Legislation Details (With Text)

File #:	Res 0481-2010	**Version:** *	**Name:**	Protecting rent-stabilized tenants who are eligible for benefits under the Senior Citizen Rent Increase Exemption or Disability Rent Increase Exemption programs from being denied such benefits.
Type:	Resolution		**Status:**	Filed
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On agenda:	10/13/2010			
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Title: Resolution calling on the State Legislature to pass legislation protecting rent-stabilized tenants who are eligible for benefits under the Senior Citizen Rent Increase Exemption or Disability Rent Increase Exemption programs from being denied such benefits if their landlord has not returned to them a signed lease renewal within the statutory timeframe.

Sponsors:

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10/13/2010	*	City Council	Introduced by Council	
10/13/2010	*	City Council	Referred to Comm by Council	
12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 481

Resolution calling on the State Legislature to pass legislation protecting rent-stabilized tenants who are eligible for benefits under the Senior Citizen Rent Increase Exemption or Disability Rent Increase Exemption programs from being denied such benefits if their landlord has not returned to them a signed lease renewal within the statutory timeframe.

By Council Members Rodriguez, Chin, Dickens, Dromm, Ferreras, Fidler, James, Lander, Mealy, Palma, Rose, Vacca, Williams, Greenfield, Mark-Viverito and Mendez

Whereas, The Senior Citizen Rent Increase Exemption (SCRIE) program provides protection from future rent increases to eligible senior citizen heads of households residing in rent-controlled, rent-stabilized and Mitchell-Lama apartments, and provides corresponding tax abatements to landlords; and

Whereas, Currently, to be eligible for SCRIE, a person must be at least 62 years of age, have an annual household income not exceeding $29,000 and have an apartment with a rental value that exceeds one-third of such senior citizen’s income; and

Whereas, The Disability Rent Increase Exemption (DRIE), which was created in June of 2005 and modeled on SCRIE, extended rent increase exemptions to people with disabilities provided that such persons' annual household income is no greater than $19,284 if they live in a single-person household or $27,780 if they live in households consisting of two or more people; and

Whereas, Both programs are crucial for keeping housing affordable for senior citizens and persons with disabilities; and

Whereas, In order to renew a lease for a rent-stabilized apartment, the State's Rent Stabilization Law requires the landlord to provide written notice of renewal by mail or personal delivery not more than 150 days and not less than 90 days before the existing lease expires to the current tenant; and

Whereas, After the receipt of the renewal notice, the tenant has 60 days to sign the lease, and return it to the landlord; and

Whereas, After the lease is signed by the tenant and returned to the landlord, the landlord has 30 days to sign and return the lease to the tenant. The renewal will then go into effect on or after the date that the lease is signed and returned to the tenant; and

Whereas, If the landlord does not return a signed lease with the 30 day period, the tenant may file a "Tenant's Complaint of Owner's Failure to Renew Lease" and/or a "Failure to Furnish a Copy of a Signed Lease" with the State Division of Housing and Community Renewal (DHCR) in order to force the landlord to provide the signed lease; and

Whereas, If the landlord does not comply with the order to produce the lease within 20 days, the rent increases provided for in the new lease will be postponed until the lease is provided; and

Whereas, It has become increasingly common for landlords in certain neighborhoods throughout the City to delay the return of the signed lease to SCRIE and DRIE tenants for weeks or even months at a time even though such tenants have been diligent and timely in signing and returning their leases; and

Whereas, For SCRIE and DRIE recipients who reside in rent-stabilized apartments and seek to renew

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their benefits, this delay in receiving the signed lease can result in a suspension or denial of their SCRIE or DRIE benefits, as both programs require the recipient to provide a completed application, which includes a copy of the signed lease within six months of the expiration date of the previous lease; and

Whereas, In order to protect tenants who in good faith have complied with the rent stabilization renewal process from being denied SCRIE and DRIE benefits while their landlord has refused to return their signed leases, State legislation is needed to amend the Rent Stabilization Law to provide that when a landlord has not returned a signed lease to a tenant eligible for SCRIE or DRIE within the statutory timeframe and such tenant has filed a "Tenant's Complaint of Owner's Failure to Renew Lease" or a "Failure to Furnish a Copy of a Signed Lease" with DHCR, such tenant cannot have their SCRIE or DRIE benefits suspended or revoked while their case is pending with DHCR; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass legislation protecting rent-stabilized tenants who are eligible for benefits under the Senior Citizen Rent Increase Exemption or Disability Rent Increase Exemption programs from being denied such benefits if their landlord has not returned to them a signed lease renewal within the statutory timeframe.

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9/30/10