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May 25, 2022

Via Facsimile and Regular Mail

Andrew McLaughlin
Executive Director
New York City Rent Guidelines Board
1 Centre Street, Suite 2210
New York, NY 10007

Dear Mr. McLaughlin:

This is in response your inquiry of April 21, 2022.

General

1. How many tenant initiated complaints were filed in 2021? How many were granted? How many are still pending?
 - a) How many were for heat and hot water? How many were granted?
 - b) How many were for repairs generally? How many were granted?
 - c) How many were for overcharges? How many were granted?
 - d) How many were for harassment? How many were granted?

| | Filed | Granted | Pending |
|---|--------------|----------------|----------------|
| Heat and Hot water | 109 | 28 | 22 |
| Rent Reduction - Individual apartments | 2,241 | 1,474 | 1,067 |
| Rent Reduction - Building-wide | 350 | 185 | 248 |
| Overcharges | 593 | 200 | 3,428 |
| Harassment | 126 | (1) | 176 |

(1) See "36" below.

2. How many rent stabilized units were registered with the DHCR in 2021? How many in 2020? Of the units registered with DHCR as stabilized in 2021, how many of those units were also registered as stabilized in 2020 and 2019?

Please note that the data reported from the annual apartment registrations are for New York City only. Please be aware that owners continue to file late registration. The numbers from past years reflect that change.

In 2021, 857,791 units were registered as subject to rent stabilization.

The criteria used to report for each year is the received date of 3/31, which is the end of that particular fiscal year (for the 2020 Registration year includes data that was received by 3/31/2021).

For 2020 and 2019 we previously reported the following data using the same criteria:

- **In 2020, 850,607 units were registered as subject to rent stabilization.**
- **In 2019, 876,404 units were registered as subject to rent stabilization.**

The following are updated numbers, as of April 1, 2022:

- **In 2020, 901,659 units were registered as subject to rent stabilization.**
- **In 2019, 927,753 units were registered as subject to rent stabilization.**

3. How many rent stabilized tenants exercised their succession rights in 2021?

24,803 – as reported on the annual apartment registration.

4. What was the mean and median rent stabilized rents for units in buildings that are part of the 421a tax abatement program in 2021?

The average rent stabilized rent in buildings rent stabilized due to 421-a tax abatement is \$4,234; the median rent is \$3,364.

5. How many apartments were re-regulated in 2021 based on tenant filed complaint or HCR action requiring an owner re-regulate an apartment.

See “2” above.

6. How many apartments were registered as vacant in 2017? 2018? 2019? 2020? 2021?

| Reported Vacant on the annual apartment registration | 2017 | 2018 | 2019 | 2020 | 2021 |
|--|--------|--------|--------|--------|--------|
| Total apartment - Vacant | | | | | |
| Bronx | 5,288 | 5,514 | 5,622 | 5,435 | 6,849 |
| Brooklyn | 11,663 | 11,897 | 11,012 | 10,177 | 15,413 |
| Manhattan | 15,097 | 14,121 | 12,667 | 12,028 | 27,645 |
| Queens | 6,195 | 6,770 | 6,543 | 5,672 | 11,264 |
| Staten Island | 645 | 483 | 341 | 355 | 422 |
| New York City | 38,888 | 38,785 | 36,185 | 33,667 | 61,593 |

- How many of the same apartment were registered as vacant in both 2020 and 2021?

- What are the median and average legal rent for apartments registered as vacant for consecutive years since 2019?

