

**Department of Finance**

Committees on Finance and Aging  
Hearing on the New York City Rent Freeze Program

Testimony given by  
Michael Hyman, First Deputy Commissioner

January 21, 2020

Good morning.

Thank you, Chair Dromm and Chair Chin, and members of the Finance and Aging committees, for the opportunity to testify today.

My name is Michael Hyman, and I am the first deputy commissioner of the New York City Department of Finance.

I am joined today by Bibi Parmar, our senior director of senior and disabled programs; Sheila Voyard, our director of outreach; and Carl Laske, chief of the Real Property and Legal Counsel Unit in our Legal Affairs Division.

With us today are also representatives from the Department for the Aging and the Mayor's Office for People with Disabilities.

The Department of Finance administers the tax and revenue laws of the City, including property and business taxes and parking summonses.

We value close to 1.1 million properties worth a combined market value of \$1.4 trillion, and we are responsible for recording deeds and other documents associated with those properties.

We also administer dozens of exemption and abatement programs that provide billions of dollars in property tax relief to property owners and renters.

One of the most important and most well-known of these programs is the Rent Freeze Program, which provides rent relief to low-income seniors and people with disabilities.

The Rent Freeze Program freezes recipients' rent and protects them from future increases. Landlords receive tax credits to cover the difference between their tenants' frozen rent amount and the amount of rent that would be permitted by the Rent Guidelines Board.

The Rent Freeze Program is comprised of two benefits: the Senior Citizen Rent Increase Exemption, known as SCRIE, which was created in 1970, and the Disability Rent Increase Exemption, known as DRIE, created in 2005. As housing costs continue to rise citywide, the SCRIE and DRIE benefits help New Yorkers remain in their homes.

Each benefit has specific eligibility requirements. For both SCRIE and DRIE, recipients must have a combined annual household income of \$50,000 or less, and more than one-third of their monthly income must be spent on rent.

To be eligible for SCRIE, a tenant must be 62 or older. To be eligible for DRIE, the tenant must be 18 or older and receive one of several disability-related benefits. To be approved for the Rent Freeze Program, applicants must reside in rent-regulated apartments. Currently there are 63,018 tenants enrolled in SCRIE and 12,088 tenants enrolled in DRIE.

Over the past several years, the Department of Finance has worked with the state legislature to introduce and pass legislation to make critical improvements to the Rent Freeze Program for current and future recipients:

- We were able to increase the program's income ceiling to \$50,000, from its prior ceiling of less than \$30,000.
- Recipients can now return to their previous frozen rent amount if a one-time income increase, such as a pension payout, causes them to be ineligible for the benefit for one year.
- We introduced a policy and promulgated rules providing for reasonable accommodation when a tenant did not file a timely renewal application.
- We have implemented a short-form renewal application available to participants who have received SCRIE or DRIE for five consecutive benefit periods.
- And finally, we worked with the state to pass legislation allowing eligible household members a reasonable amount of time to submit a benefit takeover application in the event that the head of household dies or leaves the property.

In addition to these changes, the Department of Finance has implemented a number of improvements to how we administer the Rent Freeze Program.

We have redesigned and simplified the renewal process, resulting in a 94% approval rate during our most recently completed renewal cycle, in 2018.

We have introduced or are in the process of introducing online platforms that allow new and renewing Rent Freeze Program participants to review their benefits and upload their documentation electronically, rather than mail a packet of information or visit a Department of Finance business center:

- The online DOF Landlord Express Access Portal, also known as LEAP, allows property owners to submit documents necessary for the processing of Rent Freeze applications.
- This year DOF will be introducing an online Tenant Access Portal, known as NYC TAP. It will provide a one-stop shop for forms, information, and resources for the SCRIE and DRIE benefits. The public will be able to renew as well as submit initial applications for Rent Freeze Program benefits. Our customers will be able to upload required documentation electronically, rather than having to mail a packet of information or visit a Department of Finance business center, and they will also be able to check on their application status. In addition, a tenant will be able to authorize a family member or another individual to apply for benefits on his or her behalf. We plan to deploy the renewal function in the third quarter of calendar year 2020, followed by the initial application function by the end of the year.

Customers who have further questions about their Rent Freeze benefits are now able to speak directly with a Department of Finance employee to resolve their issues and concerns. With the launch of the new DOF customer call center, Rent Freeze calls that 311 is unable to answer are now routed to us for immediate response.

Additionally, we have cross-trained staff so that more people are capable of processing applications, thereby reducing wait times. We have also created the offices of the SCRIE and DRIE ombudspersons to help tenants resolve any issues when applying for or renewing benefits.

The most recent updates to the Rent Freeze Program result from the passage of the Housing Stability and Tenant Protection Act of 2019. This state law includes several changes that impact the program.

First, the cap on rent increases for major capital improvements, or MCIs, decreased from 6% to 2%. Allowable rent increases for MCIs are covered by a tax abatement credit to the landlord. While this change affects the amount of the credit available to landlords, as the maximum amount they can receive for major capital improvements has decreased, it does not affect the rent of tenants receiving SCRIE or DRIE.

Another change enacted by the Housing Stability and Tenant Protection Act was the elimination of fuel cost charges from tenants' rent. In the past, landlords could add these charges to the rent amount and receive a credit. Again, while this will not affect Rent Freeze tenants, it will affect the amount of the tax abatement credits received by landlords.

Most significantly for renters enrolled in or eligible for the program, the new law stipulates that new Rent Freeze applicants who have an existing preferential rent agreement and meet all program eligibility criteria can have their rent frozen at their preferential rent amount.

In the past, tenants with preferential rent agreements may not have seen the benefit of applying for the program, as they were already paying below-market rent. With the change in law, these tenants will now be able to "lock in" their preferential rent amounts, which were previously subject to change with the expiration of the lease.

We expect that over the next several years, this will result in more households participating in the Rent Freeze Program, and we will continue to encourage tenants with preferential rent agreements to enroll. I will discuss our outreach efforts shortly.

The Department of Finance is currently in the process of promulgating a number of rules for the Rent Freeze Program. These proposed rules will provide more guidance to the public about how the program works and who is eligible.

The rules would do the following:

- Establish the eligibility requirements for SCRIE and DRIE benefits based on the applicant's status, household income, and who is to be considered a member of the household
- Set forth the application process and applicable deadlines for Rent Freeze applications, as well as who may sign such applications
- Establish the mechanics to determine the effective date, as well as the frozen rent, for approved applications
- Set forth the types of rent increases that are the responsibility of the landlords and the rent increases to be paid by the tenants
- Define who is a head of household eligible for such benefits, as well as the succession rights when a head of household permanently leaves an apartment; and

- Set forth the procedures for the transfer of benefits if a SCRIE or DRIE beneficiary moves from one eligible apartment to another eligible apartment

As part of the rule development and implementation process, we continue to receive and review feedback from residents and advocates. We held a public hearing on December 3, 2019, and will be scheduling another hearing after gathering feedback on the rules at the next meeting of the SCRIE-DRIE Task Force on January 29th. The task force's members include senior and disability advocacy groups, neighborhood organizations, and other stakeholders who share our goal of improving and increasing participation in the Rent Freeze Program.

Since 2016, enrollment in the Rent Freeze Program, including the Mitchell Lama SCRIE benefits administered by the Department of Housing Preservation and Development, has increased from 73,299 to 75,106.

It is important to note the role that attrition plays in these figures. For example, since 2014, we have actually seen a nearly 40% increase in the number of households receiving Rent Freeze benefits administered by the Department of Finance. At the same time, however, many households lost their benefits due to moving, death, or increases to their income. Others failed to renew their benefits, likely for the same reasons.

We do our best to counteract this attrition by enrolling and renewing as many people in the Rent Freeze Program as we can. One of the ways we do that is with a robust and year-round outreach effort to enroll and re-enroll New Yorkers.

Our outreach efforts focus on the communities where the data suggests we are most likely to find eligible Rent Freeze households. At the council district level, the largest Rent Freeze Program enrollment is in Councilmember Ydanis Rodriguez's council district 10, with approximately 6,200 enrollees, nearly twice as many as any other district. District 40, represented by Councilmember Mathieu Eugene, and district 7, represented by Councilmember Mark Levine, each have more than 3,000 Rent Freeze households. Districts with more than 2,000 enrolled households include districts 1, 3, 6, 14, 25, 29, and 48, which are represented by Chair Chin, Speaker Johnson, Councilmember Rosenthal, Councilmember Cabrera, Chair Dromm, Councilmember Koslowitz, and Councilmember Deutsch.

In addition to getting the word out about the SCRIE and DRIE benefits in these and other communities, DOF's Outreach team provides a full range of case management

services. Staff work closely with potential applicants throughout the application and enrollment process.

Much of this work is done at in-person events. In fiscal year 2019, we hosted or attended 471 events, an average of 9 per week, nearly all of which were held in partnership with the Council. We meet with the community in recreation centers, churches, restaurants, public buildings, and anywhere else we can find space. Outreach staff even make home visits for customers who are not able to leave their homes to attend an event. All Rent Freeze applicants have the right to a reasonable accommodation, and the agency approved 93 reasonable accommodation requests from SCRIE and DRIE applicants last year.

We could not cover so much ground, nor serve so many people, without help from our partners in government and the community. Our partners include our sister agencies such as DFTA and MOPD, members of the New York City Council, the community boards, the borough presidents, and the NYC Service Bureau.

We also work very closely with the Mayor's Public Engagement Unit. We meet monthly with PEU to discuss enrollment events and activities, and we rely on the support of the public engagement team—as well as our partners at LiveOn New York—to help us staff and manage our larger events. Together, we have trained 167 community organizations to assist tenants with applying for Rent Freeze benefits and providing the necessary documentation. We also work with PEU and our other partners to knock on doors, make calls, and send mailings to eligible Rent Freeze households. We are very grateful to the Mayor's Public Engagement Unit and our sister agencies for their on-the-ground support.

In closing, I noted earlier that more than 75,000 households currently benefit from the protections afforded by the Rent Freeze Program.

Our goal is to increase that number, and we look forward to continuing to work with the council to reach the New Yorkers who would benefit from receiving SCRIE and DRIE.

We thank you for your continued support, and for the opportunity to testify and answer any questions that you may have.

Thank you.



CHAIR  
Dromm

**Testimony of  
Rocky Chin, Executive Council Member  
AARP New York**

**New York City Council  
Committee on Aging  
Committee on Finance**

**Examining the New York City Department of  
Finance's administration of the Rent Freeze  
Program (SCRIE and DRIE).**

**January 21, 2020**

**New York City Hall  
New York, New York**

**Contact: Kristen McManus (518) 447-6721 | [kmcmanus@aarp.org](mailto:kmcmanus@aarp.org)**

## INTRODUCTION

Good morning Chairpersons Chin and Dromm. My name is Rocky Chin and I am a member of AARP New York's Executive Council. On behalf of our nearly 750,000 members age 50 and older in New York City, I want to thank you for the opportunity to testify on the Rent Freeze Program.

That seniors are a growing group that is extremely challenged by rising costs is a well-know fact.

A report commissioned by AARP with the Center for an Urban Future found the number of older adults in New York City increased twelve times faster than the city's under-65 population. And that group is more diverse than ever. Immigrants now account for 50 percent of New York City's 65-plus population.

Multiple AARP surveys show that affordability is a major concern for older New Yorkers.

Fifty-four percent of respondents to one AARP survey reported housing affordability as a major concern. That number shot up to 67% among Hispanic respondents. Sixty-two percent of Boomers and Gen X respondents expressed anxiety over their ability to afford housing in the future. And 61% of Gen X and Boomer voters said they are considering leaving New York State to retire somewhere else because of the lack of affordability.

Last year, AARP New York teamed up with the Asian American Federation, Hispanic Federation, NAACP and the Urban League to release a report titled: *Disrupting racial and Ethnic Disparities: Solutions for New Yorkers 50+*. One of the key findings was the "cost burdened" status for older African American, Black, Asian American, Pacific

Islanders, Hispanic, and Latinex New Yorkers and their vulnerability to gentrification and displacement.

As the City's population continues to age, these concerns are likely to grow. We need to use all of the tools we have to ensure we have appropriate and affordable housing for older New Yorkers now and in the future.

That's why we were thrilled when the income eligibility for SCRIE & DRIE was raised to \$50,000, making thousands of more households eligible for the program. Furthermore, the Housing Stability and Tenant Protections Act of 2019 incentivized many more individuals to apply for the program.

But according to 2018 report by DOF, the enrollment rate in SCRIE is just over 50%. Clearly much more needs to be done.

We'd like to express our support for measures that would allow tenants to apply for SCRIE/DRIE at any point throughout the year, as opposed to awaiting the next lease renewal. That should help.

However, other proposed measures concern us, including limiting who could act as a tenant representative in order to assist tenants with the application process and limiting tenants to only one SCRIE/DRIE application per year. There are many people who can – and need – to act as tenant representatives and many reasons why a person can be denied, including mistakenly submitting incomplete applications. We shouldn't penalize qualifying SCRIE/DRIE applicants for needing help or making mistakes in the application.

Thank you for the opportunity to testify today.

John K. Carroll  
*President*

Janet E. Sabel  
*Attorney-in-Chief*  
*Chief Executive Officer*

Aдриene L. Holder  
*Attorney-in-Charge*  
*Civil Practice*

Alexander H. Ryley  
*Director of Elder Law*  
*Civil Practice*

## **Testimony of The Legal Aid Society Regarding the NYC Department of Finance’s Administration of the SCRIE and DRIE Programs**

**January 21, 2020**

The Legal Aid Society welcomes the opportunity to comment on the New York City Department of Finance’s (DOF’s) administration of the SCRIE and DRIE programs, known collectively as the Rent Freeze Program (RFP), and thanks the Aging and Finance Committees for providing this oversight hearing.

The Legal Aid Society is the oldest and largest not-for-profit public interest law firm in the United States, working on more than 300,000 individual legal matters annually for low-income New Yorkers with civil, criminal, and juvenile rights problems in addition to law reform representation that benefits all two million low-income children and adults in New York City. The Society delivers a full range of comprehensive legal services to low-income families and individuals in the City. Our Civil Practice has local neighborhood offices in all five boroughs, along with centralized city-wide law reform, employment law, immigration law, health law, and homeless rights practices.

For nearly 50 years, the SCRIE program (and, more recently, the DRIE program) has been a critical lifeline for low-income, vulnerable older New Yorkers in rent-regulated apartments who want to age in place without fear of displacement due to rising rents. As discussed below, to our perception the DOF has generally done a good job of administering the RFP over the past several years, but: there is room for improvement; we worry that RFP

beneficiaries will continue to lose their benefits due to an inability to renew using even the streamlined “short form” application; and we remain gravely concerned about some of the many rule changes that the agency recently proposed.

### **1. Areas where we recommend improvement**

Since it took over administration from the NYC Department for the Aging several years ago, the DOF has generally appeared committed to increasing RFP beneficiary enrollment, ensuring the integrity of its handling of applications, and responding to concerns from the community. For example, the DOF now offers important forms and documents in several languages (and appears to be working on large-print versions), it began calling SCRJE and DRJE by the more intuitive name Rent Freeze Program, it introduced a “short form” renewal application, and it has published a colorful printed guide to the RFP. In addition, we have found the agency generally to be responsive to our queries about individual cases and willing to resolve certain client-specific issues without our having to resort to administrative appeal.

However, there are areas in which we recommend improvement, which include: 1) the way that the DOF identifies and promotes benefit “redeterminations”; and 2) education around the definition of “household”.

#### **a. The DOF should screen for the availability of redeterminations during the review of every renewal and takeover application and prominently advertise this aspect of the program.**

An RFP beneficiary can request a “redetermination” of their benefit when the household has experienced a permanent decrease in income of at least 20 percent. Various events can cause such a permanent income decrease, including the death, move-out, or retirement of a household member. (A remaining family member of an RFP beneficiary who has died or moved out of the apartment can apply for a redetermination when they apply to “take over” the RFP benefit.) A successful redetermination application will result in a reduction of the amount of the RFP beneficiary’s monthly rent obligation proportionate to the household income reduction – a virtual life-saver for some tenants.

The right to a redetermination is a critical part of the RFP, because the redetermination of an RFP beneficiary’s rental obligation can make a profound difference in the affordability of their home. But even though the DOF itself possesses the

information necessary to identify an RFP beneficiary who appears eligible for redetermination, *the agency places the onus on beneficiaries and takeover applicants to request a redetermination*; and to do so, beneficiaries must prepare and submit a separate application.

Of course, for an RFP beneficiary to submit a redetermination application, she must be aware that this option exists. But the DOF does not publicize the redetermination benefit at all. For example, although the initial application packet should put new applicants on notice from the start that a redetermination may be available in the future upon a drop in income, the five-pp. FAQ section of the initial RFP application contains no mention of redeterminations whatsoever.<sup>1</sup> And although the long-form RFP renewal application<sup>2</sup> does mention the prospect of a redetermination, this mention appears on the *very last page* of the 13-page application packet's FAQ section. And the information provided therein is misleading; Instead of a question to the effect of: "What if my household income drops and my rent consequently becomes less affordable?" the FAQ question reads: "What are my options if I have a permanent loss of income?" (emphasis supplied) This question implies, incorrectly, that what is relevant is only a drop in the *RFP beneficiary's* income, when in fact a redetermination is available when the *total household* income has dropped – clearly a broader potential set of qualifying circumstances.

Incredibly, the short-form renewal application does not mention, let alone explain, the right to a redetermination at all<sup>3</sup>.

Most of the RFP beneficiaries whom we have worked with whose household incomes have dropped dramatically enough to warrant a redetermination were not aware of the redetermination option until we brought it to their attention and helped them to apply for it. Clearly, more substantial education and publicity is needed.

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<sup>1</sup> See copy attached; available at <https://www1.nyc.gov/assets/rentfreeze/downloads/pdf/scrie/scrie-initial-packet.pdf>.

<sup>2</sup> See copy attached; available at <https://www1.nyc.gov/assets/rentfreeze/downloads/pdf/scrie/scrie-universal-renewal-packet.pdf>.

<sup>3</sup> See copy attached; available at <https://www1.nyc.gov/assets/rentfreeze/downloads/pdf/scrie/scrie-short-form-renewal.pdf>

Of course, increased education and publicity around the redetermination option will remain essential only so long as the DOF persists in demanding that RFP beneficiaries themselves take affirmative steps to request redetermination of their benefit following a loss of income. This state of affairs should not continue: the DOF should screen every renewal and takeover application for redetermination eligibility. As RFP beneficiaries age, they may become less able to read and interpret forms and identify benefits, like a redetermination, to which they may be entitled – and yet the beneficiaries who are entitled to redeterminations not infrequently are older people who have lost the income of a spouse who has just died. It is unfair for the DOF to demand that such persons – in the wake of the potentially devastating loss of their life-partner – spot their own eligibility for a redetermination, and then obtain, properly fill out, and submit a redetermination application, especially given how little the DOF promotes beneficiaries' right to this option. We hope that the DOF will implement a simple screening procedure for redeterminations. In the meantime, we urge the DOF to substantially increase education and publicity around this aspect of the RFP.

In addition, we urge the committees to obtain data from the DOF that will reveal the extent to which the agency is now processing redetermination applications. We suggest that the committees pose the following questions to the DOF:

- During each of the past five years, how many redetermination applications did the agency receive?
- How many of these applications did the agency approve?
- If the DOF rejected some of these applications, what were the most common reasons for those rejections?
- Of the approved applications, what was the average reduction in the “tenant to pay” amount that occurred following redetermination?
- What is the DOF's rationale for requiring RFP beneficiaries to apply for redeterminations, when the agency already possesses the information

necessary to identify applicants and beneficiaries who are entitled to a redetermination?

**b. The DOF should ensure that RFP applicants and beneficiaries understand the definition of “household member”.**

In New York City, where housing is so expensive, especially for disabled and older adults on fixed incomes, tenants sometimes must resort to renting a room to a roommate, or a boarder, in order to make their home affordable. But unfortunately RFP beneficiaries often misunderstand the way that the DOF treats the income of boarders.

When determining a tenant’s financial eligibility for the RFP, the DOF does not assess the income received by a boarder and instead considers only how much money the boarder is paying to the tenant for rent. This is because the DOF examines the income only of members of the “household,” and boarders are by definition not members of the household. But this definition does not appear prominently, and in the location where it ought to, in the RFP forms.

The DOF’s RFP application packets do contain the definition of “household”, *but this crucial definition appears nowhere within the application itself*. Instead the definition is buried in the FAQ section of the packets – on p. 9 of the initial application and on p. 10 of the renewal. No less problematic is that the following question appears at the top of the first page of the initial RFP application: “Was the combined income *for everyone living in your apartment* less than \$50,000 [last year]?” (emphasis supplied) The correct question, of course, is whether the combined income of *all household members* exceeded \$50,000.

The DOF should revise the question about household income on p. 1 of the initial application, and it should place the definition of “household” right where the person filling out any RFP application form will certainly see it – that is, where the person is asked to enter information about household members.

**2. Many RFP beneficiaries struggle to renew their benefit, even when they are entitled to do so by means of the “short form”.**

In our Brooklyn Office for the Aging (“BOFTA”), where for over four decades

we have been working to help older Brooklyn residents age safely in their homes, we continue to see a steady stream of RFP beneficiaries who struggle to renew their benefit without hands-on assistance. Five retired lawyers volunteer out of BOFTA, assisting clients with a variety of legal problems. One volunteer, Chris Evans, a retired British solicitor, has worked with BOFTA clients for the past six years only on RFP applications, renewals, and appeals. Mr. Evans has observed that, as RFP beneficiaries age, some pay less attention, or no attention at all, to their mail, and thus they fail even to attempt to fill out an RFP renewal form. And of those who do fill out their renewal forms, some do so incorrectly, placing their signature in the wrong place, for example.

We commend the DOF for having introduced its short-form renewal application (available for use only after five consecutive prior benefit renewals), which does result in an easier renewal process for some tenants. But as RFP beneficiaries age and begin to develop impairments, their ability even to submit this simple form will diminish. Ideally RFP beneficiaries' benefit would renew automatically. One way to increase the incidence of successful renewals would be to give "tenant representatives" – who, as the DOF knows, often fill out RFP forms – the authority to sign renewal applications on behalf of the beneficiary. Presently the DOF gives tenant reps no more authority than to receive copies of notices.<sup>4</sup>

**3. The DOF's proposed amendments to the RFP rules run counter to the very purpose of the program and in some instances fail to account for recent changes in the law.**

As we indicated early last month in our comments<sup>5</sup> regarding the DOF's proposed amendments to Chapter 52 of Title 19 of the Rules of the City of New York, we are deeply

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<sup>4</sup> The RFP forms note that a "power of attorney" may sign on behalf of the applicant. In fact it is the *agent* appointed under a power of attorney document who may sign; the term "power of attorney" denotes not the person who is the agent, but rather the legal document in which the agent is appointed.

<sup>5</sup> See copy attached.

concerned that some of the DOF's proposals would weaken the protections afforded to vulnerable RFP beneficiaries.

Some of our many concerns about the proposed rules include:

- Under the proposed rules, the DOF would no longer freeze an initial applicant's rent at the rent level in the lease in effect preceding the initial application.
- The DOF should not require that a tenant submit a lease signed by their landlord, as the proposed rules require.
- Contrary to law, under the proposed rules the DOF would deny SCRIE beneficiaries the benefit of NYS HCR rent reduction orders
- The DOF should not, as the proposed rules would, encourage landlords to notify the DOF of their "suspicion" of a tenant's RFP ineligibility without providing any explanation and supporting documentation underlying the allegation..
- The proposed rules must take account of the change in the law around preferential rents, which are now considered permanent.

Should the DOF implement the rules that it has proposed that would weaken the RFP, the NYC Council should pass legislation overturning them.

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The DOF generally appears to have taken seriously its obligation to responsibly administer the RFP, whose worthy purpose is to allow disabled and older adults to remain in their homes without the fear of devastating rent increases. As just discussed, however, the DOF must work to ensure that all beneficiaries entitled to redeterminations obtain them and that applicants and beneficiaries fully understand their right to avail themselves of the RFP while renting a room to a boarder, the agency should consider expanding tenant representatives' authority to include the submission of renewal applications, and the agency should withdraw its several proposed rule amendments that run counter to the very purpose of this unique and vital program, and which the Council should overturn via legislation if necessary.

For further information, please contact Alex Ryley, Director of Elder Law, Civil Practice, at 718-260-4707.

# SCRIE Senior Citizen Rent Increase Exemption 2019 PRE-QUALIFYING CHECKLIST

**PLEASE COMPLETE BUT DO NOT SUBMIT WITH YOUR APPLICATION**

## Are you eligible for SCRIE?

Please answer the following questions:

- Are you 62 or older?
- Do you live in a rent-controlled, rent-regulated, or rent-stabilized apartment—and not in private, NYCHA, or Section 8 housing?
- Is your name on the lease or rent order, or have you been granted succession rights to the apartment?
- Was the combined annual income for everyone living in your apartment less than \$50,000 in 2018?
- Do you spend more than 1/3 of your combined household income on rent?  
(See FAQ question 9 for more information.)



If you answered **YES** to all of the questions, you may be eligible for SCRIE



If you live in one of these apartment types, you are **NOT** eligible for SCRIE:



## What you will find in this packet

- Page 2:** Application instructions. (Keep this page for your reference)
- Pages 3-6:** The SCRIE application. Complete and submit these pages, with all required documentation.
- Pages 7-8:** An optional income worksheet to help you calculate the combined annual income of your household.
- Pages 9-13:** Some frequently asked questions.

If due to a disability you need an accommodation in order to apply for and receive a service, or to participate in a program offered by the Department of Finance, please contact the Disability Service Facilitator at [nyc.gov/contactdofeeo](http://nyc.gov/contactdofeeo) or call 311.

## Application Instructions

### Section 1: Applicant Information

For the primary applicant, print your first and last name, date of birth, Social Security Number and full address. If available, provide a primary phone number, cell phone number, and email address. Use the check box to indicate if you or anyone in your household applied for SCRIE in the past.

### Section 2: Tenant Representative Information

It is strongly recommended that all applicants provide a tenant representative. You can have copies of your notices mailed to another person (in addition to you).

### Section 3: Household Members and Income

You must list the total annual income for you (applicant) and all household members for 2018.

#### Applicant Income Information

- Use the income check boxes to indicate all sources of income. Indicate any other income, if applicable.
- Provide the total income from the income worksheet.
- Provide the total applicable deduction from the income worksheet.
- If you would like to certify that you did not receive any income in 2018, check the box provided and provide proof such as but not limited to, documentation from the Internal Revenue Service (IRS) stating tax returns were not filed in 2018 or a statement from the Social Security Administration (SSA) stating no receipt of Social Security benefits for 2018.

Now that you have completed your income information, you will need to complete the income section for each household member. Do not forget to attach proof of 2018 income for you and all household members.

#### Household Income Information

- Write the first and last name of the household members.
- Provide the date of birth, Social Security Number in the space provided.
- Provide each household member's relationship to you (applicant), for example, spouse, sibling, parent, daughter/son, granddaughter/grandson.
- Use the income check boxes to indicate all sources of income for household members. Indicate any other income, if applicable.
- Provide the total income from line 16 of the income worksheet on page 8
- Provide the total applicable deduction from line 21 of the income worksheet on page 8
- If you would like to certify that a household member did not receive any income in 2019, check the box provided and attach proof such as but not limited to, documentation from the Internal Revenue Service (IRS) stating tax returns were not filed in 2018, full time student verification or a statement from Social Security Administration (SSA) stating no receipt of SSA benefits for 2018.

### Section 4: Apartment Type Information

Indicate the type of qualifying apartment you reside in. Include all required documents for the applicable apartment type.

### Section 5: Certification

After reading the certification, sign it, print your name and write the date in the spaces provided.

### Final Check and Mailing

Review your application and ensure that all questions are answered. Provide a copy of all proof of income for 2018 for yourself and all household members. If applicable, provide any additional documentation as requested in Section 4.

#### Mail your application to:

**New York City Department of Finance, SCRIE Unit**  
59 Maiden Lane, 22nd Floor  
New York, NY 10038

#### You may also submit the application in person:

**SCRIE/DRIE Walk-In Center**  
66 John Street, 3rd Floor  
New York, NY 10038  
Monday–Friday, 8:30 a.m.– 4:30 p.m.



# SCRIE Senior Citizen Rent Increase Exemption 2019 INITIAL APPLICATION

**Before you begin:**

- Make sure that you, as the primary applicant, sign the last page.
- Mail your completed application and all supporting documentation to:  
New York City Department of Finance, SCRIE Unit,  
59 Maiden Lane, 22nd Floor, New York, NY 10038.
- If you need assistance, call 311 or send us a message at [nyc.gov/contactscrie](http://nyc.gov/contactscrie).

