

## **New York City Rent Guidelines Board (RGB)**

### **Notice of Public Hearings and Opportunity to Comment on Proposed Rules**

**What are we proposing?** Pursuant to its statutory mandate, the New York City Rent Guidelines Board (RGB) is proposing rent guidelines for October 1, 2016 through September 30, 2017.

**When and where are the hearings?** See information on the following pages for dates, time and locations.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the NYC Rent Guidelines Board through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [board@nycrgb.org](mailto:board@nycrgb.org)
- **Mail.** You can mail comments to NYC Rent Guidelines Board, 1 Centre Street, Suite 2210, New York, NY 10007.
- **Fax.** You can fax comments to NYC Rent Guidelines Board, 212-669-7488.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at a public hearing must sign up to speak. You can sign up before the hearing by calling 212-669-7480. You can also sign up at the public hearings from 5:30 pm to 8:30 pm on June 9, from 2:00 pm to 8:00 pm on June 20 and from 5:00 pm to 8:00 pm on June 13, 16 and 21. You can speak for up to two minutes.

**Is there a deadline to submit comments?** The deadline to submit comments is June 21, 2016.

**Do you need assistance to participate in the Hearing?** You must tell the Rent Guidelines Board if you need a reasonable accommodation of a disability at a Hearing. You must tell us if you need a sign language interpreter or language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-669-7480. You must tell us by June 3, 2016.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of comments submitted online and copies of written comments will be available at 1 Centre Street, Suite 2210, New York, NY, by appointment, between 10:00 AM and 4:00 PM on weekdays at the RGB office. A few weeks after the final hearing on June 21, a summary of oral comments concerning the proposed rule will be available at the RGB office.

**What authorizes NYC Rent Guidelines Board to make this rule?** Section 1043(a) of the City Charter and the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No 276 of 1974 of the New York City Council authorize the NYC Rent Guidelines Board to make this proposed rule.

**Where can I find the NYC Rent Guidelines Board rules?** The NYC Rent Guidelines Board rules are in title 30 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The NYC Rent Guidelines Board must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

## PUBLIC NOTICE

PLEASE TAKE NOTICE THAT SCHEDULES AND PROCEDURES RELATING to meetings and hearings of the New York City Rent Guidelines Board (RGB) for consideration of the guidelines for rent adjustments for apartment, loft and hotel dwelling units subject to the Rent Stabilization Law of 1969, as amended, have been formulated. In accordance with Chapter 45 of the New York City Charter (the "City Administrative Procedure Act"), the Board has proposed rent guidelines, which are now being followed by a notice and comment period, public hearings and the promulgation of final rent orders.

The proposed rent guidelines will be published in accordance with the City Administrative Procedure Act. The public will have a minimum of 30 days to review and consider the proposals at a series of public hearings prior to the final Board meeting.

Following the hearings and the receipt of public comments on the proposed rent guidelines, the Board will meet on **Monday, June 27, 2016 at 6:30 PM** at The Great Hall at Cooper Union, 7 East 7<sup>th</sup> Street at corner of 3<sup>rd</sup> Avenue (basement), New York, NY 10003 to adopt **final** rent guidelines.

Apartment renewal leases and loft increase periods during the period of **October 1, 2016** through **September 30, 2017** and rent stabilized hotel units will be affected.

### SCHEDULE OF MEETINGS AND HEARINGS

The schedule of Rent Guidelines Board meetings and hearings to consider such adjustments is as follows:

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>
Thursday May 26, 2016 Public Meeting	Landmarks Preservation Commission Conference Room 1 Centre Street, 9 <sup>th</sup> Floor New York, NY 10007	9:30 A.M.
Thursday June 9, 2016 Public Hearing <b>(Public Testimony)</b>	Jamaica Performing Arts Center Auditorium 153-10 Jamaica Avenue Jamaica, NY 11432	5:30 P.M. – 8:30 P.M.
Monday June 13, 2016 Public Hearing <b>(Public Testimony)</b>	Saint Francis College Founders Hall 180 Remsen Street Brooklyn, New York 11201	5:00 P.M. – 8:00 P.M.
Thursday June 16, 2016 Public Hearing	Bronx Museum of Art Lower Gallery 1040 Grand Concourse	5:00 P.M. – 8:00 P.M.

**(Public  
Testimony)**

Bronx, NY 10456

Monday  
June 20, 2016  
Public Hearing  
**(Public  
Testimony)**

The Great Hall  
at Cooper Union  
7 East 7<sup>th</sup> Street  
at corner of 3<sup>rd</sup> Ave. (basement)  
New York, NY 10003

2:00 P.M. – 8:00 P.M.