- Overall, and broken down by borough, and CD if possible

| Reported Vacant on the annual registration | 2019 | | 2020 | | 2021 | |
|--|---------|---------|---------|---------|---------|---------|
| Average & Median Rent - Vacant | Average | Median | Average | Median | Average | Median |
| Bronx | \$1,532 | \$1,448 | \$1,546 | \$1,482 | \$1,582 | \$1,507 |
| Brooklyn | \$2,672 | \$2,030 | \$2,752 | \$2,199 | \$2,599 | \$2,269 |
| Manhattan | \$3,029 | \$1,916 | \$3,651 | \$2,000 | \$4,144 | \$2,982 |
| Queens | \$3,076 | \$2,329 | \$2,513 | \$2,115 | \$2,697 | \$2,402 |
| Staten Island | \$1,747 | \$1,650 | \$1,873 | \$1,816 | \$2,044 | \$1,847 |
| New York City | \$2,374 | \$1,869 | \$2,814 | \$1,912 | \$3,206 | \$2,397 |

7. What are the average and median legal registered rent (as well as the actual rent paid) for the prior five years?

- Broken down by borough, and CD or zipcode
- Can this be done excluding 421-a and other buildings regulated in exchange for tax-benefits?

| Year | Borough | Average Legal Rent | Median Legal Rent | Average Rent Paid | Median Rent Paid |
|------|----------|--------------------|-------------------|-------------------|------------------|
| 2017 | BRONX | \$1,334 | \$1,231 | \$1,194 | \$1,149 |
| 2018 | BRONX | \$1,370 | \$1,266 | \$1,224 | \$1,179 |
| 2019 | BRONX | \$1,408 | \$1,301 | \$1,257 | \$1,212 |
| 2020 | BRONX | \$1,437 | \$1,329 | \$1,281 | \$1,241 |
| 2021 | BRONX | \$1,448 | \$1,339 | \$1,290 | \$1,249 |
| 2017 | NEW YORK | \$2,023 | \$1,485 | \$1,723 | \$1,392 |
| 2018 | NEW YORK | \$2,080 | \$1,525 | \$1,741 | \$1,418 |
| 2019 | NEW YORK | \$2,165 | \$1,561 | \$1,765 | \$1,439 |
| 2020 | NEW YORK | \$2,191 | \$1,595 | \$1,810 | \$1,475 |
| 2021 | NEW YORK | \$2,064 | \$1,550 | \$1,746 | \$1,437 |
| 2017 | RICHMOND | \$1,561 | \$1,445 | \$1,256 | \$1,223 |
| 2018 | RICHMOND | \$1,621 | \$1,538 | \$1,313 | \$1,286 |
| 2019 | RICHMOND | \$1,663 | \$1,593 | \$1,356 | \$1,331 |
| 2020 | RICHMOND | \$1,711 | \$1,624 | \$1,394 | \$1,367 |
| 2021 | RICHMOND | \$1,705 | \$1,608 | \$1,398 | \$1,367 |
| 2017 | KINGS | \$1,448 | \$1,289 | \$1,319 | \$1,225 |
| 2018 | KINGS | \$1,502 | \$1,325 | \$1,364 | \$1,262 |
| 2019 | KINGS | \$1,570 | \$1,376 | \$1,420 | \$1,302 |
| 2020 | KINGS | \$1,617 | \$1,413 | \$1,462 | \$1,340 |
| 2021 | KINGS | \$1,624 | \$1,417 | \$1,465 | \$1,348 |
| 2017 | QUEENS | \$1,609 | \$1,470 | \$1,391 | \$1,351 |
| 2018 | QUEENS | \$1,656 | \$1,508 | \$1,432 | \$1,396 |
| 2019 | QUEENS | \$1,716 | \$1,563 | \$1,482 | \$1,439 |
| 2020 | QUEENS | \$1,756 | \$1,601 | \$1,521 | \$1,480 |
| 2021 | QUEENS | \$1,766 | \$1,618 | \$1,530 | \$1,496 |