**1. APPLICANT INFORMATION**

NAME (FIRST, LAST)		
DATE OF BIRTH (mm/dd/yyyy)	SOCIAL SECURITY NUMBER	
STREET ADDRESS		APT.
CITY	STATE	ZIP
PLEASE INDICATE HOW MANY ROOMS DOES YOUR APARTMENT HAVE _____	TELEPHONE NUMBER ( ) —	CELL NUMBER ( ) —
EMAIL ADDRESS	HAVE YOU OR YOUR SPOUSE APPLIED FOR SCRIE IN THE PAST? <input type="checkbox"/> Yes <input type="checkbox"/> No	

**2. TENANT REPRESENTATIVE INFORMATION**

You can have copies of your notices mailed to another person (in addition to you). Please provide the name and address of your representative by completing the following Tenant Representative Information Section. Note: If you do not provide a complete name and address, a notice cannot be mailed to your tenant representative.

NAME (FIRST, LAST)	RELATIONSHIP TO APPLICANT	
ORGANIZATION	TELEPHONE NUMBER ( ) —	
STREET ADDRESS		APT.
CITY	STATE	ZIP
EMAIL ADDRESS		

If you need assistance or you are unable to submit the application or documentation because of a disability related concern, please call 311 and ask for DOF's Disability Service Facilitator. If you have general questions about the SCRIE/DRIE program and how to apply, please call 311 or send us a message at [nyc.gov/contactscrie](http://nyc.gov/contactscrie) or [nyc.gov/contactdrie](http://nyc.gov/contactdrie).

# SCRIE 2019 Senior Citizen Rent Increase Exemption INITIAL APPLICATION

## 3. HOUSEHOLD MEMBERS AND INCOME

Complete the income section that follows for you (applicant) and each household member. Supporting income documents must be supplied for all household members. See *Pre-Qualifying Income Worksheet* to calculate total income.

If there are more than two additional household members living with you, provide the information on a separate sheet and attach to your application.

### Applicant:

NAME (FIRST, LAST)		
INCOME SOURCES		
<input type="checkbox"/> Social Security Administration (SSA, SSDI, SSI)	<input type="checkbox"/> Veterans Benefits	<input type="checkbox"/> Wages
<input type="checkbox"/> Pension	<input type="checkbox"/> IRA/Annuity Earnings	<input type="checkbox"/> U.S. Postal Service Benefits
<input type="checkbox"/> Capital Gains	<input type="checkbox"/> Public Assistance	<input type="checkbox"/> Rent paid to you by boarder(s): _____
<input type="checkbox"/> Business Income	<input type="checkbox"/> Workers' Compensation	<input type="checkbox"/> Other: _____
If you retired in the year 2018, please indicate retirement date: _____		
TOTAL INCOME FROM 2018	TOTAL DEDUCTIONS FOR 2018	<input type="checkbox"/> I HAD NO INCOME IN 2018

### Household Member #1:

NAME (FIRST, LAST)		
DATE OF BIRTH (mm/dd/yyyy)	SOCIAL SECURITY NUMBER	RELATIONSHIP TO THE APPLICANT
INCOME SOURCES		
<input type="checkbox"/> Social Security Administration (SSA, SSDI, SSI)	<input type="checkbox"/> Veterans Benefits	<input type="checkbox"/> Wages
<input type="checkbox"/> Pension	<input type="checkbox"/> IRA/Annuity Earnings	<input type="checkbox"/> U.S. Postal Service Benefits
<input type="checkbox"/> Capital Gains	<input type="checkbox"/> Public Assistance	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Business Income	<input type="checkbox"/> Workers' Compensation	
TOTAL INCOME FROM 2018	TOTAL DEDUCTIONS FOR 2018	<input type="checkbox"/> THIS HOUSEHOLD MEMBER HAD NO INCOME IN 2018

### Household Member #2:

NAME (FIRST, LAST)		
DATE OF BIRTH (mm/dd/yyyy)	SOCIAL SECURITY NUMBER	RELATIONSHIP TO THE APPLICANT
INCOME SOURCES		
<input type="checkbox"/> Social Security Administration (SSA, SSDI, SSI)	<input type="checkbox"/> Veterans Benefits	<input type="checkbox"/> Wages
<input type="checkbox"/> Pension	<input type="checkbox"/> IRA/Annuity Earnings	<input type="checkbox"/> U.S. Postal Service Benefits
<input type="checkbox"/> Capital Gains	<input type="checkbox"/> Public Assistance	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Business Income	<input type="checkbox"/> Workers' Compensation	
TOTAL INCOME FROM 2018	TOTAL DEDUCTIONS FOR 2018	<input type="checkbox"/> THIS HOUSEHOLD MEMBER HAD NO INCOME IN 2018

# SCRIE 2019 Senior Citizen Rent Increase Exemption INITIAL APPLICATION

## 4. APARTMENT TYPE (SELECT ONE)

**Rent Stabilized**

If checked, please submit:

- Current and prior leases signed by both you and your landlord
- Preferential or Low Income Housing Tax Credit (LIHTC) rider, if applicable

LEASE TERM (CHECK ONE)

1 YEAR

2 YEARS

Is this your first lease for this apartment?

Yes

No

I don't know

**Rent Controlled**

If checked, please submit:

- Current year (and prior year, if applicable) Notice of Increase in Maximum Base Rent and Maximum Collectible Rent Form RN-26
- Current year (and prior year, if applicable) Owner's Report and Certification, of Fuel Cost Adjustment Form RA33.10

**Rent Regulated Hotel/Single Room Occupancy (SRO)**

If checked, please submit:

- Division of Housing and Community Renewal (DHCR) annual apartment registration for current and prior year
- A letter from management or owner indicating current and prior rents

Note: If your rent increased due to a Major Capital Improvement (MCI), provide the Division of Housing and Community Renewal (DHCR) Approval Order.

## 5. CERTIFICATION

Please read carefully and sign the below certification. Your application is not complete if you do not sign.

I hereby certify under penalties provided by law that I currently reside at the address shown in this application and that the information provided is true and complete.

I understand and agree that if I fail to disclose all income from household members, as well as rental payments made to me from boarders, I may be held responsible to repay the City the full amount of any SCRIE benefits received improperly plus any interest charges.

I understand that my income is subject to income verification by the Department of Finance.

PRINT NAME OF PRIMARY APPLICANT	SIGNATURE OF PRIMARY APPLICANT	DATE
PRINT NAME OF POWER OF ATTORNEY/ COURT APPOINTED GUARDIAN	SIGNATURE OF POWER OF ATTORNEY/ COURT APPOINTED GUARDIAN	DATE

*If a Power of Attorney/Court Appointed Guardian is signing on behalf of the primary applicant, the Power of Attorney or court documentation is required.*

The Federal Privacy Act of 1974, as amended, requires agencies requesting Social Security Numbers to inform individuals from whom they seek this information as to whether compliance with the request is voluntary or mandatory, why the request is being made and how the information will be used. The disclosure of Social Security Numbers for applicants and income-earning occupants is mandatory and is required by section 11-102.1 of the Administrative Code of the City of New York. Social Security Numbers disclosed on any reports or returns are requested for tax administration purposes and will be used to facilitate the processing of reports and to establish and maintain a uniform system for identifying taxpayers who are or may be subject to taxes administered and collected by the Department of Finance. Social Security Numbers may also be disclosed as part of information contained in the taxpayer's return to another department, person, agency or entity as may be required by law, or if the applicant or income-earning occupants give written authorization to the Department of Finance.

## Before you submit your application:

- Did you check over the application to make sure all questions have been answered?
- Did you sign and date the application?
- Did you include proof of your age, such as a copy of your birth certificate or government-issued photo identification?
- Did you include proof of rent, as specified in section 4 of the application?
- Did you include proof of income for all household members, including yourself and any co-tenants, for 2018?

### To prove your income:

- Submit copies of 2018 federal and state tax returns, and any schedules/attachments, for yourself and every household member.

**OR, submit alternative income verification documents for yourself and every tenant who did not file a tax return last year. Alternative verification documents include, but are not limited to:**

- Social Security benefit statement
- IRA/annuity end-of-year statement
- Pension statement
- Signed letter from a boarder confirming rental payments
- Public assistance budget letter
- Disability/workers' compensation statements
- Student status letter for any non-working students living in the household
- Signed letters from any individuals, including friends and family members, who have loaned you money

**If you need assistance or you are unable to submit the application or documentation because of a disability related concern, please call 311 and ask for DOF's Disability Service Facilitator.**

**If you have general questions about the SCRIE/DRIE program and how to apply, please call 311 or send us a message at [nyc.gov/contactscrie](http://nyc.gov/contactscrie) or [nyc.gov/contactdrie](http://nyc.gov/contactdrie).**

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### Submit your application:

#### BY MAIL:

New York City Department of Finance  
SCRIE Unit  
59 Maiden Lane, 22nd Floor  
New York, NY 10038

#### IN PERSON:

SCRIE/DRIE Walk-In Center  
66 John Street, 3rd Floor  
New York, NY 10038  
Monday–Friday, 8:30 a.m.– 4:30 p.m.

***NOTE: This application can only be used if submitted between 1/1/2019 and 12/31/2019. You must send in all supporting documentation or your application cannot be processed.***

## SCRIE/DRIE Household Income Worksheet

### (How to figure your household income)

Please refer to the attached income worksheet. Use this worksheet as a tool to determine your total annual household income for the prior year. Complete the income section for each household member. If there are more than two additional household members living with you, provide the information on a separate sheet and attach to your application.

Before you begin, you should:

- Gather all income documents for 2018 for you and all household members.
- Enter the total amount received in the boxes provided for the corresponding income type on the income worksheet.

#### SOURCES OF INCOME:

##### Line 1 – Social Security Benefits (SSA)

Enter the total gross amount of any retirement or survivor's benefits received by you and all household members from the Social Security Administration in 2018. Refer to SSA Form 1099, IRS Form 1040. DO NOT include reimbursements under Medicare/Medicaid for medical expenses.

##### Line 2 – Social Security Disability Insurance (SSDI)

Enter Social Security Disability Income (SSDI) received by you and all household members. Refer to all benefit award letters for benefits received in 2018.

##### Line 3 – Supplemental Security Insurance (SSI)

Enter Supplemental Security Income (SSI) received in 2018 received by you and all household members. Refer to all benefit award letters for benefits received in 2018.

##### Line 4 – Veterans Affairs (VA) Disability Pension or Disability Compensation Benefits

Enter the total gross amount of all benefits for you and all household members who received VA benefits from the U.S. Department of Veterans Affairs. Submit copies of all benefit letters from the Department of Veterans Affairs indicating how much was received in 2018.

##### Line 5 – United States Postal Service (USPS) Disability Pension or Disability Compensation Benefits

Enter the total gross amount of all benefits for you and all household members who received USPS benefits from the U.S. Postal Service. Submit copies of all benefit letters from the U.S. Postal Service indicating how much was received in 2018.

##### Line 6 – Wages/Salaries/Tips

Enter the total amount of wages, salaries, and tips, received by you and all household members in 2018. Refer to W-2 box 1, 1099-MISC box 7, IRS Form 1040, NYS Form IT-201.

##### Line 7 – Pension

Enter the total amount of pension received by you and all household members in 2018.

##### Line 8 – Disability/Workers' Compensation Payments

Enter the total amount of Workers' Compensation received by you and all household members in 2018. Submit a copy of your award letter with your application.

##### Line 9 – Taxable & Non-Taxable Interest

Enter the total amount of all taxable and non-taxable interest received by you and all household members received in 2018. Refer to 1099-INT box 1, IRS Form 1040, NYS Form IT-201.

##### Line 10 – Public Assistance Cash Award

Enter the total gross amount of any cash assistance received by you and all household members in 2018. Submit copies of the budget letter with your application for all household members receiving cash assistance. SNAP/food stamps should not be included in your household income.

##### Line 11 – Business Income

Enter the net business income sources received by you and all household members in 2018. Refer to IRS Form 1040, NYS Form IT-201. Do not include a loss. Net business income is gross receipts minus expenses.

##### Line 12 – Capital Gains

Enter the total amount of any capital gains received by you and all household members in 2018. Refer to IRS Form 1040, NYS Form IT-201. DO NOT include a loss.

##### Line 13 – IRA Earnings

Enter the total amount of IRA earnings received by you and all household members in 2018. Attach a copy of your end of year earnings statement for 2018. DO NOT include total distribution amounts. DO NOT include any IRA rollovers or conversions.

##### Line 14 – Annuities Earnings

Enter the total amount of annuities earnings received by you and all household members in 2018. Attach a copy of your end of year earnings statement for 2018. DO NOT include the total distribution amounts.

##### Line 15 – All Other Income

Enter all other income received in 2018. Other income includes (but is not limited to) rental income, rent from boarders, income from estates or trusts, alimony, child support payments, gambling winnings, taxable and non taxable dividends, cancellation of debt and monetary support received from family/friends for rent.

**Line 16 – Add lines 1 through 15 and enter the amount.**

#### APPLICABLE DEDUCTIONS

##### Line 17 – Federal income taxes

(W-2 box 2 and Form 1099-federal income tax withheld box OR Form 1040)

##### Line 18 – State income taxes

(W-2 box 17 and Form 1099-state tax withheld box OR Form IT-201)

##### Line 19 – Local income taxes

(W-2 box 19; OR Form IT-201)

##### Line 20 – Social Security taxes

(W-2 box 4)

**Line 21 – Add lines 17 through 20 and enter the amount.**

#### TOTAL HOUSEHOLD INCOME

**Line 22 – Subtract line 21 from line 16 and enter the amount.**

# SCRIE/DRIE Pre-Qualifying Income Worksheet

Sources of Income Received		Applicant	Household Member #1	Household Member #2	TOTALS
1	Social Security Benefits (SSA) (SSA-1099 box 5, IRS Form 1040)	\$	\$	\$	\$ 0.00
2	Social Security Disability Insurance (SSDI) (SSDI Benefit Statement)	\$	\$	\$	\$ 0.00
3	Supplemental Security Insurance (SSI) (SSI Benefit Statement)	\$	\$	\$	\$ 0.00
4	Veterans Affairs (VA) Disability Pension or Disability Compensation Benefits (Annual Benefit Statement)	\$	\$	\$	\$ 0.00
5	United States Postal Service (USPS) Disability Pension or Disability Compensation Benefits (Annual Benefit Statement)	\$	\$	\$	\$ 0.00
6	Wages/Salaries/Tips (W-2 box 1, 1099-MISC box 7, IRS Form 1040, NYS Form IT-201)	\$	\$	\$	\$ 0.00
7	Pension (1099R box 1, total annual pension from pension statement, IRS Form 1040)	\$	\$	\$	\$ 0.00
8	Disability/Workers' Compensation Payments (Attach award letter)	\$	\$	\$	\$ 0.00
9	Taxable & Non-Taxable Interest (1099-INT box 1, IRS Form 1040)	\$	\$	\$	\$ 0.00
10	Public Assistance Cash Award (PA Budget letter)	\$	\$	\$	\$ 0.00
11	Business Income (IRS Form 1040—DO NOT include a loss, NYS Form IT-201)	\$	\$	\$	\$ 0.00
12	Capital Gains (IRS Form 1040, NYS Form IT-201—DO NOT include a loss)	\$	\$	\$	\$ 0.00
13	IRA Earnings (End of year earnings statement—DO NOT include the amount of your distribution)	\$	\$	\$	\$ 0.00
14	Annuities Earnings (End of year earnings statement—DO NOT include the amount of your distribution)	\$	\$	\$	\$ 0.00
15	All Other Income (refer to FAQ guide for a list of income sources)	\$	\$	\$	\$ 0.00
16	<b>INCOME TOTAL (Add lines 1 through 15)</b>	<b>+</b> \$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Applicable Deductions</b>					
17	Federal income taxes (W-2 box 2 and Form 1099-federal income tax withheld box OR Form 1040)	\$	\$	\$	\$ 0.00
18	State income taxes (W-2 box 17 and Form 1099-state tax withheld box OR Form IT-201)	\$	\$	\$	\$ 0.00
19	Local income taxes (W-2 box 19; OR Form IT-201)	\$	\$	\$	\$ 0.00
20	Social Security taxes (W-2 box 4)	\$	\$	\$	\$ 0.00
21	<b>DEDUCTION TOTAL (Add lines 17 through 20)</b>	<b>+</b> \$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
22	<b>TOTAL INCOME (line 16 minus line 21)</b>	<b>-</b> \$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

What is 1/3 of your monthly income?

Take total amount from line 22: \$0.00 and divide (÷) that amount by 36 = \$ 0.00

Is this amount more than the current rent you are paying?  Yes  No

If YES, you MAY NOT be eligible. However, you may continue with the application. If your application is denied, you may apply next year.

# Senior Citizen Rent Increase Exemption RENT FREEZE APPLICATION FREQUENTLY ASKED QUESTIONS (FAQs)

**Please refer to these FAQs for assistance when completing your SCRIE application.**

Please read but do not submit with your application

## 1. Who is eligible for SCRIE?

- ✓ To qualify for **SCRIE** you must be 62 years of age or older at the time that you apply.
- ✓ Your total household income (income received by you and ALL household members) cannot exceed \$50,000.
- ✓ You pay more than one-third of your household monthly income in rent.  
(NOTE: 1/3 of your monthly income cannot be more than the current rent that you are paying.)
- ✓ You must live in a rent regulated apartment (Rent Stabilized, Rent Control, or Rent Regulated Hotel).

AND

- ✓ Your name must be on the lease, Notice of Maximum Base Rent, or Rent Order as the primary applicant.

If your name is not on the lease, Notice of Maximum Base Rent, or Rent Order, you must provide proof of succession rights.

*NOTE: You must send ALL required documents with your application. If you do not send ALL required documents, your application will be returned to you.*

## 2. What can I do if I miss a deadline related to the SCRIE Program (Rent Freeze Program)?

If you needed more time to submit your application due to a disability or physical or mental impairment, you can request additional time. If you need help or have questions regarding a disability or requesting additional time, please call 311 and ask for the Department of Finance's Disability Service Facilitator; contact [nyc.gov/contactdofeeo](http://nyc.gov/contactdofeeo); or visit our office at 66 John Street, 3rd Floor, New York, N.Y., Monday to Friday, 8:30 a.m. to 4:30 p.m.

Even if you do not have a disability or physical or mental impairment, you may still qualify because of exceptional circumstances during the time to file your application. If you were hospitalized for a temporary medical condition, or your apartment was damaged by fire, flood, a natural catastrophe, or other exceptional circumstances occurred, you may submit a statement of the specific circumstances along with any documentation of your claim with your application. If you have any questions, please contact 311 or send us a message at [nyc.gov/contactscrie](http://nyc.gov/contactscrie).

## 3. Who is a tenant representative and how can they help me?

A **tenant representative** or **tenant rep** is any person you designate to receive a copy of all SCRIE notices sent to you and can assist you through the application process. Tenant representatives can be family members, friends, neighbors, or community organizations. Tenant representatives can also be anyone appointed guardianship by a court of law, such as group home leaders, attorneys, Managers of elder housing, nursing home facilities administrators, social services administrators, etc.

Having a tenant rep could possibly ease your concerns because he or she will receive important information about your application status and/or benefit. In the event that we cannot contact you, you did not receive a notice or you do not understand the notice sent to you, your tenant rep would be able to assist.

## 4. For the purpose of the Rent Freeze Program, who is considered a household member?

Household members are considered to be the primary applicant and any person who permanently resides in the apartment. A bona fide roomer, boarder or subtenant who is not related to the head of household is not considered a household member. You must list all members of the household on the application and disclose their income for the prior year (the year before you fill out your application). If any household members did not have income in the prior year, you must indicate it on the application and submit proof of no income.

**5. Who is NOT considered a household member?**

Boarders who have a rental agreement and pay rent to you are not considered household members. Family members are not considered boarders. *NOTE: boarders are not eligible for a benefit takeover.* You do not have to list boarders on your application; however you must disclose the amount of rent that is paid to you by submitting a letter from the boarder specifying how much money they pay you monthly. *DO NOT submit the income that the boarder received.*

**6. If another household member already has SCRIE or DRIE, can another member apply for SCRIE or DRIE?**

NO. The law does not permit a household to have SCRIE and DRIE at the same time.

**7. What if I had household members last year but they do not live with me at the time I apply?**

If the individual(s) lived in the household the year before you apply but do not currently live with you, there is no need to list them on your application nor is any information about their income required.

**8. What happens if the primary benefit recipient passes away or has permanently moved into a nursing home?**

If the primary benefit recipient passes away, has permanently moved into a nursing home or has otherwise permanently vacated the apartment, a household member who meets the eligibility criteria for the Rent Freeze Program, who has been listed on a previous application, and has been granted succession rights may qualify for a benefit takeover. A benefit takeover application should be filed within 6 months of the primary benefit recipient passing away or moving, or 90 days after the Department of Finance sends a revocation notice, whichever date is later.

If you are a remaining household member AND meet all the eligibility requirements for SCRIE or DRIE, you must submit the following:

- For yourself:**
  - A benefit takeover application AND
  - A lease/rent agreement reflecting you as the tenant of record or co-tenant OR
  - A letter from your building management specifying that you have succession rights to the apartment OR
  - A court order granting you succession rights to the apartment

**For primary benefit recipient:** Proof that the primary benefit recipient has passed away by providing a death certificate. For a primary benefit recipient who has permanently moved out of the apartment, proof may include a letter from a nursing home, a lease or letter from your landlord or managing agent, or federal, state or local government issued ID reflecting the new address.

**9. How do I calculate my total household income?**

Total annual household income equals your annual income plus the annual income of all household members. Total household income must be \$50,000 or less after allowable deductions. Allowable deductions are Federal, State Local, and Social Security taxes. You may calculate this by using your total 2018 amounts withheld, or by including your total taxes assessed as recorded on IRS Form 1040; Form IT-201. Note: Self-employed individuals cannot deduct Medicare payments; your Social Security taxes consist of 81% of your federal self-employment tax.

**How do I determine 1/3 of my income?**

Calculate your total annual household income and divide that by 36.



(See the *Income Worksheet* to determine your total annual household income.)

For example, if your annual household income is	then your monthly household income is	To qualify, your current monthly rent must be greater than
\$15,000.00	\$1,250.00	\$416.67
\$20,000.00	\$1,666.67	\$555.56
\$25,000.00	\$2,083.33	\$694.44
\$30,000.00	\$2,500.00	\$833.33
\$35,000.00	\$2,916.67	\$972.22
\$40,000.00	\$3,333.33	\$1,111.11
\$50,000.00	\$4,166.67	\$1,388.89

**10. How is my frozen rent determined?**

We freeze your rent either at your prior rent amount or 1/3 of your monthly income, whichever is greater.

**11. If I did not qualify in prior years, can I reapply?**

Yes. For example: If you did not qualify based on your 2017 income, and your 2018 income is less, you can reapply in 2019 and submit all required proof of income for 2018.

**12. What if I am not able to physically sign the application?**

A person with an authorized Power of Attorney (POA) or court-appointed guardian may sign documents on behalf of the primary beneficiary. Please submit the power of attorney or court order along with the application so that SCRIE can keep the information on file and ensure that copies of all SCRIE correspondence are sent to the POA or guardian.

**13. What are applicable deductions?**

Federal, State, City, and Social Security taxes are applicable deductions. You may take the larger of your taxes withheld for 2018 or your total taxes assessed. Note that Medicare payments are not an applicable deduction..

**14. What is considered income that I must report to determine eligibility?**

Below is a list of income sources that the SCRIE program considers. If you and your household members receive any income from any of these sources, you will have to enter this information on the *Income Worksheet* provided with the application and attach required proof of documentation as indicated.

- Social Security (SSA, SSI, SSDI)  
*(Attach copy of SSA-1099 or printout of SSI benefit award letter)*
- Wages/Salaries/Tips  
*(Attach W-2's including self-employment)*
- Business Income  
*(Attach Schedule C, S-Corp tax Return with K-1 or Partnership Tax Return)*
- Taxable & Non-Taxable Interest  
*(Attach all 1099-INT & year-end statements for non-taxable interest)*
- Taxable & Non-Taxable Dividends  
*(Attach all 1099-DIV and year end statements for non-taxable dividends)*
- IRA Earnings  
*(Attach a copy of interest, dividends, or capital gains earned). DO NOT include the amount of your distribution.*
- Pension, Annuities & Retirement Plans  
*(Attach 1099R statements and include taxable & non-taxable pensions)*
- Veterans Affairs (VA) Disability Pension or Disability Compensation Benefits  
*(Attach annual benefit statement)*
- United States Postal Service (USPS) Disability Pension or Disability Compensation Benefits  
*(Attach annual benefit statement)*
- Capital Gains  
*(Include capital gains statements from financial institutions).*
- Rental Income  
*(Received from all properties)*
- Rent Received from boarder
- Rental Assistance (subsidy)
- Money received from family and/or friends for rent  
*(Attach letter stating who you receive money from and how much you receive)*
- Disability/Workers' compensation payments/ Unemployment Insurance Benefits  
*(Attach award letter)*
- Income from Estates or Trusts  
*(Attach the Estate or Trust's Income Tax Return)*
- Alimony and/or Child Support Payments received by you  
*(Attach court order)*
- Gambling/Lottery Winnings *(Attach 1099-MISC)*
- Public Assistance and/or Other sources of income  
*(Attach proof)*
- Cancellation of Debt

**15. What income is excluded when determining eligibility that you do not have to report?**

- Cash gifts
- Inheritance
- Damages awarded from a personal injury lawsuit
- Energy assistance payments
- Income tax refunds
- IRA Rollovers (IRAs rolled over into other retirement accounts)
- Supplemental Nutrition Assistance Program (SNAP) benefits also formerly known as the Food Stamp Program

**16. What if you or a household member did not have income for the prior year?**

Below is a list of documents that we will accept if you report that you and/or any household member did not have any income during the prior calendar year:

- ✓ Verification of IRS Non-Filing letter OR
- ✓ Full time student verification letter OR
- ✓ A letter from the Social Security Administration indicating that you did not receive benefits during 2018

**17. What Social Security documents are acceptable as proof of income?**

- ✓ The best proof is an SSA-1099 Form for the year prior to the one that you are applying. For example: if you are applying in 2019, you must submit an SSA-1099 Form for 2018.
- ✓ If you are receiving SSI benefits, please provide a letter from Social Security which provides a summary of your SSI payments for the prior year.

**18. I permanently retired within the prior year and my income is not the same this year. What income information do I need to submit?**

You must submit your total income for the prior year including your wages, retirement income, and a letter from your former employer indicating your date of retirement. We will project your retirement income over 12 months.

**19. Is my apartment eligible?**

Your apartment must be a Rent Stabilized, Rent Controlled, or Rent Demand/Single Room Occupancy (SRO).

If you live in a Mitchell-Lama, Limited Dividend, Redevelopment, Housing Development Fund Company (HDFO) Cooperative, Section 213 Cooperative, the SCRIE program is administered by the Department of Housing Preservation and Development (HPD) at 100 Gold Street, Room 7M, New York, NY 10038. For SCRIE Mitchell-Lama applications and more information from HPD, call 212-863-8494 or visit [nyc.gov/hpd](http://nyc.gov/hpd).

**20. What apartment types are not eligible?**

If your apartment is non rent regulated (fair market rent), you are not eligible.

If your apartment is a non rent regulated cooperative, you are not eligible.

If your apartment is Mitchell-Lama, you are not eligible to apply for SCRIE through the Department of Finance. Please contact the Department of Housing Preservation and Development (HPD at 100 Gold Street, Room 7M, New York, NY 10038. For SCRIE Mitchell-Lama applications and more information from HPD, call 212-863-8494 or visit [nyc.gov/hpd](http://nyc.gov/hpd).

If you are receiving a Section 8 subsidy, you are not eligible.

If you live in a 1, 2, or 3 family home, you are not eligible.

If you have a sublease, you are not eligible.

If you live in an apartment in a NYCHA development, you are not eligible.

If you live outside of Manhattan, the Bronx, Brooklyn, Queens, or Staten Island, you are not eligible.

**21. What documentation must I submit for proof that my apartment is rent regulated?**

**For Rent Stabilized:** You must submit your current lease (the lease that you are in at the time that you apply) and your prior lease (the lease that expired before your current lease began). The leases must be signed by you and your landlord.

**For Rent Controlled Tenants:** You must submit your current and prior Notice of Maximum Collectible Rent (Form RN-26) along with your current and prior Owner's report and certification of fuel cost adjustment also known as fuel cost adjustment form (Form RA33.10).

**For Tenants In Rent Regulated Hotels, Single Room Occupancy Unit (SRO):** You must submit a rent increase letter signed by your landlord and a copy of the DHCR Rent History or DHCR apartment registration.

**22. I pay a rent amount that is less than the legal rent (this is often referred to as preferential rent), how is my frozen rent calculated?**

We generally freeze rent at the legal rent amount. However, there are some exceptions in the following scenarios:

- i) if you have a lease that is accompanied by a preferential rent lease rider that explicitly states that the lower rent will remain for the lifetime of your tenancy, your rent will be frozen at the prior preferential rent or 1/3 of your monthly income, whichever is greater.
- ii) If you live in a Low-Income Housing Tax Credit (LIHTC) unit and you provide a LIHTC rent rider, your rent will be frozen at your prior LIHTC rent amount or 1/3 of your monthly income, whichever is greater.