Tuesday  
June 21, 2016  
Public Hearing  
**(Public  
Testimony)**

Oberia D. Dempsey Multi  
Service Center - Auditorium  
127 West 127<sup>th</sup> Street  
New York, NY 10027

5:00 P.M. – 8:00 P.M.

Monday  
June 27, 2016  
Public Meeting  
**(Final Vote)**

The Great Hall  
at Cooper Union  
7 East 7<sup>th</sup> Street  
at corner of 3<sup>rd</sup> Ave. (basement)  
New York, NY 10003

6:30 P.M.

**NOTE: The Rent Guidelines Board reserves the right to cancel or reschedule public meetings.**

HEARING AND PUBLIC MEETING RULES AND PROCEDURES

To ensure that the members of the Rent Guidelines Board are able to deliberate and to hear members of the public with regard to renewal lease adjustments, and that members of the public are able to participate meaningfully in the public meeting and hearing process, items that are reasonably likely to disrupt the proceedings, such as noisemakers and drums, are prohibited and may not be brought into meeting and hearing venues.

We encourage you to arrive early to avoid delays and help speed the entry of all members of the public. Your cooperation, patience and understanding are greatly appreciated.

SPEAKING AT A PUBLIC HEARING

Anyone wishing to speak at a public hearing must register. Pre-registration of speakers is now being accepted and is advised. To pre-register you may call (212) 669-7480:

- until 12:00 P.M. on **Wednesday, June 8** for the June 9 hearing in Queens;
- until 12:00 P.M. on **Friday, June 10** for the June 13 hearing in Brooklyn;
- until 12:00 P.M. on **Wednesday, June 15** for the June 16 hearing in the Bronx;
- until 12:00 P.M. on **Friday, June 17** for the June 20 hearing in Manhattan; and,
- until 12:00 P.M. on **Monday, June 20** for the June 21 hearing in Upper Manhattan.

**An exact time for speaking** cannot be provided, but those pre-registering will be informed of their number on the list of pre-registered speakers when they call the above phone number to pre-register.

Written requests for pre-registration must be received at the office of the Board at 1 Centre Street, Suite 2210, New York, NY, 10007:

- by 12:00 P.M. on the day **prior** to the public hearing date for Queens, the Bronx and Upper Manhattan,
- by 12:00 PM on the Friday before the hearing for the Brooklyn hearing on June 13 and the Manhattan hearing on June 20.

Persons who request that a sign language interpreter, language interpreter or other form of reasonable accommodation for a disability be provided at any of the scheduled hearings must notify Ms. Charmaine Superville at the NY Rent Guidelines Board (212) 669-7480, 1 Centre Street, Suite 2210, New York, NY 10007 by **Friday, June 3, 2016** at 4:30 PM.

Pre-registered speakers who have confirmed their presence on the day of the hearing will be heard in the order of pre-registration and before those who have not pre-registered. If a speaker's pre-registered position has been passed before he or she has confirmed his or her pre-registration, his or her position is forfeited and he or she must re-register. There will be no substitution of one speaker's position for another.

Those who have not pre-registered or need to re-register can **register at the hearing locations from 5:30 PM to 8:30 PM on June 9**, from **2:00 PM to 8:00 PM on June 20** and from **5:00 PM to 8:00 PM on June 13, 16 and 21** and will be heard in the order of their registration. You can speak for up to two minutes.

Public officials and a limited number of speakers chosen by owner and tenant groups may be given priority over other speakers. The public is invited to observe all public meetings and public hearings but is invited to speak at only the public hearings. Please note that testimony regarding the preliminary guidelines from tenants and owners of rent stabilized apartments, lofts, and hotels, as well as public officials, will be heard throughout the evening starting at 5:30 PM June 9, 5:00 PM June 13, 16 and 21 and throughout the afternoon starting at 2:00 PM on June 20. There are no scheduled breaks for lunch or dinner.

#### SUBMITTING WRITTEN COMMENTS

Written comments on the proposed rent guidelines must be received by **Tuesday, June 21, 2016**. Materials must be submitted to the office of the RGB at 1 Centre Street, Suite 2210, New York, N.Y. 10007, or directly to the RGB Staff at the public hearings. Written submissions can also be sent via fax at 212-669-7488, by email to [board@nycrgb.org](mailto:board@nycrgb.org) or through NYC RULES at <http://rules.cityofnewyork.us>.

#### INSPECTION AND ACCESS TO THE MATERIAL

Written material submitted to the RGB may be inspected by members of the public by appointment between 10:00 AM and 4:00 PM on weekdays at the RGB office. Copies of written materials submitted to the RGB may be ordered, in writing, at a cost of \$.25 per page, plus postage, which must be paid in cash. In addition, copies of the existing

guidelines and the RGB's Explanatory Statements from prior years are also available for inspection and copies may be obtained in the manner provided above and on the RGB's website, nycrgb.org.

