

New York City Rent Guidelines Board (RGB)

Notice of Public Hearings and Opportunity to Comment on Proposed Rules

What are we proposing? Pursuant to its statutory mandate, the New York City Rent Guidelines Board (“RGB”) is proposing rent guidelines for October 1, 2020 through September 30, 2021.

When and where are the hearings? See information on the following pages for dates, times, and disability access.

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

- **Website.** You can submit comments to the RGB through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to board@nycrgb.org.
- **Mail.** Due to the current COVID-19 health crisis, the RGB offices are closed and we do not have access to mail on a daily basis. Materials can be mailed to the office of the RGB at 1 Centre Street, Suite 2210, New York, N.Y. 10007, but we cannot guarantee that they will get to the members of the Board in a timely manner.
- **Audio.** You can leave a voicemail comment at 929-256-5472. You can also submit prerecorded audio comments up to two minutes in length. Instructions to upload your audio file can be found on the RGB’s website, nyc.gov/rgb.
- **Video.** You can submit prerecorded video comments up to two minutes in length. Instructions to upload your video can be found on the RGB’s website, nyc.gov/rgb.
- **By Speaking at the Hearings.** If you want to comment on the proposed rule at our virtual public hearings you can sign up to speak. Please note that we have a limited number of slots for registration. If there is time at the end of each hearing, after all of those who have registered have been heard, we will hear from other attendees at each virtual hearing. Registration to speak will begin **June 1, 2020**. You can register online through our website, nyc.gov/rgb, by email at csuperville@nycrgb.org or you can sign up to speak by calling 212-669-7480 from 9:00 A.M. till 5:00 P.M., Monday through Friday. Directions for participating in the hearings can be found below.

Is there a deadline to submit comments? The deadline to submit comments is June 11, 2020.

What if I need assistance to participate in the Hearings? You must tell the RGB if you need a reasonable accommodation of a disability at a hearing. Simultaneous Spanish translation is planned to be provided at the hearings. You must tell us if you need a sign language interpreter or language interpreter for a language other than Spanish. You can tell us by telephone at 212-669-7480 or by email at csuperville@nycrgb.org. Advance notice is requested to allow sufficient time to arrange the accommodation. Please inform us by June 2, 2020.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of comments submitted online, by email, through voicemail and by video will be available by calling 212-669-7480 or by email at csuperville@nycrgb.org. A few weeks after the hearings, a transcript of oral comments concerning the proposed rule made at the hearings will be available.

What authorizes the NYC Rent Guidelines Board to make these rules? Section 1043(a) of the City Charter, the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No. 276 of 1974 of the New York City Council, authorize the RGB to make this proposed rule. The proposed rule was included in the most recent regulatory agenda for the RGB.

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

What laws govern the rulemaking process? The RGB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

PUBLIC NOTICE

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

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

Following the hearings and the receipt of public comments on the proposed rent guidelines, the Board will hold a virtual meeting **Wednesday, June 17, 2020 at 7:00 PM** to adopt **final** rent guidelines.

Apartment leases and loft increase periods during the period of **October 1, 2020** through **September 30, 2021** and rent stabilized hotel units will be affected.

SCHEDULE OF MEETINGS AND HEARINGS

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

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>
Wednesday May 27, 2020 Public Meeting	RGB staff report presentations and board discussion of data via Zoom webinar. There will be no public testimony.	9:30 A.M. <i>Public can view meeting via YouTube feed or listen via telephone. Details below.</i>
Wednesday June 10, 2020 Public Hearing	Virtual Zoom Public Hearing where the public can testify live. The public can also submit written, video and voice comments prior to the hearing.	4 P.M. – 7 P.M. <i>Public can view meeting via YouTube feed or listen via telephone. Details below.</i>
Thursday June 11, 2020 Public Hearing	Virtual Zoom Public Hearing where the public can testify live. The public can also submit written, video and voice comments prior to the hearing.	6 P.M. – 9 P.M. <i>Public can view meeting via YouTube feed or listen via telephone. Details below.</i>
Wednesday June 17, 2020 Public Meeting	Final Vote on lease adjustments for rent stabilized apartments, lofts and hotels via a Zoom webinar. There will be no public testimony.	7:00 P.M. <i>Public can view meeting via YouTube feed or listen via telephone. Details below.</i>

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

ATTENDING THE MAY 27, 2020 PUBLIC MEETING

The RGB will hold a public Zoom meeting online to discuss staff research on May 27, 2020 beginning at 9:30 A.M. To watch the meeting, it may be livestreamed from YouTube at: <https://www.youtube.com/RentGuidelinesBoard>. The public may also listen to the meeting using their telephone by dialing 646-558-8656, then entering Meeting ID: 894-3807-1306. There will be no public testimony at this meeting.