8. What are the average and median preferential rents registered (actual rent paid)?

| Preferential Rent | 2017 | | 2018 | | 2019 | | 2020 | | 2021 | |
|-------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Average & Median | Average | Median | Average | Median | Average | Median | Average | Median | Average | Median |
| Bronx | \$1,235 | \$1,211 | \$1,275 | \$1,261 | \$1,312 | \$1,300 | \$1,350 | \$1,350 | \$1,355 | \$1,350 |
| Brooklyn | \$1,707 | \$1,468 | \$1,818 | \$1,554 | \$1,946 | \$1,670 | \$2,034 | \$1,734 | \$2,045 | \$1,750 |
| Manhattan | \$2,808 | \$2,395 | \$2,854 | \$2,500 | \$2,898 | \$2,550 | \$2,968 | \$2,600 | \$2,770 | \$2,300 |
| Queens | \$1,610 | \$1,550 | \$1,679 | \$1,600 | \$1,768 | \$1,676 | \$1,809 | \$1,714 | \$1,814 | \$1,720 |
| Staten Island | \$1,317 | \$1,290 | \$1,394 | \$1,365 | \$1,463 | \$1,446 | \$1,515 | \$1,481 | \$1,525 | \$1,486 |
| New York City | \$1,870 | \$1,497 | \$1,949 | \$1,552 | \$2,041 | \$1,646 | \$2,093 | \$1,691 | \$2,021 | \$1,674 |

Staffing

How many case processors does HCR/DHCR/ORA have that are currently working?

Broken down by case type – e.g., overcharge, MCI, deregulation, J-51

There are 162 case processors

How many inspectors does HCR/DHCR/ORA employ?

There are 13 rent inspectors.

Hotels

9. What is the total number of SRO/Hotel units registered with the DHCR in 2021? How many of these units are rent stabilized? How many are temporarily and permanently exempt? How many are registered as transient? How many as vacant?

Rent Stabilized Units 9,149

Vacant Units 1,616

Temporary Exempts Units 4,880

Permanent Exempt Units 25

Total Number of Units 15,670

10. What is the total number of SRO/Hotel units registered with the DHCR on an annual basis from 2009-2021?

In 2009 the total number of units registered was 25,336;

In 2010 the total number of units registered was 26,322;

In 2011 the total number of units registered was 25,746;

In 2012 the total number of units registered was 25,113;

In 2013 the total number of units registered was 23,244;

In 2014 the total number of units registered was 23,533;

In 2015 the total number of units registered was 23,013;
In 2016 the total number of units registered was 21,649;
In 2017 the total number of units registered was 21,345;
In 2018 the total number of units registered was 21,142;
In 2019 the total number of units registered was 20,136;

In 2020 the total number of units registered was 18,803 and

In 2021 the total number of units registered was 15,670.

Please note that this data has been updated as of 5/16/2022.

Please be aware that owners continue to file late registration. The numbers from past years reflect that change.

11. What is the average and median rent for rent stabilized SRO/Hotel units in 2021?

The average rent stabilized rent for SRO/ Hotel units in 2021 is \$1,173.56; the median rent is \$1,238.31.

Deregulation

12. How many overcharge complaints does DHCR receive annually from incoming tenants in newly luxury-deregulated apartments?

DHCR received 593 overcharge complaints in 2021. The data is not maintained in a way that enables ORA to identify complaints related to deregulated apartments.

13. How many of the above complaints are found in favor of the tenant and how many are found in favor of the owner?

We do not have statistics on this since the complaints are not categorized by type of tenancy.

14. Has DHCR received many complaints or calls about vacancy and high-income decontrol even though these types of deregulation were eliminated in June of 2019? How many?

Yes, ORA has received calls and emails about vacancy and high-income decontrol, in particular about how these deregulation mechanisms were ended with the passage of the rent reform laws of 2019. Staff are trained to address these issues and utilize printed material that is distributed to the public. Sampling data indicates that 1% or less of the calls and emails relate to vacancy and high-income decontrol.

