



**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](mailto:jdibbini@dibbinilaw.com)

website: [www.dibbinilaw.com](http://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 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. After several local forums wherein landlords and tenants voiced concerns about rising fuel costs and other expenses, on June 26, 2008 the following increases were approved for ETPA leases which will be renewed from October 1, 2008 to September 30, 2009:

- Rents for apartments subject to ETPA may be increased (at the tenants' option) by 4.5% for a one-year lease renewal or 6.5% for a two-year lease renewal if the landlord pays for tenants' heat and hot water.
- If tenants are responsible for their own heat and hot water, rents for apartments subject to ETPA may be increased (at the tenants' option) by 3.6% for a one-year lease renewal or 5.2% for a two-year lease renewal.
- Regardless of who pays for heat and hot water, there is a minimum increase of \$45.00/month, such that if the 4.5%/6.5% or 3.6%/5.2% increases are less than \$45.00/month, then the landlord may increase the monthly rent by a flat amount of \$45.00/month.

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 [www.dhcr.state.ny.us/ora/forms/pdf/rtp8.pdf](http://www.dhcr.state.ny.us/ora/forms/pdf/rtp8.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 or go to [www.dhcr.state.ny.us](http://www.dhcr.state.ny.us).

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.

**\*\*\*SEE BACK FOR INFORMATION REGARDING SAVING MONEY ON FUEL COSTS\*\*\***

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

**NEWSLETTER**

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