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**NEW YORK CITY RENT GUIDELINES BOARD  
NOTICE OF OPPORTUNITY TO COMMENT  
PROPOSED 2016 APARTMENT AND LOFT ORDER (#48)**

Notice of Opportunity to Comment on Proposed Rent Guidelines Governing Rent Levels in the following accommodations subject to the Rent Stabilization Law of 1969, as amended: Apartments and Lofts.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, and as implemented by Resolution No 276 of 1974 of the New York City Council, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board (RGB) hereby proposes the following levels of fair rent increases over lawful rents charged and paid on September 30, 2016. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after October 1, 2016 and through September 30, 2017. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

PROPOSED RENEWAL ADJUSTMENTS FOR APARTMENTS

Together with such further adjustments as may be authorized by law, the annual adjustment for renewal leases for apartments shall be:

For a **one**-year renewal lease commencing on or after **October 1, 2016** and on or before **September 30, 2017**: **0% - 2.0%**

For a **two**-year renewal lease commencing on or after **October 1, 2016** and on or before **September 30, 2017**: **0.5% - 3.5%**

These adjustments for renewal leases shall also apply to dwelling units in a structure subject to the partial tax exemption program under Section 421a of the Real Property Tax Law, or in a structure subject to Section 423 of the Real Property Tax Law as a Redevelopment Project.

PROPOSED VACANCY ALLOWANCE FOR APARTMENTS

No vacancy allowance is permitted except as provided by the Rent Regulation Reform Act of 1997 and the Rent Act of 2015.

PROPOSED ADDITIONAL ADJUSTMENT FOR RENT STABILIZED APARTMENTS  
SUBLET UNDER SECTION 2525.6 OF THE RENT STABILIZATION CODE

In the event of a sublease governed by subdivision (e) of section 2525.6 of the Rent Stabilization Code, the allowance authorized by such subdivision shall be: **10%**.

PROPOSED ADJUSTMENTS FOR LOFTS (UNITS IN THE CATEGORY OF  
BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW)

The Rent Guidelines Board **proposes** the following levels of rent increase above the "base rent," as defined in Section 286, subdivision 4, of the Multiple Dwelling Law, for units to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law:

For **one**-year increase periods commencing on or after **October 1, 2016** and on or before **September 30, 2017**: **0% - 2.0%**

For **two**-year increase periods commencing on or after **October 1, 2016** and on or before **September 30, 2017**: **0.5% - 3.5%**

VACANT LOFT UNITS - PROPOSAL

No Vacancy Allowance is permitted under this Order. Therefore, except as otherwise provided in Section 286, subdivision 6, of the Multiple Dwelling Law, the rent charged to any tenant for a vacancy tenancy commencing on or after **October 1, 2016** and on or before **September 30, 2017** may not exceed the "base rent" referenced above plus the level of adjustment permitted above for increase periods.

FRACTIONAL TERMS - PROPOSAL

For the purposes of these guidelines any lease or tenancy for a period up to and including one year shall be deemed a one year lease or tenancy, and any lease or tenancy for a period of over one year and up to and including two years shall be deemed a two-year lease or tenancy.

ESCALATOR CLAUSES - PROPOSAL

Where a lease for a dwelling unit in effect on May 31, 1968 or where a lease in effect on June 30, 1974 for a dwelling unit which became subject to the Rent Stabilization Law of 1969, by virtue of the Emergency Tenant Protection Act of 1974 and Resolution Number 276 of the New York City Council, contained an escalator clause for the increased costs of operation and such clause is still in effect, the lawful rent on **September 30, 2016** over which the fair rent under this Order is computed shall include the increased rental, if any, due under such clause except those charges which accrued within one year of the commencement of the renewal lease. Moreover, where a lease contained an escalator clause that the owner may validly renew under the Code, unless the owner elects or has elected in writing to delete such clause, effective no later than **October 1, 2016** from the existing lease and all subsequent leases for such dwelling unit, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

SPECIAL ADJUSTMENTS UNDER PRIOR ORDERS - PROPOSAL

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on **September 30, 2016** shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

PROPOSED SPECIAL GUIDELINE

Under Section 26-513(b)(1) of the New York City Administrative Code, and Section 9(e) of the Emergency Tenant Protection Act of 1974, the Rent Guidelines Board is obligated to promulgate special guidelines to aid the State Division of Housing and Community Renewal in its determination of initial legal regulated rents for housing accommodations previously subject to the City Rent and Rehabilitation Law which are the subject of a tenant application for adjustment. The Rent Guidelines Board hereby **proposes** the following Special Guidelines:

For dwelling units subject to the Rent and Rehabilitation Law on **September 30, 2016**, which become vacant after **September 30, 2016**, the special guideline shall be 33% above the maximum base rent.