**23. I have Major Capital Improvement (MCI) charges, will SCRIE pay for this?**

YES. If the Major Capital Improvement (MCI) Order was issued within 90 days of your application date, Finance will pick up the increase.

*NOTE: If the Major Capital Improvement (MCI) Order was issued more than 90 days before you submitted your application, you will be responsible for paying the MCI increase. The MCI will be added to your frozen rent amount.*

**24. Who can I contact if I have questions regarding my benefit or application process?**

If you have access to a computer, you can submit an inquiry on the Department of Finance website by visiting [nyc.gov/contactscrie](http://nyc.gov/contactscrie) for questions about SCRIE. You may also call 311 or visit our Walk-In Center at:

66 John Street, 3rd Floor

New York, NY, 10038

Hours of Operation: Monday–Friday, 8:30 a.m.– 4:30 p.m.

If you need assistance or you are unable to submit the application or documentation because of a disability related concern, please call 311 and ask for DOF's Disability Service Facilitator. If you have general questions about the SCRIE/DRIE program and how to apply, please call 311 or send us a message at [nyc.gov/contactscrie](http://nyc.gov/contactscrie) or [nyc.gov/contactdrie](http://nyc.gov/contactdrie).

**25. Who can I contact if I do not understand a decision that was made regarding my application or benefit?**

All Rent Freeze Program applicants who have received an official exemption approval, denial, or revocation notice have the right to get help resolving concerns with their SCRIE/DRIE application and benefit. The SCRIE/DRIE Ombudsperson can identify and resolve issues with your application or benefit after you have completed the application process. You may contact them by visiting the DOF website at [nyc.gov/contactscrieombuds](http://nyc.gov/contactscrieombuds) for help with SCRIE or [nyc.gov/contactdrieombuds](http://nyc.gov/contactdrieombuds) for help with DRIE.

**26. How can I obtain forms?**

All forms can be downloaded by visiting our website at [nyc.gov/rentfreeze](http://nyc.gov/rentfreeze). Forms are also available in our Walk-In Center. You can also request a form to be mailed to you by calling 311.

**27. What can I do if I have any issues regarding my lease or to dispute my legal rent amount?**

For lease inquiries, to resolve rent disputes, or to file a complaint because your landlord has not provided a lease, tenants can contact the Division of Housing and Community Renewal (DHCR). DHCR can be contacted:

**In Person:** Gertz Plaza, 92-31 Union Hall Street, Jamaica, New York 11433

**By Phone:** 718-739-6400

**By Email:** [RentInfo@nyshcr.org](mailto:RentInfo@nyshcr.org)



**SCRIE**  
**2019**

Senior Citizen Rent Increase Exemption  
RENEWAL INSTRUCTIONS

Please complete but do not submit with your application

**Are you eligible for SCRIE Renewal?**

Please answer the following questions:

Do you still live at the same address?

Yes  No

Is your total 2018 annual household income (received by you and all household members) \$50,000 or less, after allowable deductions?

Yes  No

Do you pay more than 1/3 of your monthly income in rent?  
*(applies only if your SCRIE benefit began after July 1, 2015)*

Yes  No

**If you answered YES to all the above questions, please continue with the renewal application.**

**Your renewal application must be filed within six months of the benefit expiration. If you require additional time or need help, see the Frequently Asked Questions (FAQs) for other options.**

If due to a disability you need an accommodation in order to apply for and receive a service, or to participate in a program offered by the Department of Finance, please contact the Disability Service Facilitator at [nyc.gov/contactdofeeo](http://nyc.gov/contactdofeeo) or call 311.

**Your application cannot be processed without the following:**

- ✓ Household income (Section 3) must be completely filled out.
- ✓ Renewal application must be signed (Section 5)
- ✓ Proof of 2018 income for ALL household members, including yourself. (See the checklist on page 7 for more information.)

**Additional rental documents:**

**Rent Stabilized Apartment**

- ✓ Renewal lease that has been signed by you and your landlord. In lieu of the lease, you may submit a Certification of No Renewal Lease form and other proof of residency such as a current utility bill if your landlord has failed to provide a lease (for this renewal period). This Certification of No Renewal Lease form is available on our website at [nyc.gov/rentfreeze](http://nyc.gov/rentfreeze) or you may call 311 to request a copy to be mailed to you.  
*Note: this Certification of No Renewal Lease form is in addition to your completed Renewal Application form and can only be used for one renewal cycle. You must make every effort to request and submit the lease.*

**Rent Controlled Apartment**

- ✓ If available, you must submit a Notice of Maximum Collectible Rent form RN-26 for 2018 and 2019 and an Owner's Report and Certification of Fuel Cost Adjustment form RA33.10 for 2018 and 2019. If you have not received these two forms yet, submit your renewal application with your household income information for processing. Submit the additional forms once available.

**Rent Demand/Hotel Stabilized/SRO Apartment**

- ✓ Letter from the Management/Owner indicating your prior and new rent amounts.

Note: If your rent increased due to a Major Capital Improvement (MCI), provide the Division of Housing and Community Renewal (DHCR) Approval Order. If your rent increased due to any other reason, please attach a copy of the agreement between you and your landlord.

## How to Complete the SCRIE Renewal Application

Print the date you are completing the application and docket number. Your docket number can be found on any notice sent to you from SCRIE.

### Section 1: Applicant Information

For the applicant, provide the first and last name, date of birth, Social Security Number and full address. If available, provide a primary phone number, cell phone number, and email address.

### Section 2: Tenant Representative

It is strongly recommended that all applicants provide a tenant representative. This person can get copies of all notices sent to the primary applicant. Use this space to change or add a tenant representative's contact details.

### Section 3: Household Income

You must list the total annual income for you (the applicant) and all household members for 2018

#### Applicant Income completion

- Use the income check boxes to indicate all sources of income for each household member. Indicate any other income, if applicable.
- Provide the total income from the income worksheet.
- Provide the total applicable deduction from the income worksheet.
- If you would like to certify that you did not receive any income in 2018, check the box provided and attach proof such as but not limited to, documentation from the Internal Revenue Service (IRS) stating tax returns were not filed in 2018 or a statement from Social Security Administration (SSA) stating no receipt of SSA benefits for 2018.

Now that you have completed your income information, you will need to complete the income section for each household member. If there are more than two additional household members living with you, provide the information on a separate sheet and attach to your application. Do not forget to attach proof of 2018 income for you and all household members.

#### Household Income completion

- Write the first and last name of the household member.
- Provide the date of birth, Social Security Number in the space provided.
- Provide each household member's relationship to the primary applicant, for example spouse, parent, daughter/son, granddaughter/grandson.
- Use the income check boxes to indicate all sources of income for household member. Indicate any other income, if applicable.
- Provide the total income from the income worksheet.
- Provide the total applicable deduction from the income worksheet.
- If you would like to certify that a household member did not receive any income in 2018, check the box provided and attach proof such as but not limited to, documentation from the Internal Revenue Service (IRS) stating tax returns were not filed in 2018, full time student verification or a statement from Social Security Administration (SSA) stating no receipt of SSA benefits for 2018.

### Section 4: Rent Information

Indicate the type of apartment you live in. Take note of the documents that are being requested based on your apartment type and include it with your application.

### Section 5: Certification

After reading the certification, sign it, print your name and write the date in the spaces provided.

### Final Check and Mailing

Review your application and ensure that all questions are answered. Provide a copy of all proof of income for 2018 for yourself and all household members. If applicable, provide any additional documentation as requested in Section 4.

#### Mail your application to:

**New York City Department of Finance, SCRIE Unit**  
59 Maiden Lane, 22nd Floor  
New York, NY 10038

#### You may also submit the application in person:

**SCRIE/DRIE Walk-In Center**  
66 John Street, 3rd Floor  
New York, NY 10038  
Monday–Friday, 8:30 a.m.– 4:30 p.m.



# SCRIE Senior Citizen Rent Increase Exemption 2019 RENEWAL APPLICATION

Please be sure that the **PRIMARY APPLICANT** signs the last page of this application.

Mail completed application to:  
New York City Department of Finance, SCRIE Unit, 59 Maiden Lane, 22nd Floor, New York, NY 10038  
PLEASE PRINT

DATE	SCRIE DOCKET NUMBER
------	---------------------

## 1. APPLICANT INFORMATION

NAME (FIRST, LAST)		
DATE OF BIRTH (mm/dd/yyyy)	SOCIAL SECURITY NUMBER	
STREET ADDRESS		APT.
CITY	STATE	ZIP
TELEPHONE NUMBER ( ) -	CELL PHONE NUMBER ( ) -	
EMAIL ADDRESS		

## 2. TENANT REPRESENTATIVE INFORMATION

If you previously provided a Tenant Representative and that information has changed, please provide the updated information. If you did not have a Tenant Representative and you want copies of your notices sent to another person (in addition to you), please select a representative and complete the following:

NAME (FIRST, LAST)	RELATIONSHIP TO APPLICANT	
ORGANIZATION	TELEPHONE NUMBER ( ) -	
STREET ADDRESS		APT.
CITY	STATE	ZIP
EMAIL ADDRESS		

# SCRIE 2019 Senior Citizen Rent Increase Exemption RENEWAL APPLICATION

## 3. HOUSEHOLD MEMBERS AND INCOME

Complete the income section that follows for you (applicant) and each household member. Supporting income documents must be supplied for all household members. See Household Income Worksheet (pages 8-9) to calculate total income.

If there are more than two additional household members living with you, provide the information on a separate sheet and attach to your application.

### Applicant:

NAME (FIRST, LAST)		
INCOME SOURCES		
<input type="checkbox"/> Social Security Administration (SSA, SSDI, SSI)	<input type="checkbox"/> Veterans Benefits	<input type="checkbox"/> Wages
<input type="checkbox"/> Pension	<input type="checkbox"/> IRA/Annuity Earnings	<input type="checkbox"/> Workers' Compensation
<input type="checkbox"/> Capital Gains	<input type="checkbox"/> Public Assistance	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Business Income	<input type="checkbox"/> Rent paid to you by boarder(s): _____	
TOTAL INCOME FROM 2018	TOTAL DEDUCTIONS FOR 2018	<input type="checkbox"/> I HAD NO INCOME IN 2018

### Household Member #1:

NAME (FIRST, LAST)		
DATE OF BIRTH (mm/dd/yyyy)	SOCIAL SECURITY NUMBER	RELATIONSHIP TO THE APPLICANT
INCOME SOURCES		
<input type="checkbox"/> Social Security Administration (SSA, SSDI, SSI)	<input type="checkbox"/> Veterans Benefits	<input type="checkbox"/> Wages
<input type="checkbox"/> Pension	<input type="checkbox"/> IRA/Annuity Earnings	<input type="checkbox"/> Workers' Compensation
<input type="checkbox"/> Capital Gains	<input type="checkbox"/> Public Assistance	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Business Income		
TOTAL INCOME FROM 2018	TOTAL DEDUCTIONS FOR 2018	<input type="checkbox"/> THIS HOUSEHOLD MEMBER HAD NO INCOME IN 2018

# SCRIE 2019 Senior Citizen Rent Increase Exemption RENEWAL APPLICATION

## 3. HOUSEHOLD MEMBERS AND INCOME (CONTINUED)

### Household Member #2:

NAME (FIRST, LAST)		
DATE OF BIRTH (mm/dd/yyyy)	SOCIAL SECURITY NUMBER	RELATIONSHIP TO THE APPLICANT
INCOME SOURCES <input type="checkbox"/> Social Security Administration (SSA, SSDI, SSI) <input type="checkbox"/> Veterans Benefits <input type="checkbox"/> Wages <input type="checkbox"/> Pension <input type="checkbox"/> IRA/Annuity Earnings <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Interest <input type="checkbox"/> Capital Gains <input type="checkbox"/> Public Assistance <input type="checkbox"/> Other: _____ <input type="checkbox"/> Business Income		
TOTAL INCOME FROM 2018	TOTAL DEDUCTIONS FOR 2018	<input type="checkbox"/> THIS HOUSEHOLD MEMBER HAD NO INCOME IN 2018

*If you have more than two household members living with you, provide information on a separate sheet.*

## 4. RENT INFORMATION

What is your Apartment type? (please check one)

Apartment Type	Required Documents to Submit
<input type="checkbox"/> Rent Stabilized	Please submit your renewal lease signed by you and your landlord that indicates a one or two year lease term.
<input type="checkbox"/> Rent Controlled	If available, include a copy of the Maximum Collectible Rent form RN-26 and Fuel Cost Adjustment (FCA) form RA33.10 for 2018 and 2019.
<input type="checkbox"/> Hotel Stabilized/SRO/ Rent Demand	Include a copy of your rental agreement letter from the Management/Owner indicating your prior and new rent amount.

Note: If your rent increased due to a Major Capital Improvement (MCI), provide the Division of Housing and Community Renewal (DHCR) Approval Order. If your rent increased due to any other reason, please attach a copy of the agreement between you and your landlord.

# SCRIE 2019 Senior Citizen Rent Increase Exemption RENEWAL APPLICATION

## 5. CERTIFICATION

Please read carefully and sign the below certification. Your application is not complete if you do not sign.

I hereby certify under penalties provided by law that I currently reside at the address shown in this application and that the information provided is true and complete.

I understand and agree that if I fail to disclose all income from household members, as well as rental payments made to me from boarders, I may be held responsible to repay the City the full amount of any SCRIE benefits received improperly plus any interest charges.

I understand that my income is subject to income verification by the Department of Finance.

PRINT NAME OF PRIMARY APPLICANT	SIGNATURE OF PRIMARY APPLICANT	DATE
PRINT NAME OF POWER OF ATTORNEY/ COURT APPOINTED GUARDIAN	SIGNATURE OF POWER OF ATTORNEY/ COURT APPOINTED GUARDIAN	DATE

*If a Power of Attorney/Court Appointed Guardian is signing on behalf of the primary applicant, the Power of Attorney or court documentation is required*

The Federal Privacy Act of 1974, as amended, requires agencies requesting Social Security Numbers to inform individuals from whom they seek this information as to whether compliance with the request is voluntary or mandatory, why the request is being made and how the information will be used. The disclosure of Social Security Numbers for applicants and income-earning occupants is mandatory and is required by section 11-102.1 of the Administrative Code of the City of New York. Social Security Numbers disclosed on any reports or returns are requested for tax administration purposes and will be used to facilitate the processing of reports and to establish and maintain a uniform system for identifying taxpayers who are or may be subject to taxes administered and collected by the Department of Finance. Social Security Numbers may also be disclosed as part of information contained in the taxpayer's return to another department, person, agency or entity as may be required by law, or if the applicant or income-earning occupants give written authorization to the Department of Finance.

***NOTE: This application can only be used if submitted between 1/1/2019 and 12/31/2019.  
You must send in all supporting documentation or your application cannot be processed.***

If you need assistance or you are unable to submit the application or documentation because of a disability related concern, please call 311 and ask for DOF's Disability Service Facilitator.

If you have general questions about the SCRIE/DRIE program and how to apply, please call 311 or send us a message at [nyc.gov/contactscrie](http://nyc.gov/contactscrie) or [nyc.gov/contactdrie](http://nyc.gov/contactdrie).

Please read but do not submit with your application

## Did you...

- Check over the application to make sure all questions have been answered?
- Sign and date the Certification section on the prior page?
- Include proof of income for ALL household members including yourself for 2018? Proof of income includes, but not limited to:
  - ✓ Income tax returns
  - ✓ Social Security benefit statement
  - ✓ IRA/Annuity statement, including earnings statement
  - ✓ Pension statement
  - ✓ Signed letter from boarder stating rental payments
  - ✓ 1099/W2 statement
  - ✓ Public assistance budget statement
  - ✓ Student status letter for any non-working students living in your household
  - ✓ Signed letter from a friend/family stating amount of monetary assistance
- Obtain a copy of your rental documents indicated in section 4 of the application?
- If applicable, include a copy of the DHCR approval order for any Major Capital Improvements (MCI) or agreement for any individual apartment improvement?

**If you need assistance or you are unable to submit the application or documentation because of a disability related concern, please call 311 and ask for DOF's Disability Service Facilitator. If you have general questions about the SCRIE/DRIE program and how to apply, please call 311 or send us a message at [nyc.gov/contactscrie](http://nyc.gov/contactscrie) or [nyc.gov/contactdrie](http://nyc.gov/contactdrie).**

### Submit your application:

#### BY MAIL:

New York City Department of Finance  
SCRIE Unit  
59 Maiden Lane, 22nd Floor  
New York, NY 10038

#### IN PERSON:

SCRIE/DRIE Walk-In Center  
66 John Street, 3rd Floor  
New York, NY 10038  
Monday–Friday, 8:30 a.m.– 4:30 p.m.

***NOTE: This application can only be used if submitted between 1/1/2019 and 12/31/2019. You must send in all supporting documentation or your application cannot be processed.***

# SCRIE/DRIE Household Income Worksheet

## (How to figure your household income)

Please refer to the attached income worksheet. Use this worksheet as a tool to determine your total annual household income for the prior year. Complete the income section for each household member. If there are more than two additional household members living with you, provide the information on a separate sheet and attach to your application.

Before you begin, you should:

- Gather all income documents for 2018 for you and all household members.
- Enter the total amount received in the boxes provided for the corresponding income type on the income worksheet.

### SOURCES OF INCOME:

#### Line 1 – Social Security Benefits (SSA)

Enter the total gross amount of any retirement or survivor's benefits received by you and all household members from the Social Security Administration in 2018. Refer to SSA Form 1099, IRS Form 1040. DO NOT include reimbursements under Medicare/Medicaid for medical expenses.

#### Line 2 – Social Security Disability Insurance (SSDI)

Enter Social Security Disability Income (SSDI) received by you and all household members. Refer to all benefit award letters for benefits received in 2018.

#### Line 3 – Supplemental Security Insurance (SSI)

Enter Supplemental Security Income (SSI) received in 2018 received by you and all household members. Refer to all benefit award letters for benefits received in 2018.

#### Line 4 – Veterans Affairs (VA) Disability Pension or Disability Compensation Benefits

Enter the total gross amount of all benefits for you and all household members who received VA benefits from the U.S. Department of Veterans Affairs. Submit copies of all benefit letters from the Department of Veterans Affairs indicating how much was received in 2018.

#### Line 5 – United States Postal Service (USPS) Disability Pension or Disability Compensation Benefits

Enter the total gross amount of all benefits for you and all household members who received USPS benefits from the U.S. Postal Service. Submit copies of all benefit letters from the U.S. Postal Service indicating how much was received in 2018.

#### Line 6 – Wages/Salaries/Tips

Enter the total amount of wages, salaries, and tips, received by you and all household members in 2018. Refer to W-2 box 1, 1099-MISC box 7, IRS Form 1040, NYS Form IT-201.

#### Line 7 – Pension

Enter the total amount of pension received by you and all household members in 2018.

#### Line 8 – Disability/Workers' Compensation Payments

Enter the total amount of Workers' Compensation received by you and all household members in 2018. Submit a copy of your award letter with your application.

#### Line 9 – Taxable & Non-Taxable Interest

Enter the total amount of all taxable and non-taxable interest received by you and all household members received in 2018. Refer to 1099-INT box 1, IRS Form 1040, NYS Form IT-201.

#### Line 10 – Public Assistance Cash Award

Enter the total gross amount of any cash assistance received by you and all household members in 2018. Submit copies of the budget letter with your application for all household members receiving cash assistance. SNAP/food stamps should not be included in your household income.

#### Line 11 – Business Income

Enter the net business income sources received by you and all household members in 2018. Refer to IRS Form 1040, NYS Form IT-201. Do not include a loss. Net business income is gross receipts minus expenses.

#### Line 12 – Capital Gains

Enter the total amount of any capital gains received by you and all household members in 2018. Refer to IRS Form 1040, NYS Form IT-201. DO NOT include a loss.

#### Line 13 – IRA Earnings

Enter the total amount of IRA earnings received by you and all household members in 2018. Attach a copy of your end of year earnings statement for 2018. DO NOT include total distribution amounts. DO NOT include any IRA rollovers or conversions.

#### Line 14 – Annuities Earnings

Enter the total amount of annuities earnings received by you and all household members in 2018. Attach a copy of your end of year earnings statement for 2018. DO NOT include the total distribution amounts.

#### Line 15 – All Other Income

Enter all other income received in 2018. Other income includes (but is not limited to) rental income, rent from boarders, income from estates or trusts, alimony, child support payments, gambling winnings, taxable and non taxable dividends, cancellation of debt and monetary support received from family/friends for rent.

**Line 16 – Add lines 1 through 15 and enter the amount.**

### APPLICABLE DEDUCTIONS

#### Line 17 – Federal income taxes

(W-2 box 2 and Form 1099-federal income tax withheld box OR Form 1040)

#### Line 18 – State income taxes

(W-2 box 17 and Form 1099-state tax withheld box OR Form IT-201)

#### Line 19 – Local income taxes

(W-2 box 19; OR Form IT-201)

#### Line 20 – Social Security taxes

(W-2 box 4)

**Line 21 – Add lines 17 through 20 and enter the amount.**

### TOTAL HOUSEHOLD INCOME

**Line 22 – Subtract line 21 from line 16 and enter the amount.**

## Household Income Worksheet

Sources of Income Received		Applicant	Household Member #1	Household Member #2	TOTALS
1	Social Security Benefits (SSA) (SSA-1099 box 5, IRS Form 1040)	\$	\$	\$	\$ 0.00
2	Social Security Disability Insurance (SSDI) (SSDI Benefit Statement)	\$	\$	\$	\$ 0.00
3	Supplemental Security Insurance (SSI) (SSI Benefit Statement)	\$	\$	\$	\$ 0.00
4	Veterans Affairs (VA) Disability Pension or Disability Compensation Benefits (Annual Benefit Statement)	\$	\$	\$	\$ 0.00
5	United States Postal Service (USPS) Disability Pension or Disability Compensation Benefits (Annual Benefit Statement)	\$	\$	\$	\$ 0.00
6	Wages/Salaries/Tips (W-2 box 1, 1099-MISC box 7, IRS Form 1040, NYS Form IT-201)	\$	\$	\$	\$ 0.00
7	Pension (1099R box 1, total annual pension from pension statement, IRS Form 1040)	\$	\$	\$	\$ 0.00
8	Disability/Workers' Compensation Payments (Attach award letter)	\$	\$	\$	\$ 0.00
9	Taxable & Non-Taxable Interest (1099-INT box 1, IRS Form 1040)	\$	\$	\$	\$ 0.00
10	Public Assistance Cash Award (PA Budget letter)	\$	\$	\$	\$ 0.00
11	Business Income (IRS Form 1040—DO NOT include a loss, NYS Form IT-201)	\$	\$	\$	\$ 0.00
12	Capital Gains (IRS Form 1040, NYS Form IT-201—DO NOT include a loss)	\$	\$	\$	\$ 0.00
13	IRA Earnings (End of year earnings statement—DO NOT include the amount of your distribution)	\$	\$	\$	\$ 0.00
14	Annuities Earnings (End of year earnings statement—DO NOT include the amount of your distribution)	\$	\$	\$	\$ 0.00
15	All Other Income (refer to FAQ guide for a list of income sources)	\$	\$	\$	\$ 0.00
16	<b>INCOME TOTAL (Add lines 1 through 15)</b>	<b>+</b> \$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Applicable Deductions</b>					
17	Federal income taxes (W-2 box 2 and Form 1099-federal income tax withheld box <u>OR</u> Form 1040)	\$	\$	\$	\$ 0.00
18	State income taxes (W-2 box 17 and Form 1099-state tax withheld box <u>OR</u> Form IT-201)	\$	\$	\$	\$ 0.00
19	Local income taxes (W-2 box 19; <u>OR</u> Form IT-201)	\$	\$	\$	\$ 0.00
20	Social Security taxes (W-2 box 4)	\$	\$	\$	\$ 0.00
21	<b>DEDUCTION TOTAL (Add lines 17 through 20)</b>	<b>+</b> \$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
22	<b>TOTAL INCOME (line 16 minus line 21)</b>	<b>-</b> \$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Complete this section only if your benefit began after July 1, 2015

What is 1/3 of your monthly income?

Take total amount from line 22: \$0.00 and divide (÷) that amount by 36 = \$ 0.00

Is this amount more than the current rent you are paying?  Yes  No

If YES, you MAY NOT be eligible. However, you may continue with the application. If your application is denied, you may apply next year.

## Frequently Asked Questions

### 1. What is the Rent Freeze Program?

The Rent Freeze Program refers to the Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) program.

### 2. What is the one-third income eligibility check and how can it affect my SCRIE benefit?

If you applied to and you were approved for the SCRIE program as a new applicant after July 1, 2015, your renewal application is subject to a one-third income eligibility check. The Department of Finance will add up the annual income for you and all household members and divide this amount by 36. The result is one-third of your monthly household income. We then compare your one-third monthly household income to your new rent on your renewal lease as well as to your frozen rent. If one-third of your monthly household income is greater than your new rent then you would no longer be eligible for SCRIE benefit. If one-third of your monthly household income is less than your new rent but greater than your frozen rent, we will increase your frozen rent to one-third of your monthly household income.

If you entered the SCRIE program on or prior to July 1, 2015, your renewal application will not be subject to the one-third income eligibility check.

### 3. When am I required to renew my benefit?

All SCRIE recipients are required to file a renewal application every year or every two years. Your approval orders will always list the benefit period. SCRIE renewal applications are mailed approximately 60 days prior to a recipient's benefit expiration. If you do not receive a renewal application in the mail for any reason, renewal applications are available by visiting [nyc.gov/rentfreeze](http://nyc.gov/rentfreeze) or by calling 311 and requesting that one be mailed to you.

### 4. What happens if the primary benefit recipient moves?

If the primary benefit recipient moves to another rent-regulated apartment, the primary benefit recipient must file an Apartment Benefit Transfer Application to transfer your exemption to the new apartment.

### 5. I live in a rent-stabilized apartment. What if I pay a rent lower than the legal rent amount listed on my lease? And how is my frozen rent calculated?

If you have a preferential rent agreement with your landlord, the rent you pay may be lower than your frozen rent amount. You can continue to pay the lower amount for as long as you have the preferential rent agreement with your landlord.

We generally freeze your rent at the legal rent amount, with the following exceptions:

- i) If your lease is accompanied by a preferential rent lease rider that explicitly states that the lower rent will remain for the lifetime of your tenancy, your rent will be frozen at the prior preferential rent amount or 1/3 of your monthly income, whichever is greater.
- ii) If you live in a low-income housing tax credit (LIHTC) unit and you provide a LIHTC rent rider, your rent will be frozen at your prior LIHTC rent amount or 1/3 of your monthly income, whichever is greater.

### 6. For the purpose of the Rent Freeze Program, who is considered a household member?

Household members are considered to be the primary applicant and any person who permanently resides in the apartment. A bona fide roomer, boarder or subtenant who is not related to the head of household is not considered a household member. You must list all members of the household on the application and disclose their income for the prior year (the year before you submit your application). If any household members did not have income in the prior year, you must indicate it on the application and submit proof of no income. *Note that only household members that have been listed on a prior application can apply for a benefit takeover.*

### 7. Who is NOT considered a household member?

Boarders who have a rental agreement and pay rent to you are not considered household members. Family members are not considered boarders. *NOTE: boarders are not eligible for a benefit takeover.* You do not have to list boarders on your application; however you must disclose the amount of rent that is paid to you by submitting a letter from the boarder specifying how much money they pay you monthly. *DO NOT submit the income that the boarder received.*

### 8. What if I am not able to physically sign the application?

A person with an authorized power of attorney (POA) or court-appointed guardian may sign documents on behalf of the primary beneficiary. Please submit the power of attorney authorization or court order along with the application so that SCRIE can keep the information on file and ensure that copies of all SCRIE correspondence are sent to the POA or guardian.

### 9. What are applicable deductions?

Federal, State, City, and Social Security taxes are applicable deductions. You may take the larger of your taxes withheld for 2018 or your total taxes assessed. Note that Medicare payments are not an applicable deduction.

### 10. What is considered income that I must report to determine eligibility?

Below is a list of income sources that the SCRIE program considers. If you and your household members receive any income from any of these sources, you will have to enter this information on the Income Worksheet provided with the application and attach required proof of documentation as indicated.