15. Can DHCR determine the ratio of rent regulated units to total units in each building? Can DHCR break that information down by borough etc.?

| | Bronx | Manhattan | Queens | Brooklyn | Staten Island |
|----------------------------|---------|-----------|---------|----------|---------------|
| Rent Stabilized Apartments | 208,387 | 244,923 | 158,980 | 237,208 | 8,293 |
| Total Buildings | 6,279 | 12,760 | 8,615 | 13,272 | 399 |

The Increase on Vacancy Leases

16. According to your data, what is the **median** percentage increase taken by owners upon vacancy? In other words, what is the difference between what the previous tenant actually paid and what the new

tenant is actually paid and what the new tenant is actually paying when signing a vacancy lease? Please provide data by borough.

The average percentage increase for vacancy leases in New York City is 1.2%. 2021 Rent registration data is available that quantifies the total number of registrations received indicating vacancy leases by borough.

| County | Total # of Vacancy Registrations | Average percentage of change |
|---------------|----------------------------------|------------------------------|
| Staten Island | 570 | 1.3% |
| Queens | 12,975 | 1.1% |
| New York | 16,534 | 0.5% |
| Brooklyn | 18,940 | 1.3% |
| Bronx | 7,385 | 2.5% |

17. What is the citywide turnover rate per year - provide the information for the last 5 years by borough and community district, if possible?

See “16” above.

The Special Guideline and Fair Market Rent Appeals

18. Fair Market Rent Appeals: caseloads since RRRA of 1997?

As of July 1997, there were at 1,100 FMRA per year.

As of April 2022, there are 5 cases pending.

Please note that the number Fair Market Rent Appeals (FMRA) pending can be subject to change, as overcharge cases can be converted to FMRA’s and vice versa during processing where warranted.

19. How long does it take DHCR on average to process a Fair Market Rent Appeal?

The average processing time for a Fair Market Rent Appeal (FMRA) is 6 months to 9 months.

20. What was the mean and median Maximum Base Rent (MBR) and Maximum Collectable Rent (MCR) for rent controlled apartments in 2021? In 2020?

As you are aware most of our rental data comes from annual registrations. Since rent controlled rents are not required to be registered on an annual basis we do not have this data available.

Major Capital Improvements

21. How long does it take DHCR on average to process MCI's?

The majority of cases are decided by the Rent Administrator within 26 months of filing. Some cases may take longer if the issues involved are complex, if there are multiple issues, or if the parties request additional time.

22. How many MCI applications have been filed since June 15, 2019?

There were 590 MCI applications filed. As of 12/31/2020:

In 2021 there were 323 MCI applications filed. As of 12/31/2021.

23. What was the total MCI dollar amount applied for by owners in 2021 and 2020, and the total amount actually granted by DHCR/HCR in 2021 and 2020?

The total amount applied for by owners in 2021 is \$246,212,369

The total amount applied for by owners in 2020 is \$65,587,760

The total amount granted or granted in part in 2021 is \$195,969,375

The total amount granted or granted in part in 2020 is \$39,854,466

24. How many MCI applications are currently pending?

- What is the earliest date of all pending MCIs?

There are 514 MCI applications that are pending.

We have 1 pending MCI that was filed in 2013.

25. What was the total MCI dollar amount applied for by owners since June 15, 2019? What was the total amount granted?

The total amount applied for by owners from June 15, 2019 to December 31, 2019 is \$13,995,297

The total amount granted or granted in part from June 15, 2019 to December 31, 2019 is \$11,769,582

Please see the response of question #23 for the totals of 2020 and 2021.

26. In 2021 how many MCI applications were filed? How many were granted?

- a) How many were granted and filed per Borough?
- b) How many were denied in total in 2021?
- c) For the ones being denied, what was the basis for the denial?
- d) What was the average MCI increase by room per Borough in 2020?

a) 763 applications were granted in full or in part.

b) 158 applications were denied.

c) For those MCI rent increase applications that were denied, the most common reasons for the denial were:

- the owners' failure to provide adequate documentation or the installation did not qualify as a major capital improvement and
- the owner failed to correct outstanding hazardous or immediately hazardous violations issued by various local municipal agencies (HPD, DOB, FDNY).

| | | |
|----|---------------|----------|
| d) | Bronx | \$ 7.94 |
| | Brooklyn | \$11.17 |
| | New York | \$11.75 |
| | Queens | \$ 14.67 |
| | Staten Island | \$ 4.19 |

Please note that these increases are subject to a 2% per annum limitation based on the tenant's rent in any 12-month period.