ATTENDING THE JUNE 10, 2020 PUBLIC HEARING

The RGB will hold a virtual Zoom public hearing on the proposed guidelines on June 10, 2020, beginning at 4 P.M. No in-person hearing will occur. The public may participate in the hearing online by going to <https://us02web.zoom.us/j/87476147429> (video) or by telephone by dialing 646-558-8656, then entering Meeting ID: 874-7614-7429. Directions on how to register to speak can be found below. The public may also view, but not participate in, the hearing via livestream from YouTube at: <https://www.youtube.com/RentGuidelinesBoard> and by listening on the phone by dialing the number above and when prompted, entering the above Meeting ID.

ATTENDING THE JUNE 11, 2020 PUBLIC HEARING

The RGB will hold a virtual Zoom public hearing on the proposed guidelines on June 11, 2020 beginning at 6 P.M. No in-person hearing will occur. The public may participate in the hearing online by going to <https://us02web.zoom.us/j/82699250495> (video) or by telephone by dialing 646-558-8656, then entering Meeting ID: 826-9925-0495. Directions on how to register to speak can be found below. The public may also view, but not participate in, the hearing via livestream from YouTube at: <https://www.youtube.com/RentGuidelinesBoard> and by listening on the phone by dialing the number above and when prompted, enter the above Meeting ID.

ATTENDING THE JUNE 17, 2020 PUBLIC MEETING

The RGB will hold an online Zoom public meeting to vote to enact new rent guidelines (effective October 1, 2020 through September 30, 2021) on June 17, 2020 beginning at 7 P.M. To watch the meeting, it may be livestreamed from YouTube at: <https://www.youtube.com/RentGuidelinesBoard>. The public may also listen to the meeting using their telephone by dialing 646-558-8656, then entering Meeting ID: 825-7511-2356. There will be no public testimony at this meeting.

SPEAKING AT A VIRTUAL PUBLIC HEARING

People wishing to speak at the virtual public hearings can register in advance. The instructions for registering to speak follow below. Please note that we have a limited number of slots for registration. If you are registered, you will be heard in the order of registration. If there is time at the end of each hearing, after all of those who have registered have been heard, we will hear from other attendees at each virtual hearing. The information for joining and/or participating in a hearing (whether registered or not) can be found above or can be obtained by calling our office at 212-669-7480.

Registration will begin on **June 1, 2020 at 9:00 A.M.** and will end on **June 9, 2020 at 12:00 P.M.** Speakers can attend and participate in a hearing by two different methods. You can use a phone to dial in to the meeting or join the meeting online. Detailed instructions on how to attend and participate in a hearing can be found above.

You can register online through our website, <https://rentguidelinesboard.cityofnewyork.us/registration/> or you can sign up to speak by calling 212-669-7480 from 9:00 A.M. till 5:00 P.M., Monday through Friday.

Written requests for registration can be emailed to csuperville@nycrgb.org and must be received no earlier than 9:00 A.M. on June 1, 2020 and no later than 12:00 P.M. on June 9, 2020. Emails must include the name of the speaker, if they are speaking on behalf of tenants or owners and the method they will use to testify (telephone or video). Those testifying by phone must include their phone number and those testifying by video must include the exact name they will use to sign into the online meeting. Failure to provide the exact phone number or name may result in the loss of your place in the queue to speak. Instructions on how to attend the meeting will be emailed to the registered speaker.

Persons who request that a language interpreter or a sign language interpreter or other form of reasonable accommodation for a disability be provided at any of the scheduled hearings must notify Ms. Charmaine Superville at the NYC Rent Guidelines Board at (212) 669-7485 or via email at csuperville@nycrgb.org by **Tuesday, June 2, 2020** at 4:30 PM.

Speakers who have confirmed their presence on the day of a hearing will be heard in the order of registration. Public officials may be given priority over other speakers. The public is invited to observe all public meetings and public hearings but is invited to speak at only the public hearings.

SUBMITTING WRITTEN COMMENTS

Written comments on the proposed rent guidelines must be received by **Thursday, June 11, 2020**. Due to the current COVID-19 health crisis the RGB offices are closed and we do not have access to mail on a daily basis. Materials can be mailed to the office of the RGB at 1 Centre Street, Suite 2210, New York, N.Y. 10007, but we cannot guarantee that they will get to the members of the Board in a timely manner. Where possible, we **strongly** urge you to submit written submissions via email to board@nycrgb.org, through the RGB's website, <https://rentguidelinesboard.cityofnewyork.us/testimony/>, or through NYC RULES at <http://rules.cityofnewyork.us>.

SUBMITTING AUDIO AND VIDEO COMMENTS

In addition to written testimony, the RGB is providing platforms for submitting both audio and video comments. Audio and video comments must be received by **Thursday, June 11, 2020**. Audio comments can be recorded via voicemail by dialing 929-256-5472. When prompted, you will have up to two minutes to speak. You can also submit prerecorded audio and video comments of up to two minutes in length. Instructions for how to submit these prerecorded comments are available on the Board's website at <https://rentguidelinesboard.cityofnewyork.us/testimony/>

INSPECTION AND ACCESS TO THE MATERIAL

Copies of comments submitted online, by email, through voicemail and by video will be available by calling 212-669-7480 or by email at csuperville@nycrgb.org. A few weeks after the final hearing on June 11, 2020 a transcript of oral comments concerning the proposed rule made at the hearings will be available. In addition, copies of the existing guidelines and the RGB's Explanatory Statements from prior years are also available for inspection and copies may be obtained in the manner provided above and on the RGB's website, nyc.gov/rgb.