- Social Security (SSA, SSI, SSDI)  
*(Attach copy of SSA-1099 or printout of SSI benefit award letter)*
- Salaries/Wages/Tips  
*(Attach W-2's including self-employment)*
- Business Income  
*(Attach Schedule C, S-Corp tax Return with K-1 or Partnership Tax Return)*
- Taxable & Non-Taxable Interest  
*(Attach all 1099-INT & year-end statements for non-taxable interest)*
- Taxable & Non-Taxable Dividends  
*(Attach all 1099-DIV and year end statements for non-taxable dividends)*
- IRA Earnings  
*(Attach a copy of interest, dividends, or capital gains earned). DO NOT include the amount of your distribution.*
- Pension, Annuities & Retirement Plans  
*(Attach 1099R statements and include taxable & non-taxable pensions)*
- Veterans Affairs (VA) Disability Pension or Disability Compensation Benefits  
*(Attach annual benefit statement)*
- United States Postal Service (USPS) Disability Pension
- Disability Compensation Benefits  
*(Attach annual benefit statement)*
- Capital Gains  
*(Include tax-deferred capital gain distributions statement from financial institution)*
- Rental Income  
*(Received from all properties)*
- Rent Received from boarder
- Rental Assistance (subsidy)
- Disability/Workers' compensation payments/ Unemployment Insurance Benefits  
*(Attach award letter)*
- Income from Estates or Trusts  
*(Attach the Estate or Trust's Income Tax Return)*
- Alimony and/or Child Support Payments received by you  
*(Attach court order)*
- Money received from family and/or friends for rent  
*(Attach letter stating who you receive money from and how much you receive)*
- Gambling/Lottery Winnings *(Attach 1099-MISC)*
- Public Assistance and/or Other sources of income  
*(Attach proof)*
- Cancellation of Debt

### 11. What income is excluded when determining eligibility that you do not have to report?

- Cash gifts
- Inheritance
- Damages awarded from a personal injury lawsuit
- Energy assistance payments
- Income tax refunds
- IRA Rollovers (IRAs rolled over into other retirement accounts)
- Supplemental Nutrition Assistance Program (SNAP) benefits also formerly known as the Food Stamp Program

### 12. What if you or a household member did not have income for the prior year?

Below is a list of documents that we will accept if you report that you and/or any household member did not have any income during the prior calendar year:

- ✓ Verification of IRS Non-Filing letter OR
- ✓ Full time student verification letter OR
- ✓ A letter from the Social Security Administration indicating that you did not receive benefits during 2018

### 13. Who can I contact if I have questions regarding my benefit or application process?

If you have access to a computer, you can submit an inquiry on the Department of Finance website by visiting [nyc.gov/contactscrie](http://nyc.gov/contactscrie) for questions about SCRIE. You may also call 311 or visit our Walk-In Center at:

66 John Street, 3rd Floor  
New York, NY, 10038

Hours of Operation: Monday–Friday, 8:30 a.m.– 4:30 p.m.

If you need assistance or you are unable to submit the application or documentation because of a disability related concern, please call 311 and ask for DOF's Disability Service Facilitator. If you have general questions about the SCRIE/DRIE program and how to apply, please call 311 or send us a message at [nyc.gov/contactscrie](http://nyc.gov/contactscrie) or [nyc.gov/contactdrie](http://nyc.gov/contactdrie).

### 14. Who can I contact if I do not understand a decision that was made regarding my application or benefit?

All Rent Freeze Program applicants who have received an official exemption approval, denial, or revocation notice have the right to get help resolving concerns with their SCRIE/DRIE application and benefit. The SCRIE/DRIE Ombudsperson can identify and resolve issues with your application or benefit after you have completed the application process. You may contact them by visiting the DOF website at [nyc.gov/contactscrieombuds](http://nyc.gov/contactscrieombuds) for help with SCRIE or [nyc.gov/contactdrieombuds](http://nyc.gov/contactdrieombuds) for help with DRIE.

### 15. What can I do if I missed the six months deadline to file my renewal application or any other deadline related to the Rent Freeze Program (RFP) program?

If you needed more time to submit your application or meet any other deadline due to a disability or physical or mental impairment, you can request additional time. If you need help or have questions regarding a disability or requesting additional time, please call 311 and ask for the Department of Finance's Disability Service Facilitator; contact [nyc.gov/contactdofeeo](http://nyc.gov/contactdofeeo); or visit our office at 66 John Street, 3rd Floor, New York, N.Y., Monday to Friday, 8:30 a.m. to 4:30 p.m.

Even if you do not have a disability or physical or mental impairment, you may still qualify if you missed the deadline because of exceptional circumstances during the time to file your application and your benefit expired fewer than 12 months ago. If you were hospitalized for a temporary medical condition, or your apartment was damaged by fire, flood, a natural catastrophe, or other exceptional circumstances occurred, you may submit a statement of the specific circumstances along with any documentation of your claim with your application. If you have any questions, please contact 311 and ask for the SCRIE/DRIE unit, or visit [nyc.gov/contactscrie](http://nyc.gov/contactscrie) or [nyc.gov/contactdrie](http://nyc.gov/contactdrie).

## 16. What are my options if I have a permanent loss of income?

If there has been a permanent loss of 20% or more of the income you reported on your last approved application, you may apply for a redetermination of your frozen rent by filing a Redetermination Application, which can be found on our website at [nyc.gov/rentfreeze](http://nyc.gov/rentfreeze). You must provide proof of your current income with the Redetermination Application. NOTE: The loss of income must be considered permanent.

## 17. What happens if the primary benefit recipient passes away or has permanently moved into a nursing home?

If the primary benefit recipient passes away, has permanently moved into a nursing home or has otherwise permanently vacated the apartment, a household member who meets the eligibility criteria for the Rent Freeze Program, who has been listed on a previous application, and has been granted succession rights may qualify for a benefit takeover. A benefit takeover application should be filed within 6 months of the primary benefit recipient passing away or moving, or 90 days after the Department of Finance sends a revocation notice, whichever date is later.

If you are a remaining household member AND meet all the eligibility requirements for SCRIE or DRIE, you must submit the following:

- For yourself:**
- A benefit takeover application AND
  - A lease/rental agreement reflecting you as the tenant of record or co-tenant OR
  - A letter from your building management specifying that you have succession rights to the apartment OR
  - A court order granting you succession rights to the apartment

**For primary benefit recipient:** Proof that the primary benefit recipient has passed away by providing a death certificate. For a primary benefit recipient who has permanently moved out of the apartment, proof may include a letter from a nursing home, a lease or letter from your landlord or managing agent, or federal, state or local government issued ID reflecting the new address.

## 18. How can I obtain forms?

All forms can be downloaded by visiting our website at [nyc.gov/rentfreeze](http://nyc.gov/rentfreeze). Forms are also available in our Walk-In Center. You can also request a form to be mailed to you by calling 311.

## 19. What can I do if I have any issues regarding my lease, fuel cost or to dispute my legal rent amount?

For lease inquiries, to resolve rent disputes, or to file a complaint because your landlord has not provided a lease, tenants can contact the Division of Housing and Community Renewal (DHCR). DHCR can be contacted:

**In Person:** Gertz Plaza, 92-31 Union Hall Street, Jamaica, New York 11433

**By Phone:** 718-739-6400

**By Email:** [RentInfo@nyshcr.org](mailto:RentInfo@nyshcr.org)

## 20. What happens if I am over the income eligibility for a renewal period?

If your benefit ended because your annual household income is over \$50,000 or your rent is less than 1/3 of your monthly household income for a renewal period, you may reapply for the program in the future if you believe you qualify. If your income decreases in the next calendar year, you may qualify to restore your old frozen rent (legislation effective September 2016). To reapply, please submit an initial application in the next calendar year.



# SCRIE 2019 Senior Citizen Rent Increase Exemption SHORT FORM RENEWAL APPLICATION

**Eligibility:** Applicants can submit a short form renewal if they have been previously approved for five or more consecutive benefit periods. If you submit this form and are found ineligible to use it, we will require you to provide proof of your prior year's household income.

**Instructions:** Please complete and mail this renewal form with supporting documentation to:

**NYC Department of Finance, Attn: SCRIE/DRIE Unit, 59 Maiden Lane, 22<sup>nd</sup> Floor, New York, NY 10038.**

## SECTION 1 – APPLICANT INFORMATION

FIRST NAME:		LAST NAME:	
ADDRESS:			
SOCIAL SECURITY NUMBER:	DATE OF BIRTH:	DOCKET NUMBER:	
PHONE NUMBER:		EMAIL ADDRESS:	

## SECTION 2 – HOUSEHOLD INCOME INFORMATION

Has your household income increased by more than \$1,000 per year since you filed your last renewal application?

Yes  No

If you answered yes, please submit proof of your household income for 2018.

If you answered no, you are **not** required to submit any additional proof of household income.

## SECTION 3 – CONTINUED ELIGIBILITY CERTIFICATION

Please read carefully and sign the below certification. Your application is not complete if you do not sign.

I hereby certify that all information contained in the application is true and correct to the best of my knowledge and belief and I understand that the willful making of any false statement of material fact therein shall subject me to the provisions of law relevant to the making and filing of false instruments and loss of the benefit, and that subsequent reapplication shall be as a new applicant.

I understand that my income is subject to income verification by the Department of Finance.

\_\_\_\_\_  
Print Name of Primary Applicant

\_\_\_\_\_  
Signature of Primary Applicant

\_\_\_\_\_  
Date

*Note: If a Power of Attorney or Court Appointed Guardian is signing on behalf of the primary applicant, the Power of Attorney or court documentation is required.*

**Documents to send:**

- (1) Renewal lease signed by you and your landlord.
- (2) If you answered yes to the question in section 2, attach proof household income for 2018.
- (3) If applicable, attach proof of income for 2018 for any **new** household members and provide their name, date of birth, and date they moved in.

**Note:** Rent controlled applicants should provide their new Notice of Maximum Collectible Rent form RN-26 and Fuel Cost Adjustment form RA33.10 for 2018 and 2019 (if available). Rent demand applicants should submit an updated rent demand letter from your landlord/management listing your current and prior rent amount.

**Tenant Representative:**

If you previously provided a Tenant Representative and that information has changed, please provide the updated information. If you did not have a Tenant Representative and you want copies of your notices sent to another person (in addition to you), please select a representative and complete the following:

NAME:		RELATIONSHIP TO TENANT:	
ADDRESS:	CITY:	STATE:	ZIPCODE:
EMAIL ADDRESS:		PHONE NUMBER:	

**General Information:**

For general information and questions about SCRIE, please send us a message at [nyc.gov/contactscrie](http://nyc.gov/contactscrie) or call **311**. You may also visit our SCRIE office at 66 John Street, 3rd Floor, New York, NY. We are open Monday through Friday, between 8:30 AM and 4:30 PM.

If due to a disability you need an accommodation in order to apply for and receive a service, or to participate in a program offered by the Department of Finance, please contact the Disability Service Facilitator at [nyc.gov/contactdofeeo](http://nyc.gov/contactdofeeo) or by calling **311**.

John K. Carroll  
*President*

Janet E. Sabel  
*Attorney-in-Chief*  
*Chief Executive Officer*

Adriene L. Holder  
*Attorney-in-Charge*  
Civil Practice

Alexander H. Ryley  
*Director of Elder Law*  
Civil Practice

December 2, 2019

**Comments re the NYC Department of Finance’s proposed amendments to Chapter 52 of Title 19 of the Rules of the City of New York, regarding the Rent Freeze Program**

The Legal Aid Society appreciates the opportunity to comment on the amendments to the SCRIE and DRIE programs that the New York City Department of Finance (“DOF”) has proposed.

The Legal Aid Society is the oldest and largest not-for-profit public interest law firm in the United States, working on more than 300,000 individual legal matters annually for low-income New Yorkers with civil, criminal, and juvenile rights problems in addition to law reform representation that benefits all two million low-income children and adults in New York City. The Society delivers a full range of comprehensive legal services to low-income families and individuals in the City. Our Civil Practice has local neighborhood offices in all five boroughs, along with centralized city-wide law reform, employment law, immigration law, health law, and homeless rights practices.

For nearly 50 years, the SCRIE program (and, more recently, the DRIE program) has been a critical lifeline for low-income, vulnerable older New Yorkers in rent-regulated apartments who want to age in place without fear of displacement due to rising rents. However, as set forth below, certain elements of the proposed rules run counter to the purpose of Rent Freeze Program (“RFP”) and, in at least two instances, fail to account for recent changes in the law.

**1. The DOF should continue to freeze an initial applicant's rent at the rent level in the lease in effect preceding the initial application**

The DOF's "Guide for Tenants" to the RFP notes on its page six that, upon approval of an initial SCRIE or DRIE application, the agency will freeze the applicant's rent-stabilized rent at the amount in effect in the lease prior to the lease in effect at the time of the application.<sup>1</sup> But the proposed rules declare that the frozen rent will instead be the "rent in effect immediately preceding the initial eligibility date." § 52-03(b)(2). The effect of this substantial change would be felt most profoundly by new applicants who have the lowest incomes and who are therefore the most vulnerable tenants. Over time, the higher frozen rents caused by this change would result, in the aggregate, in vastly higher rental payments by RFP beneficiaries. The proposed rules should reflect the longstanding practice as it is articulated in the RFP Guide.

**2. The DOF should not require submission of a renewal lease "signed by both parties"**

§ 52-02(g) of the proposed rules says that, where a tenant is unable to supply a copy of a lease in relation to a renewal application, the applicant may use the Certification Without A Renewal Lease form.<sup>2</sup> But the preceding section, § 52-02(f), declares that required renewal documentation includes "a copy of a written lease signed by both parties" (emphasis supplied). Landlords frequently fail to provide countersigned renewal leases to tenants who have accepted the renewal offer by signing the lease; but this is of no moment, because a renewal lease offer becomes effective upon the tenant's signature. Therefore the proposed rules' requirement of submission of a lease "signed by both parties" is unnecessary. In addition, the proposed rules should not require a tenant who cannot submit a renewal lease signed by both parties to obtain an order from the NYS HCR or a court "which proves that the tenant has a right to live in the apartment." § 52-02(g)(3).

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<sup>1</sup> Available at <https://www1.nyc.gov/assets/finance/downloads/pdf/brochures/scriedriebrochure.pdf>.

<sup>2</sup> This form is presently titled "Certification of No Renewal Lease Form". Available at [https://www1.nyc.gov/assets/rentfreeze/downloads/pdf/scrie\\_drie\\_lack\\_of\\_lease\\_cert.pdf](https://www1.nyc.gov/assets/rentfreeze/downloads/pdf/scrie_drie_lack_of_lease_cert.pdf).

**3. The DOF should identify renewal and takeover applications where household income has dropped by over 20 percent and promptly notify those applicants of their right to request redeterminations**

The proposed rules pertaining to redetermination applications, set forth in § 52-15, continue unreasonably to place the onus upon RFP beneficiaries and takeover applicants to request a benefit redetermination upon a reduction of household income exceeding 20 percent, even though the DOF itself becomes aware, through renewal and takeover applications, of such reductions. In our experience, most RFP beneficiaries are unaware of their right to request a redetermination of their benefit, and consequently most of the redetermination applications that we submit are for clients who had no idea that such a right or application existed. The DOF should be required to screen every renewal and takeover application for a drop in household income that exceeds 20 percent and, where such a reduction is identified, the agency should be required to promptly notify the beneficiary or applicant.

**4. The DOF must not deny SCRIE beneficiaries the benefit of NYS HCR rent reduction orders, as the proposed rules would require**

There are two principal means by which a tenant in New York City may try to compel their landlord to correct Housing Code violations in their apartment. One option is to start a lawsuit in the form of an “HP action”, but this requires in-person appearances in Housing Court, and few tenants are able to obtain free legal counsel in these cases. Therefore, a better option for many tenants, especially those whose physical impairments prevent them from traveling to Housing Court, is to file a “decreased services” complaint with the NYS HCR, which can result not only in the improvement of the condition of their apartment, but also in a rent-reduction order.

But under § 52-03(b)(5) of the proposed rules, a rent reduction order would have no effect on the rent obligation of a SCRIE beneficiary. This contravenes Section 26-509(b)(3)(iii) of the Rent Stabilization Law, which mandates that rent reductions be applied to the tenant share; and it removes an incentive for SCRIE recipients to use the HCR complaint system to enforce their rights to a habitable apartment.

**5. A landlord must not notify the DOF of its suspicion of a tenant's RFP ineligibility without providing an explanation and supporting documentation**

§ 52-02(m)(4) sets forth a process by which an owner or managing agent may request revocation of a SCRIE or DRIE beneficiary's benefit if the landlord merely has a "suspicion the beneficiary is not entitled to benefits". The rule goes on to say that the owner or managing agent "may provide proof to the [DOF] in support" (emphasis supplied) of this allegation. The relevant form, Landlord/Managing Agent Notification of Tenant's Ineligibility for SCRIE<sup>3</sup>, demands of the landlord, in addition to submission of the form, "a letter and any supporting documents explaining why the tenant is not eligible or entitled to SCRIE". The rule should emphasize that a landlord must support such a serious allegation with a letter and evidence submitted with the form.

**6. The proposed rules should take account of recent changes in the law under the HSTPA**

§ 52-01 of the proposed rules defines "Fuel cost adjustment," but such charges are now prohibited under the Housing Stability and Tenant Protection Act of 2019 ("HSTPA"). § 26-407.1.

The proposed rules contain a section pertaining to preferential rents that extend "for the lifetime of the tenancy". § 52-12. The HSTPA, however, made all preferential rents permanent by amending RSL § 511(c)(14) to make all future renewals based on the preferential rents.

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For further information, please contact Alex Ryley, Director of Elder Law, Civil Practice, at 718-260-4707.

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<sup>3</sup> Available at [https://www1.nyc.gov/assets/finance/downloads/pdf/scrie/scrie\\_ineligibility.pdf](https://www1.nyc.gov/assets/finance/downloads/pdf/scrie/scrie_ineligibility.pdf).



**New York City Council**  
**Committee on Housing and Buildings and Committee on Aging**  
**Tuesday, January 21, 2020, 10:00 a.m.**  
**Testimony RE: Oversight – Examining the New York City Department of**  
**Finance's administration of the Rent Freeze Program (SCRIE**  
**and DRIE).**

Good morning. My name is Peter Kempner. I am the Legal Director and Director of the Elderly Project at Volunteers of Legal Service (VOLS). VOLS was established in 1984 in response to federal cuts in legal services funding and our purpose is to leverage private attorneys to provide free legal services to low income New Yorkers to fill the justice gap.

Our Elderly Project and Veterans Initiative conducts regular free legal clinics in senior centers around the City; we provide technical support to community based organizations serving low income seniors by answering legal questions their clients face; we provide trainings to community based organizations and to the public regarding proper end of life planning; we publish An Advocate's Guide to SCRIE and A Guide to Burial Assistance and Funeral Planning for New Yorkers in Need; and we access the pro bono services of the private bar by training, supervising and pairing up volunteer lawyers with low income seniors, including veterans, seeking to have their life planning documents drawn up and executed. This allows seniors, who cannot afford to hire an attorney, to get Powers of Attorney, Health Care Proxies, Living Wills, Last Wills and Testaments as well as other advance directives done free of charge. These critical documents ensure that the wishes of seniors are carried out by the people they love and trust the most. They also ensure that seniors are able to live in the community for as long as possible, prevent displacement, and help to avoid costly and unpleasant legal proceedings like guardianships if someone becomes incapacitated.

We thank the New York City Council's Committees on Aging and Finance for holding this important hearing. Aside from needing to obtain advanced directives, the number one issue our clients face as low-income seniors is housing insecurity. So many of the seniors we encounter rely on SCRIE to be able to stay in homes they have often been living in for decades. For many of our clients SCRIE is the only reason they can afford to pay their rent after retirement. Without SCRIE and DRIE, our city would face an exacerbated homelessness crisis amongst the disabled and elderly. We must do everything in our power not only to preserve and extend the outreach of these programs, but also to make improvements which will strengthen and advance the goal of ensuring that disabled and elderly New Yorkers can age in place in the community with dignity and respect. To that I end, I would like to offer some suggestions about where these programs may fall short.

One major limitation of the Rent Freeze programs is that eligibility is limited to tenants who reside in rent regulated apartments. For many, who reside in smaller buildings or who live in newer construction, the result is exactly the kind of housing instability these programs are meant to avoid. Extending the Rent Freeze Program to tenants of unregulated units can be accomplished by setting maximum rent guidelines, much along the lines of the fair market rent amounts set for holders of Section 8 vouchers, and setting rent increase guidelines, similar to

what happens under rent stabilization and rent control. This extension could bring thousands more housing stability.

Another limitation is the absence of retroactivity of applications for the program. Despite the valiant outreach efforts of the City, sadly many elderly and disabled tenants are unaware of the rent freeze program and fail to apply even though they are otherwise eligible to receive this vital benefit. Currently applicants for a rent freeze receive a frozen rent amount based on their last lease and there is no retroactive application of the freeze beyond the last lease. The ability to roll back the rent to when someone first became eligible for a rent freeze instead of when they first applied for a rent freeze would put money back into pockets of low income tenants who often live benefit check to benefit check.

This leads to the next limitation, which is that despite a freeze, rent for many SCRIE and DRIE recipients remains unaffordable. I have seen many seniors with SCRIE whose rent subsumes 50% or more of their limited income. The rent freeze program stipulates that a recipient's rent should be set at the last lease amount prior to application or 30% of their income whichever is greater. This means that someone on these programs will never pay less than 30% of their income towards the rent but they can be made to pay 100% of their income towards the rent. This scheme is the opposite of other rental assistance programs (like Section 8, public housing, enhanced rent for HASA recipients and others) where a tenant's share of the rent is capped at 30% of their income. By adopting a 30% cap similar to other rental subsidy programs we can assure that the rent for SCRIE and DRIE recipients is not only stable but also affordable.

Under the current statutory and regulatory framework, affordability changes depending on the household composition of a SCRIE recipient. If a married couple applies for and receives SCRIE, there will likely be a large change in income for the household when one spouse passes away. The death of a spouse can lead to a change in income of 50% in many circumstances. When there is a downward fluctuation in income of 20% or greater, the SCRIE holder is entitled upon request to a redetermination of the SCRIE subsidy. The redetermination should result in the same rent-to-income ratio as was represented in the last SCRIE approved application or recertification before the loss in income. While the redetermination is extremely helpful tool, it is not currently automatic. A SCRIE recipient must affirmatively request it and fill out a separate form from the standard recertification in order to obtain it. Redeterminations should be automatic when SCRIE is made aware of a change in household income which would trigger it. By requiring separate forms and the affirmative application, many recipients are losing out on the opportunity to increase their benefits.

Thank you again for giving us the opportunity to testify. Volunteers of Legal Services looks forward to working with the City Council and the administration to ensure that New York City is able to best support our seniors in need.

Peter Kempner  
Legal Director and Elderly Project Director



**New York City Council  
Joint Hearing  
Committee on Aging, Chair Margaret Chin  
Committee on Finance, Chair Daniel Dromm  
January 21, 2020**

Thank you, Chairs Chin and Dromm, and the full committee for the opportunity to testify today.

For over forty years, LiveOn NY has been supporting community-based organizations throughout the City that provide core services to older adults to allow them to thrive in their communities. With a base of more than 100 community-based organizations, LiveOn NY's members provide services including senior centers, congregate and home-delivered meals, affordable senior housing, caregiver supports, NORCs and case management. Through policy efforts, LiveOn NY advocates to increase funding and capacity for our members to meet the needs of older adults in their communities.

To better support older adults and our members, LiveOn NY also administers a citywide outreach program that assists older adults in the communities where benefits are most underutilized. Through this program, we educate thousands of older New Yorkers each year—including those who are homebound—and screen and enroll those who are eligible for SCRIE, DRIE, and a number of other benefits. Our team works tirelessly to help older adults through the application and re-enrollment processes, and witnesses firsthand the positive impacts of these programs. **DOF has been an incredible partner particularly in our work with SCRIE and DRIE; and it is because of this partnership, we would like to provide testimony today.**

First, we are grateful for the support these programs have received from both the Administration and the Council. In 2014, through a joint City and State effort, the income eligibility for SCRIE & DRIE was raised from \$29,000 to \$50,000. As a result, thousands of more households were eligible for the Rent Freeze program. While the enrollment rate has increased since the eligibility increase, a 2018 report by DOF indicated that the overall enrollment rate in 2016 was only 56.2%<sup>1</sup>. For this reason, continued and increased outreach efforts are necessary. The importance of early awareness of the benefit cannot be overstated, as the SCRIE and DRIE programs are unique in that their benefits compound over time — said another way, the earlier an individual enrolls in the program, the more they will benefit from it. Most importantly, SCRIE plays a critical role in allowing older adults to age in place.

Most recently, LiveOn NY was thrilled to advocate for and see the passage of the new preferential rent laws from the Housing Stability and Tenant Protections Act of 2019. Previously, those with preferential rent were disincentivized from enrolling in SCRIE, as their rent would be frozen at the “market rate”, oftentimes increasing a tenants rent amount by hundreds of dollars. With this new law, preferential rent amounts have been made permanent, and must now be treated as “the new legal base rent for that unit.” This protection now incentivizes many more individuals to apply for the Rent Freeze program and therefore outreach efforts must be strengthened and reinvigorated to bring awareness to this beneficial change.

Last fall, DOF proposed a number of amendments to SCRIE and DRIE. LiveOn NY viewed several of

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<sup>1</sup> NYC Department of Finance, 2018 Report on the New York City Rent Freeze Program



the changes as positive, such as improving the process of succession rights and allowing tenants to apply for SCRIE/DRIE at any point throughout the year, as opposed to awaiting the next lease renewal. However, there were a number of recommendations that were cause for concern. LiveOn NY was particularly worried about DOF limiting those who may be deemed a tenant representative in order to assist tenants with the application process. Many of the individuals in need of the SCRIE/DRIE program already face significant barriers to the application process, and the job as advocates, such as ourselves, is to walk them through the process successfully. For this reason, LiveOn NY believes that the provision should include anyone listed as a tenant representative, as consistent with other benefit applications of the City.

Another proposed amendment would limit tenants to only one SCRIE/DRIE application per year. We believe this proposed change would be particularly harmful to the many tenants who are eligible for the program, but are denied due to mistakes on the application or the inability to compile the required documentation. Our team has helped a number of individuals successfully reapply for the program after having at first been denied due to an incomplete or incorrect application. Because time is of the essence in this program, as previously stated, this rule would effectively penalize tenants for making errors on applications by not allowing them to reapply for another year.

Finally, there were several other proposed changes to the SCRIE/DRIE program that, while seemingly minor, would undoubtedly have a profound impact on tenants. For example, the proposed changes to the definition of certain terms, such as “initial eligibility date”, “head of household”, and “good cause” seem unnecessarily punitive, and in practice, would affect countless tenants.

LiveOn NY was grateful for the opportunity to provide feedback to DOF on these proposed changes to SCRIE/DRIE and we are hopeful that the recommendations outlined will be given serious consideration in advance of final rule promulgation.

We are committed to working with our partners at DOF, DFTA, and all city agencies, as well as the members of City Council to provide outreach, education, and enrollment assistance to New Yorkers in need of this critical program. We look forward to continued partnership and outreach opportunities as we ensure that every tenant who is eligible for this program receives its full benefits. Thank you again for the opportunity to testify.

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*LiveOn NY's members provide the core, community-based services that allow older adults to thrive in their communities. With a base of more than 100 community-based organizations serving at least 300,000 older New Yorkers annually. Our members provide services ranging from senior centers, congregate and home-delivered meals, affordable senior housing with services, elder abuse prevention services, caregiver supports, case management, transportation, and NORCs. LiveOn NY advocates for increased funding for these vital services to improve both the solvency of the system and the overall capacity of community-based service providers.*

*LiveOn NY also administers a citywide outreach program and staffs a hotline that educates, screens and helps with benefit enrollment including SNAP, SCRIE and others, and also administers the Rights and Information for Senior Empowerment (RISE) program to bring critical information directly to seniors on important topics to help them age well in their communities.*

To: NYC Council Committee on Finance and the Committee on Aging  
RE: Oversight - Examining the New York City Department of Finance's administration of the Rent Freeze Program (SCRIE and DRIE).

21 January 2020

As a recipient of this program, I thank you for the opportunity to testify. First, and foremost, the Rent Freeze of this program is not enough to keep us in our homes. See the attached *NY Times* article for details of my own impoverished circumstances.

This program needs to roll back the rent to 1/3 or better 30 percent of a person's income. Other rent subsidy programs work this way and are effective in reducing rent burdens and providing affordable housing. Reforming RIE in this manner would be cost effective in keeping recipients with very high rent burdens in their homes and out of the shelter system.

We need legislation to reform these programs accordingly. To this end, copies of petitions with hundreds of signatures have been collected for your perusal.

However, not to ignore the way the Department of Finance operates.

1. The SCRIE/DRIE application does not contain a box below "Address": "Mailing Address is different from above." Every time I renew I have to deal with this. Obviously, I am not alone!
2. RIE is all that is needed for the heading. Why you qualify should be inside the application. Disabled people can be highly discriminated against. About 13 years ago a judge inappropriately asked about my invisible disabilities in court. These labels are something to think about . . . .

