

# FACT SHEET



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

A PUBLICATION OF NEW YORK STATE  
DIVISION OF HOUSING AND COMMUNITY RENEWAL  
OFFICE OF RENT ADMINISTRATION

## #13 Fuel Cost Adjustment

The New York City Rent Control Law allows separate rent adjustments based on the changes, up or down, in the prices of various types of heating fuels. The rent adjustment will be based on fuel price changes between the beginning and end of the prior year. Only tenants in rent controlled apartments located in NYC are subject to this **FUEL COST ADJUSTMENT**.

Owners must certify that they are maintaining essential services. If there is a rent reduction order in effect for the owner's failure to provide heat and hot water, all collection of **FUEL COST ADJUSTMENTS** are suspended during the time of the reduction and for 12 months following the date of a restoration order. Buildings that have not qualified for Maximum Base Rent increases may be eligible for **FUEL COST ADJUSTMENTS**.

To obtain the rent increase as of January 1st, the owner must complete, certify, and serve upon each eligible tenant within 60 days after the New York State Division of Housing and Community Renewal (DHCR) releases the fuel consumption and price change standards, the *Owner's Report, Certification, and Notice of Fuel Cost Adjustment Eligibility* (DHCR Form RA-33.10). Owners must also file a master copy of the Report together with **Schedule A or B**, where applicable, and a Schedule of Monthly Rent Increases for all the rent controlled tenants who were served with copies of the Fuel Cost Adjustment Report.

**FUEL COST ADJUSTMENTS** are retroactive to January 1st of each year provided the owner files the Report within 60 days after DHCR releases the fuel consumption and price change standards. For Reports filed with DHCR after the 60 day period, the increase is prospective. Where an owner obtained one or more fuel cost increases previously and the price of fuel decreases, the owner must file a timely report or the entire fuel cost adjustment will be suspended for that present year. The annual **FUEL COST ADJUSTMENTS**, upward or downward, are cumulative. Decreases in fuel costs can cancel out previous increases. In addition, the cumulative fuel cost adjustment can fall to below-zero levels. While under such circumstances the landlord

would not be obligated to refund any monies to a tenant, the owner would not be entitled to collect any fuel cost adjustments in future years until the full effect of the fall of the cumulative fuel cost adjustment to below-zero level was offset by subsequent price increases.

If the tenant believes that the owner's request for the fuel cost rent increase is inaccurate or unjustified, the tenant may challenge the increase. The tenant should first contact the owner and attempt to resolve the disagreement. If differences remain, the tenant has 33 days after receipt of the owner's Report to file the "*Tenant's Challenge to Owner's Report and Certification of Fuel Cost Adjustment and Eligibility*" (FCA), (DHCR Form RAC-2202.13).

*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 Street  
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