents aged 65 years and older who qualify for Basic STAR and have an annual household income of less than \$84,550 are eligible for **Enhanced STAR**. Enhanced STAR provides an average yearly savings of \$600.

New York State recently changed the application process for the Basic STAR and Enhanced STAR programs. New applicants (homeowners who are applying for the tax year starting July 1, 2016 or later, who did not own their property on March 15, 2015 and did not have STAR in the 2015 tax year) must apply to the State Department of Taxation and Finance instead of the City Department of Finance. This change does not affect homeowners who currently receive Basic STAR or Enhanced STAR, as long as they still own that property. New applicants can apply online at <https://tax.ny.gov/pit/property/star/register-for-star-credit.htm> or by calling 518-457-2036.

The **Senior Citizen Homeowner's Exemption (SCHE)** is a partial property tax exemption available for property owners, aged 65 years or older, who have an annual adjusted gross income below \$37,400.

The **Disabled Homeowner's Exemption (DHE)** provides a partial property tax exemption for property owners who have a medically certifiable disability and an annual income below \$37,400.

The **Veteran's Tax Exemption** is a partial property tax exemption for property owners who served in the U.S. armed forces in World War I, World War II, Korea, Vietnam or the Gulf War. The spouses, registered domestic partners, parents of those service members killed in action in any of the wars listed above and the unmarried surviving spouses of eligible veterans may also receive the exemption. Legislation is currently pending to expand this benefit to veterans of the wars in Iraq and Afghanistan.

The SCHE, DHE and Veteran's Tax Exemption programs are administered by the NYC Department of Finance, and are applied for using a single application. For more information regarding any of these programs, or to receive an application, you may contact my office, call 311 or download one from the DOF website. Eligible property owners must submit their applications by March 15th in order to qualify to have the benefits reflected in their next annual tax bill.



New York State Senate, Albany, NY 12247

SUMMER 2016 • ALBANY UPDATE



State Senator Liz Krueger's Report To New Yorkers On Housing



PSRT-STD
U.S. POSTAGE
PAID
NEW YORK SENATE

Albany Office:

808 Legislative Office Bldg.
Albany, NY 12247
Phone: (518) 455-2297
Fax: (518) 426-6874

District Office:

1850 Second Ave.
Ground Floor
New York, NY 10128
Phone: (212) 490-9535
Fax: (212) 490-2151

E-Mail: lkruieger@nysenate.gov

Website: lizkrueger.nysenate.gov

facebook.com/statesenatorlizkrueger

twitter.com/LizKrueger

youtube.com/user/senatorlizkrueger

Important Housing Phone Numbers and Websites

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|--|--|
| General..... | www.ag.ny.gov |
| NYC HPD..... | www.nyc.gov/hpd |
| NYC DOB..... | www.nyc.gov/dob |
| NYC Commission on Human Rights..... | www.nyc.gov/cchr |
| NYC Rent Guidelines Board..... | www.nycrgb.org |
| NYC Housing Court..... | www.nycourts.gov/courts/nyc/housing |
| Law Help..... | www.lawhelpny.org |
| Council on NY Cooperatives & Condominiums..... | www.cnyc.com |
| Tenants and Neighbors..... | www.tenantsandneighbors.org |
| Metropolitan Council on Housing..... | www.metcouncilonhousing.org |
| Housing Court Answers..... | www.cwtfhc.org |

Tenant advocacy groups:

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| Tenants and Neighbors..... | (212) 608-4320 |
| Metropolitan Council on Housing..... | (212) 979-0611 |
| Housing Court Answers..... | (212) 962-4795 |

Sources of legal assistance for eligible, low-income renters:

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|---|----------------|
| Lenox Hill Neighborhood House..... | (212) 218-0503 |
| MFY Legal Services..... | (212) 417-3888 |
| Manhattan Legal Services..... | (646) 442-3100 |
| Legal Aid Society..... | (212) 577-3300 |
| New York Legal Assistance Group..... | (212) 613-5000 |
| NYC Bar Association Justice Center Hotline..... | (212) 626-7383 |