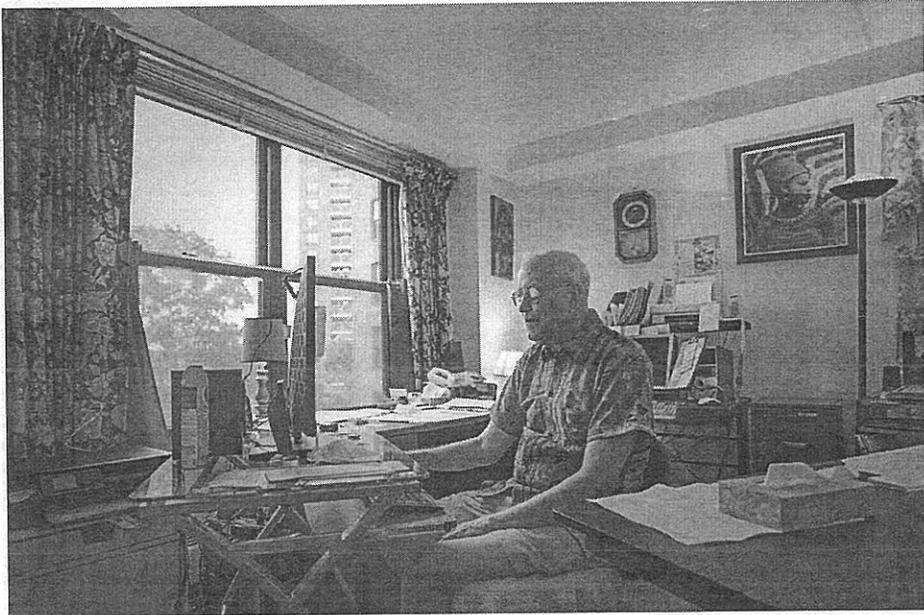
Parvati Devi  
700 Columbus Ave., #20873  
New York, NY 10025

# The New York Times

By MIREYA NAVARRO AUG. 24, 2016

## How Do Rent-Burdened New Yorkers Cope?

Housing is generally considered affordable if a household allots no more than 30 percent of its income to home payments and utilities. By that standard, more than half of renters in New York City are “cost-burdened” and may find it hard to pay for other necessities like food, clothing and medical care.



Credit Juan Cristóbal Cobo for The New York Times

## How Do You Stretch a Paycheck?

RENT BURDEN: 53 percent

INCOME: \$2,727 (mostly Social Security)

RENT: 1,459 for a three-bedroom rent-stabilized apartment in Rego Park, Queens, including utilities.

“I’m very frugal, and I keep extremely good records and I have a little bit of savings.” “Unlike many other seniors, I have little places, such as my small remaining retirement funds, from which I can nab a few dollars when needed.” “I consider travel in my past. I have my wonderful memories, and I live very simply.”

“I’m very grateful to the city for the wonderful senior centers. I have no complaints about lack of care or lack of support. The only problem is rent.”

*Paul David Wilkin, 77*

*Retired. Worked in desktop publishing for a financial services firm and taught in a school in Zambia.*



Credit: Juan Cristóbal Cobo for The New York Times

## Why Not Move?

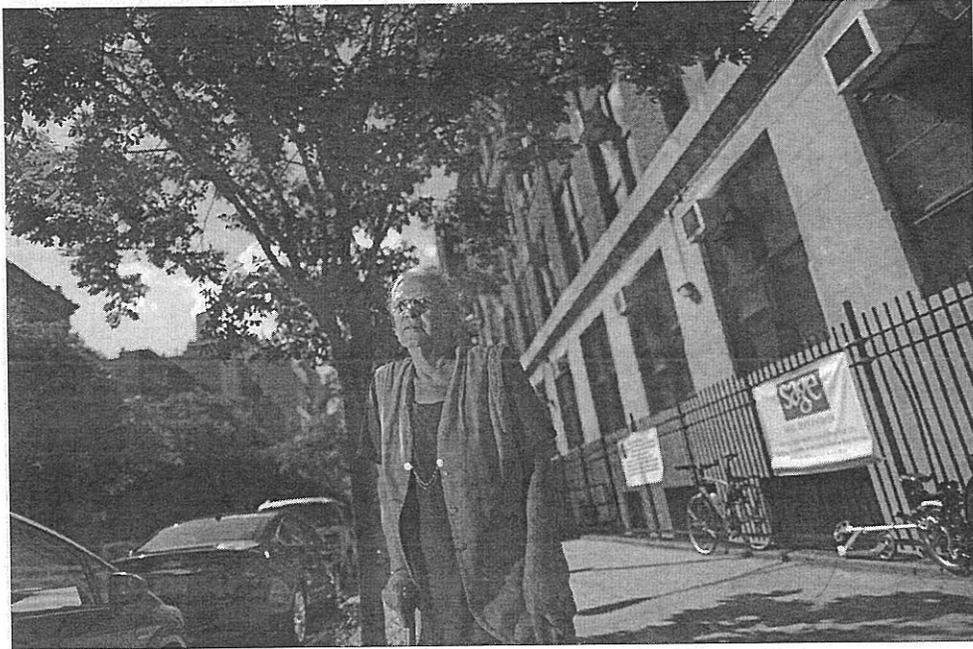
**RENT BURDEN:** Rent is more than her income

**INCOME:** \$640 in public assistance; \$500 from her estranged husband, a driver for a car service; and other income from small jobs.

**RENT:** \$1,275 for a two-bedroom apartment in Washington Heights in Manhattan, plus \$158 to \$280 in utilities.

“I’m not going to find anything cheaper than where I am for the size. I used to pay \$1,375 for another apartment in the building. I talked to the landlord about lowering the rent, and he moved me to the 12th floor and charged me \$1,275. We have bed bugs, and they don’t fix things. I’m now four months behind in rent.”

*Isara Linares, 34, Former waitress with three young children*



CreditChang W. Lee/The New York Times

## What Do You Do Without?

RENT BURDEN: 51 percent

INCOME: \$1,014 (\$820 in supplemental security income; \$194 in food stamps).

RENT: \$465.89 for a two-room, rent-stabilized apartment, and \$55 to \$120 in utilities.

“I have practically nothing left for the basics. I learned to clean with vinegar. I can buy that with food stamps.” “Today I’m staying in the house not to spend money. It’s difficult to have a quality of life.”

“Sometimes I go to my senior center, but I’m pre-diabetic, and the centers serve a lot of food that’s not healthy. White rice, pasta. I eat whole grains at home or my friend brings me brown rice from a Chinese restaurant. I’ve gone to food pantries, but they don’t have brown rice. I’m always relying on friends, and I shouldn’t have this worry all the time.”

*Parvati Devi, 70, Retired hairdresser and manicurist*



CreditChang W. Lee/The New York Times

## How Did You Become So Rent-Burdened?

**RENT BURDEN:** Rent is more than her income; drawing from retirement savings

**INCOME:** \$1,006 in Social Security, \$194 in food stamps.

**RENT:** \$1,802.86; plus \$56 in utilities for a one-bedroom apartment in the Upper West Side of Manhattan.

“When I was working I was O.K., but they laid me off in 2008. From 2008 to 2011 the job market was terrible. I had retirement income and I’m quickly going through that. I had a savings account and that’s all gone.”

“I had freelance jobs. I spent 2015 being tested for a congenital heart condition, and I had a valve and a pacemaker put in.” “I’m hoping something happens that I can work again. I have been working on a novel. That’s going quite well.” “I sometimes don’t sleep at night not knowing what I’ll do next. My dogs’ walks keep me going.”

*Kay Urbant, in her 60s, Advertising copy editor/copywriter*

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CreditHiroko Masuike/The New York Times

## What Is Your Biggest Worry?

RENT BURDEN: 72 percent

INCOME: \$2,200 (plus \$263 in disability payments for husband).

RENT: \$1,616 for a two-bedroom stabilized apartment in the Bronx, plus \$175 in utilities.

“When we rented the apartment three years ago my husband paid half the rent, but then he became disabled. Now I’m the only one paying for everything. When you try to get some public assistance, they see that you have a job and they tell you that you don’t qualify. I’m behind \$200 in the July rent and \$1,616 in August. My biggest fear is to be thrown out on the street with three children.”

*Yoselyn Gómez, 54*

*Customer service associate at home improvement supply store and mother of three teenagers*



Community  
Housing  
Improvement  
Program  
NYC

FOR THE RECORD

January 21, 2020

**Testimony on behalf of CHIP re:  
NYC DOF's administration of the Rent Freeze Programs (SCRIE and DRIE)**

The Community Housing Improvement Program (CHIP) represents the owners and managers of approximately 4,000 apartment buildings with about 400,000 units of rental housing. Almost all of these are rent stabilized buildings. Accordingly, many of our owner and manager members participate in the Senior Citizen or Disabled Rent Increase Exemption programs (SCRIE and DRIE). Some of our members help their residents sign up for the programs and navigate the Department of Finance's bureaucracies. CHIP members have a detailed working knowledge of how the SCRIE and DRIE programs interface with owners, and how they can be improved for efficiency as well as ease of use from an owner's perspective.

For example, while the new web-based portal, LEAP, is a big improvement to the web-based interface, there are still difficulties when submitting electronic documents. In many instances, the size limitations on what can be uploaded prevent owners from using this function.

Another issue owners struggle with in the SCRIE and DRIE programs is being able to reconcile the tax abatements with what is actually applied on a property's statement of account. Sometimes SCRIE and DRIE tax abatement credits are misapplied on the DOF bill to charges other than property taxes, such as a tax commission fee or rent stabilization registration charges. Sometimes the abatement credits are applied to the wrong tax period, causing some property owners to pay more taxes than they should for a particular tax period. This essentially gives the City an interest free six-month loan.

Aside from the administration, we also think there should be a change to the head-of-household requirement for the SCRIE and DRIE programs. Parents of children with disabilities, or children who take care of their elderly parents, should be entitled to benefit from the program.

We think improving the functionality of LEAP and making the tax abatement reconciliation process easier would improve the programs for owners who have participating tenants. Improving the administration of the program is important, but we would also like to see expansion of the programs to other families. We look forward to working with this Committee and individual Councilmembers to improve and continue to expand these vital programs.

Material for Committee Chair of  
NYC Council Committee on Finance:

Copies of “Off the Fiscal Cliff” petition  
and  
“Reducing Rent Burden for Elderly  
New Yorkers” Report

**Urge NYS & NYC elected Officials to Reform SCRIE\* & DRIE\* programs!**  
 (\*Senior Citizen and Disabled Rent Increase Exemption programs)

**SUPPORT THE "OFF THE FISCAL CLIFF" CAMPAIGN**

Organized by LiveOn-New York, see <http://www.liveon-ny.org/housing-policy> for more information.

200,000 older New Yorkers are on waiting lists for affordable senior housing, for an average of 7 years.

Four out of ten seniors report not knowing about NY Rent Freeze. Too many seniors and disabled individuals find out about their eligibility for SCRIE and DRIE during an affordability crisis.

Almost 60% of seniors who are enrolled in SCRIE continue to experience heavy rent burden, with average annual incomes between \$11,000 and \$12,000. They find out about the benefit too late and cannot have the benefit "rolled-back" to an affordable level.

*NYC must rollback and cap rents at 1/3 of household income to help eligible tenants off the fiscal cliff! We are calling upon NYS and NYC legislative officials to pass legislation to reform SCRIE and DRIE to allow this.*

Please PRINT name clearly	Address and zip code
DELLIA GOMEZ	321 W. 89 St Apt 7 N.Y. 10024
Barbara Bragg	95 W. 95 <sup>th</sup> St NYC. 10025
Maxine Bleich	201 W 89 St 10024
Islette Anecto	West End Preservation Inc
CARLOS L. MARTINEZ	358 W 57 <sup>st</sup> <del>10029</del> 10019
DENNIS BARTON	805 W 97 <sup>th</sup> St 10025
RICHARD BARR	203 W. 86 St 10024
Carl Harrison	314 W. 138 St. 10030
M. KUMARASINGHA	21 a WEST 91 <sup>st</sup> 10024 #830
S. ISLAM	51 W. 109 <sup>th</sup> STREET, N.Y. NY 10025
S Canns	50 W 93 St 2L NYC-10025
Roy Baptiste	647 Clunck Ave, NY NY 10025

**Return completed petitions to:**

**Goddard Riverside Family Council, 593 Columbus Ave, NY, NY 10024**

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Please PRINT name clearly	Address and zip code
Erika Petersen	West End Preservation Society
Stephanie Hutson	19-25 St. Nicholas Ave apt 5B N.Y. N.Y. 10026
GRADINK MASLANKA	201 W. 89 <sup>th</sup> St NY NY 10024
ANNE CUNNINGHAM	240 W 73 <sup>rd</sup> Apt 920 N.Y. NY 10023
NANCY BARRITY	817 WEA #5B, N.Y., NY 10025
B Bunnell	593 Columbus Ave - NY NY 10024
Eugene Shapiro	321 W 90 <sup>th</sup> St 6B NY 10024
John Barnes	462 W. 145 <sup>th</sup> St., NYC 10031
Francisco Ayala	49 W 84 <sup>th</sup> St NY 10024
Janni M Gayer	102 - W - 91 <sup>st</sup> NY 10024
Claudia	
Carolyn CARROLL	175 W. 95 <sup>th</sup> St. 18F NYC 10025

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Please PRINT name clearly	Address and zip code
Margaret Bianchi	411 Bronx River Rd. 7 <sup>th</sup> E <sup>Apt</sup> Yonkers, NY 10703
Jane O'Connor	675 New York West End NY, NY 10025
Felice Perlman	285 RSD, NYC 10025
Dagmar Ornelstein	41 W 90th St New York, NY 10024
Arlene Spunt	400 Second Ave. W. Y. N.Y. 10010
Toni Mada	223 E 5th St NY 10001
Mary West	<del>100</del> W. Y., W. Y. 10011
Barbara Danish	473 4th St. Bklyn NY 11215
Genevieve Titum	515 W 108th St. 4R New York NY 10032
Shawn P. Torres	110 W 130th St Apt 01 New York, NY 10027
Francisco Martinez	128 W 128th apt 3E N.Y. NY 10027
Carol Chapman	135 W 23 St NYC 10011

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Please PRINT name clearly	Address and zip code
DORIS Quevedo	609 Columbus Ave #16 K NY 10024
NOEMIA PARADIS	164 MANHATTAN AVE #3B 10025
Phyllis QLOP	200 West 89 <sup>th</sup> St #10 NY NY 10024
Julia Lopez	600 Columbus Ave 7F NY 10024
FRANK DOMINICH	711 AMSTERDAM AVE, APT. 9F NYC 10024
Dorothy Bredy	65 W. 90 <sup>th</sup> St NY 10024
Margaret White	55 LAMONT ST
Caroline Doval	55 La Salle St.

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Please PRINT name clearly	Address and zip code
Saudia Garnette	One St. Nicholas Ter #5 NY NY 10027
<del>Ronald Bruno</del>	5615 NETHERLAND AVE., #34, BRONX, NY 10471
MARIE LEDOUX	Marie Ledoux - 70 La Salle St. 10027
BARBARA O'FARRELL	70 LaSalle St, 18E 10027
Joanna Stolare	2 Terrace Circle, 2E Great Neck NY 11021
Ann Tholosen	549 W 123 <sup>rd</sup> St 10027
<del>Constance Boyd</del>	549 W 123 <sup>rd</sup> St 9C NY 10027
Stephanie Reeves	500 Riverside Drive, NY NY 10027

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Please PRINT name clearly	Address and zip code
Bill Williams	235 W 102 <sup>ND</sup> ST, NY, NY 10025
LaVerne Trawick	792 Columbus Avenue NYC 10025
KATH BLACK	792 COLUMBUS AVE, NYC 10025
ART STEINBERG	217 W 103 <sup>RD</sup> ST #3A NYC 10025
GENORA BENNETT JOHNSON	840 COLUMBUS AVE #13C NYC 10025
ORIN KOTULA	46 West 95 <sup>th</sup> #3C NY NY 10025
Sheik Friedberg	50 West 97 <sup>th</sup> St, NY 10025
Cynthia Pridgen	161 Manhattan Ave Apt 3C N.Y. 10025
<del>FRANCIS</del>	
Martha Rodas	229 West 101st Street Apt 4C NY NY 10025
Judy Tybell	204 W. 106 <sup>th</sup> St Apt 27 NY 10025
Barbara Larrosa	560 W 184 <sup>th</sup> St #101 NY, NY. 10033

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Please PRINT name clearly	Address and zip code
Lydia Alayo	10024
Zhen Huerliu	
Christine Embrey	
Betty Mosley	
Keith Seaton	
Rosalinia Pina	10024
Caroline Tr	10024
Esther Wray	10024
Stephanie Hutson	19-25 St. Nicholas Ave apt 5B N.Y. N.Y. 10026
Loy Marchant	140 W 10th St New York, NY 10025
Gilma Hernandez	Dorsey

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Please PRINT name clearly	Address and zip code
KAREN ZECKENDORF	8396-118 <sup>th</sup> STREET KEW GARDENS, NY 11415
Thomas D. Segall	253 W 16 <sup>th</sup> St, NYC, NY 10011
Jenny H. Asch	804 E 28 <sup>th</sup> St.
Sidney Krentzel	100 Aldrich St Bronx NY 10475
Diane Williams	PO Box 6403, NY 11703
JOSE FLOREZ	P.O. BOX # 239, N.Y. N.Y. = 10108
Zoraida Valentin	692 West End Ave N.Y. NY 10025
Lidia V. Lopez	
Maggie Outenbridge	161 W 105 <sup>th</sup> St apt 1 EF NY 10025
Diana E. ...	4 <sup>th</sup> L - EA 4 - A NYC
Diana E. ...	392 Central Park West NY 10025
MARCO RITA MORILLO	505 Columbus AVE #2B

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Please PRINT name clearly	Address and zip code
STEVEN SHAFSKY	305 West 97 <sup>th</sup> NYC NY 10625
Larry Wood	211 W 85 <sup>th</sup> St NY NY 10024
ANDREW LAJUSA	220 EAST 204 <sup>th</sup> ST Bx m 10458
Diana Foster	501 Lefferts Ave Bklyn 11225
Maritza Henriquez	82 Graham Ave, BK NY 11206
Aani Sayjek	320 Riverside Dr. NY 10025
Roberto Obelin	318 W 105 <sup>th</sup> St NY 10025
Victoria Krusty	817 West End Ave NY 10025
Claire Leffel	165 Amsterdam Ave 10025
ADNA OBLER	765 AMSTERDAM AVE #5B NYC 10025
Anki Juma	315 W. 105 <sup>th</sup> St
Ariane van Buren	407 Central Park West #7c 10025

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Please PRINT name clearly	Address and zip code
Janet Hansen	315 W 102 ST 3D NYC 10025
Phyllis Mollé	105. W. 73 ST #2B NY 10023
Marlene Schonbrun	315 Riverside Dr #5E NY 10025
JOAN UNGARO	251 West 89th St (5D) NYC 10024
Beverly Collins	370 Riverside Dr #16B 10025
SARAH SNOOK	325 RIVERSIDE DR. #121 NY 10025
Geraldine Barrell	305 Riverside Dr NY 10025
Eleanor Ledogar	315 Riverside Dr. NYC 10025
STANLEY KOBER	280 R S DR #10B NYC 10025
JANET ANAR	245 WEST 104TH ST. #4-D NYC 10025
ROSCHEL STEARNS	878 WEST END AVE. #12A NY, NY 10025
Dorothy Crouch	320 Riverside Drive, NY, NY 10025

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Please PRINT name clearly	Address and zip code
LYDIA DUFOR	315 RIVERSIDE DR. #2C NYC 10025
Bill Short	260 Riverside Dr #70 NY NY 10025
GLORIA B. THOMPSON	260 Riverside Drive #9B NY NY 10025-1556
CATHY BERZIN	400 Central Park West NY 10025
EDWARD REGAN	217 West 94 <sup>th</sup> St NY NY 10025
DAVID L. REICH	299 RIVERSIDE DR., Apt. 3D, NY NY 10025
DOROTHY O'HANLON	235 W 102ND ST APT 7-0 NY NY 10025
Roses Katz	320 Riverside Dr. N.Y. 10025
Gerald Wen	31-14 35 <sup>th</sup> St., Apt. #4F Astoria NY 11106
RHONDA D. MILLS	50 WEST 97 <sup>th</sup> ST, APT 7P NY 10025
Jane Tuttle	890 West End Ave #6E, NY 10025
Leilani Straw	875 West End Ave #10F, NYC 10025

**Return completed petitions to:**

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Please PRINT name clearly	Address and zip code
Mildred Acosta	549 W. 123 St. *18A NY, NY 10027
REBECCA RIKLEEN	547 RIVERSIDE DRIVE NYC 10027
George BOLTER	437 W. 119th St NYC 10027
Angela Schramm	100 LaSalle St 18th
Mimi Pyun	40 W. LaSalle Street, MC 10027
Hilah Thomas	80 LaSalle Street, 18-H 10027
Hunter Powell	768 Bushwick Ave 11221
ROBERT CONKWIG	215 W. 14th #12 NY, NY 10011
Janine Truscillo	342 W 71st St GB7 NYC 10023
Thomas Evans	689 Col. Ave NY NY 10025
Lydia Enokale	109 West 106th St. #1 NY, NY 10025

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Please PRINT name clearly	# Address and zip code
Tom HANLON	# 1409 345 W 86 NY NY 10024
Ruby Speed	476 C.P.W #3A NY, NY 10025
EUGENE SHAPIRO	320 W. 90th St Apt 6B NY, NY 10024
Shara Ann	50 W 93rd St 22 NY, NY 10025
Patricia Bowles-Simmonds	83 West 115th St 10026 NY N.Y
Johnette Atkins	64 W. 107 <sup>th</sup> St. NY, 10025
M. Komaraswatha	212 W. 91 <sup>st</sup> St NY 10024
Sheila Williams	215 W. 101 <sup>st</sup> St NY, 10025
John BARNES	462 W. 145th Street, NYC 10031

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Please PRINT name clearly	Address and zip code
Meriz Lerroso	655 W. 190th St #6 N.Y. N.Y 10040
Lafrene Simmons	225 W 110th St. N.Y. NY <sup>APT 39</sup> 10024
Thomna Rivers	350 W. 110th St #5D NY 10025
Chris Penu - Peralam	243 W. 107th #10 NYC 10025
Lin Chung Geng	38 W 31st Apt 740 NY NY 10001
MEGAN <sup>SUP</sup> NORTON	475-6 C.P.W. #3E NY, NY <sup>NOT SUSAN</sup> 10025
MARIO WALKER	204 MANHATTAN AVE NYC NY NY
Aurelia Foraker	66 West 107th St #44 NY 10025
Patrick Jean	58 W 105th N.Y. N.Y. 10025
Julie Hanlon	345 W. 86th #1409 NY, NY 10024
Tom Hanlon	345 W. 86th #1409 NY NY 10024
Carmen O'Neil	56 West 105th St #5C N.Y.C.

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Please PRINT name clearly	Address and zip code
Geraldine Lahdili	329 West 29 <sup>th</sup> St NYC, NY 10001
Warren Berger	698 West End Ave Apt 15A NY NY 10025 <sup>c</sup>
Derrin Stull	428 W. 47 <sup>th</sup> St Apt 2R
Ken Anderson	360 W 45 <sup>th</sup> St Apt B6 10036
Carol Smith	95 W. 95 <sup>th</sup> St 30c NY 10025
Rosa Panning	307 W. 93 <sup>rd</sup> St # 5E3 10025
Patricia Mei	150 W 96 <sup>th</sup> St, Apt 5B, NY, NY 10025
SYLVIA RODRIGUEZ CASE	44 WEST 106 ST #2 NYC 10025
Aron Friedman	4332 41 <sup>st</sup> St apt 3f Queens NY 1104
Chester Meyer	310 Riverside Dr #1105 NY NY 10025
Alice Sutter	251 Seaman Ave #1e NY, NY 10034
TING BARRON	30 BOGAROUS PL, NY NY 10040

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Please PRINT name clearly	Address and zip code
Danielle Palmisano	247 W. 37 <sup>th</sup> St NY NY 10019
<del>Jim C...</del>	700 GRAND CONVERSE, BX, NY 10451
Leah Martins-Krasner	121 W 104 <sup>th</sup> St, NY NY, 10025

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Please PRINT name clearly	Address and zip code
COURTNEY WINSTON	70 W 83 ST 10024
M-REIS	730 COLUMBUS AVE, 10025
MARIA PABON	233 Penn St #1 Bklyn NY 11211
EMMA GONZALEZ	160 WEST 97 ST 109 NYC 10025
CARMEN ANDRES	600 WEST 111 <sup>th</sup> ST NYC 10025
MELODY ANDRES	600 WEST 111 ST NY, 10025
ORIN KOTULA	46 West 95 <sup>th</sup> St #3C NY NY 10025

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Please PRINT name clearly	Address and zip code
LIZ SORG	514 W. 110 ST NYC 10025
Cheryl Kligler	345 W 70 St NY 10023
EDITH WINKLER	267 West 89 <sup>th</sup> St. Apt. #8 B NY NY 10024
KATE MOODIE	27 WEST 96 NYC 10025 puw
CARMEN TORRENT	412 W. 110 ST, #22, NY @ 10025
Mariam Chardwall	202a Lexington Ave, 3rd FL, NY, NY 10025

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Please PRINT name clearly	Address and zip code
Trina Svendsen	134 W 73 <sup>rd</sup> St, #3A 10023
C Zinfundby	595 Columbus A 79
Carol Weiss	345 E. 77 St. 3B 10075
NEAL KAUFER	310 West 85 <sup>th</sup> St Apt 3B, NYC 10024
MIRIAM KAPLAN	292 W 92 <sup>nd</sup> St NYC 10025
SHLOMO GEWIRTZ	280 W 86 St NYC 10024
Yoshi Rosen	305 Riverside Dr, #5B, N.Y., NY 10025
Wendy Nakashima	305 Riverside Dr, #5B, N.Y., NY 10025

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Please PRINT name clearly	Address and zip code
Anna Lee Spiro	884 WEST END AVE (104) 10022
Kris A. Boston	143 W. 96 <sup>th</sup> St (4D) 10025
Kenny Schaeffer	240 W. 98 <sup>th</sup> St. 14F NY NY 10025
JACOB L. MILLIGAN II	175 W 87 <sup>th</sup> St. #266, NY, NY 10024
Setsuko KITAJIMA	240 Central Park South NY NY

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Please PRINT name clearly	Address and zip code
MARGARETA LITMAN	166 W. 87 <sup>th</sup> ST. NYC 10024
Katherine Davis	21 W 76 <sup>th</sup> Apt 2B NYC 10023
DAN McSWEENEY	521 W. 111 <sup>th</sup> ST (34) NYC 10025
CLAUDIA HAVEN	5 W 86 ST NYC 10024
Janice Robinson	167 W 83 NYC 10024
Kirk O'NEAL	70 W. 95 <sup>th</sup> ST NYC 10025
Aleta Davies	113 W 82 <sup>nd</sup> ST NYC 10024
Agnes McKeon	10 West 65 <sup>th</sup> ST. NYC 10023
Sophia Stratias	10 W 65 <sup>th</sup> NYC 10023

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Please PRINT name clearly	Address and zip code
Joan McIntee	125 Riverside Dr 10024
Lina Laino	" " "
Barbara Hanning	410 Riverside Dr 10025
Yang-Chi L	27 West 76th St #2B 10023
Patricia Lewis	30 West 90th St #5E 10024

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Please PRINT name clearly	Address and zip code
Shirley BREVARD	589 Amsterdam Ave 10024
MILLIE WAPLE	609 Columbus Ave #2F
Eloisa de Leon	
Christina Danilo	10024
Aracelia Gonzalez	10024

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# Reducing Rent Burden for Elderly New Yorkers

## Improving the Senior Citizen Rent Increase Exemption Program



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## FOREWORD

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Dear friends and colleagues,

We are pleased to release “Reducing Rent Burden for Elderly New Yorkers: Improving the Senior Citizen Rent Increase Exemption Program,” a joint policy paper by Enterprise Community Partners, Inc. and LiveOn NY that addresses the urgent issue of rent burden experienced by the majority of seniors in New York City’s Senior Citizen Rent Increase Exemption program (SCRIE). The report is comprised of an analysis of rent burden among current SCRIE households as well as recommendations to improve SCRIE and make it a more effective affordable housing preservation program.

Currently, only an estimated 43 percent of eligible seniors are enrolled in SCRIE, and since rents are frozen at the level the senior was paying when they entered the program, almost one third of SCRIE participants pay more than 70 percent of their income on rent. Additionally, the average annual income of SCRIE participants is less than \$17,000. To address these challenges, our report recommends: 1) a more robust outreach program to increase utilization, and 2) capping rents for all seniors enrolled in SCRIE at one third of their income.

