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New Rent Increases Passed for Leases Signed Between October 1, 2013 to September 30, 2014 in Westchester County

As you may know, the Emergency Tenant Protection Act ("ETPA") applies to most buildings of six or more units which were built prior to 1974. If ETPA applies, the State of New York Division of Housing and Community Renewal ("DHCR") regulates, among other things, rent increases.

Each year, the Westchester Rent Guidelines Board (hereinafter, the "Board") weighs concerns of local landlords, tenants and their representatives and specifies the legally regulated rent increases permitted in Westchester County.

At a recent meeting held in June, 2013 the Board decided that there will be 3% increase for a One (1) year lease term and 4% increase for a two (2) year lease term for leases renewed between October 1, 2013 and September 30, 2014. Please note a minimum increase of \$15.00 per month for a one (1) year lease term and \$20.00 per month for a two (2) year lease term will be imposed. A landlord's failure to timely file a current apartment registration with DHCR bars the collection of any guidelines increase. If you need help filing registrations, please contact our office for more information.

Under state law, the vacancy increases remain at 20% for two (2) year vacancy leases and 19% for one year leases. Additionally, you may add 0.6% per year if the vacancy was more than eight years ago. For rents under \$300.00 there is a \$100.00 bonus that may be added. For rents between \$300.00 and \$500.00 per month, the increase is the greater of the percentage increase or \$100.00 mentioned above. Note the renewal guidelines do not apply on vacancy.

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NEWSLETTER

MEMBER OF NEW YORK STATE BAR ASSOCIATION, WESTCHESTER COUNTY BAR ASSOCIATION AND YONKERS LAWYERS' ASSOCIATION

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Generally, when the Board approves an increase of rent, landlords may increase tenants' rents based on the applicable percentage increase from the prior year's rents (percentages which are calculated based on whether the landlord gives a one-year or a two-year lease renewal). However, landlords must timely offer lease renewal forms (in Westchester County, between 90 and 120 days before the current lease is set to expire) and give notice to the tenants of the increases via certified mail in order to collect the applicable increase under DHCR regulations.

For your own protection, please take this opportunity to review your current leases. Do your leases contain the following important clauses: a "late fee" clause, a "right to collect bounced check fees" clause, a "no pet" clause, a "no washer & dryer" clause, and obligation to carpet 80% of apartment clause and so on? There are many terms that should be in leases to protect landlords. If you would like a copy of our recommended ETPA apartment lease rider and/or would like to discuss the proper way to amend the terms of the existing lease, please contact James G. Dibbini & Associates, P.C. today.

Our office also provides legal services in the areas of:

- Cooperative Apartment & Condo Representation
- Property Management Company Support and Representation
- Commercial & Residential Real Estate Closings
- Civil Litigation
- Landlord & Tenant Law
- General Business Law
- DHCR Representation
- Tax Certiorari
- Zoning Issues and Variances
- Housing and Building Code Violation Matters

For more information or to discuss the specifics of your situation, please do not hesitate to contact James G. Dibbini, Esq. at 914-965-1011 or jdibbini@dibbinilaw.com.

Disclaimer: The information provided is not intended to be legal advice, but merely conveys general information