



James G. Dibbini
J.D., C.P.A., M.B.A.



**JAMES G. DIBBINI
& ASSOCIATES, P.C.**
Attorneys At Law

570 Yonkers Avenue, 2nd Floor - Yonkers, NY 10704
TEL (914) 965-1011- FAX (914) 965-0019
e-mail: jdibbini@dibbinilaw.com - website: www.dibbinilaw.com

NEWLY APPROVED RENT INCREASES FOR ETPA LEASES

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, amongst other things, rent increases landlords are allowed to charge tenants in the building.

Each year, the Westchester Rent Guidelines Board weighs concerns of local landlords, tenants and their representatives and specifies the legally regulated rent increases which are permitted in Westchester County. On June 24, 2009 the Board approved the following increases for ETPA leases which will be renewed from October 1, 2009 to September 30, 2010:

- Rents for apartments subject to ETPA may be increased (at the tenants' option) by 2.25% for a one-year lease renewal or 4.0% for a two-year lease renewal.
- Please note there is a minimum increase of \$20.00/month for one-year renewals and a \$40.00/month minimum increase for two-year renewals. Therefore, if the 2.25% increase is less than \$20.00/month, the landlord may increase the monthly rent by a flat amount of \$20.00/month.
- In buildings where tenants pay their own heat or hot water, the rent will increase 80% of the above stated approved rates: 1.8% for a one-year and 3.2% for a two-year renewal.

In order to benefit from the approved rent increases, you must timely offer lease renewal forms (in Westchester County, between 90 and 120 days before the current lease is set to expire) and give proper notice to tenants of the increases via certified mail. To obtain a copy of the Renewal Lease Form (RTP-8) go to <http://www.dhcr.state.ny.us/Forms/Rent/rtp8etpa.pdf> and download a copy.

You should note that a landlord's failure to file a current apartment registration with DHCR bars the collection of any guidelines increase after such registration should have been filed with DHCR. If you need help filing said registrations, please contact our office for more information.

You may also want to take this opportunity to review your current leases and make sure you are protected. For example, do you have a late fee clause, right to collect bounced check fees, no pet clause, no washer & dryer clause, obligation to carpet 80% of apartment and so on? There are various clauses which should be in leases to benefit and protect landlords. If you would like a copy of our recommended 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.

If you have any questions about ETPA lease renewals or leases in general, or if you want our office to evaluate your current leases or draft leases for new tenants (residential or commercial), please contact our office to discuss your situation and schedule a meeting.

Our office also provides legal services in the areas of commercial & residential closings, civil litigation, landlord & tenant law, general business law, DHCR representation, tax certiorari & zoning matters.

Disclaimer: The information provided is not intended to be legal advice, but merely conveys general information related to legal issues commonly encountered.

NEWSLETTER

- JULY 2009 -

VOLUME 2009 NUMBER 7

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