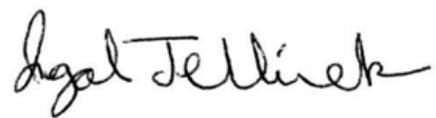
We strongly believe that SCRIE can be improved to reduce and prevent rent burden among seniors, ensuring that they can remain stably housed and age with dignity in their communities. The recommendations we outline in this report can have a meaningful impact and public benefit by eliminating housing insecurity for thousands of low-income seniors in rent-stabilized housing.

We would like to thank the members of the LiveOn NY Affordable Senior Housing Coalition for their expert input and collaboration, and for recognizing the need to support New York City’s vulnerable seniors. We also gratefully acknowledge the contributions of Xiomara Pedraza, Elizabeth Strojan, Bobbie Sackman and Andrea Cianfrani for their role in the research and development of this report.

Sincerely,



**Judi Kende**  
Vice President and New York Market Leader  
Enterprise Community Partners, Inc.



**Igal Jellinek**  
Executive Director  
LiveOn NY

## INTRODUCTION

---

This is a critical time to explore improvements to existing programs and new opportunities to provide affordable housing options for seniors. As the city's population of low-income elderly population increases and housing prices soar, 32 percent of New York City's single seniors—or over 100,000 older adults—are paying more than 50 percent of their income on housing costs.<sup>1</sup> If current trends continue, the number of severely rent-burdened households age 65 and older is projected to rise 40 percent by 2025 nationally.<sup>2</sup> In New York City the population 65 and older will soon outstrip school-aged children.<sup>3</sup> Unless we intervene now, the number of elderly New Yorkers paying unsustainable levels of rent will continue to skyrocket, with disastrous impacts for seniors and our communities.

The Senior Citizen Rent Increase Exemption (SCRIE) freezes rents for low-income elderly New Yorkers in rent-regulated housing. It is a unique tool to help reduce housing insecurity for some of our city's most vulnerable residents. However, low utilization rates for the program and high rent burdens for many seniors enrolled in SCRIE present problems, both for senior households and the greater community. This report proposes possible solutions to improve SCRIE to make it a more effective affordable housing preservation program and discusses the costs and benefits of the recommendations. The specific recommendations discussed are to:

- Ensure seniors enrolled in SCRIE are not rent burdened
- Create a more robust outreach program to enroll more eligible seniors

The recommendations will require a statutory change from the New York State Legislature, and an outreach campaign can be created by New York City.

- 
1. Citizens Budget Commission, *Whose Burden Is It Anyway? Housing Affordability In New York City By Household Characteristics*, November 2015: [http://www.cbcny.org/sites/default/files/REPORT\\_RENTBURDEN\\_11122015\\_1.pdf](http://www.cbcny.org/sites/default/files/REPORT_RENTBURDEN_11122015_1.pdf)
  2. Enterprise Community Partners and the Harvard Joint Center for Housing Studies, *Projecting Trends in Severely Cost-Burdened Renters*, 2015: <http://www.enterprisecommunity.com/resources/ResourceDetails?ID=0100886#sthash.dnZ4yqT1.C11blQDI.dpuf>
  3. New York City Department of City Planning, *New York City Population Projections by Age/Sec & Borough, 2010-2040*, Aug. 2015: [http://www.nyc.gov/html/dcp/pdf/census/projections\\_report\\_2010\\_2040.pdf](http://www.nyc.gov/html/dcp/pdf/census/projections_report_2010_2040.pdf)

## BACKGROUND ON SCRIE

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The Senior Citizen Rent Increase Exemption (SCRIE) was created by New York State statute in 1970 in order to help ease rent burdens of elderly residents in several municipalities statewide, including New York City. The program freezes rents for residents of rent-regulated housing who are over the age of 62 and paying more than one-third of their income on rent. Landlords receive the difference between the contract rent and the frozen rent in refundable property tax credits. The cost of the program, therefore, stems from forgone property tax revenue. In New York City, the program is administered by the Department of Finance (DOF) and the Department of Housing Preservation and Development (HPD).

Applicants to SCRIE must be heads of household and reside in housing that is rent controlled, rent stabilized, or part of the Mitchell Lama program. Additionally, applicants must have annual household incomes of no more than \$50,000 and pay more than 33 percent of their income on rent to qualify.

## UNDERUTILIZATION OF SCRIE

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The average SCRIE participant has been in the program for 9 years, has an average household size of 1.4 persons, and is over 75 years old with an income of just \$16,504.<sup>4</sup>

Unfortunately, utilization rates for SCRIE remain very low—currently around 43 percent or approximately 52,000 households across the city out of a possible 121,729 who would qualify.<sup>5</sup> Figure 1, below, maps neighborhood underutilization rates for all five boroughs.

There are many reasons eligible older adults may not be enrolled in SCRIE, including a lack of public awareness, as well as language barriers or fear of landlord retribution. Efforts to increase enrollment, then, should include an outreach campaign to both tenants and landlords.

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4. The NYC Department of Finance, Report on the New York City Rent Freeze Program: Identifying and Enrolling Eligible Households, 2015: [https://www1.nyc.gov/assets/finance/downloads/pdf/scrie/scrie\\_drie\\_report.pdf](https://www1.nyc.gov/assets/finance/downloads/pdf/scrie/scrie_drie_report.pdf)

5. The NYC Department of Finance, Report on the New York City Rent Freeze Program: Identifying and Enrolling Eligible Households, 2015: [https://www1.nyc.gov/assets/finance/downloads/pdf/scrie/scrie\\_drie\\_report.pdf](https://www1.nyc.gov/assets/finance/downloads/pdf/scrie/scrie_drie_report.pdf)

SCRIE Under-utilization by Sub-Borough Areas

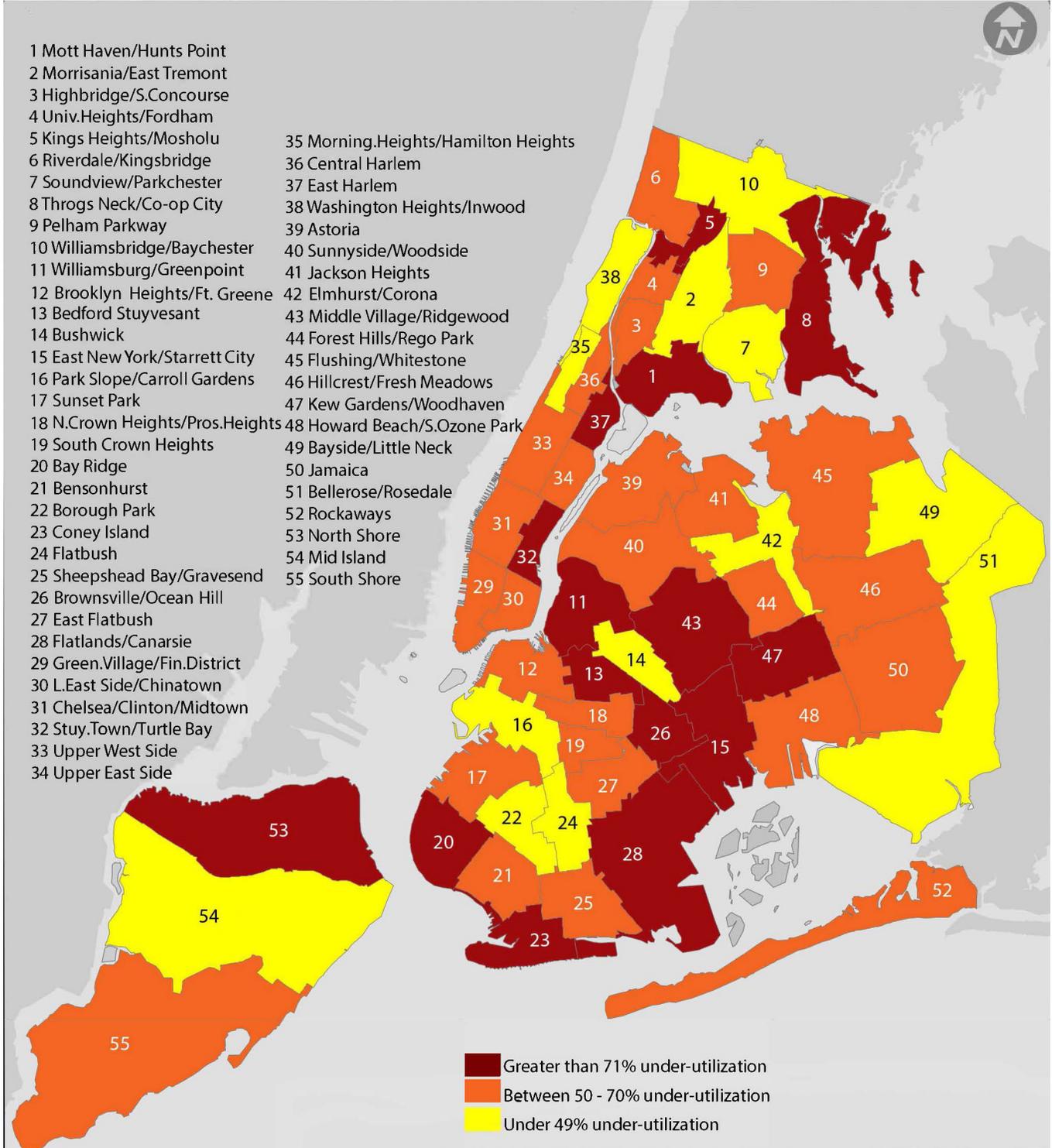


Figure 1. Source: LiveOn NY analysis of SCRIE under-utilization (2015)

## RENT BURDEN AMONG SCRIE HOUSEHOLDS

SCRIE freezes rents at current levels as of the time of enrollment, but because paying in excess of one third of income is a criterion for eligibility, it guarantees that participants must initially be (and may remain) rent burdened. Households paying one third or more of income for shelter are considered moderately rent burdened, while those paying half or more are considered severely rent burdened.

When Enterprise analyzed the depth and extent of rent burden experienced by seniors who are enrolled in SCRIE, it was evident that a majority of SCRIE beneficiaries are severely rent burdened (spending over 50 percent of their income on rent) and almost a third are paying over 70 percent of their income towards rent.

Figure 2 provides a graphic breakdown of beneficiaries who are rent burdened as well as their rent-to-income ratios. The majority (55 percent) of beneficiaries are severely rent burdened. Included in this group are households spending between 50 percent and 70 percent of their income (a quarter of all beneficiaries) and those spending above 70 percent of their income on housing (almost a third of all beneficiaries, or over 15,000 households).

**Impact of Reducing Rent Burdens for Current SCRIE Participants**

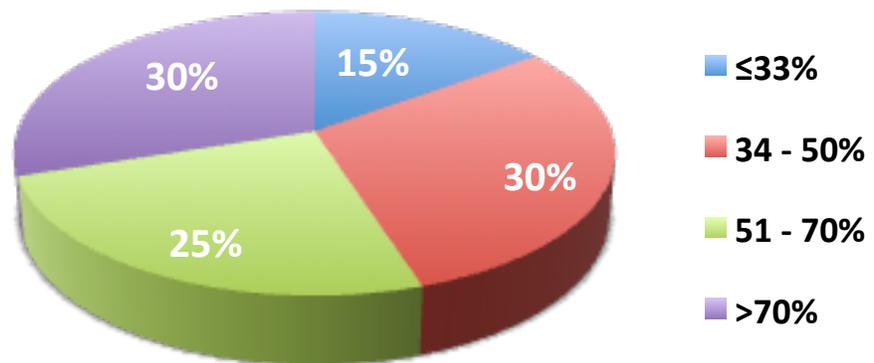


Figure 2. Source: Enterprise analysis of Monthly Tenant Abatement Credit from NYC Department of Finance (November 2015)

*Ms. S is a 77-year-old SCRIE beneficiary and Holocaust survivor. Her rent under SCRIE is \$961. She receives SSI in the amount of \$820, \$187 in food stamps, and an Article 2 fund at about \$330 monthly. Ms. S runs out of money every month and can't afford to buy groceries so her daughter sometimes buys food for her. After paying for rent, utility bills and household items, Ms. S doesn't have much left over. She told me, "Prices for food are rising, everything gets more expensive while I am still getting the same SSI and food stamp money." — Selfhelp representative*

Table 1 further analyzes the number of households within the SCRIE program who are rent burdened and severely rent burdened. It also depicts the median annual household income of SCRIE beneficiaries within each category of rent burden status as well as their monthly residual income after housing costs.

The data indicates that the lower the income of SCRIE households, the more likely they are to suffer from severe rent burdens. According to our analysis, over 26,000 beneficiaries of SCRIE are severely rent burdened and have a median income of \$11,000 per year. Within that sub population, the average residual income leftover after rent is a mere \$183 per month to purchase food, utilities, basic necessities and health care.

**SCRIE Rent Burden Breakdown**

Rent Burden Status	Number of Households	Median Income	Residual Income
Not Rent burdened (<33% income on rent)	7,139	\$23,122.80	\$1,389.86
Rent Burdened (34%-50% income on rent)	14,576	\$20,168.94	\$988.86
Severely Rent Burdened (>50% income on rent)	26,574	\$11,327.75	\$183.40

Table 1. Source: Enterprise analysis of Monthly Tenant Abatement Credit from NYC Department of Finance (November 2015)

Rent-burdened seniors (those paying over 33 percent of their income, but below 50 percent of their income in rent) feel the strain as well. This group has a median income just over \$20,000, often leaving them ineligible for benefits like food stamps. For many seniors, high health care costs and other expenses in addition to rent burden can leave these seniors teetering the edge of destitution.

## IMPACTS ON SENIORS AND COMMUNITIES

*“A.O. is a 74-year-old Hispanic female living in the Bronx. Her income is \$1,064 and her rent is \$1,332. LiveOn NY helped her apply for SCRIE and her rent is now frozen, but her rent exceeds her income. She also has SNAP benefits and is a recipient of the Medicare Savings program, all of which help her survive on her fixed income.”*

*—LiveOn NY representative*

While all older adults face challenges as they age, those who are low- and moderate-income renters face the greatest difficulties because they often have little wealth or savings when they retire. While the typical homeowner aged 65 and over has enough wealth to cover nursing home costs for 42 months and enough non-housing wealth to last 15 months, the median older renter cannot afford even one month in a nursing home.<sup>6</sup>

Living in unaffordable housing is detrimental to any household, especially those with low incomes. For elderly residents on fixed incomes, paying too much on rent leads to unhealthy outcomes, like skipping meals or doctor visits, not filling prescriptions, and living in extremely vulnerable situations. Oftentimes, when low-income seniors are vulnerable and housing insecure, the situation is ripe for elder abuse.<sup>7</sup>

Conversely, studies have shown that affordable housing for low-income senior households leads to increased spending on food and preventative healthcare. In 2014, The Joint Center for Housing Studies at Harvard University found that “on average, severely rent-burdened households...spend more than 40 percent less on food than households living in housing they can afford...[and] households aged 50–64 with severe rent burdens also spend roughly 70 percent less on health care as well as on retirement savings.”<sup>8</sup>

There are also potential implications for the city’s rent-stabilized housing stock. Since SCRIE applies to rent-regulated housing, preserving stable housing opportunities within these buildings maintains affordability and prevents deregulation. Since 2007, more than 50,000 stabilized apartments have been deregulated all over the city.<sup>9</sup> Deregulation of rent-stabilized apartments often occurs when the apartment unit becomes vacant, also known as vacancy deregulation. If we are serious about preserving affordable housing, SCRIE should be improved and utilized as a powerful tool to curb the loss of stabilized units across all five boroughs because it prevents unit turnover and allows long-time residents to remain in their community after retirement.

6. Enterprise Community Partners and the Harvard Joint Center for Housing Studies, *Projecting Trends in Severely Cost-Burdened Renters*, 2015: <http://www.enterprisecommunity.com/resources/ResourceDetails?ID=0100886#sthash.dnZ4yqT1.C11blQDI.dpuf>
7. Elder abuse is underreported. The actual incidence rate in New York State is nearly 24 times greater than the number of cases referred to social service, law enforcement or legal authorities, and the most common self-reported form of elder abuse is financial exploitation. Source: Lifespan of Greater Rochester, Inc. Weill Cornell Medical Center of Cornell University, New York City Department for the Aging, *Under the Radar: New York State Elder Abuse Prevalence Study: Self-Reported Prevalence And Documented Case Surveys Final Report*, May 2011: <http://static1.squarespace.com/static/562a3197e4b0493d4ffd3105/t/56e70aa186db43764491460f/1457982121686/UndertheRadar051211.pdf>
8. Joint Center for Housing Studies, *Housing America’s Older Adults: Meeting the Needs of an Aging Population*, September 2014: [http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/jchs-housing\\_americas\\_older\\_adults\\_2014.pdf](http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/jchs-housing_americas_older_adults_2014.pdf)
9. Alberts, Hana R. *Curbed NY*, “Mapping the Rent-Stabilized Apartments NYC’s Lost Since 2007,” July 15, 2015: <http://ny.curbed.com/2015/7/15/9940218/mapping-the-rent-stabilized-apartments-nycs-lost-since-2007>

## POSSIBLE SOLUTIONS

### ENSURE SENIORS ENROLLED IN SCRIE ARE NOT RENT BURDENED

Based on the growing need to address rent burdens among vulnerable seniors, we believe that SCRIE should help eliminate housing insecurity for low- and moderate-income older adults. To achieve this goal, SCRIE can be strengthened to ensure seniors enrolled in the program are not rent burdened. Two possible modifications are to cap rents at one third or one half of household income for beneficiaries of the program. The difference between the legal rent and the capped rent can continue to be supplemented via the property tax abatement. Below is Enterprise’s analysis of the costs of reducing rent burden via the modifications described.

#### Impact of Reducing Rent Burdens for Current SCRIE Participants

Possible SCRIE Modifications	Rent Burden & Severe Rent Burden Among SCRIE Participants	Estimated Annual Cost
Current Baseline	85% are Rent Burdened 55% are Severely Rent Burdened	\$137 million
Capping rents at 33% income	0% would be Rent Burdened 0% would be Severely Rent Burdened	\$324 million
50% income	0% would be Severely Rent Burdened	\$225 million

Table 2 Source: Enterprise analysis of Monthly Tenant Abatement Credit from NYC Department of Finance (November 2015)

In order to calculate the cost of the SCRIE program to the city, the monthly abatement given to participating property owners for each SCRIE beneficiary was multiplied by twelve to illustrate the dollar amount of forgone tax revenue within a given year. The analysis determined that SCRIE currently costs the city approximately \$137 million a year in forgone property taxes. It is important to note that if efforts to increase utilization of SCRIE are effective, the program cost would increase beyond the numbers shown here (see next page for more detailed cost analysis).

Capping rents at 33 percent of household income would effectively eliminate rent burden for all beneficiaries at a cost of \$324 million at current enrollment levels. Capping rents at 50 percent of household income would solve for severe rent burden—targeting the lowest-income households—and cost the city less, at \$225 million. However, rolling back rents to no greater than 50 percent of income would not improve the financial circumstances of elderly households who are paying between 33 percent and 49 percent of their income toward their housing.

**CREATE AN OUTREACH PROGRAM TO ENROLL MORE ELIGIBLE SENIORS**

Fortunately, the city is actively working to improve the SCRIE program through a task force under the Department of Finance. Processes for renewals and benefit transfers are being streamlined. DOF is also organizing a “Freeze Your Rent” outreach campaign targeting neighborhoods with low utilization rates and working with community-based organizations. These efforts are laudable; however, they could be supplemented by increased grassroots outreach and a public awareness campaign.

For instance, in 2014, the Mayor’s Office of Community Affairs and the Department of Education launched an aggressive grassroots campaign to recruit and enroll families in universal pre-K, which included a team of dedicated enrollment specialists who called families and canvassed local communities. Outreach specialists made hundreds of thousands of phone calls to share information about the program and provide direct assistance completing the application. In addition, the Department of Education launched media campaigns in subways, bus stations, and print outlets, in both English and Spanish, and even created a text message hotline to allow families to access information from their cell phones. If a similar outreach campaign were funded to enroll older adults in SCRIE while also capping rents at more affordable levels, utilization could increase dramatically, saving thousands of seniors from extreme rent burden or eviction and helping to preserve thousands of rent-stabilized units.

Working with landlords could also increase SCRIE enrollment. The city could provide an “opt-in” option on rent-regulated lease renewals so that tenants are made aware that they may qualify and have an application sent to them upon signing a lease. To prevent evictions and the associated costs of eviction proceedings and shelter utilization, all qualifying seniors facing eviction through the housing court system should be automatically enrolled in SCRIE.

**SCRIE Rent Burden Breakdown**

Estimated Annual Cost	Enrollment Rate		
	Current (43%)	70%	100%
Current Program—Rent Freeze (baseline)	\$137 million	\$241 million	\$344 million
50% Rent Cap	\$225 million	\$398 million	\$569 million
33% Rent Cap	\$324 million	\$572 million	\$817 million

Table 3. Source: Enterprise analysis of Monthly Tenant Abatement Credit from NYC Department of Finance (November 2015)

Efforts to increase utilization and reduce severe rent burdens will inevitably come with more cost. Keeping seniors stably housed in their communities, however, is a worthwhile investment with the potential to save millions by preventing the use of other costly public services. Table 3 depicts the estimated annual cost of the current SCRIE program and the two rent reduction modifications discussed in this report, along with possible enrollment rate increases to 70 percent and 100 percent. Implications of increased enrollment were calculated using the average benefit per participant under the current program as well as the modified programs multiplied by the appropriate proportion of households. This calculation does not take into consideration any changes in the SCRIE-eligible population over time. Changes in the population eligible for SCRIE may occur due to changes in the rent-regulated housing stock or changes in the older adult population with incomes at or below \$50,000.

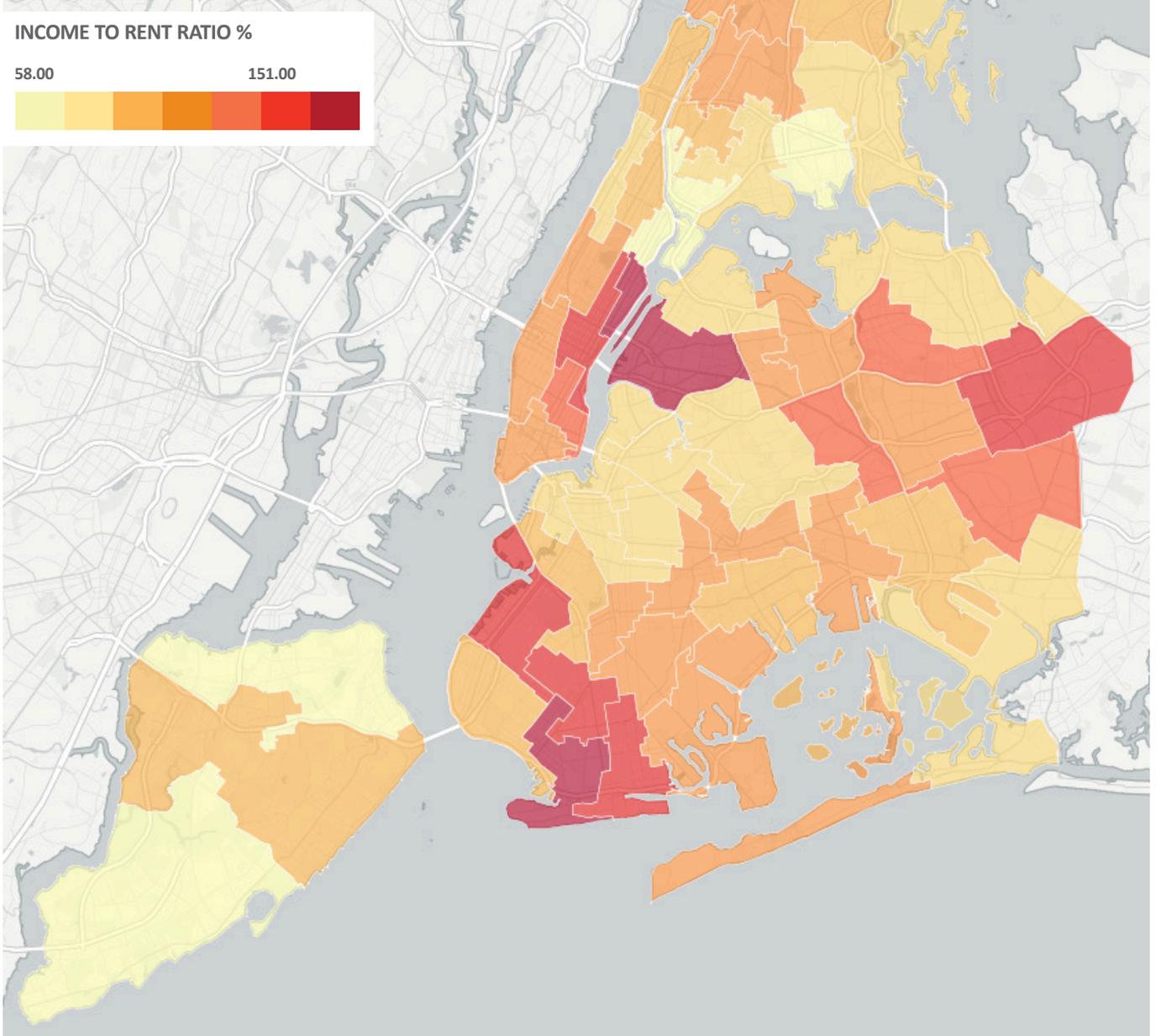
## CONCLUSION

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Although the rent-burden reduction, outreach and public awareness campaign discussed above present significant costs to the city, the costs of inaction are potentially much higher. Those costs are born by our elderly family members, neighbors, our communities, and our public safety net system. Therefore, we recommend improving the current program so that rents are capped at 33 percent of household income for eligible senior households and significantly increasing public awareness and outreach efforts. This will help stabilize households and prevent costly losses of rent-regulated housing as well as the use of homelessness services.