27. Please provide aggregate MCI increase amounts claimed in the past 5 years by borough and community district.

The total amount of MCI increase amounts claimed in the past 5 years is \$1,104,217,816.

28. Are there any plans to add other types of building improvements to the MCI approved list?

An MCI rent increase is authorized by the Rent Stabilization Law and is warranted when the improvements are building-wide; depreciable under the Internal Revenue Code, other than for ordinary repairs; are essential for the preservation, energy efficiency, functionality or infrastructure of the entire building and replace an item whose useful life has expired.

As the regulations contemplate that the "approved list" is not comprehensive DHCR occasionally receives applications from owners for rent increases based upon work performed on their buildings. These applications are reviewed on a case-by-case basis.

29. How many tenants had MCI's in effect each year 2008-present?

We do not have that information at this time.

30. What is the total number of MCI applications filed from 2014-2021 for work related to converting heating systems to cleaner fuels? How many of such applications did DHCR grant?

DHCR does not keep statistics as to whether heating system MCI's are based on fuel oil conversions done in order to comply with local law.

31. How much in rent increases per apartment has HCR allowed in MCI's in 2020/2021?

The average MCI rent increases per room for 2021 was \$ 11.23.

The average MCI rent increases per room for 2020 was \$ 9.96.

Please note that these increases are subject to a 2% per annum limitation based on the tenant's rent in any 12-month period.

32. Are professional fees eligible for MCI/IAI increases?
DHCR issued Policy Statement 2017-1 which covers the eligibility of certain non-construction costs to be included in an MCI increase.

33. How many units exited rent regulation which had an MCI, IAI or vacancy increase in the past year?
We do not have that information at this time.

Preferential Rents

34. Discuss preferential rents – how many are there, where are preferential rents usually charged and how much, in general are preferential rents?

**A preferential rent is a rent charged that is less than the legal regulated rent.
Approximately 31.7% of all registrations filed in 2021 indicated a preferential rent.**

Total New York City 2021 Registration indicating apartments with preferential: 272,286

| | |
|-----------------|---------------|
| Bronx | 63,396 |
| Brooklyn | 72,134 |
| New York | 73,215 |
| Queens | 59,478 |
| Richmond | 4,063 |

The agency also prohibits the use of any other lease clause that conditions the payment of a discounted rent based upon the performance of an act by the tenant, such as the tenant’s payment of the rent electronically. The owner’s collection of higher rents based upon these clauses could be challenged by the tenant in a rent overcharge complaint with DHCR or can be reviewed by a court of competent jurisdiction. DHCR can also direct the removal of this type of clause from a lease, if the tenant files a lease complaint and take such other action in either type of proceeding or based on its own independent investigation that is both lawful and appropriate.

Please review the Fact sheet #40 “Preferential Rents” :

<https://hcr.ny.gov/system/files/documents/2020/11/fact-sheet-40-09-2019.pdf>

35. How many apartments have preferential rents in 2021?
- a) What boroughs are those preferential rents?
 - b) How many preferential rent apartments are in buildings with 421 -a tax abatements in 2021?
 - c) How many preferential rents apartments are in buildings with j-51 tax abatements in 2021?

a) See “34” above.

