

FACT SHEET



George E. Pataki, Governor
Joseph H. Holland, Commissioner

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DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION

#5 Vacancy Leases in Rent Stabilized Apartments

When a person rents a rent stabilized apartment for the first time, the owner and the tenant sign a **VACANCY LEASE**. This written lease is a contract between the owner and the tenant which states the terms and conditions of the lease, including the length of the lease, and the rights and responsibilities of the tenant and the owner.

The Rent Stabilization Law gives the new tenant (also called the vacancy tenant) the choice of a one- or two-year lease term. Except in limited circumstances, the rent the owner may charge cannot exceed the last legal regulated rent and the applicable Rent Guidelines Board vacancy increases, plus all other increases authorized by the Rent Stabilization Code. With the lease, a tenant should receive a Rent Stabilization Lease Rider that states how the rent was computed and asserts that any increases comply with the NYC Rent Guidelines Board and the Rent Stabilization Code.

Where the tenant vacates prior to the expiration of the term of the lease, and the housing accommodation is rented to a new tenant pursuant to a lease commencing during the same guidelines period as the prior lease, the rental provided in the new lease shall: (1) be in accordance with and at the guidelines rate of rent adjustment applicable to the new lease; and (2) shall be computed upon the legal regulated rent charged and paid on the last day of the immediately preceding guidelines year; and (3) may include such other rent increases as are authorized pursuant to the Rent Stabilization Code.

A tenant who does not receive a copy of the vacancy lease and/or Rider should first contact the owner. If the owner fails to provide the vacancy lease or the Rider, the tenant may file a *Tenant's Complaint of Owner's Failure to Renew Lease and/or Failure to Furnish a Copy of a Signed Lease* (DHCR Form RA-90). DHCR will issue an order directing the owner to provide the tenant with the vacancy lease or the Rider. If the owner does not comply with the order within 20 days, the new rent increases will be postponed until the vacancy lease or the Rider is provided. The owner may also be fined.

If an apartment is vacant or becomes vacant while an application to DHCR for a Major Capital Improvement

(MCI) rent increase is pending, the owner must notify any incoming tenant of the basis for the previously filed application, and that the rent will be increased if the MCI application is approved. Failure to include this notice of anticipated rent increase in vacancy leases will result in no MCI increase being approved for this apartment during the term of the vacancy lease. An owner who charges such increases without this notification will be subject to overcharge penalties.

A satisfactory MCI notification clause in a vacancy lease is one which provides, "An application for a major capital improvement rent increase has been filed under Docket No. _____ with DHCR based upon the following work: _____." Should DHCR issue an order granting the rent increase, the rent provided for in this lease will be increased accordingly."

For more information or assistance, call the DHCR Rent InfoLine, or visit your Borough or County Rent Office.

Central
92-31 Union Hall Street
4th Floor
Jamaica, NY 11433
(718) 739-6400

Lower Manhattan
156 William Street
9th Floor
New York, NY 10038
South side of 110th St. and below

Brooklyn
250 Schermerhorn St.
3rd Floor
Brooklyn, NY 11201

Bronx
1 Fordham Plaza
2nd Floor
Bronx, NY 10458

Upper Manhattan
163 W. 125th Street
5th Floor
New York, NY 10027
North side of 110th St. and above

Staten Island
60 Bay Street
7th Floor
Staten Island, NY 10301

Nassau County
50 Clinton Street
6th Floor
Hempstead, NY 11550

Rockland County
94-96 North Main Street
Spring Valley, NY 10977

Westchester County
55 Church Street
White Plains, NY 10601