**APPENDIX: MAPS OF SCRIE RENT-BURDENED DISTRICTS**

**Avg. Rent Burden of SCRIE Beneficiary by City Council District**

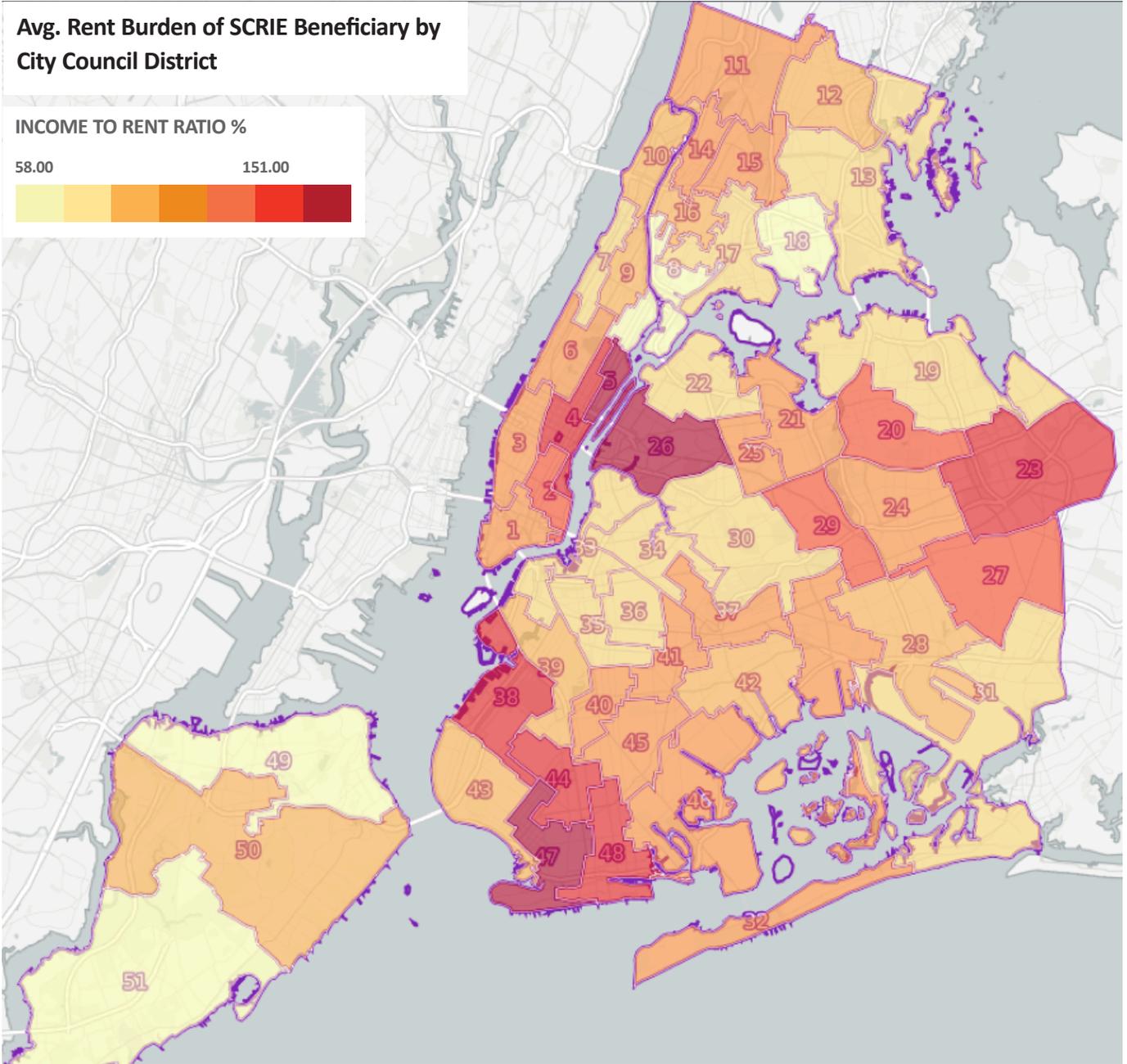


### Avg. Rent Burden of SCRIE Beneficiary by City Council District

INCOME TO RENT RATIO %

58.00

151.00

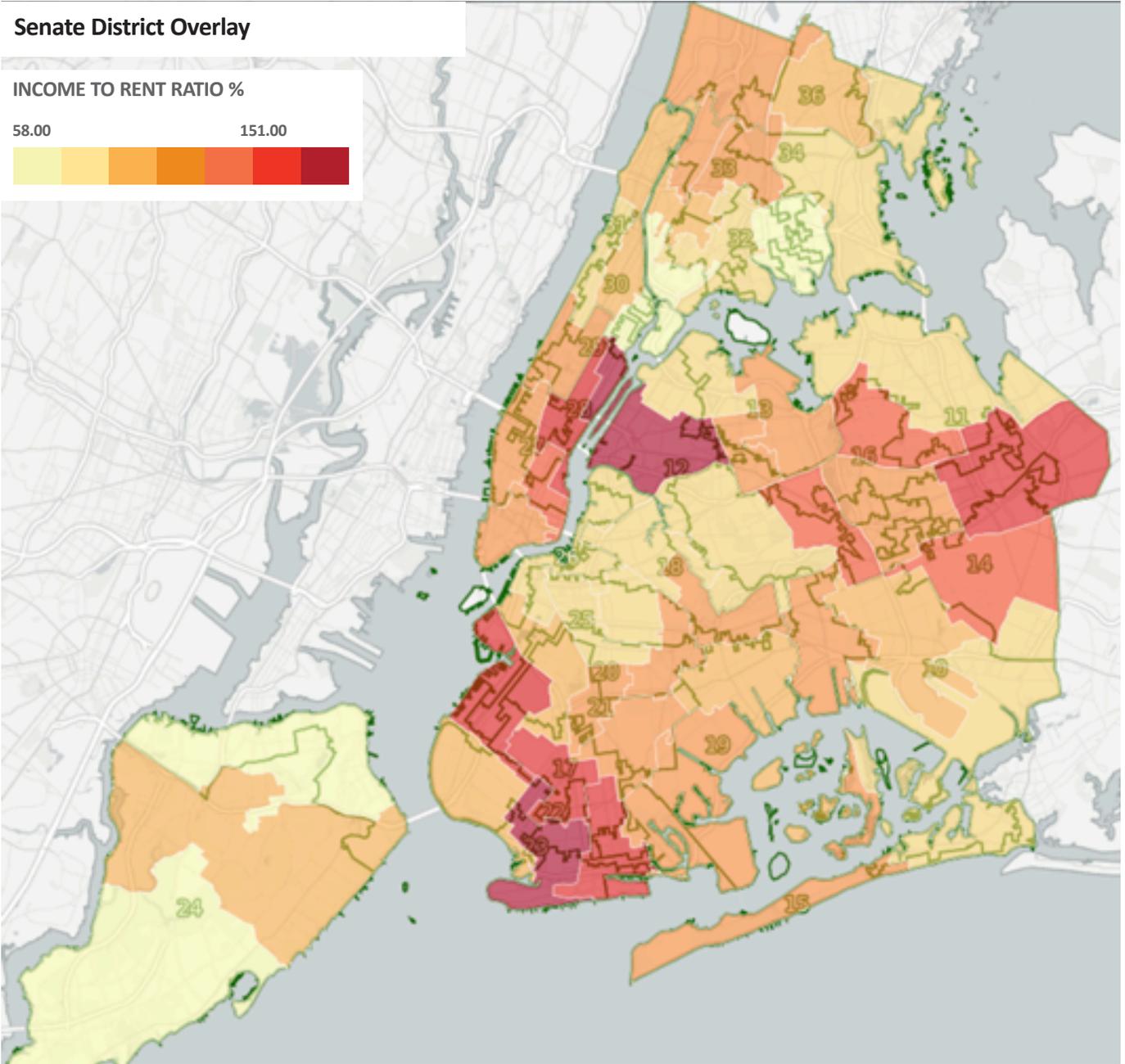


### Senate District Overlay

INCOME TO RENT RATIO %

58.00

151.00

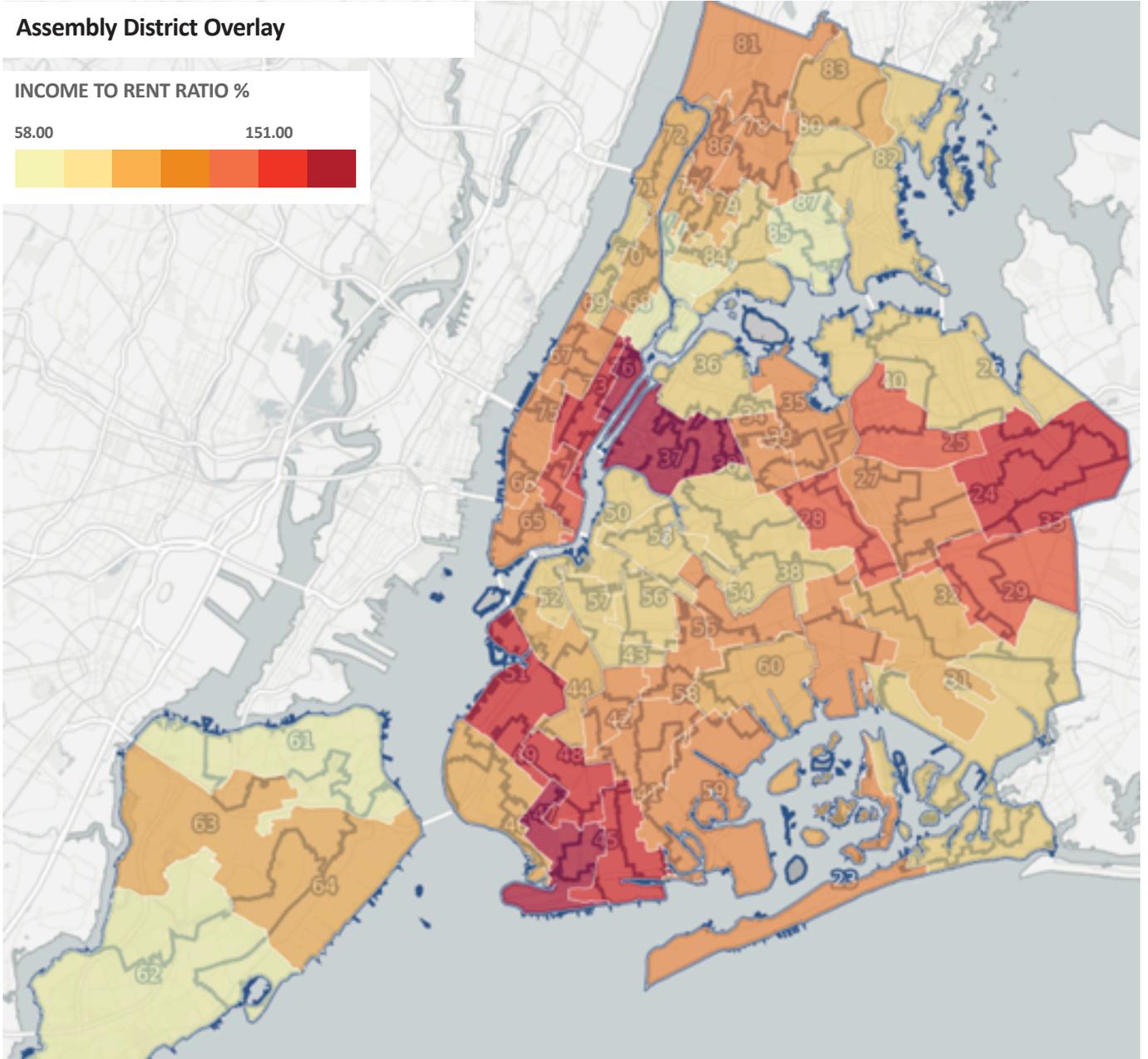


### Assembly District Overlay

INCOME TO RENT RATIO %

58.00

151.00



## **ACKNOWLEDGEMENTS**

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We would like to acknowledge the following members of the LiveOn NY Affordable Senior Housing Coalition for their valuable input on this report:

**\* Catholic Charities Brooklyn & Queens**

Association of New York Catholic Homes

Catholic Charities of the Archdiocese of New York

Chinese American Planning Council, Inc.

Community Agency for Senior Citizens (CASC)

Encore Community Services

Goddard Riverside Senior Services

**\* HANAC, Inc.**

James Lenox House & Carnegie East House Association

Jewish Association Serving the Aging (JASA)

Jewish Home Lifecare

Lenox Hill Neighborhood House

Mid-Bronx Senior Citizens Council

New York Foundation for Senior Citizens

Presbyterian Senior Services

**\* Project Find**

Queens Community House

Regional Aid for Interim Needs, Inc. (R.A.I.N.)

Ridgewood Bushwick Senior Citizens Council

SEBCO Senior Services

**\* Selfhelp Community Services**

Sunnyside Community Services

Hebrew Home at Riverdale, RiverSpring Health

West Side Federation for Senior & Supportive Housing

YM-YWHA of Washington Heights/Inwood

**\* SCRIE Task Force**



[www.EnterpriseCommunity.org](http://www.EnterpriseCommunity.org)  
[www.EnterpriseCommunity.com](http://www.EnterpriseCommunity.com)

70 Corporate Center  
11000 Broken Land Parkway, Suite 700  
Columbia, MD 21044



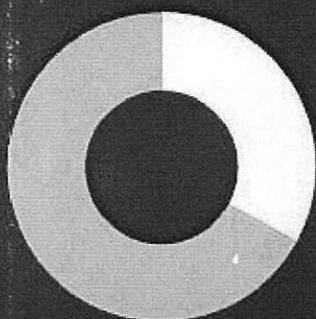
[www.liveon-ny.org/](http://www.liveon-ny.org/)

49 West 45th Street  
New York, NY 10036

# Off the Fiscal Cliff: Seniors Need to Know About SCRIE

LiveOn NY conducted a survey, completed in October 2016, of 2,214 seniors who are not enrolled in SCRIE to determine their awareness of the program and any potential rent burden. This infographic serves to highlight the study's findings.

37% of Seniors Not Enrolled in SCRIE Report Paying More Than 50% of their Income on Rent



Due to high rent...



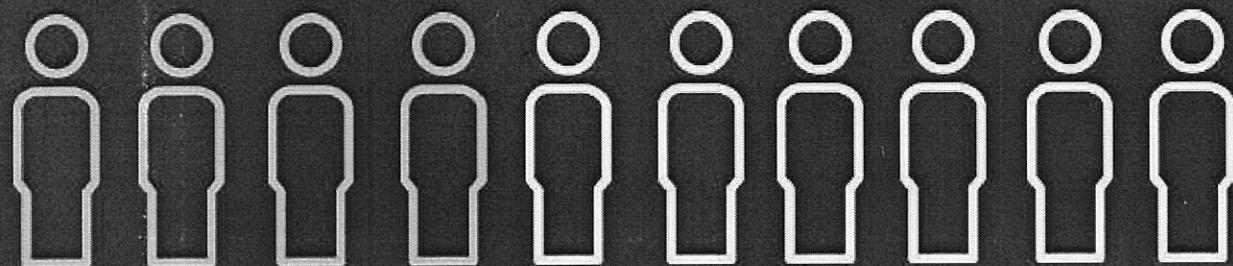
12% Fall Behind on Other Bills



11% Skip Meals and/or Can't Afford 3 Meals a Day

Due to High Rent: "I have become isolated from the rest of society"

Anonymous Survey Response



4 out of 10 Seniors Report Not Knowing About SCRIE

NYC Must Implement a Robust, Sustained SCRIE Outreach Campaign so that No Senior Ends up on the Fiscal Cliff.

**LiveOn NY**  
Making New York a better place to age

For More Information Contact: Bobbie Sackman, Director of Public Policy, at [bsackman@liveon-ny.org](mailto:bsackman@liveon-ny.org) or Katelyn Hosey, Housing Policy Analyst, at [khosey@liveon-ny.org](mailto:khosey@liveon-ny.org)

[liveon-ny.org](http://liveon-ny.org)

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LENOX HILL NEIGHBORHOOD HOUSE  
SINCE 1894

**Testimony of Lenox Hill Neighborhood House Before  
The New York City Council Committees on Aging and Finance  
Oversight: Department of Finance’s Administration of the Rent Freeze Program**

**January 21, 2020**

Good afternoon, Chairs and Members of the Committees on Aging and Finance. My name is Alexandra Brandes and I am the Policy and Advocacy Manager at Lenox Hill Neighborhood House. Thank you for the opportunity to testify today at this oversight hearing examining the New York City Department of Finance’s administration of the Rent Freeze Program (SCRIE and DRIE).

**1. Lenox Hill Neighborhood House**

Lenox Hill Neighborhood House is a 126-year-old settlement house that provides an extensive array of effective and integrated human services—social, educational, legal, health, housing, mental health, nutritional and fitness—which significantly improve the lives of 15,000 people in need each year, ages 3 to 103, on the East Side of Manhattan.

The Legal Advocacy Department at the Neighborhood House provides comprehensive civil legal services to low-income individuals and families in Manhattan. Our attorneys, advocates, and volunteers assist thousands of New Yorkers with litigation, applications, adjustments, renewals and appeals related to eviction prevention and maintaining their housing each year. Since 2011, we have worked with pro bono partners coordinated through New York Lawyers for the Public Interest (NYLPI) to have attorneys from Paul, Weiss, Rifkind, Wharton & Garrison LLP, the CitiLegal Pro Bono Initiative, Weil, Gotshal & Manges LLP, and Morgan Stanley assist clients with Rent Freeze Program applications and renewals. Together, we have helped 1,498 individuals from 78 different zip codes receive Rent Freeze Program benefits. Additionally, we provide educational workshops about the Rent Freeze Program to our community members and other service providers throughout New York City.

**2. The Department of Finance Proposed Rule for the Rent Freeze Program**

The Rent Freeze Program has operated without rules since its inception. Recently, the Department of Finance (“DOF”) issued a proposed rule for the Rent Freeze Program (“proposed rule”). While we were encouraged by DOF’s attempts to make the Rent Freeze Program more accessible—allowing applicants to apply at any time, rather than only at lease renewal; expanding ability to establish tenancy succession rights with other documents rather than only a lease; and relieving a widowed spouse of the obligation to submit a formal benefit takeover

application—we noted several instances in the proposed rule that would have been more restrictive than current DOF practice.

1. Several definitions are very narrowly written, including: agent; initial eligibility date; head of household; surviving member of household; and good cause.
2. The tenant would be required to submit a fully executed lease, a “deemed” lease, or other “acceptable proof of tenancy.” This would create an insurmountable barrier to the Rent Freeze Program for tenants in SROs who do not have leases, tenants who never receive a counter-signed lease from their landlord, and tenants who do not receive a rent bill or have another utility in their name. Previously, these tenants could use the Certification of No Renewal Lease Form to receive and maintain their Rent Freeze Program benefit. However, under the proposed rule they would be barred from using this form for more than two consecutive lease terms.
3. DOF would require the tenant to pay the legal rent increase until a lease is obtained. This punishes the tenant who has no control over whether the landlord sends or countersigns a lease.
4. Tenants would be limited to one application each year. There should be no limit to how many applications someone can submit.
5. The landlord and building owners would be allowed to request revocation of the Rent Freeze Program upon suspicion the tenant is not eligible. The landlord should only be able to engage in the revocation of Rent Freeze Program benefits when the tenant has died, and the apartment has been permanently vacated.
6. Tenants would be prohibited from receiving rental subsidies and the Rent Freeze Program. This would harm many low-income tenants. For example, tenants who rely on the Rent Freeze Program to qualify for CityFHEPS would lose both benefits and be unable to pay for their apartment.
7. The Rent Freeze Program rent would be the rent in effect immediately before the date the application is approved rather than the rent on the prior lease. This means every tenant will be required to pay a frozen rent that is at least one legal rent increase greater than the frozen rent that they would be required to pay under current rules.
8. A rent reduction order for a tenant living in uninhabitable conditions would be provided to DOF. This would take money away from a tenant living in uninhabitable conditions and contradict the Administrative Code.
9. A tenant would be responsible for incorrectly receiving the Rent Freeze Program, regardless of fault. This is contrary to caselaw and seeks to punish a tenant for an agency mistake.

**a. Insufficient notice**

Our office received notification from the Department of Finance on November 13, 2019, the public hearing and comment period closure were scheduled for December 3, 2019. This provided advocates and the community a very short window to prepare testimony, especially considering the Thanksgiving holiday. At the hearing on December 3, 2019, DOF acknowledged

the short time-frame and agreed to leave the comment period open longer. On December 21, 2019, we received a follow-up email from DOF that comments would be accepted through the end of the year. Again, a very short time-frame to comment over a holiday, Christmas. We hope that DOF will provide more notice in the future to advocates and community groups to receive more input on proposed rule changes.

### **3. Other Recommendations Regarding the Rent Freeze Program**

Recent legislation at the State and Federal level have had implications for the Rent Freeze Program.

#### **a. Housing Stability and Tenant Protection Act of 2019**

The Housing Stability and Tenant Protection Act of 2019 (“HSTPA”) made several changes that have implications for Rent Freeze Program recipients. We recommend DOF make the following changes:

- Tenants who have a lifetime preferential rent under the HSTPA be permitted to adjust the frozen rent to the lifetime preferential rent.
- Tenants who had the Rent Freeze Program because their legal regulated rent was more than one-third of their income, but their preferential rent was not one-third of their income and their lifetime preferential rent is not one-third of their income, should be grandfathered into the Rent Freeze Program to maintain their benefits.
- The tax abatement credit (“TAC”) should be corrected as landlords are no longer able to collect Fuel Cost Adjustments for tenants in rent control units.

#### **b. Tax Cuts and Jobs Act**

The Tax Cuts and Jobs Act of 2017 (“tax reform”) caused the revision of several tax forms, including Form 1040 for a U.S. Individual Income Tax Return. The version used before tax reform had separate lines for IRA distributions and pensions and annuities (“lines 15 and 16”). However, the new form has only one line for IRA distributions, pensions, and annuities (“line 4”). This impacts Rent Freeze Program beneficiaries because their IRA distributions are not countable income, but pensions and annuities are countable income. As such, when applicants apply for the Rent Freeze Program, and submit the new tax form, everything on line 4 is considered countable income because it is impossible to distinguish from the new Form 1040 what portion of the amount is attributed to the IRA distributions. Our office has had two clients who were erroneously denied because their IRA distributions were incorrectly counted as income. While we are currently helping these two clients appeal, we are afraid there are countless other older adults and people with disabilities who have also been wrongfully denied. We ask that DOF be required to review all denials since tax reform to identify the denials that were the result of the income indicated on line 4. In those cases, we recommend that DOF be required to request additional information to determine what portion of the income listed on line 4 is countable income based on year-end statements. Going forward we recommend that tenants who indicate income on line 4 be required to submit year-end statements before an eligibility determination is issued by DOF.

**Conclusion**

We appreciate the Council's investigation of these pressing matters and are hopeful that with action by the Council the concerns we have described can be addressed. Thank you again for the opportunity to testify today. As advocates, we applaud the City Council's decision to hold these hearings and to examine the status of the programs. The Rent Freeze Program is a lifeline for older adults and people with disabilities throughout New York City and we look forward to its continued improvement.



SINCE 1894

331 East 70th Street  
New York, NY 10021  
212 744 5022

[www.lenoxhill.org](http://www.lenoxhill.org)

# LENOX HILL NEIGHBORHOOD HOUSE

December 3, 2019

NYC Dept. of Finance  
Legal Affairs Division  
375 Pearl St., 30<sup>th</sup> Fl.  
New York, N.Y. 10038  
[laroset@finance.nyc.gov](mailto:laroset@finance.nyc.gov)

Re: Proposed Changes to SCRIE/DRIE Rules, Chapter 52 of Title 19, RCNY

To the NYC Department of Finance:

We write regarding the Department of Finance's ("DOF") proposed rule ("proposed rule") change to Chapter 52 of Title 19 of the Rules of the City of New York, regarding Senior Citizen Rent Increase Exemption & Disabled Rent Increase Exemption programs ("SCRIE/DRIE"), because it will remove critical housing stability for older adults and people with disabilities.

SCRIE/DRIE was created over 50 years ago to ameliorate the effects of ever-increasing rents on low-income seniors and people with disabilities and to protect them from unaffordable rent increases that cause their rent to exceed one-third of their incomes and which might otherwise result in their eviction, homelessness, and institutionalization. Without SCRIE/DRIE, low-income seniors and people with disabilities would be forced to leave their apartments, our community and ultimately, New York City. It would not be possible for low-income seniors or people with disabilities to afford rising rents and Major Capital Improvements increases ("MCIs") while living on fixed incomes that rise very little each year. SCRIE/DRIE is the ultimate life-line that allows our seniors and people with disabilities to age in place and remain an integral part of our diverse City; thus, it must remain accessible.

## **Introduction**

Lenox Hill Neighborhood House ("the Neighborhood House") was founded in 1894 as a free kindergarten for immigrant children. We serve 15,000 low-income individuals annually through a wide array of effective and integrated services – social, educational, legal, housing, health, mental health, nutrition, and fitness. The Neighborhood House's clients, who range in age from 3 to 103, represent the full diversity of New York City.

## **Our Housing Experience and Expertise**

The Legal Advocacy Department at the Neighborhood House provides comprehensive civil legal services to low-income individuals and families in Manhattan. Our attorneys, advocates, and volunteers assist thousands of New Yorkers with litigation, applications, adjustments, renewals and appeals related to

eviction prevention and maintaining their housing each year. Since 2011, we have worked with pro bono partners coordinated through New York Lawyers for the Public Interest (NYLPI) to have attorneys from Paul, Weiss, Rifkind, Wharton & Garrison LLP, the CitiLegal Pro Bono Initiative, Weil, Gotshal & Manges LLP, and Morgan Stanley assist clients with SCRIE/DRIE applications and renewals. Together, we have helped 1,498 individuals from 78 different zip codes receive SCRIE/DRIE. Additionally, we provide educational workshops about SCRIE/DRIE to our community members and other service providers throughout New York City.

### **We Support DOF's Development of Proposed Rules**

As there have not previously been rules for SCRIE/DRIE, we support the development of rules to further the goals of the program. Specifically, we believe the following rules will support the goals of maintaining affordable housing for seniors and people with disabilities:

#### **1. Applications § 52-02(a)**

- The proposed rule permits tenants to apply for benefits at any time that the person meets the program's eligibility requirements as this change will expand potential program eligibility. Previously, applications from individuals who meet the eligibility criteria has been permitted just at the moment of lease renewal which has been challenging for people who experience a delay in lease renewal or a change in financial circumstances between lease renewals. This change would allow more people to access SCRIE/DRIE.
- The proposed rule appropriately expands the applicant's ability to establish tenancy rights by submitting a court order or DHCR Remaining Family Member ruling on succession rights instead of only based on a lease signed by the landlord. As many landlord's challenge succession claims and do not provide a lease during the litigation, this will provide an important opportunity for people to establish their tenancy and retain their program eligibility during this process.

#### **2. Head of Household Succession Rights § 52-07(b)(2)(i)**

- The proposed rule appropriately relieves a spouse or domestic partner of the obligation to submit a formal benefit takeover application. This change will make it much easier for spouses and domestic partners to maintain SCRIE/DRIE.

### **We Oppose Several Proposed Rules and Recommend Changes**

Below, we have identified several proposed rules that we oppose because they will result in the denial or termination of SCRIE/DRIE.

#### **1. Definitions § 52-01**

Of the many definitions in the proposed rule, we have concerns about the following:

- "agent" – Under the proposed rule, the definition of agent is limited to someone with a court appointed guardian or power of attorney. This definition should be modified to include attorneys and anyone officially listed as a tenant representative with DOF, consistent with other benefit applications in the City.

- “initial eligibility date” – Under the proposed rule, the initial eligibility date is the first day of the first month after the date an application is approved. This definition will adversely affect clients who struggle to apply timely due to their age or disability and may wrongfully incentive city employees to delay their determinations to generate more revenue. Further, this is contrary to the Administrative Code of the City of New York, which states that an approval order “shall take effect on the first day of the first month after receipt of such application. . .” NYC Admin. Code §§26-405(m); 26-509(b)(5). This definition should be modified to the first day of the month after the application is submitted.
- “head of household” – Under the proposed rule, only one person can be designated as the “head of household.” This will result in arbitrary denials of beneficiary status because the program permits only one person to be designated as a head of household. This definition affects other provisions, such as § 52-05(b)(2). This definition should be modified to permit multiple heads of household because it would facilitate benefit takeovers and provide an easier renewal process, as either head of household could renew.
- “surviving member of household” – Under the proposed rule, surviving household member is defined as a “member of the household who has been granted succession rights to, and continues to live in, an apartment after the head(s) of household who held a current, valid tax abatement certificate either dies or permanently leaves the household.” This definition fails to consider that it can take years for household members to be officially recognized as successor by landlord or court. For example, our client, Mr. T., lived with his mother, who was a SCRIE beneficiary. He was listed on her household composition on her SCRIE renewals, and when she passed away in 2017, he was able to take over her benefit, as he is eligible for SCRIE himself. However, his landlord has refused to acknowledge his right to the apartment, and we have been litigating his succession case for over two years. If he did not have a current SCRIE benefit, the rent in the apartment would exceed his income, and he would not be able to remain in the apartment, regardless of his right to it. This definition also affects other provisions, such as §52-07, regarding head of household (see above). This definition should not require the household member be “granted succession rights” to retain SCRIE/DRIE benefits.
- “Good cause” - Under the proposed rule, good cause is defined as “hospitalization for documented illness or medical condition...unit damaged by fire, flood, natural catastrophe...other exceptional circumstances.” We find this definition will make it harder for people on SCRIE/DRIE to receive an exemption based on “good cause.” Many SCRIE/DRIE clients have issues that do not rise to the level of hospitalization or natural catastrophe that prevent them from renewing their benefit in a timely manner. For example, Mr. B. suffered severe depression that made it difficult for him to handle daily activities, such as opening his mail. He did not renew his SCRIE/DRIE for two years.

Recently, we were given a reasonable accommodation as his depression was deemed to be “good cause” and he can get retroactive SCRIE/DRIE benefits once he is able to show that he was eligible for SCRIE/DRIE over the past two years. If Mr. B’s frozen rent is not restored to the old SCRIE/DRIE frozen rent, his rent would be frozen at 60% of his income with a new application, as opposed to 40% of his income with a good cause exemption, a significant difference. Under the proposed rule Mr. B’s rent would increase 20%. This definition should be modified to provide more expansive opportunities to receive an exception for good cause.

## **2. Applications and Renewals §52-02**

The proposed rule would make it more difficult for tenants to obtain and maintain their SCRIE/DRIE. First, the proposed rule requires a fully executed lease, signed by the tenant and the landlord, or a “deemed” lease. This is problematic because many tenants do not receive leases or fully executed leases from their landlords. Also “deemed” lease renewals are significantly constrained. (See, RPL § 232-c and RSC § 2523.5; *Samson Mgt. LLC v. Hubert*, 28 Misc.3d 29 (AT 2d Dep’t 2010), *aff’d*, 92 A.D.3d 932 (2d Dep’t 2012).)

Second, DOF is also requiring the tenant submit “acceptable proof of tenancy” such as a rent due statement or utility bill in the tenant’s name. This places an unnecessary and unfair burden on the tenant as some landlords do not send rent due statements and some tenants do not pay utilities or may have utility bills in the name of a family member who is not the primary tenant. Although previously, DOF allowed tenants to submit a Certification of No Renewal Lease Form as acceptable proof of tenancy when a lease was not available, the proposed rules state that the form cannot be utilized for two consecutive periods without the tenant submitting the missing lease. Effectively, this will punish tenants for something completely out of their control and either require litigation around getting the lease—which could take years—and would undermine their SCRIE/DRIE eligibility.

Further, DOF states the tenant would bear the burden of paying the legal rent increase until a signed lease is obtained from the landlord. It is much more appropriate for the landlord to bear the loss of an increased tax credit when it is the landlord that is failing to provide a signed lease. Placing the burden of paying a rent increase on the tenant during the period that the landlord withholds the signed lease, runs counter to the very purpose of the Rent Increase Exemption Law.