| | | |
|-----------|------------------------|---------------|
| b) | Bronx | 3,765 |
| | Brooklyn | 15,791 |
| | New York | 24,103 |
| | Queens | 6,151 |
| | Richmond | 525 |
| | Total For 2021: | 50,335 |

| | | |
|----|------------------------|---------------|
| c) | Bronx | 3,566 |
| | Brooklyn | 4,798 |
| | New York | 2,659 |
| | Queens | 1,886 |
| | Richmond | 134 |
| | Total For 2021: | 13,043 |

36. Does DHCR have a position on preferential rents that are posed to tenants as discounts for paying on time?

Yes, as provided in Fact Sheet #40, “Preferential Rents”. Since the agency has found that an owner may only demand a late fee of up to 5% of the rent charged and paid, and since preferential rents may not be terminated during a lease term, the agency will not permit an owner to enforce a clause in a rent-stabilized lease that provides that the owner may end a preferential or a discounted rent where the tenant fails to pay the preferential or discounted rent by a certain day of the month. The agency also prohibits the use of any other lease clause that conditions the payment of a discounted rent based upon the performance of an act by the tenant, such as the tenant’s payment of the rent electronically. The owner’s collection of higher rents based upon these clauses can be challenged by the tenant in a rent overcharge complaint with DHCR or can be reviewed by a court of competent jurisdiction. DHCR can also direct the removal of this type of clause from a lease if the tenant files a lease complaint and take such other action in either type of proceeding or based on its own independent investigation that is both lawful and appropriate. DHCR’s enforcement of these policies are presently the subject of litigation.

37. What is the smallest geographic unit in which preferential rents can be identified? Borough? Community District? Census block? Can a sample of preferential rent density be provided?

We did provide this information by borough, see #34

38. What percent are preferential rents below the legal rents on average? Can this analysis be broken down further by borough etc.?

We do not have that information at this time.

Harassment

39. Harassment: caseloads since RRRA of 1997 per annum?

As of July 1997, there were 558 harassment cases.

As of May 8, 2022, there were 176 harassment cases.

40. How long does it take DHCR on average to process a harassment case?

The Office of Rent Administration’s Enforcement Unit has as its priority in processing harassment complaints immediately stopping any potentially harassing behavior and ensuring that tenants can enjoy their apartments free from any unlawful conduct subsequent to a complaint being filed. To that end a conference with the owner and tenant present is held within thirty to sixty days after a complaint has been docketed. Following the conference, which in a majority of cases results in a written agreement to end any unlawful conduct, the case may remain open for several months while the unit monitors the case

to ensure that all issues have been resolved. Where owners do not change their behavior or where an investigation has developed facts tending to show that an owner has engaged in a course of conduct intended to drive a tenant from a building, ORA's Enforcement Unit will seek the imposition of substantial civil penalties against such owner, and this may require extensive investigation and fact finding which results in a formal administrative hearing where witnesses testify and evidence is produced. In such instances case processing will extend up to a year or more.

41. How many tenants filed harassment complaints in 2021?

There were 126 Harassment complaints filed.

42. How many findings of harassment have occurred since 2004?

The Enforcement Unit receives approximately 250 complaints of harassment a year. In approximately 25% of the cases no harassing conduct or conduct in violation of the rent laws was found. In approximately 70% of the cases, the Unit's intervention resulted in agreements being reached at the conference, subsequently confirmed in writing, for the owner to remedy certain conduct. Based on compliance with these agreements, no Finding of Harassment was sought. In less than 5% of the cases, where an agreement could not be reached, or the improper conduct continued the conference the matters had to be referred for prosecution where fines were sought. The Enforcement Unit also prosecutes owners who have failed to comply with Agency orders regarding services, leases etc. These issues may be intertwined with harassment cases or may be early stage harassment. Many of these cases are also settled before a hearing is sought however where owners are recalcitrant and do not comply with the agency order the unit will proceed to a formal administrative hearing and seek civil penalties. For 2021 we had 131 orders imposing penalties in the amount of \$446,450 for harassment and non-compliance.