NEW YORK CITY RENT GUIDELINES BOARD NOTICE OF OPPORTUNITY TO COMMENT PROPOSED 2020 APARTMENT AND LOFT ORDER (#52)

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

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, and as implemented by Resolution No 276 of 1974 of the New York City Council, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board (RGB) hereby **proposes** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2020**. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after **October 1, 2020** and through **September 30, 2021**. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

PROPOSED ADJUSTMENT FOR LEASES (APARTMENTS)

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

For a **one**-year lease commencing on or after **October 1, 2020** and on or before **September 30, 2021**: **0%**

For a **two**-year lease commencing on or after **October 1, 2020** and on or before **September 30, 2021**: **0%** for the first year of the lease
and **1.0%** for the second year of the lease.

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

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

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

For **one**-year increase periods commencing on or after **October 1, 2020** and on or before **September 30, 2021**: **0%**

For **two**-year increase periods commencing on or after **October 1, 2020** and on or before **September 30, 2021**: **0%** for the first year
and **1.0%** for the second year.

FRACTIONAL TERMS - PROPOSAL

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

ESCALATOR CLAUSES - PROPOSAL

Where a lease for a dwelling unit in effect on May 31, 1968 or where a lease in effect on June 30, 1974 for a dwelling unit which became subject to the Rent Stabilization Law of 1969, by virtue of the Emergency Tenant Protection Act of 1974 and Resolution Number 276 of the New York City Council, contained an escalator clause for the increased costs of operation and such clause is still in effect, the lawful rent on **September 30, 2020** over which the fair rent under this Order is computed shall include the increased rental, if any, due under such clause except those charges which accrued within one year of the commencement of the renewal lease. Moreover, where a lease contained an escalator clause that the owner may validly renew under the Code, unless the owner elects or has elected in writing to delete such clause, effective no later than **October 1, 2020** from the existing lease and all subsequent leases for such dwelling unit, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

SPECIAL ADJUSTMENTS UNDER PRIOR ORDERS - PROPOSAL

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on **September 30, 2020** shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

PROPOSED SPECIAL GUIDELINE

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

For dwelling units subject to the Rent and Rehabilitation Law on **September 30, 2020**, which become vacant after **September 30, 2020**, the special guideline shall be **39%** above the MBR.

DECONTROLLED UNITS - PROPOSAL

The permissible increase for decontrolled units as referenced in Order 3a which become decontrolled after **September 30, 2020**, shall be **39%** above the MBR.

CREDITS - PROPOSAL

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

STATEMENT OF BASIS AND PURPOSE

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

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

Dated: May 7, 2020

David Reiss, Chair
New York City Rent Guidelines Board

**NEW YORK CITY RENT GUIDELINES BOARD
NOTICE OF OPPORTUNITY TO COMMENT
PROPOSED 2020 HOTEL ORDER (#50)**

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

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, and as implemented by Resolution No. 276 of 1974 of the New York City Council, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby **proposes** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2020**.

APPLICABILITY

This order shall apply to units in buildings subject to the Hotel Section of the Rent Stabilization Law (Sections 26-504(c) and 26-506 of the N.Y.C. Administrative Code), as amended, or the Emergency Tenant Protection Act of 1974 (L.1974, c. 576 §4[§5(a)(7)]). With respect to any

tenant who has no lease or rental agreement, the level of rent increase established herein shall be effective as of one year from the date of the tenant's commencing occupancy, or as of one year from the date of the last rent adjustment charged to the tenant, or as of **October 1, 2020**, whichever is later. This anniversary date will also serve as the effective date for all subsequent Rent Guidelines Board Hotel Orders, unless the Board shall specifically provide otherwise in the Order. Where a lease or rental agreement is in effect, this Order shall govern the rent increase applicable on or after **October 1, 2020** upon expiration of such lease or rental agreement, but in no event prior to one year from the commencement date of the expiring lease, unless the parties have contracted to be bound by the effective date of this Order.

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

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

The allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2020** shall be:

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

NEW TENANCIES- PROPOSAL

No "vacancy allowance" is permitted under this order. Therefore, the rents charged for tenancies commencing on or after **October 1, 2020** and on or before **September 30, 2021** may not exceed the levels over rentals charged on **September 30, 2020**.

ADDITIONAL CHARGES – PROPOSAL

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

STATEMENT OF BASIS AND PURPOSE

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

Dated: May 7, 2020

David Reiss, Chair
New York City Rent Guidelines Board

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

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

RULE TITLE: 2020 Rent Guidelines

REFERENCE NUMBER: RGB-10

RULEMAKING AGENCY: Rent Guidelines Board

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

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

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

May 8, 2020
Date

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

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

RULE TITLE: 2020 Rent Guidelines

REFERENCE NUMBER: 2020 RG 056

RULEMAKING AGENCY: New York City Rent Guidelines Board

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: May 8, 2020