Third, the proposed rule states that a tenant may only submit one initial application and, if applicable, one renewal application each calendar year. This will make it more difficult for tenants to receive SCRIE/DRIE. For example, if a client should apply on their own, but get wrongly denied, and require assistance from an advocate to obtain the correct eligibility determination, they would be arbitrarily precluded SCRIE/DRIE until the next calendar year.

We recommend that the proposed rule not require a fully executed or deemed lease, allow the use of the Certification of No Renewal Lease Form indefinitely, the submission of multiple applications and/or renewals within a given calendar year, and the burden of paying the legal rent increase be placed on the landlord rather than the tenant as these changes will help clients maintain their SCRIE/DRIE.

### **3. Revocation §52-02(m)**

Under the proposed rule, building owners can request revocation of SCRIE/DRIE where the beneficiary has died; the apartment has been permanently vacated; the tenant has been approved for other rental subsidies; and upon suspicion the beneficiary is not entitled to benefits. We oppose two of these grounds for requests of revocation: rental subsidies (which is discussed in more detail in the next section) and upon suspicion. We find allowing building owners the opportunity to revoke SCRIE/DRIE upon suspicion the beneficiary is not entitled to benefits completely inappropriate and ripe for misuse. Tenants are already required to prove eligibility annually or bi-annually, which is sufficient to remove any ineligible tenants from the program without landlord or building owner interference. We recommend subsidies and upon suspicion be removed from the proposed rule regarding revocation.

### **4. Subsidies §52-05(c)**

Under DOF's proposed rule, tenants receiving rental subsidies would lose their eligibility to receive SCRIE/DRIE, which we oppose. The proposed rule has a blanket ineligibility statement even though there are many tenants receiving HRA subsidies that require SCRIE/DRIE to reduce their rental obligation, pursuant to RSL § 26-509b(iv)(b). For example, Ms. W. receives SCRIE/DRIE. She also applied for CityFHEPS, as her frozen rent exceeds her income. To qualify for CityFHEPS the maximum rent for one person must be less than \$1,246.00. Without SCRIE/DRIE, Ms. W's legal regulated rent would exceed that maximum threshold and she would be ineligible for CityFHEPS and unable to stay in her apartment, where she has lived for 20 years. Thus, any ineligibility or revocation due solely to the receipt of subsidies should be removed from the proposed rule.

### **5. Receipt of Benefit § 52-03(b)(1), §52-03(b)(5) & §52-20(c)**

There are three proposals regarding receipt of benefits that we oppose. First, §52-03(b)(1) alters the rent amount that will be used to set the legal regulated rent in a very problematic way that will harm eligible beneficiaries. The proposed rule sets the legal regulated rent based on the rent in effect immediately before the date that the application is approved, i.e., "the initial eligibility date." The current rule sets the legal regulated rent based on the prior lease preceding the application/eligibility date. This means that in virtually every case in which an eligible tenant applies for benefits, the tenant will be required to pay a frozen rent that is at least one legal rent increase greater than the frozen rent that they would be required to pay under current rules.

Second, §52-03(b)(5) states that where the tenant has a rent reduction order, DOF takes the benefit, not the tenant. This is unreasonable because if a tenant is living with uninhabitable conditions, they should be entitled to the financial benefit for having to live with violations of the warranty of habitability, not DOF. Further, it is contrary to the Administrative Code of the City of New York, which states: "When a rent reduction order is issued by the [city rent agency] or [state division of housing and community renewal], the amount of the reduction shall be subtracted from the rent payable by the tenant specified in a currently valid rent exemption order issued pursuant to this subdivision. The landlord may not collect from the tenant a sum of rent exceeding the adjusted amount while the rent reduction order is in effect." NYC Admin. Code §§26-405(m)((3)((iv)(c) and 26-509(b)(3)(d)(iii).

Third, §52-20(c) states if the tenant incorrectly receives SCRIE/DRIE, the tenant is responsible for the difference regardless of whose fault it is. This is contrary to caselaw, which clearly states: “It was arbitrary and capricious for city’s department of aging to hold tenant liable for overclaimed tax abatement of [SCRIE] benefits erroneously paid on his behalf after he was determined to be income ineligible, where neither tenant nor landlord received revocation notice, there was no indication that tenant intentionally misled SCRIE agency or misrepresented his eligibility, and SCRIE agency continued to grant tax abatements to landlord; burden of mistake between landlord and SCRIE agency should not be placed on innocent senior citizen tenant.” *Coccaro v Stupp*, 166 Misc. 2d 948, 635 N.Y.S.2d 924, 1995 N.Y. Misc. LEXIS 577 (N.Y. Sup. Ct. 1995), modified, in part, 170 Misc. 2d 196, 650 N.Y.S.2d 500, 1996 N.Y. Misc. LEXIS 422 (N.Y. Sup. Ct. 1996).

DOF has overstepped their administrative authority with this proposed rule and they need to change the rule, as outlined above, to reflect the practice of using the prior lease rather than the current lease, establishing the tenant’s right to receive rent reduction orders, and not automatically finding the tenant at fault for incorrectly receiving SCRIE/DRIE.

## **6. HSTPA**

The proposed rules fail to address the Housing Stability and Tenant Protection Act of 2019 (HSTPA) issues. Our recommendations for how DOF can incorporate HSTPA into the proposed rule are as follows:

- Tenants who have a lifetime preferential rent under the HSTPA be permitted to submit a modified SCRIE Tax Abatement Credit (TAC) Adjustment Application for Owner/Agents to adjust the frozen rent to the lifetime preferential rent.
- Tenants who had SCRIE/DRIE because their legal regulated rent was more than one-third of their income, but their preferential rent was not one-third of their income and their lifetime preferential rent is not one-third of their income, should be grandfathered into the SCRIE/DRIE program to maintain their benefits.
- Landlords are no longer able to collect Fuel Cost Adjustments for tenants in rent control units, lowering their rent amount and their TAC. Tenants should be able to use a modified TAC Adjustment Application to correct the TAC.

### **Advocates Received Insufficient Notice**

Based on our longstanding and positive working relationship with DOF on behalf of tenants eligible for SCRIE/DRIE, DOF notified our office of the proposed rule on November 13, 2019. This is less than the thirty-day notice required by the City Administrative Procedure Act, Chapter 45 of the New York City Charter. Providing deference that this was an inadvertent failure on the part of DOF, it would not be sufficient in itself to invalidate the rule. Nevertheless, it leaves advocates with limited time to adequately respond to the proposed rules and educate their clients likely to be adversely affected. As such, we would request that DOF provide more time for advocates and people impacted by the proposed rules to submit comments.

### **More Community Input Should be Solicited**

As SCRIE/DRIE is such a vital and critical program for New Yorkers, DOF should have sent the proposed rule to more organizations and community groups. We respectfully request that DOF specifically solicit more input from organizations and community groups before enacting rules that may result in the reduction of SCRIE/DRIE eligibility.

### **Conclusion**

Thank you again for the opportunity to testify today regarding DOF's proposed rule. As advocates on the front-lines of housing, we applaud the any efforts to improve access to, and eligibility for, SCRIE/DRIE. SCRIE/DRIE is a true lifeline for low-income seniors and people with disabilities throughout New York City and we look forward to its continued improvement. We encourage you to continue the examination of this topic in support of better government and better services for all those New Yorkers who depend on SCRIE/DRIE. If we can help DOF revise the proposed rules, please contact me at 212-218-0450 or [abrandes@lenoxhill.org](mailto:abrandes@lenoxhill.org).

Sincerely,

*Alexandra Brandes*

Alexandra Brandes, Esq., MPH  
Policy and Advocacy Manager

For the year Jan. 1–Dec. 31, 2017, or other tax year beginning , 2017, ending , 20 See separate instructions.

Your first name and initial Last name Your social security number

If a joint return, spouse's first name and initial Last name Spouse's social security number

Home address (number and street), if you have a P.O. box, see instructions. Apt. no. Make sure the SSN(s) above and on line 6c are correct.

City, town or post office, state, and ZIP code, if you have a foreign address, also complete spaces below (see instructions). Presidential Election Campaign

Foreign country name Foreign province/state/county Foreign postal code Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. You Spouse

Filing Status 1 Single 2 Married filing jointly (even if only one had income) 3 Married filing separately. Enter spouse's SSN above and full name here. 4 Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. 5 Qualifying widow(er) (see instructions)

Exemptions 6a Yourself. If someone can claim you as a dependent, do not check box 6a. 6b Spouse. Boxes checked on 6a and 6b No. of children on 6c who: • lived with you • did not live with you due to divorce or separation (see instructions) Dependents on 6c not entered above Add numbers on lines above

Income 7 Wages, salaries, tips, etc. Attach Form(s) W-2 7 8a Taxable interest. Attach Schedule B if required 8a b Tax-exempt interest. Do not include on line 8a 8b 9a Ordinary dividends. Attach Schedule B if required 9a b Qualified dividends 9b 10 Taxable refunds, credits, or offsets of state and local income taxes 10 11 Alimony received 11 12 Business income or (loss). Attach Schedule C or C-EZ 12 13 Capital gain or (loss). Attach Schedule D if required. If not required, check here 13 14 Other gains or (losses). Attach Form 4797 14 15a IRA distributions 15a b Taxable amount 15b 16a Pensions and annuities 16a b Taxable amount 16b 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 17 18 Farm income or (loss). Attach Schedule F 18 19 Unemployment compensation 19 20a Social security benefits 20a b Taxable amount 20b 21 Other income. List type and amount 21 22 Combine the amounts in the far right column for lines 7 through 21. This is your total income 22

Adjusted Gross Income 23 Educator expenses 23 24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 24 25 Health savings account deduction. Attach Form 8889 25 26 Moving expenses. Attach Form 3903 26 27 Deductible part of self-employment tax. Attach Schedule SE 27 28 Self-employed SEP, SIMPLE, and qualified plans 28 29 Self-employed health insurance deduction 29 30 Penalty on early withdrawal of savings 30 31a Alimony paid b Recipient's SSN 31a 32 IRA deduction 32 33 Student loan interest deduction 33 34 Tuition and fees. Attach Form 8917 34 35 Domestic production activities deduction. Attach Form 8903 35 36 Add lines 23 through 35 36 37 Subtract line 36 from line 22. This is your adjusted gross income 37

<b>Tax and Credits</b>	<b>38</b>	Amount from line 37 (adjusted gross income)	<b>38</b>	
	<b>39a</b>	Check <input type="checkbox"/> <b>You</b> were born before January 2, 1953, <input type="checkbox"/> <b>Blind.</b> } <b>Total boxes</b>	<b>39a</b>	
		if: <input type="checkbox"/> <b>Spouse</b> was born before January 2, 1953, <input type="checkbox"/> <b>Blind.</b> } <b>checked ▶ 39a</b>		
	<b>b</b>	If your spouse itemizes on a separate return or you were a dual-status alien, check here ▶ <b>39b</b> <input type="checkbox"/>	<b>39b</b>	
	<b>40</b>	<b>Itemized deductions</b> (from Schedule A) or your <b>standard deduction</b> (see left margin)	<b>40</b>	
	<b>41</b>	Subtract line 40 from line 38	<b>41</b>	
	<b>42</b>	<b>Exemptions.</b> If line 38 is \$156,900 or less, multiply \$4,050 by the number on line 6d. Otherwise, see instructions	<b>42</b>	
	<b>43</b>	<b>Taxable income.</b> Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	<b>43</b>	
	<b>44</b>	<b>Tax</b> (see instructions). Check if any from: <b>a</b> <input type="checkbox"/> Form(s) 8814 <b>b</b> <input type="checkbox"/> Form 4972 <b>c</b> <input type="checkbox"/>	<b>44</b>	
	<b>45</b>	<b>Alternative minimum tax</b> (see instructions). Attach Form 6251	<b>45</b>	
<b>Standard Deduction for—</b> • People who check any box on line 39a or 39b or who can be claimed as a dependent, see instructions. • All others: Single or Married filing separately, \$6,350 Married filing jointly or Qualifying widow(er), \$12,700 Head of household, \$9,350	<b>46</b>	Excess advance premium tax credit repayment. Attach Form 8962	<b>46</b>	
	<b>47</b>	Add lines 44, 45, and 46	<b>47</b>	
	<b>48</b>	Foreign tax credit. Attach Form 1116 if required	<b>48</b>	
	<b>49</b>	Credit for child and dependent care expenses. Attach Form 2441	<b>49</b>	
	<b>50</b>	Education credits from Form 8863, line 19	<b>50</b>	
	<b>51</b>	Retirement savings contributions credit. Attach Form 8880	<b>51</b>	
	<b>52</b>	Child tax credit. Attach Schedule 8812, if required	<b>52</b>	
	<b>53</b>	Residential energy credits. Attach Form 5695	<b>53</b>	
	<b>54</b>	Other credits from Form: <b>a</b> <input type="checkbox"/> 3800 <b>b</b> <input type="checkbox"/> 8801 <b>c</b> <input type="checkbox"/>	<b>54</b>	
	<b>55</b>	Add lines 48 through 54. These are your <b>total credits</b>	<b>55</b>	
<b>Other Taxes</b>	<b>56</b>	Subtract line 55 from line 47. If line 55 is more than line 47, enter -0-	<b>56</b>	
	<b>57</b>	Self-employment tax. Attach Schedule SE	<b>57</b>	
	<b>58</b>	Unreported social security and Medicare tax from Form: <b>a</b> <input type="checkbox"/> 4137 <b>b</b> <input type="checkbox"/> 8919	<b>58</b>	
	<b>59</b>	Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	<b>59</b>	
	<b>60a</b>	Household employment taxes from Schedule H	<b>60a</b>	
	<b>b</b>	First-time homebuyer credit repayment. Attach Form 5405 if required	<b>60b</b>	
	<b>61</b>	Health care: individual responsibility (see instructions) Full-year coverage <input type="checkbox"/>	<b>61</b>	
	<b>62</b>	Taxes from: <b>a</b> <input type="checkbox"/> Form 8959 <b>b</b> <input type="checkbox"/> Form 8960 <b>c</b> <input type="checkbox"/> Instructions; enter code(s)	<b>62</b>	
	<b>63</b>	Add lines 56 through 62. This is your <b>total tax</b>	<b>63</b>	
	<b>Payments</b>	<b>64</b>	Federal income tax withheld from Forms W-2 and 1099	<b>64</b>
<b>65</b>		2017 estimated tax payments and amount applied from 2016 return	<b>65</b>	
<b>66a</b>		<b>Earned income credit (EIC)</b>	<b>66a</b>	
<b>b</b>		Nontaxable combat pay election <b>66b</b>	<b>66b</b>	
<b>67</b>		Additional child tax credit. Attach Schedule 8812	<b>67</b>	
<b>68</b>		American opportunity credit from Form 8863, line 8	<b>68</b>	
<b>69</b>		Net premium tax credit. Attach Form 8962	<b>69</b>	
<b>70</b>		Amount paid with request for extension to file	<b>70</b>	
<b>71</b>		Excess social security and tier 1 RRTA tax withheld	<b>71</b>	
<b>72</b>		Credit for federal tax on fuels. Attach Form 4136	<b>72</b>	
<b>73</b>	Credits from Form: <b>a</b> <input type="checkbox"/> 2439 <b>b</b> <input type="checkbox"/> Reserved <b>c</b> <input type="checkbox"/> 8885 <b>d</b> <input type="checkbox"/>	<b>73</b>		
<b>74</b>	Add lines 64, 65, 66a, and 67 through 73. These are your <b>total payments</b>	<b>74</b>		
<b>Refund</b>	<b>75</b>	If line 74 is more than line 63, subtract line 63 from line 74. This is the amount you <b>overpaid</b>	<b>75</b>	
	<b>76a</b>	Amount of line 75 you want <b>refunded to you</b> . If Form 8888 is attached, check here ▶ <input type="checkbox"/>	<b>76a</b>	
	<b>b</b>	Routing number ▶ <input type="text"/> ▶ <b>c</b> Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings		
	<b>d</b>	Account number ▶ <input type="text"/>		
<b>77</b>	Amount of line 75 you want <b>applied to your 2018 estimated tax</b> ▶ <b>77</b>	<b>77</b>		
<b>Amount You Owe</b>	<b>78</b>	<b>Amount you owe.</b> Subtract line 74 from line 63. For details on how to pay, see instructions ▶	<b>78</b>	
	<b>79</b>	Estimated tax penalty (see instructions)	<b>79</b>	

**Third Party Designee** Do you want to allow another person to discuss this return with the IRS (see instructions)?  **Yes.** Complete below.  **No**

Designee's name ▶ \_\_\_\_\_ Phone no. ▶ \_\_\_\_\_ Personal identification number (PIN) ▶ \_\_\_\_\_

**Sign Here** Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and accurately list all amounts and sources of income I received during the tax year. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature	Date	Your occupation	Daytime phone number
Spouse's signature. If a joint return, <b>both</b> must sign.	Date	Spouse's occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.) <input type="text"/>

**Paid Preparer Use Only**

Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN <input type="text"/>
Firm's name ▶			Firm's EIN ▶ <input type="text"/>	
Firm's address ▶			Phone no. <input type="text"/>	

Filing status:  Single  Married filing jointly  Married filing separately  Head of household  Qualifying widow(er)

Your first name and initial \_\_\_\_\_ Last name \_\_\_\_\_ Your social security number \_\_\_\_\_

Your standard deduction:  Someone can claim you as a dependent  You were born before January 2, 1954  You are blind

If joint return, spouse's first name and initial \_\_\_\_\_ Last name \_\_\_\_\_ Spouse's social security number \_\_\_\_\_

Spouse standard deduction:  Someone can claim your spouse as a dependent  Spouse was born before January 2, 1954  Full-year health care coverage or exempt (see inst.)  
 Spouse is blind  Spouse itemizes on a separate return or you were dual-status alien

Home address (number and street). If you have a P.O. box, see instructions. \_\_\_\_\_ Apt. no. \_\_\_\_\_ Presidential Election Campaign (see inst.)  You  Spouse

City, town or post office, state, and ZIP code. If you have a foreign address, attach Schedule 6. \_\_\_\_\_ If more than four dependents, see inst. and ✓ here ▶

Dependents (see instructions):		(2) Social security number	(3) Relationship to you	(4) ✓ If qualifies for (see inst.):	
(1) First name	Last name			Child tax credit	Credit for other dependents
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

**Sign Here** Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See instructions. Keep a copy for your records.

Your signature	Date	Your occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.)
Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.)

**Paid Preparer Use Only**

Preparer's name	Preparer's signature	PTIN	Firm's EIN	Check if: <input type="checkbox"/> 3rd Party Designee <input type="checkbox"/> Self-employed
Firm's name ▶	Phone no.			
Firm's address ▶				

	<b>1</b>	Wages, salaries, tips, etc. Attach Form(s) W-2	<b>1</b>		
	<b>2a</b>	Tax-exempt interest	<b>2a</b>		
			<b>b</b>	Taxable interest	<b>2b</b>
	<b>3a</b>	Qualified dividends	<b>3a</b>		
			<b>b</b>	Ordinary dividends	<b>3b</b>
	<b>4a</b>	IRAs, pensions, and annuities	<b>4a</b>		
			<b>b</b>	Taxable amount	<b>4b</b>
	<b>5a</b>	Social security benefits	<b>5a</b>		
			<b>b</b>	Taxable amount	<b>5b</b>
	<b>6</b>	Total income. Add lines 1 through 5. Add any amount from Schedule 1, line 22	<b>6</b>		
	<b>7</b>	Adjusted gross income. If you have no adjustments to income, enter the amount from line 6; otherwise, subtract Schedule 1, line 36, from line 6	<b>7</b>		
<b>Standard Deduction for—</b> <ul style="list-style-type: none"> <li>• Single or married filing separately, \$12,000</li> <li>• Married filing jointly or Qualifying widow(er), \$24,000</li> <li>• Head of household, \$18,000</li> <li>• If you checked any box under Standard deduction, see instructions.</li> </ul>	<b>8</b>	Standard deduction or itemized deductions (from Schedule A)	<b>8</b>		
	<b>9</b>	Qualified business income deduction (see instructions)	<b>9</b>		
	<b>10</b>	Taxable income. Subtract lines 8 and 9 from line 7. If zero or less, enter -0-	<b>10</b>		
	<b>11</b>	<b>a</b> Tax (see inst.) (check if any from: 1 <input type="checkbox"/> Form(s) 8814 2 <input type="checkbox"/> Form 4972 3 <input type="checkbox"/> )	<b>11</b>		
		<b>b</b> Add any amount from Schedule 2 and check here <input type="checkbox"/>	<b>11</b>		
	<b>12</b>	<b>a</b> Child tax credit/credit for other dependents <b>b</b> Add any amount from Schedule 3 and check here <input type="checkbox"/>	<b>12</b>		
	<b>13</b>	Subtract line 12 from line 11. If zero or less, enter -0-	<b>13</b>		
	<b>14</b>	Other taxes. Attach Schedule 4	<b>14</b>		
	<b>15</b>	Total tax. Add lines 13 and 14	<b>15</b>		
	<b>16</b>	Federal income tax withheld from Forms W-2 and 1099	<b>16</b>		
	<b>17</b>	Refundable credits: <b>a</b> EIC (see inst.) <b>b</b> Sch. 8812 <b>c</b> Form 8863	<b>17</b>		
		Add any amount from Schedule 5	<b>17</b>		
	<b>18</b>	Add lines 16 and 17. These are your total payments	<b>18</b>		
<b>Refund</b>	<b>19</b>	If line 18 is more than line 15, subtract line 15 from line 18. This is the amount you overpaid	<b>19</b>		
	<b>20a</b>	Amount of line 19 you want refunded to you. If Form 8888 is attached, check here <input type="checkbox"/>	<b>20a</b>		
	<b>b</b>	Routing number <b>c</b> Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings			
	<b>d</b>	Account number			
	<b>21</b>	Amount of line 19 you want applied to your 2019 estimated tax	<b>21</b>		
<b>Amount You Owe</b>	<b>22</b>	Amount you owe. Subtract line 18 from line 15. For details on how to pay, see instructions	<b>22</b>		
	<b>23</b>	Estimated tax penalty (see instructions)	<b>23</b>		



**Testimony of Judi Kende  
New York Market Leader  
Enterprise Community Partners, Inc.**

**To the New York City Council  
Committee on Aging and  
Committee on Finance**

**January 21<sup>st</sup>, 2020**

Good morning. My name is Judi Kende, and I lead the New York office of Enterprise Community Partners, a national affordable housing nonprofit. Since the New York office opened in 1987, we have helped build or preserve more than 63,000 affordable homes for over 167,000 New Yorkers through capital investments, programmatic initiatives, and policy advocacy. We have committed more than \$3.6 billion in equity, loans and grants to affordable housing and community development in the State.

On behalf of Enterprise Community Partners, I would like to thank Chair Chin and Chair Dromm for convening today's hearing, demonstrating your continued advocacy and compassion for New York City's aging population. There are currently more adults over the age of sixty here today than at any other point in the city's history, and our older population continues to grow quickly.<sup>1</sup> Elderly New Yorkers are disproportionately rent burdened, with an estimated 32% of single seniors paying more than half of their income on rent.<sup>2</sup> It is therefore a pivotal time to prioritize programs that support low-income seniors.

First, we are grateful for the support the SCRIE program has received from both the Administration and the Council. In 2014, through a joint City and State effort, the income eligibility for these programs was raised from \$29,000 to \$50,000. As a result, thousands of more households were eligible for the Rent Freeze program. While the enrollment rate has increased since the eligibility increase, a [2018 report by the Department of Finance](https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/DFTAAnnualPlanSummary2019.pdf) indicated that the overall enrollment rate in 2016 was only 56.2%. For this reason, continued and increased outreach efforts are necessary. The importance of awareness of the benefit cannot be overstated, as the SCRIE program is unique in that its benefits compound over time — said another way, the earlier an individual enrolls in the program, the more they will benefit from it. Most importantly, SCRIE plays a critical role in allowing older adults to age in place.

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<sup>1</sup> <https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/DFTAAnnualPlanSummary2019.pdf>

<sup>2</sup> [cbcny.org/sites/default/files/REPORT\\_RENTBURDEN\\_11122015\\_1.pdf](http://cbcny.org/sites/default/files/REPORT_RENTBURDEN_11122015_1.pdf)



Most recently, Enterprise advocated for and was thrilled to see the passage of the new preferential rent laws from the Housing Stability and Tenant Protections Act of 2019. Previously, those with preferential rent were disincentivized from enrolling in SCRIE, as their rent would be frozen at the “market rate,” oftentimes increasing a tenant’s rent amount by hundreds of dollars. With this new law, preferential rent amounts have been made permanent, and must now be treated as “the new legal base rent for that unit.” This protection now incentivizes many more individuals to apply for the Rent Freeze program and therefore outreach efforts must be strengthened and reinvigorated to bring awareness to this beneficial change.

Last fall, DOF proposed amendments to SCRIE. While several of the changes are positive, such as improving the process of succession rights and allowing tenants to apply for SCRIE at any point in the year, and not just at the next lease renewal, there were several recommendations that were cause for concern. We are particularly worried about DOF limiting those who may be deemed a tenant representative in order to assist tenants with the application process. Many of the individuals in need of the SCRIE program already face significant barriers to the application process, and the job of advocates is to walk them through the process successfully. For this reason, we believe that the provision should include anyone listed as a tenant representative, as consistent with other benefit applications of the City.

Another proposed amendment would limit tenants to only one SCRIE application per year. We believe this proposed change would be particularly harmful to the many tenants who are eligible for the program but are denied due to mistakes on the application or the inability to compile the required documentation. Because time is of the essence in this program, as previously stated, this rule would effectively penalize tenants for making errors on applications by not allowing them to reapply for another year.

Finally, there were several other proposed changes to the SCRIE program that, while seemingly minor, would undoubtedly have a profound impact on tenants. For example, the proposed changes to the definition of certain terms, such as “initial eligibility date,” “head of household,” and “good cause” seem unnecessarily punitive, and in practice, would affect countless tenants.

We are grateful for the opportunity to provide feedback to DOF on these proposed changes to the SCRIE program and we are hopeful that the recommendations outlined will be given serious consideration in advance of final rule promulgation.

Thank you and we look forward to our continued work with the Council to ensure that New Yorkers of all ages and abilities have access to a safe, affordable home.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ALEX BRANDIS

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/21/20

(PLEASE PRINT)

Name: Michael Hyman

Address: 1 Centre St.

I represent: NYC Dept of Finance

Address: 1 Centre St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/21/20

(PLEASE PRINT)

Name: Carl Laske

Address: 375 Pearl St NY NY

I represent: DOF

Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: Jan 21, 2020

(PLEASE PRINT)

Name: Sheila Voyard, Director of Outreach

Address: \_\_\_\_\_

I represent: DOF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 1/21/2020

(PLEASE PRINT)

Name: BIBI PARMAR, Senior Director

Address: \_\_\_\_\_

I represent: DOF

Address: \_\_\_\_\_

**THE COUNCIL** *Agng*  
**THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ALEX BRANDIS

Address: 3300 CRESCENT ST #2L ASTORIA 11100

I represent: LENOX HILL NEIGHBORHOOD HOUSE

Address: 331 E 70TH ST NY NY 10021

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. URIE Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/21/2020

(PLEASE PRINT)

Name: Rocky CHIN

Address: (AARP) 75 Malcolm St

I represent: NYC 10002

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Parvati Devi

Address: 700 Columbus Ave #20873

I represent: Self

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Kim Lesner

Address: 210 E. 58th St, NY, NY 10022

I represent: Live ON NY

Address: 49 W. 45th St, 7th Fl, NY, NY 10036

Please complete this card and return to the Sergeant-at-Arms

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. SCRIE / DRIF Hearing Res. No.           
 in favor     in opposition  
Date: 1/21/20

(PLEASE PRINT)

Name: CHRISTOPHER EVANS, Legal Aid Society  
Address: 111 LIVINGSTON ST. BROOKLYN 11201  
I represent: Elder Law, Civil Practice  
Address: \_\_\_\_\_

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Appearance Card

I intend to appear and speak on Int. No. SCRIE / DRIF hearing Res. No.           
 in favor     in opposition  
Date: 1/21/20

(PLEASE PRINT)

Name: Alex Ryley, Legal Aid Society  
Address: 111 Livingston St., 4th Fl., Brooklyn 11201  
I represent: Director of Elder Law, Civil Practice  
Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

(Parvati Devi)

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Larry Wood  
Address: Goddard Riverside, 593 Columbus Ave NY 10024  
I represent: Seniors (Disable)  
Address: 593 Columbus Ave NY NY 10024

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 1/21/20

(PLEASE PRINT)

Name: Peter Kempner  
Address: 40 Worth STREET, NY, NY 10013  
I represent: Volunteers of Legal Service  
Address: 40 Worth St NY NY 10013

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