Overcharge complaints

43. Overcharge complaints: caseloads since RRRA of 1997 per annum?

As of July 1997 there were 8,878 overcharge cases pending.

As of May 8, 2022 there were 3,428 overcharge cases pending.

44. How long does it take DHCR on average to process overcharge complaints?

The average processing time for most overcharge cases is 6 to 9 months.

45. What are the number of applications of Rent Reduction Based Upon Decreased Service – Individual Apartment (S) and Rent Reduction Based Upon Decreased Building-Wide Service (B) cases pending?

As of May 8, 2022, there were 1,067 Rent Reduction Based Upon Decreased Service – Individual Apartment (S) cases pending.

As of May 8, 2022, there were 248 Rent Reduction Based Upon Decreased Building-Wide Service (B) cases pending.

46. How many overcharge applications per annum were pending prior to July 1997 and how many after?

See "43" above

47. How many tenants filed for rent reduction orders in 2021? What was the total number of rent reductions granted in 2021?

There were 2,700 rent reduction applications filed in 2021. There were 1,687 rent reduction orders issued.

48. How often does DHCR award treble damages in overcharge complaints?

Although the Rent Stabilization Law places the burden on the owner to establish that the overcharge was not willful, the determination as to whether treble damages or the lesser penalty of interest is to be awarded in a particular matter is always driven by the specific facts of the case.

DHCR awarded treble damages in 102 cases last year.

49. How many orders are now in effect for rent reductions?

We do not have that information at this time.

50. How many tenants filed for heat and hot water complaints in 2021? How many orders are in effect now for heat and hot water violations?

For 2021 there were 109 heat and hot water complaints filed and there were 28 granted.

Individual Apartment Improvements

51. What was the percentage of apartments with Individual Apartment Improvements (IAI) in 2021? Can you breakdown the number of units per borough that registered an IAI in 2021?

Of the rent registrations filed for apartments during 2021, 3,342 indicated that improvements had been made to the apartment.

| | |
|----------------------|--------------|
| Bronx | 874 |
| Brooklyn | 828 |
| Manhattan | 532 |
| Queens | 1,029 |
| Staten Island | 79 |
| Total NYC | 3,342 |

52. How many tenants had a 1/40th increase in each year 2008-present?

We do not have that information at this time.

53. Has DHCR conducted an audit of 1/40th increases? Of those challenged by tenants, and investigated by DHCR, what has been the median amount of decrease?

ORA reviews only IAI increases in the context of reviewing overcharge complaints.

54. How much in total costs were filed for IAIs in 2019? 2020? 2021? 2022 thus far?

| | 2019 | 2020 | 2021 | 2022 |
|------|--------------|--------------|--------------|-------------|
| IAIs | \$12,411,144 | \$31,318,056 | \$27,313,502 | \$7,451,181 |

as of May 16, 2022

55. What types of work was most commonly filed for?

| BATHROOM RENOVATIONS | KITCHEN RENOVATIONS | OTHER ROOM RENOVATIONS |
|--------------------------|--------------------------|------------------------|
| Sink | Sink | Doors |
| Shower Body | Stove | Windows |
| Toilet | Refrigerator | Radiators |
| Tub | Dishwasher | Light Fixtures |
| Plumbing | Cabinets | Electrical Work |
| Cabinets | Plumbing | |
| Vanity | Floors and/or Wall Tiles | |
| Floors and/or Wall Tiles | Countertops | |

Non-Rent Fees

56. How many tenants have additional fees on their rent bill? This could include air conditioner surcharges, washing machine surcharge, etc.

We do not have that information at this time.

57. Provide a list of all the HCR regulated non-rent fees and the information with the allowable amounts for each non-rent fees. Give detailed descriptions of HCR's regulation on these fees.

Please review the Fact sheet #44 "Fees":

<https://hcr.ny.gov/system/files/documents/2020/11/fact-sheet-44-10-2019.pdf>

58. Provide the history of when HCR started to allow landlords to collect non-rent fees and give detailed information of the data/basis that HCR has to set the non-rent fees amounts.