DECONTROLLED UNITS - PROPOSAL

The permissible increase for decontrolled units as referenced in Order 3a, which become decontrolled after **September 30, 2016**, shall be 33% above the maximum base rent.

CREDITS - PROPOSAL

Rentals charged and paid in excess of the levels of rent increase established by this Order shall be fully credited against the next month's rent.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing apartment units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

The Rent Guidelines Board is also authorized to promulgate rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law. The purpose of the loft guidelines is to implement the public policy set forth in the Legislative Findings of Article 7-C of the Multiple Dwelling Law (Section 280).

**Dated: May 4, 2016**

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Hon. Kathleen A. Roberts (Ret.), Chair  
New York City Rent Guidelines Board



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**NEW YORK CITY RENT GUIDELINES BOARD  
NOTICE OF OPPORTUNITY TO COMMENT  
PROPOSED 2016 HOTEL ORDER (#46)**

Notice of Opportunity to Comment on Proposed Rent Guidelines Governing Rent Levels in the following accommodations subject to the Rent Stabilization Law of 1969: Hotels, Rooming Houses, Single Room Occupancy Buildings and Lodging Houses.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, and as implemented by Resolution No. 276 of 1974 of the New York City Council, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby proposes the following levels of fair rent increases over lawful rents charged and paid on September 30, 2016.

**APPLICABILITY**

This order shall apply to units in buildings subject to the Hotel Section of the Rent Stabilization Law (Sections 26-504(c) and 26-506 of the N.Y.C. Administrative Code), as amended, or the Emergency Tenant Protection Act of 1974 (L.1974, c. 576 §4[§5(a)(7)]). With respect to any tenant who has no lease or rental agreement, the level of rent increase established herein shall be effective as of one year from the date of the tenant's commencing occupancy, or as of one year from the date of the last rent adjustment charged to the tenant, or as of October 1, 2016, whichever is later. This anniversary date will also serve as the effective date for all subsequent Rent Guidelines Board Hotel Orders, unless the Board shall specifically provide otherwise in the Order. Where a lease or rental agreement is in effect, this Order shall govern the rent increase applicable on or after October 1, 2016 upon expiration of such lease or rental agreement, but in no event prior to one year from the commencement date of the expiring lease, unless the parties have contracted to be bound by the effective date of this Order.

**PROPOSED RENT GUIDELINES FOR HOTELS, ROOMING HOUSES, SINGLE ROOM OCCUPANCY BUILDINGS AND LODGING HOUSES**

Pursuant to its mandate to promulgate rent adjustments for hotel units subject to the Rent Stabilization Law of 1969, as amended, (§26-510(e) of the N.Y.C Administrative Code) the Rent Guidelines Board hereby **proposes** the following rent adjustments:

The allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2016** shall be:

- |   |           |
|---|-----------|
| 1) Residential Class A (apartment) hotels -                           | <b>0%</b> |
| 2) Lodging houses -   | <b>0%</b> |
| 3) Rooming houses (Class B buildings containing less than 30 units) - | <b>0%</b> |
| 4) Class B hotels -   | <b>0%</b> |
| 5) Single Room Occupancy buildings (MDL section 248 SRO's) -          | <b>0%</b> |

NEW TENANCIES - PROPOSAL

No "vacancy allowance" is permitted under this order. Therefore, the rents charged for tenancies commencing on or after **October 1, 2016** and on or before **September 30, 2017** may not exceed the levels over rentals charged on **September 30, 2016** permitted under the applicable rent adjustment provided above.

ADDITIONAL CHARGES - PROPOSAL

It is expressly understood that the rents collectible under the terms of this Order are intended to compensate in full for all services provided without extra charge on the statutory date for the particular hotel dwelling unit or at the commencement of the tenancy if subsequent thereto. No additional charges may be made to a tenant for such services, however such charges may be called or identified.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing hotel units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

**Dated: May 4, 2016**

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Hon. Kathleen A. Roberts (Ret.), Chair  
New York City Rent Guidelines Board  
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**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: 2016 Rent Guidelines**

**REFERENCE NUMBER: RGB-6**

**RULEMAKING AGENCY: Rent Guidelines Board**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

May 5, 2016  
Date

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** 2016 Rent Guidelines

**REFERENCE NUMBER:** 2016 RG 041

**RULEMAKING AGENCY:** Rent Guidelines Board

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: May 5, 2016