For historical context on air conditioners, please see the attached Supplement No. 1 to Operational Bulletin 84-4.

https://hcr.ny.gov/system/files/documents/2021/09/operational-bulletin-84-4-supplement-1-annual-update-36_0.pdf

For surcharges on tenant installed appliances, Operational Bulletin 2005-1:

<https://hcr.ny.gov/system/files/documents/2019/09/Amended%20Operational%20Bulletin%202005-1%20Supplement%203.pdf>

59. Are there HCR fact sheets about these no-rent fees regulations?

Yes. HCR has a fact sheet and an annual update to an Operational Bulletin on Air Conditioner surcharges. HCR also has an update to an Operational Bulletin on surcharges for Dishwashing machines, Washing Machines and Dryers.

The fact sheet regarding illegal fees is cross referenced in the DHCR standard lease rider which is required to be attached to each rent stabilized lease.

Please review the Fact sheet #44 "Fees":

60. How many tenants have filed fees related overcharge complaints? And what has been their outcomes?

DHCR received 593 overcharge complaints in 2021. The data is not maintained in a way that enables ORA to identify complaints related to fees.

61. How long it takes to process a complaint? What is HCR doing to educate tenants on their rights?

Processing time for a case is dependent upon the type of case, the complexity of the fact pattern and the need to acquire additional information/evidence. Variance from case to case prevents us from providing a response with a standard time frame. The Office of Rent Administration continues to educate residents of our state by attending 25 virtual community meetings with our government partners. We also frequently update our fact sheets.

62. Are landlords in their yearly rent registration notifying HCR that they are charging non-rent fees, how many tenants have additional fees on their rent bills?

The rent registration system gives owners the opportunity to check fields pertaining to appliance surcharges and other charges. DHCR cannot independently verify the accuracy of these responses and does not tract non-rent fees actually imposed on rent bills.

63. How is HCR making sure landlords are not violating HCR non-rent fees regulations?

HCR's printed material on Fees and lawful air conditioner charges and appliance surcharges is made available to the public on our website and at our offices. HCR processes complaints of rent overcharge, where non-rent fees are the basis of the complaint and issues orders that direct the elimination of unlawful charges and direct refunds to tenants.

Owner Hardship Applications

64. How many Hardship applications were filed this past year?

There were 1 hardship application filed in 2021.

65. What is the average time it takes to process a Hardship application?

There is no "average time" for processing a hardship application. Generally, these cases can take many years to resolve because there are usually tax certiorari proceedings pending or filed which must be resolved prior to DHCR issuing an order because tax is an element of calculating expenses.

66. How many Hardship applications have been granted in 2020 and 2021?

No hardship applications were granted in 2020 and one application was granted in 2021.

67. How many Hardship applications are currently pending and how long have they been pending?

There are currently 3 applications pending.

TPU

68. How many audits has TPU initiated for each year over the last five years (2017 – 2021)?

In 2017, TPU initiated 703 audits

In 2018, TPU initiated 554 audits

In 2019, TPU initiated 455 audits

In 2020, TPU initiated 8 audits *

In 2021, TPU initiated 201 audits *

***TPU initiated audits for years 2020 and 2021 saw a temporary reduction as a result of the Covid Pandemic.**

69. How many of these TPU audits have lead to a finding that an overcharge has been collected from a tenant?

The total amount refunded to tenants in the years 2017 to present is \$5,623,034.

70. How many of these TPU audits have verified the legal rent being charged?

All TPU audits are designed to verify the legal rent in audited units.

71. How much staff does TPU have?

TPU currently has 25 Staff.

72. What is TPU's budget?

TPU's budget is \$5.5 million.

If you have any questions and /or comments, please let me know.

Sincerely,

Woody Pascal
Deputy Commissioner

WP: mb